

Outside the brackets: Why school administrators fail to see gendered harassment within an antibullying law

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Abstract

Much of school bullying involves students policing the gender roles and sexuality of other students. The proliferation of anti-bullying laws presents an opportunity to formally punish and mark gendered harassment as unacceptable. However, when this form of peer policing involves girls, administrators often consider it to fall outside the purview of the law. We use bracketing theory to understand how middle school administrators in New Jersey assess whether student behavior violates a statewide harassment, intimidation, and bullying law. We find that, according to administrators, violations require relational asymmetry between an aggressor and victim: an imbalance of power and disproportionate participation. Administrators rarely see gendered harassment as bullying because of the relational stereotypes they attach to girl students, which often preclude interpretations of relational asymmetry. We discuss how gender beliefs among administrators and “bracketing failures” explain the ways antibullying laws allow hegemonic beliefs about gender and sexuality to remain untroubled.

INTRODUCTION

The application of law necessarily encounters the web of social relationships any individual is embedded within. Legal and lay actors, in their attempt to enact the law, must make formal decisions about which exchanges rise to the level of legal intervention and which can remain within the social bedrock of everyday life. Sociological scholars refer to this process as “bracketing” (Blomley, 2014, 2016) or “framing” the law (Callon, 1998). Blomley (2014, p. 135) defines legal bracketing as the “attempt to stabilize and fix a boundary within which interactions take place more or less independently of their surrounding context.” When a law “on the books” is put into action, legal decision makers inevitably draw on their own experiences and the stereotypes and assumptions they hold about others and their social relationships to bracket an event that stands out from ordinary social tensions as a clear violation of the law.

One relatively new area of law that has required decisions about bracketing social relationships is antibullying laws, which have proliferated since the early 2000s. By 2015, all 50 states had such laws.

The concept of bullying is one in which there are various and often competing legal and social definitions. Researchers, practitioners, and students have different perceptions of what bullying is, who is the “bully,” and who is the “victim” (Craig et al., 2011; Harger, 2016). This makes bullying an especially problematic legal term that complicates the legalization and execution of antibullying laws (Brank et al., 2012). A key issue with the concept of bullying involves establishing the nature of the relationship between participants, making the process of bracketing social relationships a core feature, and struggle, of applying an antibullying law.

The lens of bracketing—and particularly the way in which social relationships must be bracketed to apply law—sheds light on how school administrators implement a harassment, intimidation, and bullying (referred to as HIB) law in New Jersey middle schools by determining when student behavior violates the law. Bracketing directs our attention to how these school personnel are required to interpret the complex meanings of student relationships and conduct in a way that can be codified as “HIB” or “not-HIB.” Thus, they are faced with the task of rendering student antagonism and relationships legible and actionable in terms of law.

Scholars have observed that much of bullying and peer-to-peer harassment in schools involves the policing of gender norms, among both boys and girls. We ask how administrators practice bracketing in the process of applying the HIB law—which requires them to engage with a formal, legal apparatus for dealing with HIB—to widespread gender and sexual policing of girls by other students. We argue that, in the adjudication of harassment events, most administrators use two emergent and informal criteria not dictated by the law—which we refer to together as relational asymmetry—to decide whether peer gender policing is “business as usual” or constitutes a HIB violation: whether those involved in the event differ in social power, and whether the event was one-sided between those without a longstanding relationship. The absence of relational asymmetry between students indicates, for administrators, the absence of a HIB event. In determining the presence or absence of relational asymmetry, administrators rely on stereotypes about girls’ relationships and agency in relationships that make them much less likely to observe relational asymmetry. In some cases, we observe that these gendered stereotypes also intersect with beliefs about racial difference. Consequently, events involving students policing girls’ gender and sexuality largely do not rise to the level of a legal event in need of intervention, according to administrators. Instead, in the process of attempting to bracket relationships in order to apply the HIB law, administrators’ stereotypes about girls and their sexuality prevent their ability to bracket, constituting what we call a bracketing failure. By virtue of not being marked as HIB by administrators, students’ interactions that indicate appropriate and inappropriate performances of gender and sexuality among girls remain largely part of the background experience of gendered school culture. We conclude with a discussion of the implications of our findings for the application of HIB law to girls relative to boys, and how legal implementation interfaces with everyday peer policing of gender and sexuality norms.

GENDERED FORMS AND FEMINIST INTERPRETATIONS OF PEER HARASSMENT

One of the challenges for administrators in determining what qualifies as a HIB event is variation in how negative interactions are manifest among young people. Scholars have described negative peer behaviors such as relational aggression (Crick & Grotpeter, 1995), gossip (Fine & Green, 1997), and drama (Marwick & Boyd, 2014). Administrators and students both regard these social practices as related to and sometimes the same as bullying, but also sometimes as distinct and separable (Allen, 2015; Marwick & Boyd, 2014). Gender stereotypes about these behaviors play a role in making this distinction. Whereas bullying may be attributed to either boys or girls (with boys primarily perceived to engage in physical bullying), relational aggression, gossip, and drama are all girl-coded behaviors readily attributed to girls (Chesney-Lind et al., 2007; Marwick & Boyd, 2014).

Girls are presumed to engage in relational aggression—purposefully manipulating and damaging peer relationships (Crick & Grotpeter, 1995)—because they are expected to refrain from physical aggression (Brown, 2003), a gendered assumption about the “correct” way for a girl to aggress that is classed and racialized (Brown, 2003; Chesney-Lind & Irwin, 2013; Chesney-Lind & Jones, 2010; Ness, 2010). Similarly, gossip, or the act of talking about absent others (Fine & Green, 1997) or posting about them (Weinstein & Selman, 2016), is also typically attributed to girls, including as a form of leverage or social power (Miller, 2016). Finally, drama, which Marwick and Boyd (2014, p. 1191) define as “performative, interpersonal conflict that takes place in front of an active, engaged audience, often on social media,” is also a gendered concept used to describe girls and girls’ relationships (Allen, 2015) and girls’ online antagonism (Allen, 2012; Veinot et al., 2011).

The drama label in particular serves to underplay and dismiss antagonism that involves girls and the severity of their hurt (Boyd & Marwick, 2011; Marwick & Boyd, 2014). The scale and visibility of drama, with its emphasis on performing for social media audiences, suggests a paradox of “spotlighting girls and making boys invisible” in negative student interactions while school adults simultaneously minimize and overlook girls’ experiences of gendered and sexualized bullying (Miller, 2022; Mishna et al., 2020).

