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CONSTITUTIONAL IMPLICATIONS ON HOW TO ESTABLISH AN ANTI-BULLYING POLICY AT A HIGHER EDUCATION INSTITUTION?

Abstract:

Bullying and cyberbullying became a ubiquitous phenomenon in education, including higher education as well. Therefore, I am convinced that this issue must be dealt with at the university level. As a first step, a policy should be adopted, which serves as a basis for further proceeding. Recently, I won the Eötvös Hungarian State Research Grant to the USA to conduct research regarding the possibility of adopting an anti-bullying policy for higher education institutions.

Regarding bullying and cyberbullying, the crucial constitutional issue is the limitation of the freedom of expression. Before the technological revolution, the students' free speech limitations were more clearly described, but the era of the Internet, social media and smartphones changed the world and also created a new form of bullying (cyberbullying). Moreover, these changes blurred the line between constitutionally protected and unconstitutional speech, in particular in the online environment. Therefore, as a European legal scholar, I spent the fall semester in the US (Penn State Law, University of Toledo) in order to better understand the free speech limitations at US universities. In the course of the research, I have discussed this phenomenon with student code of conduct officers, supervisors and professors.

As a result, I identified several key elements of anti-harassment and anti-bullying policies in the US and established a model anti-bullying policy, which was reviewed by US professionals.

Such a model policy may be introduced in any country's legal system since it provides a research-based guideline for future policy.

However, further discussion and debate are necessary to improve the research and the IISES conference would provide me the perfect forum for this.

Keywords:

Anti-bullying; Policy; Higher education; US; freedom of speech

JEL Classification: K10, K19