

Study on the Governance Countermeasures of Cyber Violence on College Campuses

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Abstract

The rapid development of the Internet has given birth to a series of cyber violence on college campuses, which not only affects the physical and mental health of college students but also brings new challenges to college management. At present, the governance of cyber violence on college campuses is facing difficulties, such as the blurred boundary between cyber violence and freedom of speech, the difficulties in identifying infringements, the absence of relief mechanisms, and the absence of legal and moral awareness. Therefore, by analyzing and drawing on the experience of governance from other countries, and combining them with our actual situation, we can effectively control cyber violence on college campuses from four aspects: improving laws and regulations, improving various management mechanisms, carrying out education on the rule of law, and carrying out moral education.

Keywords

College campuses; Cyber violence; Education on the rule of law; Morality education.

1. Introduction

In the Internet era, highly developed social media has accelerated the circulation of information and increased the online participation of the masses. Everyone has the potential to become the main body of cyberspace, and everyone can have a voice on the Internet. The highly free-expression environment and relatively relaxed public opinion environment in cyberspace have created conditions for the breeding and spreading of cyber violence, which has led to endless incidents. Such as the suicide of the Pink-haired girl from 985 colleges, the social death of a Tsinghua boy student, and so on. All of these incidents are tragedies brewed by cyber violence. The college students, who stand at the forefront of the Internet trend in the new era, have a high degree of online participation, but at the same time, their values have not yet fully matured, so, they are very likely to become promoters or victims of cyber violence. According to the results of 2,397 valid questionnaires conducted by China Youth Daily on 107 colleges in 2021, more than 70% of the interviewed college students believed that they were affected by cyber violence more or less. In 2023, during the National People's Congress and the Chinese Political Consultative Conference, a survey of 4591 respondents conducted by the Social Survey Center of China Youth Daily in conjunction with Tencent News, showed that 94% of the respondents felt that there were many cyber violence incidents at present. 90% of respondents felt that cyber violence would affect the formation of teenagers' values. 90% of the respondents support "bringing cyber-violence that seriously endangers society into the scope of public prosecution cases". It can be seen that cyber violence has already affected the study and life of college students. Because of this, how to identify cyber violence and how to prevent cyber violence incidents effectively on college campuses, should become a topic that both the education sector and all walks of life need to pay attention to.

2. The Connotation of Cyber Violence on College Campuses

Cyber violence is a new term that is born with the Internet. Currently, there is no clear definition or connotation of cyber violence. Some scholars believe that it is a group, irrational, large-scale, and continuous public opinion attack launched on a specific target, by using the network platform, to damage the target person's reputation, property, and other rights or interests. Some scholars believe that it generally refers to illegal and criminal acts such as bullying, defamation, stalking, and harassment carried out through the Internet. The common manifestations include human flesh searches, online language violence, and fabricating and spreading online rumors. It has some typical characteristics, such as group, bullying, and sedition.

Cyber violence on college campuses, as the name suggests, refers to cyber violence that occurs on college campuses. The common forms are human flesh searches and online language violence. Compared with conventional cyber violence, cyber violence on college campuses not only has some commonalities but also has its particularities. Its particularities are mainly shown in the following six aspects. The first is the narrow space range. Cyber violence on college campuses mainly occurs on college campuses. It has a specific spatial range, and its spread is relatively narrow. The second is the specificity of the behavior subject. The initiators, participants, communicators, and perpetrators of cyber violence on college campuses may all be college students. So, we can see that the actors are special. The third is the minority of spread media. The main front of cyber violence on college campuses is mainly college campus forums. In recent years, the WeChat circle of friends has also become a new front for public opinion and cyber violence. The fourth is the gradual process of dissemination. In the beginning, it may be just a simple event discussion, and then it will gradually rise to the guidance of public opinion, and gradually evolve into human flesh searches and personal attacks, which may eventually lead to large-scale cyber violence. The fifth is the hidden path of transmission. Cyber violence on college campuses is mainly spread among college students, and it is not easy to be known by teachers, parents, or people in society. Thus, it has a strong concealment. The sixth is greater harmfulness. The scope and audience of cyber violence on college campuses are smaller. Whether perpetrators or victims, once their identities are exposed, they will be known and surrounded by familiar teachers and classmates, which can easily cause secondary harm to the students. In addition, most college students are minors or just adults, they are immature, as well as, their psychological endurance is weaker than middle-aged people. Consequently, even minor acts of cyber violence on college campuses can easily cause huge mental pressures on students, which in turn affects students' physical and mental health, affects students shaping their view of life and opinion on value. At the same time, cyber violence on college campuses disrupts the normal teaching order and costs a crisis of trust from students and parents.