Other feminist scholarship has further pointed out that, in addition to gendered manifestations of peer harassment and bullying, student policing of behavior around gender and sexuality lies at the root of much of those interactions. For example, Payne and Smith (2013) argue that most peer-to-peer aggression within schools constitutes gender policing of one form or another.

Every student’s speech, behavior, dress, etc. are always being regulated by the cultural rules about the ‘right’ way to exist in the school environment, and youths’ everyday gender policing practices often fail to draw adults’ attention because these behaviors largely align with the institutional values of school (Payne & Smith, 2013, p. 21).

Similarly, Meyer (2008a) points to widespread “gendered harassment,” where youth act to maintain gender boundaries. These types of peer harassment behaviors are also what Ringrose and Renold (2010) term “normative cruelties.” These behaviors are commonly missed by traditional antibullying frameworks that construct these cruelties as “natural” feminine or masculine behavior and part of normal school culture (Conroy, 2013; Meyer, 2008a, 2008b; Pascoe, 2013; Payne & Smith, 2013).

Gender frameworks are internalized by kids at a young age (Hlavka, 2018). Hlavka (2014) explains that the subjectivities that emerge from these foundations work to reproduce inequalities, making them appear as natural—and thus easily excusable—gender differences.

More explicit forms of sexual harassment and violence are also rooted in privileged and normalized ideas of femininity and masculinity (Conroy, 2013) and as such are considered outside of traditional bullying definitions (Finkelhor et al., 2012). LGBTQ+ and gender nonconforming students are subject to amplified versions of gendered and sexual harassment and this form of harassment often generates an oppressive or inhibitory culture for students who are not the direct targets (Ringrose & Renold, 2010). Homophobic bullying, for instance, often characterized as common boy behavior, appears as “a form of gender socialization” (Pascoe, 2013, p. 87) that is often expressed within friendships rather than traditionally understood bullying relationships. Additionally, school adults hold gendered, racialized, and classed assumptions about which students are likely to or even capable of fighting back (Chesney-Lind et al., 2007; Jones, 2010). This research has further illustrated that school administrators often normalize gendered and sexual forms of harassment when attempting to address students’ bullying behaviors (e.g., Meyer, 2016; Miller, 2022). In this way, school policy and law, and how school administrators interpret and enact it, often produces social conditions that heighten harmful peer interactions among youth (Adler & Adler, 1998; Morrill & Musheno, 2018). We examine how administrators do this as they apply a new antibullying law by paying attention to how administrators attempt to bracket social relationships.

DEFINING AND APPLYING HARASSMENT IN THE HIB LAW

Bracketing bullying and harassment

To bracket reality in the service of the law is to extricate the legal from the social by assigning legal meaning to a specific situation at a given time and place, separating that situation from the social and interactional history unfolding around it (Blomley, 2014; Kanellopoulou, 2020). Legal brackets are not defined in advance of implementation but emerge in the local places where law happens (Kanellopoulou, 2020; Moffette, 2020). In other words, legal and lay actors bring to bear their own perceptions and meanings of the social world when they define social situations considering the law. For school administrators tasked with implementing an antibullying law, established interpretations of students' social lives inform the boundaries of the law at their schools and their determinations of which students and situations violate the law.

As evidence from other school settings has shown, bracketing off incidents of bullying from the surrounding swirl of middle school social life and other types of conflict, aggression, and social interaction that generate negative peer experiences may be “deeply perplexing” (Bansel et al., 2009, p. 61) for administrators and may require “much time and effort” (Allen, 2015, p. 169). Students are engaged in complicated, dynamic, and competitive processes of social integration (e.g., Shepherd & Lane, 2019), and school administrators, with only partial access to student life, may struggle to isolate incidents of HIB from the background social life of students.

Legal and informal standards of bullying and harassment

Renewed scholarly and public attention to bullying in the last two decades has led to a proliferation of formal and informal definitions of events that qualify as HIB, many of which have been incorporated into teacher and administrator trainings. One very popular definition of bullying as aggressive behavior that is unwanted, repeated, intentional, and unbalanced in student power differences (Nansel et al., 2001; Olweus, 1994, 2011) is widespread among administrators. The meanings of the terms and concepts are not, however, uniform among teachers and administrators. When asked to define bullying, school staff and the students themselves have struggled with a clear, uniform definition (Allen, 2015). Even when the school has established a formal bullying definition, administrators and students may each apply the term differently (Eriksen, 2018). This mix of definitions occurred even prior to the formal legal designations of HIB.

Against the backdrop of various informal standards for what constituted inappropriate peer behavior, the 2011 New Jersey law inserted formal legal criteria for determining what constituted a HIB violation. Qualifying HIB incidents were those involving:

...any gesture, any written, verbal or physical act, or any electronic communication whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds. (New Jersey Anti-Bullying Bill of Rights Act, 2011)

According to a 2012 Questions and Answers document prepared for schools by the state Department of Education, that an event is “motivated by an actual or perceived characteristic” is a necessary, but not a sufficient condition to constitute a HIB event. The law specified that two other criteria must be met as well for an incident to qualify as a HIB incident:

[1] Substantial disruption or interference with the orderly operation of the school or the rights of other students; and [2] One or more of the following criteria – A reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student’s property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property; or – Has the effect of insulting or demeaning any student or group of students; or – Creates a hostile educational environment for the student by interfering with a student’s education or by severely or pervasively causing physical or emotional harm to the student. (New Jersey Department of Education, 2012)

We highlight two features of the formal definition of HIB in relation to how we observe administrators interpreting and making decisions about qualifying HIB events, especially those involving girls. First, the common definition of bullying as involving an imbalance of social power between parties that many teachers and administrators referred to (Olweus, 1994) was *not* part of the legal criteria for determining a HIB. Second, while the legal criteria for a HIB event requires motivation by an “actual or perceived characteristic” (which includes gender), the inclusion of extremely broad guidance about what constituted such a characteristic made pinpointing the specific characteristic far less important or relevant to decisionmaking for most administrators (Shepherd & Fast, 2022). Often, when discussing their decisionmaking about a particular case, administrators do not explicitly refer to the presence or absence of a characteristic at all, even though the criteria is core to the legal definition. The standard “any other distinguishing characteristic” opened up the possibility that qualities like “physical attractiveness” or body shape could be considered qualifying motivating characteristics. It is against this backdrop that we observe how administrators treat existing relationships between students in their assessment of how to apply the HIB law.

