



**Program Agenda**

**CYBERBULLYING: Policy, Prevention and Intervention**

**APRIL 8, 2011**

8:30 a.m.- 9:00 a.m.	<b>Registration</b>	
9:00 a.m. - 9:30 a.m.	<b>Welcome</b>	<b>Law School Room 206</b>
	Dean Nora V. Demleitner, Hofstra Law School	
	Herman Berliner, Provost & Senior Vice President for Academic Affairs, Hofstra University	
	William Fishlinger, CEO, Wright Risk Management	
9:30 a.m. – 10:15 a.m.	<b>Cyber Dangers: An overview</b>	
	Katie Koestner, Consultant, Campus Outreach Services	
10:15 a.m. – 10:30 a.m.	<b>Break</b>	
10:30 a.m. - 12:00 p.m.	<b>The Legal Framework</b>	
	Moderated by Andrew Schepard, Professor of Law & Director of the Center for Children, Families and the Law, Hofstra Law School	
	Eric M. Freedman, Maurice A. Deane Distinguished Professor of Constitutional Law, Hofstra Law School	
	Jeremy Glicksman, Assistant District Attorney, Nassau County District Attorney's Office	
	Gregg T. Johnson, Partner, Lemire Johnson	
12:00 p.m. – 1:00 p.m.	<b>Lunch</b>	<b>Law School Atrium</b>

1:15 p.m. – 2:00 p.m.

### **Mental Health Issues**

Sharon G. Elstein, Senior Research Associate, American Bar Association Center on Children and the Law

Eva J. Klain, Director, American Bar Association Center on Children and the Law

Dr. Joseph Scardapane, Assistant Provost & Executive Director of the Saltzman Community Services Center, Hofstra University

2:00 p.m. – 2:15 p.m.

### **Break**

2:15 p.m. – 3:15 p.m.

### **Model Legislation and Policy**

Moderated by Andrew Schepard, Professor of Law & Director of the Center for Children, Families and the Law, Hofstra Law School

Deborah C. Bensinger, Associate Director of Legal Affairs, Civil Rights Division of the Anti-Defamation League

Samantha Fredrickson, NYCLU Nassau Chapter Director

Quinn Morris, New York State School Boards Association

3:15 p.m. – 3:30 p.m.

### **Break**

3:30 p.m. – 4:00 p.m.

### **Student Perspective**

Moderated by Bryn Ostrager, Long Beach High School Anti-Bullying Club

### **Additional Materials**

- Biography
- Recognizing the Public Schools' Authority to Discipline Students' Off-Campus Cyberbullying of Classmates, Douglas E. Abrams
- Cyberbullying Conference Fact Pattern: Draft for Panel Members
- Stop then Send, Kathleen M. Rice
- Snyder v. Phelps ET. AL.
- Town of Castle Rock, Co., Petitioner, v. Jessica Gonzales, individually and as next best friend of her deceased minor children, Rebecca Gonzales, Kathryn Gonzales and Leslie Gonzales
- Planned Parenthood v. American Coalition of Life
- Norval Goss v. Ellen Lopez
- Sample Bullying Policy
- The Dignity for All Students Legislation

**Dr. Herman A. Berliner**, Provost and Senior Vice President for Academic Affairs, Lawrence Herbert Distinguished Professor

Dr. Herman A. Berliner is in his 41<sup>st</sup> year at Hofstra University. He became provost at Hofstra University in 1990 after having served for almost one year as the acting provost. The provost and senior vice president for academic affairs is second in command to the president at the University. Dr. Berliner has oversight responsibilities for all the Colleges, Schools and academic programs of the University, as well as the Libraries, The Hofstra Cultural Center, the Hofstra Museum, and the Saltzman Community Services Center. In this capacity and at the president's request, he also serves as the chair of the University negotiating team in collective bargaining with faculty.

Dr. Berliner joined Hofstra University in 1970 as an assistant professor of economics after having earned a Ph.D. in economics from the City University of New York Graduate School. He was awarded tenure in 1975, promoted to associate professor in 1978 and to professor in 1985. As a faculty member, Dr. Berliner has taught economics courses on both the graduate and undergraduate levels, and he has also served on a number of doctoral dissertation committees for the School of Education, Health and Human Services.

Dr. Berliner has served in a number of key administrative positions, including interim dean and dean of the Frank G. Zarb School of Business (1980-1982 and 1983-1989), associate provost and associate dean of faculties (1978-1983), acting dean of the School of Education (1983-1984), associate dean of University Advisement (1975-1976) and assistant provost (1976-1977). As interim dean of the Zarb School of Business, Dr. Berliner was an instrumental part of the team that secured national AACSB (currently The International Association for Management Education) accreditation of our graduate program in business as well as re-accreditation of the undergraduate program. Furthermore, as dean of the Zarb School of Business, he helped establish our Business Research Institute, the Dean's Advisory Board, In Business, and the Study Abroad Program at Erasmus University in Rotterdam. While in the provost's office and prior to becoming provost, Dr. Berliner was a motivating force in establishing the University's mandatory Course and Teacher Evaluation Program, the Honors Program, the Peer Teaching Program and the University Tutorial Program.