3. The Governance Dilemma of Cyber Violence on College Campuses

Although cyber violence occurs frequently on college campuses and has greatly affected the daily study and life of college students, there are still some great difficulties in its governance. It is mainly manifested in three aspects: the blurred boundary between cyber violence and freedom of speech, the difficulties in identifying infringements, and the absence of relief mechanisms.

3.1. The blurred boundary between cyber violence and freedom of speech

In China, the Constitution stipulates that citizens enjoy the freedom of speech. Even on online platforms, citizens enjoy full rights and freedom of expression. Therefore, most college students who lack legal awareness think that they can express their opinions on the Internet and exercise their rights to freedom of speech without limits. Some of them may not know that the boundary

of freedoms is also the boundary of rights and obligations. Cyber violence on college campuses generally evolves dynamically. At the beginning of an incident, it is reasonable and compliant to make comments only on the incident itself. Once some irrational students or hostile students start to label the involved parties, guide the direction of public opinions, provoke discussions, or even launch online wars. They are already out of the nature of the incident and they have surpassed the scope of freedom of speech. Once you make insulting language comments or even abuse others on the Internet with the excuse of freedom of speech, you may unknowingly become the instigator and booster of cyber violence. But what can't be undeniable is that in the current Internet language environment, considering the richness of language, diversity of expression, and multi-meaning of understanding, it is too difficult to truly define whether comments with a strong subjective consciousness are the category of cyber violence.

3.2. The difficulties in identifying infringement

At present, it is also difficult to identify infringements caused by cyber violence on college campuses. First of all, the legal rights and interests infringed by cyber violence are not clear. The current mainstream view is that cyber violence mainly infringes on citizens' personality rights, such as privacy rights and reputation rights. However, the subject of cyber violence on college campuses has its particularity, the parties involved are all college students who are receiving education at school. The victims of cyber violence may bear the strange view of others for a certain period of time, which may easily lead to negative interference in their studies. Even more, students may suspend or even terminate their studies since it is difficult for them to bear the huge mental pressures. Can we conclude that cyber violence has infringed the students' education rights? To be honest, we won't make a conclusion at this moment, since we can't know the real rights the cyber violence on college campuses has infringed. Second, the division of tort liability subjects is not clear. Cyber violence on college campuses is mostly a group incident, and there are many initiators and participants. The initiator of the incident may not have malicious intentions, but in the process of dissemination, ordinary online speech behaviors may rise to cyber violence through the participants and gradually go beyond the initiator's control. So, how do we divide the responsibilities between the initiator and the communicator? Should they be held accountable as joint infringers? Should they share the same infringement liability? Or should they bear different shares of tort liability according to the degree of subjective malice? The academic community has not researched, and we still cannot make an accurate judgment now. Finally, it is difficult to define the causal relationship of infringement. If the subjective fault of the perpetrator is to be investigated and the tort liability is required, it must be proved that there is a clear causal relationship between the tort and the damage. As mentioned above, the group characteristics of the tort subjects lead to the diversity of tort behaviors, and it is difficult to determine which specific behavior caused the psychological damage, so we can't recognize the causal relationship.

3.3. The absence of relief mechanisms

The derivation and expansion of cyber violence on college campuses are also inseparable from the absence of relief mechanisms for the victims. First is the absence of a legal relief mechanism. According to the current laws and regulations of our country, whether it is a criminal case such as using the information network to commit defamation, or a civil dispute case such as using the information network to infringe on personal rights and interests, all these belong to the category of private prosecution cases. In a word, where there is litigation, there is a trial. At present, the law only cracks down on serious cyber violence. There is no clear regulation on ordinary cyber violence on college campuses which has not risen to the level of crime so it limits the legal path for college students to protect their rights. The Internet is a virtual space, and most perpetrators use virtual names to carry out cyber violence. Usually, there are many participants, so it is difficult for students to recognize every participant, not to speak of