DATA

The data we use for this study come from a field experiment designed to evaluate an anti-harassment intervention program in 56 public middle schools in New Jersey during the 2012–2013 school year (Paluck et al., 2016). The intervention program was a grassroots campaign led by a randomly selected group of students who developed ideas and materials for addressing peer harassment in their schools. This was the second year of the new law, as schools were developing their practices in response to the law (see Shepherd & Fast, 2022 for a discussion of the implementation of the law during this period). All public middle schools in New Jersey Schools were invited to apply for the program; schools that applied were selected for participation based on demonstrated commitment and logistical considerations. We find no patterns between experimental condition and bracketing practices, so we do not discuss the intervention further below.

The characteristics of the schools that participated in the program are approximately representative of the characteristics of public middle schools in New Jersey overall. The sample here has a smaller mean percentage of Black students and Asian American students (9% for this sample compared to 15% in all NJ middle schools for Black students; 6% for this sample compared to 9% in all NJ middle schools for Asian American students), but a larger mean percentage of Hispanic students (24% for this sample compared to 18% in all NJ middle schools). This sample also has slightly fewer mean suspensions than in all NJ middle schools (5 vs. 8), and slightly larger student to teacher ratios and student to administrator ratios (11.3 vs. 10.8, and 338 vs. 303, respectively). Finally, this sample includes fewer of the poorest schools, more of the second-poorest schools, and more of the upper-middle class (but not the wealthiest) schools.

As part of this project, which involved surveying all students in each of the schools twice during the school year, the research team interviewed an administrator (usually either the principal or vice principal) and/or a counselor or student support staff member (often the antibullying or HIB

specialist), a role mandated by the law, at each school about their approach to and understanding of the new law. The main source of data for this paper comes from 45 semi-structured interviews with administration (Principals and Vice Principals) and/or counselors at 42 of these schools (selection criteria for the included 42 schools described below). Six of the interviews included two school personnel; the remaining interviews were conducted with only one person. Twenty-six counselors, 12 vice principals, and 13 principals participated. Thirty participants were White women, 15 were White men, 3 were Black women, 2 were Black men, and 1 was Latina. Women were disproportionately counselors (25 of the 26 counselors) and men were disproportionately vice principals or principals (only 8 of 25 were women). Black and Latinx school personnel were vastly underrepresented relative to the student population of these schools.

The interviews were conducted by six members of a research team (5 White women and 1 Black woman) at these schools. Four of these researchers were also administering the program in the intervention schools and the other two researchers, who led the team, completed the interviews for the schools who did not receive the intervention. The interview script and goals for the interviews were standardized across team members. Interviews ranged from 15 to 75 minutes, depending on the time availability of the interviewee.

Interviewers asked about how the school was “handling HIB reports here” with follow up questions regarding how many reports they had, the content of reports, the process of reporting and investigating, and who oversaw the process. Interviewers asked about greatest challenges and signs of progress regarding HIB, frustrations with the law, and a comparison between the current year (the second year of the law) and the previous year in terms of dealing with HIB reports. The rest of the interview probed for information about the nature of student conflict at the school, differences by grade and gender, programming about conflict and HIB the school conducted, school identity, school climate in terms of student-teacher and between-teacher interactions, and experiences with parents.

Method of data analysis

Our access to quantitative information from the school-wide student surveys about student perceptions and experiences of peer harassment and about how adults handled peer harassment allowed us to create a pool composed of different types of schools (e.g., schools where students reported little harassment and supportive adults to schools where students reported a lot of harassment and a lack of support from adults). The surveys were administered to all students in each of the schools at the beginning of the school year, in fall of 2012, and at the end of the school year, in late spring 2013 ($N = 21,124$). Based on responses to the first wave of the survey, we selected 42 schools to examine from the larger corpus based on students’ reports of the frequency of their negative peer experiences (a composite measure of how many of nine negative experiences with peers the student had experienced) and on whether the adults at the school helped with negative peer interactions or not (a composite measure of three questions including “I think teachers and the bullying (HIB) rules of this school help solve student conflicts”; “Teachers don’t let kids get picked on by other students at our school”; and “I can talk to an adult at this school if something is bothering me”). We selected roughly equivalent numbers of schools across four categories of students’ average reports: a low average number of negative peer interactions and positive adult support; a low average number of negative peer interactions and a lack of adult support; a high average number of negative peer interactions and positive adult support; and a high average number of negative peer interactions and a lack of adult support. This strategy yielded variation across the amount of negative peer interaction and across perceptions of how helpful teachers and administrators were in navigating negative peer interaction. We used this strategy to ensure that we were not selectively analyzing only schools where students have particularly negative or particularly positive experiences, and thus ensure that our observations about the themes in the data were not based on only particular types of schools.

The research team began with an inductive, open-ended approach to the interview data. The first coder read and took notes on the full corpus of interview transcripts, uncovering several themes in how administrators spoke about girl students relative to HIB law and the school disciplinary process more generally, such as dismissing girls that come forward with complaints as “drama queens.” The research team wondered how these stereotypes might play a role in the application of the law. To pursue this question, the team developed a set of five coding questions about how school administrators interpret girl conflict and discipline, including in comparison to boy conflict and discipline.

The first and second coders then each read the same set of initial interviews separately to identify where the questions posed above were answered (if they were) to generate categories of types of responses to those questions, before exchanging the transcripts to review each other’s codes and to discuss and reconcile any differences. These response categories were used to create a preliminary codebook that the full research team met over several months to refine, as the two coders continued coding and exchanging additional sets of interviews. The research team spent significant time on inter-coder reliability using various measures and examining areas of discrepancy. The two coders documented their “reconciliation rules” for the full research team to discuss. Once the codebook and reconciliation rules were finalized, interviews from all 42 schools were coded/recoded and reconciled. As the two coders drafted a series of coding memos based on answers to coding questions and relationships between the answers, the first two authors developed an argument in the literature on legal bracketing that fit and further explained the emerging results of analysis.

Below we describe schools by including information about their size—small (under 300 students), medium (300–600 students), and large (over 600 students)—racial composition, and student economic status using the percentage of students receiving free or reduced-price lunch. These numbers have been rounded to prevent identification of specific schools.

RESULTS

Peer harassment as policing gender and sexuality

We first confirm that many of the forms of peer harassment described by the administrators in these interviews are indeed forms of gendered harassment that serve to police the boundaries of “appropriate” gendered and sexual behaviors. For example, the Vice Principal of school 38 (large, 70% White, 15% Latinx, 15% Black, 30% poverty) recounts a specific conflict between a group of girls, “The girls tend to put up stuff [on social media] about other girls’ sexual behavior [...] we had another fight and it follows the same thing [discussing girls’ sexual behavior].” The counselor at that same school, responding to a question about the types of name-calling heard most often, reflected a similar focus on names that marked students’ sexual practices and sexual orientation: “Bitch. Whore. Ho. Those are the biggies. Gay is in there occasionally.”

School personnel at school 7 (large, 80% White and 10% Asian American, less than 1% poverty) noted the prevalence of anti-gay harassment—including threats of physical violence—and sexual harassment of girls, some of which is condoned by parents:

You have trends where boys are making fun of other boys’ gender. Not that they are making fun of their gender expression or identity, but using the term ‘gay’ in that capacity. Sometimes it’s also kind of coupled with an indirect threat like, ‘You’re gay, I’m going to kill you.’ Not even, it’s a direct threat... I’ve also seen with boys sexually harassing girls. Grabbing their bra straps, slapping it, stuff like that where the girl says no and they continue to do that, which is an interesting thing because in some cases we have had parents object that we were saying that that is behavior that is not appropriate, saying that ‘that’s how eighth graders express their sexuality.’

The Vice Principal at school 5 (small, 80% White and 10% Latinx, 10% poverty), when asked about differences between girls and boys in conflict, points to girl harassment as mainly involving romantic interest, and behaviors with potentially sexual implications:

A lot of what we're seeing in the middle school for females is cattiness, you know? Kind of comments about personal appearance or 'I like the same boy as you and so now I'm going to talk about you behind your back.' Those kinds of behaviors, which I think are pretty unfortunately typical.

Based on the evidence in these interviews and the observations of other scholars, we start with the premise that the policing of gender and sexual behavior norms is a very common, and in some schools, the most common form of peer harassment and bullying. Consequently, when administrators evaluate harassment to apply the HIB law, they are frequently weighing in on whether specific instances of gender and sexuality policing are exceptional or simply part of the everyday fabric of school social life. We now turn to the evidence regarding how administrators bracket possible HIB violations: through establishing informal criteria regarding relational symmetry and through deploying stereotypes to assess the extent of relational symmetry.

Relational symmetry and HIB assessment

In making HIB determinations, administrators often feel they are ill-equipped to make accurate decisions. The legal direction they are provided is vague or they are too inexperienced at enforcing the HIB law to follow it precisely (Shepherd & Fast, 2022). Consequently, administrators need to establish principles with which to make decisions. Generally, when administrators investigate antagonistic situations, they label incidents as HIB when they deem that relationships between students involved were asymmetrical. By contrast, situations are labeled as "conflict" or "drama" (and thus not-HIB) if relationships are deemed symmetrical. This assessment pattern appears repeatedly in interview data across schools of various sizes and racial compositions.

Symmetry through previous relations and mutual participation

Administrators often use existing relations, previous interactions of any kind, or responses to provocation as evidence of symmetry. For example, the Vice Principal at school 38 (large, 70% White, 15% Latinx, 15% Black, 30% poverty) illustrates the way that harassment between girls gets downgraded to conflict and is thus excluded from HIB determinations:

Again, we didn't do a HIB on that one either because it was a conflict. It became a fight. If a girl tells a group of girls, 'Jenny does this, this, this sexually with so-and-so', is that a HIB? I still go back and forth. We had an argument about it at the time. Well, isn't this a HIB? Well, it is but it's really a conflict between these two girls and turning into a fight between them.

This administrator noted the ambiguity in interpreting the event, but ultimately decided that the presence of mutual participation in the form of a fight disqualified the event from constituting a HIB violation because the relationship between the students defied bracketing. Similarly, the Principal and a counselor at school 33 (medium, 80% White and 15% Latinx, 15% poverty) cite previous interactions as a means of excluding conflict from a HIB ruling, explicitly working to *not* bracket a potential HIB event as temporally separate from the surrounding interactional history:

The other thing is this. I said, ‘Okay, if you want to show me what was said, you’ve got to show me what was said before that was said.’ [...] There’s always two sides to every story. That’s the thing, that everyone wants to come in and plead their case. They forget that there’s something that preceded it, and so I says, ‘You can come in,’ but what they said, I wanted to see all the documentation of everything that happened prior to that, not just that one sentence [...] let’s pull that out of the whole dialogue that you’ve been having here and what you called her and now she’s called you, and now you didn’t like the last thing she called you now and you wanted to report that.

Administrators often interpret social media evidence such that a history of previous interaction over time is taken as proof that two girls are engaging in a symmetrical relationship. The principal at school 44 (small, 70% Latinx, 10% Black, 10% Asian-American, 90% poverty) argues that evidence of being friends on social media—interpreted as an indicator of offline friendship or a history of a relationship—disqualifies an event as a HIB event:

They can’t be bullying you if you accepted their friend request on Facebook. That, right off the bat, eliminates that piece. That’s one of the things that actually helps. That’s the funny thing about it. We tend to not think that it’s a full-blown bullying case when it happens on Facebook or Twitter, because you’ve established that these people are your friends there. Well, are you being bothered, because you were probably friends at some point, and there’s a history where I see good commentary back and forth between you guys.

In contrast, a counselor at school 60 (large, 75% White, 10% poverty) considers the lack of a response from one party as proof of one-sidedness and as justification for a clear HIB ruling. When elaborating the criteria for distinguishing between conflict and bullying, the counselor at school 60 explains:

The most obvious for me is, we try to figure out if it’s back-and-forth or it’s one-sided, because a lot of times a kid will come in and say, ‘So-and-so’s picking on me [...] It’s very clear when it’s completely one-sided. Other kids come in and say, ‘Yes, he’s the target every day. He doesn’t respond. He doesn’t call them names back. He just kind of sits there and takes it.’ That’s when it’s very clear [...]

For this counselor, harassment events cannot be bracketed unless one of the participants refrains from any response.

For counselors at school 49 (medium, 85% Latinx, 10% Whites, 60% poverty), previous interactions between students necessarily downgrade a potential HIB situation to a conflict:

There’s no clear understanding or clear-cut answer of what it means to be bullied [...] and think about it, if I called you a name, right? Basically, you’re going to go to him [another counselor] and say, ‘Oh, [counselor’s name] called me...’ and that’s bullying, but now we get the whole story that you called me a name first. So now who’s the bully? So now it’s not bullying, it’s conflict.