collecting and providing evidence. Second is the absence of a daily education mechanism. With the rapid development of the market economy and the huge pressure of the employment market, college students are forced to keep studying all the time. Academic competition has priority. Therefore, moral education, anti-cyber violence education, and legal education for college students are relatively weak. As a result, college students lack the corresponding in-depth understanding of cyber violence. When cyber violence on college campuses occurs, they are easy to lack independent judgment and follow the comments of others. The final is the deficiency of the college relief mechanism. Most colleges do not have a special department responsible for the supervision of cyber violence, as well as a special person who can take responsibility. Although some college students are adults, due to their serious lack of social experience, they may not know how to seek help or whom they can ask for help even if they are encountering campus cyber violence. What's more, cyber violence on college campuses usually develops dynamically, it is difficult to find in the early stage, and it is difficult for campus administrators to intervene effectively. Therefore, it is really difficult to truly curb the origin of cyber violence on college campuses.

3.4. The absence of legal and moral awareness

As mentioned earlier, college students are all minors or just adults, and their outlook on life and values are not yet fully formed. Before entering college, the students take the college entrance examination as their main goal, and have no chance to systematically participate in legal courses and receive legal thinking training, so, their legal awareness is relatively weak and their trust in law is low. The fierce academic competition also makes it easy for college students to put their interests above others' interests, neglect the cultivation and promotion of their moral quality, and fail to completely internalize quality education into their quality. The absence or weakness of legal awareness and moral awareness, on the one hand, makes college students easy be influenced by these online comments, prone to herd mentality, drop out of rational thinking, and can't make correct judgments. On the other hand, the absence of legal awareness is also likely to cause students to feel that they are being infringed by online violence, but do not realize that their rights and interests are damaged, and can't use the weapon of law to protect themselves.

4. The Foreign Governance Experience of Cyber Violence on College Campuses

The governance of cyber violence on college campuses abroad has a long history and is relatively systematic. It mainly includes legal governance and administrative governance.

4.1. Legal Governance

In foreign countries, the common legal way to deal with cyber violence is imprisonment or fines. For example, the United States proposed the Megan Mayer Cyberbullying Prevention Act in 2008, which stipulates that the implementation of cyberbullying constitutes a federal crime. As of January 2016, 50 states in the United States have enacted legislation to inquire schools to take appropriate measures against bullying on campus. Unlike the laws of some states that simply refer to "electronic harassment" and "harassment by electronic means", there are 23 states that explicitly define "cyberbullying", and 48 states that have "electronic harassment provisions" in their bullying legislation. In 2017, Germany issued the Network Implementation Law to combat hate speech and false news on the Internet. According to the law, social media with more than 2 million users in Germany must establish a transparent mechanism to handle complaints about illegal content. These social media must also comply with the reporting and recording obligations. In case of violation, relevant social media enterprises will face a fine of up to 50 million euros. South Korea's Basic Law on Electronic Communications stipulates that

anyone who uses electronic equipment to spread rumors and endangers public interests will be sentenced to fixed-term imprisonment of not more than five years, and a fine of up to 50 million won. According to the Law on Information and Communication Networks, anyone who spreads rumors or publishes unhealthy information online and causes damage to the reputation of others will be sentenced to fixed-term imprisonment of not more than 7 years, suspension of practice qualification of not more than 10 years or a fine of not more than 50 million won. The Australian Senate passed the Anti-network Violence Act in 2021, stipulating that a person who is bullied by the Internet can require lawbreakers to delete relevant information within 24 hours. If the person who is accused of publishing or sharing abusive content, including private photos, fails to delete it, he will face a fine of up to AUD 11000. In Japan, the statutory punishment for the crime of insult was revised through the amendment of the Criminal Law, to increase the illegal cost of the perpetrator and achieve the penalty prevention of illegal information, such as insulting and abusing information through the Internet, the revised statutory punishment was raised to a fine of fewer than 300000 yen or fixed-term imprisonment of less than one year, and the limitation of public prosecution was also extended from the original one year to three years. In addition, many police stations in developed countries have also set up functional departments similar to "network police", which are specially assigned to monitor the network and prevent the occurrence of cyber violence.