The counselor at school 45 (medium, 95% Black, 5% Latinx, 60% poverty) more explicitly connects drama to an assessment of symmetrical relations between students. Labeling an interaction or series of interactions as “drama” distills and downgrades a range of behaviors associated with girls into a conflict instead of HIB:

Drama is an explanation for a situation where, we’re all involved equally [...] Drama is drama, just what it is. They act out, they misbehave, but it’s never one-sided. It’s when

all these girls or all these people, whomever it is that's involved, play equal roles in whatever conflict there is.

Not only does this counselor explicitly link drama to symmetrical relations, but the counselor also explicitly ties it to the domain of girls. Given the context of a nearly all-Black school, the counselor may also assume that these girl students are likely to fight back or defend themselves, making the interactions mutual.

A counselor at school 38 noted how the use of ostensibly mutual involvement in a conflict to establish that an event or series of events was not HIB excluded important forms of peer harassment:

Just because somebody is calling you an 'f-ing b' over and over again, and you finally hit your breaking point and call them some kind of, let's say you call them retarded. That's not a conflict, because you were pushed to that point. And, a lot of times at this school that can get treated like it's a conflict, *like it's equal* [emphasis added], and it's not...No. If they're being accused of bullying, they'll say, 'She called me ...' They'll say that it's a conflict, and that it's two-sided. The other person was like, 'I was pushed to that point.'

The counselor illustrates why the apparent back-and-forth nature of interactions is an illegitimate basis for making determinations about what is and is not a HIB event. It was at this school that the White vice principal described bewilderment at a Black girl who continued talking to other students who had harassed her, indicating a lack of ability to reconcile harassment and ongoing relationships: "She sits next to one of the boys in the bus. I was looking on the bus tape or something else and she's sitting in there laughing with him, joking around. I don't know." Regardless of the counselor's critique, at this school, indicators of mutual involvement are used to disqualify events and relationships from HIB because administrators failed to bracket the events and relationships between parties.

Symmetry through equal power dynamics

In addition to using indications of mutual involvement and existing relationships, administrators also make conflict legible through their assumptions about power dynamics in relationships between students. Administrators see power enacted through social hierarchies that organize student social worlds and form the context within which HIB rulings occur. This context reflects how administrators and students see one another, how students see themselves in relation to each other, and how administrators arrive at disciplinary conclusions based on power dynamics. A counselor at school 14 (small, 90% Latinx, 8% White, 65% poverty) shows how assumptions about relative social power create beliefs about a category of victims that the HIB law should protect because of a perceived power imbalance between students. The counselor juxtaposes students "who can defend themselves" and "can fight" as not needing HIB protection with a student who is "very shy, very unique" to explain how assumed power is factored into the adjudication process. Rather than considering why or whether the student is fighting back, the presumption that a student has the *ability* to fight back at all is the determining factor:

I'm thinking of one in particular who's really introverted, very shy, very unique. She's very cultured, her family and stuff, but just different. She's doing her homework. I said to my vice principal that HIB laws were created for a girl like that [...]

By using the term "cultured," the counselor implies the existence of a socioeconomic class difference between the girl who is shy and unique (who was not actually experiencing harassment), and

other girls who are more able to defend themselves, and thus enact relative social power. The counselor went on to identify the families of students as relevant to establishing HIB events. In describing a case of fighting among a group of girls, the counselor said that the kids “want to see fights. We have a trailer park here, and they want to go hide in the trailer park and just do animalistic things and be, ‘Oh, she messed you up.’” The counselor expected that the event would not be considered HIB, because “it’s difficult to prove, and it’s just an ongoing thing. We don’t even know the true root of it.” While the racial identity of the shy girl and girls “who can fight” is not specified, these types of distinctions map onto racialized distinctions that other scholars have documented in how girls of color are perceived as more tough and more able to defend themselves (e.g., Chesney-Lind & Jones, 2010). “Girl fighter” stereotypes increasingly alienate Black girl students from school adults (Jones, 2010); we observed this type of rhetoric about Black girls in some interviews.

These findings resonate with scholarship on sexual assault that describes “ideal victims” (Christie, 1986) as typically privileged individuals who are more likely to be deemed worthy (van Dijk, 2006), and therefore recognized and protected. Moreover, this image of the perfect victim is passive (Maglione, 2017), and unlikely to engage with the aggressor, fight back, or be perceived as vengeful (Doak & O’Mahoney, 2006)—a framing that excludes a great deal of gendered violence.

A narrative about students who are “quiet” as ideal bullying victims is echoed by the counselor from school 60 describing the criteria for establishing a HIB event:

We also look at that balance of power kind of thing, too. That’s pretty clear in some cases where you have this little quiet kid who is not involved in anything, and you have this other kid who’s a hot shot this and that, and you could just see that they would have the power over the other student.

Power, according to this counselor, involves both personality traits and social status in the school. By extension, for administrators, students with more power (or, what social scientists might refer to as social status) are less likely to be subject to events that qualify as HIB.

The counselor at school 28 (medium, 80% White and 15% Latinx, 20% poverty) makes explicit the difference between the types of students with and without power:

But I do find the girls that are more assertive, they are a little bit...have an edge to them, and that they are very pretty, and you know, dressed well; those are the girls that have more power. And the kids that are more quiet and...it’s, you know, I think that no matter what generation and how much times passes, I think that that’s always the same [which students have power and which do not].

These pretty, assertive girls the counselor noted, are the ones that enact inappropriate behavior as they are “mean girls” who are “taking it out on other kids.” This counselor explicitly genders certain students (girls) as aggressors, while leaving students who are prototypical victims nongendered (kids). By identifying this group of girls as aggressors and “mean girls” (see Miller, 2022), the counselor also suggests that events where these types of girls might be subject to harassment would not be considered HIB, because of the “power” these girls have. Despite the “balance of power” phrase, administrators read power as a static characteristic of some students, in addition to a property of the relationship between students.

Relational symmetry: Relative power and proportionate participation

As these examples indicate, when making HIB determinations, administrators frequently use judgments about the degree of symmetry between the parties in conflict as a strategy for interpreting the nature of their relationship. The interpretation of peer antagonism that administrators commonly

use involves a dominant aggressor and vulnerable victim in a singular incident or discrete incidents of aggression and victimization. Administrators think about what we refer to as relational symmetry along two axes—relative power and proportionate participation. Relational symmetry is established if administrators deem there is mostly equal social power between the students in conflict (relative power) or if there is ongoing, back-and-forth conflict between students in conflict over time, or between students with a preexisting relationship (proportionate participation). We find it difficult to disentangle fully these axes because administrators generally invoke these concepts together; however, each generates a specific bracketing problem observed in other legal contexts. First, the relative power attributed to girls within their relationships to other girls and to boys makes it harder for administrators to envision vertically defined power hierarchies, which are common in other types of law where a clear power difference renders events more legally legible. For instance, intimate partner violence cases often construct the victim as powerless and weak compared to the perpetrator (Best, 1997; Leisenring, 2006). Consistent with power differences between victim/perpetrator in criminal law settings (Bergelson, 2005) and between spouses in divorce law settings (Woodhouse & Bartlett, 1994), here, administrators usually associate a “power imbalance” between students with antagonism that constitutes HIB, despite its absence from the formal legal definition.

Second, the act of legal bracketing entails the task of establishing the temporal bounds of the law by foregrounding a particular event apart from its surrounding social elements (Blomley, 2014). If administrators believe that girls participate in reciprocal antagonism in which all parties contribute and participate over time, then they may have trouble temporally separating any one situation as any more legally relevant than the next. We address below how the application of stereotypes about girls renders administrators more likely to make *relational symmetry* assessments along these two axes of relative power and proportionate participation. Consequently, administrators fail to bracket common types of gender and sexual behavior policing because these events elude definition as part of a vertically arranged hierarchy and temporally and socially bounded event.

Gender stereotypes and bracketing failure

In their application of the criteria for determining whether there is relational symmetry between the parties involved in an event or not, administrators bring to bear their own perceptions and beliefs about girls and boys in their interpretation of the law. The stereotypes that administrators hold about girls and their relationships support thinking about these relationships as symmetrical and thus outside of the bounds of HIB. These assumptions about girl relationships as symmetrical and ongoing lead to bracketing failures that exclude events of gendered harassment. In the interviews, a few dominant stereotypes of girls and their relationships stand out: that girls hold on to petty conflict longer than boys; that harassment involving girls is “drama” that implicates all parties involved; and girls’ penchant for attention-seeking behavior leads them into relationships with boys that are perceived as equal and mutual. These stereotypes help to construct girl-involved antagonism as symmetrical and ongoing.

Stereotypes of girl “drama” and ongoing antagonism

In situations of harassment between girls, dominant stereotypes about girls as holding on to petty disagreements longer than boys lead administrators to interpret these situations as protracted and enduring, and therefore symmetrical. A counselor in school 1 (small, 55% White and 35% Latinx, 45% poverty) draws a distinction between girls and boys in conflict, making recourse to personal experience to articulate prevailing stereotypes: “Girls are, I find girls can often be meaner than boys, and don’t get over things as much. They hold grudges, and the books that I’ve read about it just confirm that. And I lived it!” The principal at school 55 (small, 85% White, less than 5% poverty)

further articulates stereotypes about the pettiness and duration of conflict between girls in comparison to boys when asked about gender differences:

[More conflict among...] girls more than boys. There are some things with boys, but the boys' things end so much quicker than the girls' things [which] tend to linger along a little bit. [...] It just takes longer for it to settle, whereas with boys, they can say you're being really mean, you're acting like a jerk. The next day, or within an hour it's all over. The girls, they just tend to hold on to things longer.

Administrators frequently use the term "drama" to describe conflict involving girls. They use the term, in part, to imply that both parties in a conflict are at fault or bear responsibility. "Drama" is assumed to be symmetrical. A counselor at school 46 (small, 55% Black, 45% Latinx, 70% poverty) describes a series of altercations in the middle school cafeteria, downplaying it as "drama":

Most of the discipline [this year] it's been more or less like drama... Most of it's been with girls as far as the 'he said, she said.' [...] Someone's boyfriend said something to another girl who was a friend of hers and it just kept going on. A lot of it is a lot of drama...

This counselor points to girls as engaged in ongoing events with students they have a prior relationship with. Stereotypes of girls as perpetually involved in the mutual enactment of school drama means that in practice the threshold for asymmetry is rarely met in the eyes of administrators and thus instances of peer harassment are not defined as HIB.

Some administrators made the comparison between boys and girls explicit. The Vice Principal at school 38 describes an incident that does not meet the HIB threshold because it is instead "typical mean girls stuff":

We had two girls [who] poured ketchup into this other girl's lunch or salad so she couldn't use her lunch, more typical mean girls stuff [...] Most of the HIB issues with boys in the 6th grade, is to me, I think sometimes is just unfair. It's just they're being boys... They really haven't gotten together. They don't have that maturity, but the girls start to form cliques and you see that's where we get into a lot of issues.

The Vice Principal's account above attributes more agency to girls, compared to boys "being boys." As the above examples show, administrators hold both individual stereotypes of girls and collective stereotypes about the social groups that girls form, and these influence HIB decisions by reinforcing assumptions of relational symmetry among girls seen as operating on an even playing field. Along the same lines, the principal at school 33 (medium, 80% White and 15% Latinx, 15% poverty) observes,

[There are] the drama queens that are in the center of every controversy, and as a result of that, they are the intimidating factor. They're the ones that are always in the middle of something. Whenever, "Okay, well, she said that she said that I was ..." I said, "Well, who said," and the carrier of the news always seems to be consistent.

Administrators see girls and girls' groups, on one hand, as powerful enough to drive social action and problems at school, but not in a way that conforms to HIB, instantiating the paradox of both spotlighting and normalizing girls' antagonism and its harms (Mishna et al., 2020). It also means, as we see more clearly in the examples below, that peer policing of girls' sexuality gets filtered out of HIB decisions repeatedly.

Girls as attention-seeking

Girls' sexuality is frequently deployed to interpret the nature of relationships between the parties in an event; girls' sexuality or the presence of romantic interest is a dynamic administrators use to establish relational symmetry—either equal social power or proportionate participation. Stereotypes of girls as attention-seeking help explain how instances of potential sexual harassment are also seen as outside of HIB law. Administrators hold stereotypes of girl behavior that appear to make it difficult for them to see sexual harassment as a problem of vertical power that can be categorized as incidents of HIB violation. Instead, sexual harassment claims are often perceived as occurring in ongoing, symmetrical relationships between girls and boys. In these instances, sexuality is explicitly wielded to establish symmetry in harmful ways. The HIB Coordinator at school 35 (medium, 60% White, 20% Latinx, 15% Asian American, 15% poverty) uses this framing to dismiss and excuse an incident of potential sexual harassment, relying on stereotypes of attention-seeking behavior by girls:

Well, I have one, which was eighth graders, she reported it. She really liked this kid, has gone out with him before. He's distanced her and doesn't want to [go out with her]. I swear she's bipolar. I swear this kid, just her reaction. She made up this whole thing, like he sexually abused her in the school, touched her in different spots and things like that. That's not exactly what I got from him. Basically, yes, he did hug her and stuff. He wasn't touching her ass and things like that. In talking to other kids, he's changed a lot. She wants his attention.