4.2. Administrative governance

From the aspect of administrative governance, the more common form of cyber violence on college campuses governance is the college autonomy model. For example, American universities generally establish social media norms to avoid conflicts of interest between personnel. British universities have implemented a diversified education model, such as setting up a mock court to deal with the proliferation of campus cyber violence, fully mobilizing the enthusiasm of schools, teachers, parents, and students to participate, and jointly discussing effective ways to deal with campus cyber violence. Japan also encourages schools to solve the problem of campus cyber violence by themselves and has promulgated the Comprehensive Treatment Guidelines on Violence and School Safety, as well as other laws on cyber violence prevention and control, to promote the autonomy of schools in combating campus cyber violence. The Ministry of Education of Canada requires universities to set up campus security action teams to carry out consultation activities for relevant objects and form a consultation report on campus violence prevention by summarizing the experience of work in various regions, to help universities develop work plans for preventing campus violence. In 2018, South Korea launched the Promotion Program of Campus Violence Prevention Education, which integrates campus violence prevention education into the whole education process, and attaches importance to the prevention education of hidden campus violence, while paying attention to the training of teachers to improve their ability to campus violence prevention education. In addition, the program also aims at different types of cyber violence, develops experiential parental video materials, develops the implementation content of family healing camps, and attaches importance to family-centered prevention education.

5. Local Reference of Foreign Governance Experience on Campus Cyber Violence

Cyber violence on college campuses is highly concealed and harmful, which violates certain legal interests and is unbeneficial to the development of students and the cultural construction on campuses. Therefore, only by learning the experience of foreign governance and combining them with the actual situation of local college campuses, can we actively seek some effective ways to regulate cyber violence on college campuses.

5.1. Improving laws and regulations

At present, there is no special legislation on cyber violence in China, and the legal and policy documents that involve the word "cyber violence" are only contained two judicial interpretations. Namely Interpretation of the Supreme People's Court and the Supreme People's Procuratorate on Several Issues concerning the Specific Application of Law in the Handling of Defamation through Information Networks and Other Criminal Cases, and Provisions of the Supreme People's Court on Several Issues concerning the Application of Law in the Trial of Cases involving Civil Disputes over Infringements upon Personal Rights and Interests through Information Networks (2020 Amendment). Other relevant provisions are also scattered in various departmental laws. For example, Article 1194 of the Civil Code stipulates that Internet users and Internet service providers who use the Internet to infringe on the civil rights and interests of others shall bear tort liability. The Criminal Law stipulates the crime of infringing on citizens' personal information, the crime of insulting, and the crime of defamation. All these show that cyber violence has a certain complexity, and lawmakers must be strict and cautious. In response to cyber violence infringements, some scholars propose adding cyber violence crimes directly to the Criminal Law to pursue criminal accountability. Some scholars believe that in the long run, a unified anti-cyber violence law should be formulated to prevent and punish cyber violence with specific and clear regulations. Some scholars also point out that citizens should be allowed to file civil public interest lawsuits against cyber violence infringements, to achieve the purpose of simultaneously safeguarding private interests and public interests. The Internet is not a place outside the law. While exercising freedom of speech, we must also pay attention to the boundaries of the right to freedom of speech. There are no obligations without rights, but more importantly, there are no rights without obligations. Therefore, taking into account the particularity of college students, criminal or civil accountability can be used to deal with serious and harmful campus cyber violence. For cyber violence with relatively minor circumstances and relatively light impact, school warnings or demerit penalties can be taken. Under the premise that it is still difficult to adopt legislation to control cyber violence, priority can be given to improving the corresponding campus rules and regulations, such as the Introduction of Cyber violence on college campuses Prevention Regulations, the Cyber violence on college campuses Identification, the Management and Punishment Methods on Campus Cyber Violence, and so on, to curb the generation and transmissions of campus cyber violence as much as possible.

5.2. Improving various management mechanisms

At present, most of the undiscovered acts of cyber violence on college campuses are mostly forgotten as time goes by or students leave the campus after graduation, causing the incident itself to be gradually forgotten. If the campus cyber violence has been discovered, what we have done mostly now is to criticize and educate or to record the demerits of the students involved. But no matter whether the cyber violence on college campuses is discovered or not, it has already caused serious adverse effects on the physical and mental health of the victims. As the main body responsible for student management, colleges have the responsibility and obligation to take positive actions to eliminate or avoid the occurrence of campus cyber violence as much as possible. Therefore, college administrators should first pay attention to campus cyber violence from the perspective of management concepts, conduct research and deployment on time, improve the corresponding management mechanism, and fill in the loopholes in the management of campus cyber violence. Specifically, the following measures can be taken. First, college administrators should build the concept of governing the school by law. Such as implementing the concept of the rule of law in education and conducting law education, so that we can make sure that there are laws to follow and the laws must be followed in administrative actions. Second, college administrators should improve the network supervision mechanism.

Such as clarifying the subject of campus cyber supervision responsibility, handling inappropriate online words and deeds, and earnestly shouldering the supervision obligation. Third, college administrators should improve the education and punishment mechanism. The initiators, disseminators, and participants of cyber-violent acts will be investigated, and corresponding education and punishments will be given according to the severity of the behaviors, and demerit penalties can be imposed if necessary. Fourth, college administrators should improve the relief mechanism. Colleges can set up school-level legal consultation service centers, to provide avenues for students who have been undergoing cyber violence to hold legal help. Colleges can give full play to the role of the psychological counseling center, to provide channels for students who have been bullied by cyber violence to seek psychological help. What's more, college administrators can also take psychological intervention for the perpetrators and victims according to the situation. When necessary, parents can be contacted to participate in communication and education too. Fifth, college administrators can improve the crisis prevention and handling mechanism. Colleges can set up an expert group, composed of experienced teachers or teachers of psychology and other related disciplines, to make them take the responsibility for preventing and investigating campus cyber violence incidents. At the same time, the college can add relevant courses such as identification and prevention of campus cyber violence during the induction training period of the new teachers, so that the new teachers can also take timely and accurate measures to prevent and stop campus cyber violence. Sixth, college administrators can confirm and implement the platform's responsibilities. For the staff of the operation department of the campus information exchange platform (such as campus forums), the college can carry out some relevant training regularly, urge the platform and related persons to complete their supervisory obligations effectively, and urge them to make timely reports about campus cyber violence.

5.3. Carrying out education on the rule of law

Although the current cyber violence has not yet entered the scope of legal regulation, it does not mean that it is legal. Moderately carrying out education on the rule of law for college students and improving their awareness of the rule of law, can meet the requirements of the current era of governing schools by law and carrying out education on the rule of law. Specifically, we can start from the following aspects. First, college administrators can offer some law-related optional courses for students who are not majors in law, so that they can understand the corresponding rights and obligations, and clarify the boundaries between rights and freedoms. Second, college administrators can invite experts in relevant fields or staff of the legal practice departments to give lectures on campus cyber violence prevention and governance regularly, so that students can clearly understand what campus cyber violence is, the harm of campus cyber violence, and how to deal with campus cyber violence. Third, college administrators can mobilize student organizations or associations to carry out campus law-enhancing activities or perform sitcoms, so that students can immerse themselves in it and feel the dangers of cyber violence by themselves, to avoid making themselves a promoter of campus cyber violence. Fourth, it is possible to set up some relevant student scientific research projects, such as research on campus cyber violence, and publish research reports on campus cyber violence regularly, to promote students understand the current development of campus cyber violence better and come up with some better practical strategies in the future.

5.4. Carrying out moral education

Moral consciousness is a general term that consists of the moral concepts, moral emotions, moral will, moral beliefs, and moral theoretical systems that people have formed in their long-term moral practice. Moral consciousness can be divided into individual moral consciousness and group moral consciousness. As the law proverb goes, "law is the lowest morality". Law is written morality, while morality is the law of the heart. The two interact and jointly regulate

human behaviors. However, if there is only a sense of morality without a sense of the rule of law, and if only moralities are taught without rules, we will lose stable order on campus. If there is only a sense of the rule of law without a sense of morality, and if only rules are taught without reasoning, the campus will become a place without warm feelings. Morality is the basic principle of being a human being, an important guarantee for the normal operation of the network society, and an important factor in maintaining social order. When colleges take measures to carry out education on the rule of law, moral education should be carried out at the same time. First, college administrators can offer some moral education courses in the ideological and political courses, to guide college students to establish correct moral concepts of the Internet. Second, moral education should be integrated into all aspects of school education. College administrators can organize various campus cultural activities, and combine moral education with pleasure. So, students will accept it with delight and the college can create a positive friendship and mutual help campus without cyber violence.

In a word, with the rapid development of the Internet nowadays, cyber violence on college campuses occurs frequently. The infringement problems and the physical and mental health problems of college students should also attract the attention of legislators and college administrators. We can learn advanced governance experience from abroad actively, improve the legal norms for the prevention and control of cyber violence on college campuses, build the corresponding protection and relief mechanisms, and at the same time focus on improving the legal literacy and moral quality of college students. Only by truly eradicating campus cyber violence from its origin, can we reduce the occurrence and the harm of campus cyber violence effectively, and protect the legitimate rights and interests of college students better.

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