Administrators refer to stereotypes about girls' relationships as predominantly symmetrical to justify excluding boys' harassment of girls from HIB coverage. If the target of boys' aggression are girls, gender stereotypes about boys "being boys" help boys evade sanctions while continuing to expose girls to unwanted interactions. The HIB Coordinator at school 35 describes another incident, more explicitly falling back on negative stereotypes about girls' agentic participation in unwelcome and threatening situations with boys:

This other one [girl] reported that these other kids were saying rape comments and things like that. She is the one who got a text message from somebody down in Georgia. This is such crazy crap. She was actually dating somebody down there. How could you date someone that you never see? She's the one who brings up some of these comments. She's saying, no, that they created it. She's around hitting them and poking them with pencils and stuff. Yes, it was, but on the other hand, no, because you opened up that door. I told her that, 'You open that door when you start making comments and sounding like this is okay. They're just going to keep taking steps forward.'

This comment suggests that in this instance, the harassment is deserved because the girl is engaging in a sexual relationship online and the girl speaks about that with boy peers who eventually use the information to harass her. Girls are made responsible for their relationships and interactions with boys and the way that boys respond to them—the decision to not discipline the boys in this case through the HIB law can be read as a means of disciplining the girl for her behaviors. Administrators' interpretations that girls inappropriately wield their sexuality in interactions with boys lead to the assumption that relationships are therefore symmetrical and thus outside the bounds of the HIB law. The counselor at school 14 more explicitly describes how girls are more responsible for their interactions with boys than are the boys:

Another little boy – an actual special [needs] boy – called another little girl the other day a lesbian. Does he even know what that word means? Why is he saying it? Then

the girl was all gung-ho about trying to get him in trouble with me. I was like, ‘This is not acceptable for you to throw this at me now.’

Administrators are often skeptical and dismissive of girls who come forward with experiences of being bullied or sexually harassed. In these instances, stereotypes of girls as attention-seekers and stereotypes of girls’ conflicts as ongoing and symmetrical serve to place bullying and harassment claims outside of HIB law.

In addition to the application of these stereotypes about girls, sexual harassment was excluded from HIB through two other mechanisms: a narrow reading of what is considered a protected category, and the use of alternative administrative channels for addressing sexual harassment. A counselor at school 38 voiced frustration regarding how harassment was treated by other administrators at the school: “If you call somebody a ho, or you call somebody an f-ing bitch—that’s not a protected category, and it’s not going to be found [as a HIB violation], even though that’s pretty serious, and kids get really upset by it.” In these schools, administrators excluded peer harassment that serves to police the boundaries of acceptable sexual behavior from being covered by the HIB law on the basis that sexual behavior was not a protected category.

Even when school administrators considered sexual harassment to rise to the level of a HIB violation, other administrative barriers got in the way. In school 2 (medium, 50% Black and 30% Latinx, 45% poverty), the counselor appears frustrated by a failure to incorporate sexual harassment into HIB protocols:

Sexual harassment is still kind of a gray zone. I have a case right now that’s going on. It’s on-going. It was addressed outside of HIB because we had a HIB case earlier in the year, where we put it through HIB for sexual harassment, we deemed it HIB, and then it was overturned by the superintendent. We were told, ‘yes, it’s HIB. Yes, it’s sexual harassment, but don’t call it HIB.’ That still grated me, because now we have another case. We handled it outside of HIB, but now he’s repeating the behaviors [...] HIB changed a lot of the procedures for interviewing children when they were accused of sexual harassment. It used to be, counselors could then not say a word, don’t take the evidence. An affirmative action officer comes, interviews them, it’s handled separately. It’s very gray. That’s a very difficult area for us in middle school.

In this case, because the superintendent had overridden the decision at the school level about a sexual harassment event, the counselor felt unable to use HIB as a mechanism for addressing that type of problematic behavior in the future. The counselor also noted that even the existence of HIB procedures changed, and made more difficult, pursuing sexual harassment claims through the Title IX mechanism. In this case, the superintendent’s assessment of how to handle sexual harassment trumped local discretion despite the paradox that “it’s HIB” but “don’t call it HIB.”

We argue that the way administrators interpret instances of peer antagonism and gender policing through the lens of stereotypes about girls, including how girls’ use of their sexuality makes them responsible for the situations, means they fail to see harassment for what it is and instead they place such events outside of HIB law. These are bracketing failures that occur through administrator assessments of relational symmetry based on relative power and proportionate participation, often precluding girl-specific harassment from coverage by the HIB law. Administrators’ application of gendered stereotypes often places responsibility for harassment back onto the girls themselves.

DISCUSSION AND CONCLUSION

In this paper, we set out to understand why negative peer experiences for girl students are frequently not defined as HIB legal events. The inquiry resonates with sociolegal theories describing how

violence is created and constructed through law, rather than the sole product of behaviors or activities that exist independently from law. This construction of what counts as violence and specifically what does *not* count as violence occurs as a product of how administrators see and talk about students who have experienced aggression within their schools. The assessment of common forms of gendered harassment as outside the formal boundaries of antibullying law has both legal and cultural implications. We summarize our argument and explanation for why the negative peer experiences girls face rarely matter in terms of the law and discuss some ramifications for antibullying law and scholastic culture more broadly.

By using the lens of bracketing, we can see the mechanism by which gendered harassment is routinely excluded from the HIB law. Bullying is inherently a relational act. School administrators have interpreted antibullying laws (Brank et al., 2012) to require them to bracket student relationships in a narrow way to establish instances of harassment, intimidation, and bullying that violate HIB law. When distinguishing instances of HIB violation, the rule of thumb for administrators is whether there is relational asymmetry between the students. The use of this informal criteria, however, means that the gender stereotypes administrators hold make it less likely for them to see relational asymmetry—and more likely to see symmetry—when they examine problematic interactions that involve girl students. We see evidence that viewing harassment involving girls as symmetrical occurs regardless of the race or class of the girls involved. We also see racialized and classed beliefs about which girls can “fight back” and which girls “need protection” that factor into the exact way in which these events are understood to be symmetrical. The application of the law, therefore, reinforces gendered harassment, which continuously falls outside these legal brackets. Ambiguity in how to apply the criteria for determining a HIB event prompts a struggle for these school personnel similar to that Edelman (2016) and colleagues observed regarding the application of Equal Employment Opportunity (EEO) law. In the face of legal ambiguity about what constitutes compliance, organizational actors use discretion to demonstrate compliance (often by instituting formal organizational roles and structures); courts later affirmed these practices for demonstrating EEO compliance as indications of compliance, producing “legal endogeneity.” Here we observe that the informal organizational practices among school personnel—driven largely by gender stereotypes—were later legally codified: case law affirmed the practice of excluding incidents from HIB if there was mutual participation or ongoing conflict (Anti-Bullying Task Force Report, 2016). Further, later administrative law changes required district policies to include a definition of bullying that highlighted a possible power imbalance between students (see a discussion of the implications of administrative legal changes for legal endogeneity in Shepherd & Fast, 2022). While these codifications of informal organizational practices likely resulted from shared nonlegal definitions of bullying between commissioners and school personnel (as opposed to the creation of new structures to signal compliance, as described in legal endogeneity), the effect was to legally support practices that normalized gendered forms of harassment. (Later case law did support sexual harassment as a basis for making a HIB determination when other criteria were met.)

The policing of gender and sexuality occurs within middle schools at two, mutually reinforcing levels: first by other students (which administrators are assessing and in many cases failing to bracket) and second by administrators through their assessment processes in which they often rely on stereotypes about girls’ relationships and agency. We might consider the failure to legally intervene to constitute a normalization—even an implicit endorsement—of the policing of girls’ sexuality by other students that reinscribes gender roles into the broader school culture. Dismissing girls’ harassment of each other and the harassment of boys further sustains hegemonic ideas about gender where all girls’ suffering can be dismissed as “drama.” This provides yet another example of how schools as organizations have the capacity to distribute material and psychological resources in such a way that exacerbates existing inequalities (Ray, 2019; Tilly, 1998).

Our work highlights the school as an institution where hegemonic ideas that work to normalize gendered violence and harassment are woven into all parts of the school culture. These “heteronormative scripts” (Hlavka, 2014) are seen in the ways school administrators talk about girl versus

boy behavior or characteristics in rigid, stereotypical terms, and also in the frameworks through which they dismiss girls in relation to antibullying laws. Students, in turn, use these gendered and sexual scripts to make sense of their own experiences and relate to other students. Beyond merely minimization, these can work to blame victims and cause violent and abusive behavior between girls (Mayeza et al., 2022). Indeed, some of the perceived bullying by girls in our study can be seen as a way of enacting and enforcing these scripts.

At the same time, “successful” bracketing—considering harassment that occurs between girls or toward girls based on sexuality as HIB—should not be automatically taken to be the primary solution to this issue, as punitive intervention at the level of the individual student likewise does not address broader structural issues that work to generate gendered, racialized, and classed forms of bullying. Law enforcement in school contexts exacerbates justice disparities (Crenshaw et al., 2015; Nolan, 2011; Shedd, 2015). In short, we are not trying to argue that the HIB law is necessarily the best mechanism for addressing peer harassment, but instead that it serves a function of marking what is blatantly unacceptable peer behavior. Because forms of peer harassment and gender and sexuality policing that most often involve girls are frequently excluded from being marked as HIB, they are allowed to remain either “normal” expressions of youth antagonism, or something to be handled by adults in a manner outside of the HIB law.

Furthermore, we find evidence that the way administrators mark the behavior of girls through different, non-HIB forms of punishment, can itself reinforce the girl stereotypes that administrators hold. When administrators determine that an event is not HIB, the students involved—including those bringing the claim—can still be punished under the regular disciplinary apparatus of the school, or they can be “managed” through conversations with administrators about appropriate behavior. These non-HIB disciplinary actions can send a message to girls that they should not only control their own behavior or police themselves in conflict situations, but that they also bear responsibility for managing the harassing behavior of other girls and boys and their own emotional or behavioral responses to it. We see this blaming attitude toward girls when administrators report that the HIB process is an ineffective or cumbersome bureaucratic burden, when students are perceived as merely “dramatic,” or when victims are seen to have brought their problems onto themselves. Rather than legitimate girls’ experiences, administrators instead choose to talk with individual girls or groups of girls, passing responsibility onto girl students. Administrative decisions such as talking to girls about their presumed responsibility for antagonistic events extend and provide continuity to stereotypes about girls and the need for girls to discipline their own (and each other’s) speech, dress, interactions, and feelings.

It should also be noted that while we find evidence that the same principle about relational asymmetry is applied to boys, stereotypes about girls and their relationships make the application of the principles to girls more prevalent. There is very little available information about rates of punishment for HIB specifically (in contrast to rates of discipline) by student characteristics, and, to our knowledge, no available scholarship. Based on administrative data regarding HIB determinations in the schools in our sample, we observe a gender discrepancy within most schools in both punishment and victimhood rates with HIB, where boys are both more likely to be punished for HIB (in 82% of these schools) *and* to be considered victims of HIB (in 62% of these schools). There is variation in the size and presence of this gap across schools, but the overall pattern indicated more involvement of boys in the formal reports of HIB. This mirrors patterns for discipline in schools overall, but it is not obvious why the same pattern would occur for HIB violations.

Along with feminist scholarship that points to the limits of the bully-victim paradigm for anti-bullying work, we also believe that accounting for the broader school culture is important to understanding and curtailing bullying (Conroy, 2013; Meyer, 2008a, 2008b; Miller, 2022; Pascoe, 2013; Payne & Smith, 2013). A more just and equitable framework as applied to girl conflict would mark as unacceptable “any behavior that polices and reinforces traditional heterosexual gender norms” (Meyer, 2008b, p. 555), while reframing bullying to foreground issues of structural inequalities in schools and intersectionality. Within this improved framework, the gendered understanding of

relational aggressions as symmetrical conflict or derived from girl characteristics (e.g., the ubiquitous “drama” and “cattiness” characterizations) would be addressed at the level of school culture and pedagogy, rather than excluded or intervened upon primarily at the level of the individual student. Although gender is indeed listed as a protected category in the New Jersey HIB law we examine here, more systemic changes appear necessary to realize safer and more supportive school environments in which students believe that the adults are helpful, responsive to their needs, and capable of addressing their grievances.

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