Provost Berliner played a vital role in the establishment of the School of Communication and the School for University Studies, the first new Schools established at the University since 1970. More recently, under his leadership, Honors College was established. Presently, he is a member of the Joint Leadership Group overseeing the new Hofstra/North Shore-LIJ School of Medicine.

Dr. Berliner also directed or co-directed four major scholarly conferences at the University, including the University's 50th Anniversary Celebration, a convocation and conference on "Higher Education Today and Tomorrow" as well as the 50th Anniversary Conference, "The Evolution of Education in Collegiate Schools of Business: Past, Present and Future" and conferences on "Chocolate: Food of the Gods," and "Money: Lure, Lore and Liquidity."

Dr. Berliner's areas of specialty as an economist include the economics of higher education. He presently also serves as a TIAA/CREF Institute Fellow, a Trustee of the North Shore School District, and Secretary of the Project GRAD Long Island Board of Directors.

**Nora V. Demleitner** , Dean and Professor of Law, Hofstra Law School

Nora V. Demleitner is dean and professor of law at Hofstra University School of Law. Dean Demleitner received her J.D. from Yale Law School, her B.A. from Bates College, and an LL.M. with distinction in International and Comparative Law from Georgetown University Law Center. After law school Dean Demleitner clerked for the Hon. Samuel A. Alito, Jr., then a member of the U.S. Court of Appeals for the Third Circuit. She testified in front of the U.S. Senate on behalf of Justice Alito's nomination to the U.S. Supreme Court.

Dean Demleitner teaches and has written widely in the areas of criminal, comparative, and immigration law. Her special expertise is in sentencing and collateral sentencing consequences. At conferences around the country she regularly speaks on sentencing matters, often in a comparative context, and issues pertaining to the state of legal education. Most recently, she reflected on "Clinical Design from a Dean's Perspective" at the bi-annual immigration law teachers' conference held at DePaul Law School in Chicago.

Dean Demleitner has also lectured widely in Europe. She has served as a visiting professor at the University of Michigan Law School, the University of Freiburg, Germany, St. Thomas University School of Law in Miami, and the Sant' Anna Institute of Advanced Research in Pisa, Italy. She has also been a visiting researcher at the Max-Planck-Institute for Foreign and International Criminal Law in Germany, funded by a German Academic Exchange Service grant.

Dean Demleitner is an editor of the Federal Sentencing Reporter, and serves on the executive editorial board of the American Journal of Comparative Law. She is the lead author of Sentencing Law and Policy, a major casebook on sentencing law, published by Aspen Law & Business. Her articles have appeared in the Stanford, Michigan, and Minnesota law reviews, among others.

For the third time in a row, Dean Demleitner was named one of Long Island's Top 50 Most Influential Women in Business by The Long Island Business News. The award recognizes the contributions of female professionals to the region's economy and communities. As a three-time winner of the award, Dean Demleitner is now a member of the Hall of Fame.

Dean Demleitner is an elected member of the American Law Institute and a Fellow of the American Bar Foundation.

### **Professor Eric M. Freedman**

Eric M. Freedman is the Maurice A. Deane Distinguished Professor of Constitutional Law at Hofstra Law School. His career combines scholarship in constitutional law with public interest litigation dealing with the First Amendment and a variety of other civil liberties fields. Professor Freedman is the author of a number of scholarly and popular articles on First Amendment law and history. He is a director of and counsel to the National Coalition Against Censorship, a former chair of the Communications Media Committee of the ACLU, and has served several terms on the Communications Law Committee of the New York City Bar Association. A graduate of the Phillips Exeter Academy and Yale College, Professor Freedman earned a Master's Degree in history from Victoria University of Wellington, New Zealand while on a Fulbright Scholarship there. He received his law degree from Yale Law School, where he was an editor of the Yale Law Journal. Hofstra University has awarded him its Stessin Prize for Outstanding Scholarship and named him as its Distinguished Scholarly Lecturer. He is an elected member of the American Law Institute and a Fellow of the American Bar Foundation. Prior to coming to Hofstra, Professor Freedman clerked for Judge Irving R. Kaufman of the United States Court of Appeals for the Second Circuit and practiced as a litigator at the firm of Paul, Weiss, Rifkind, Wharton & Garrison in New York and Washington.

### **Samantha Fredrickson, Esq.**

Samantha Fredrickson has been the director of the Nassau County Chapter of the New York Civil Liberties Union since July 2009. In her capacity as director, she focuses on advocacy, lobbying, and public education on a variety of civil liberties issues including immigrants' rights, students' rights, privacy, free speech and freedom of religion, among others. Fredrickson hales from Nevada and graduated with distinction from the University of Nevada, Reno in 2003 with a B.A. in journalism. She went on to work as a newspaper reporter at the Bucks County Courier Times in Bucks County, Penn., where she spent two years uncovering government scandals and reporting about vital issues affecting the community. Fredrickson graduated cum laude from New York Law School in 2008. During law school, she was the Coordinating Notes Editor of the New York Law School Law Review and a research assistant for Professor Nadine Strossen, former president of the American Civil Liberties Union. After graduating, she spent one year as a legal fellow at the Reporters Committee for Freedom of the Press in the Washington, D.C. metro area. At the Reporters Committee, Fredrickson filed several amicus briefs in First Amendment cases nationwide, including before the U.S. Supreme Court.

### **Jeremy Glicksman, Esq.**

Jeremy Glicksman has been a prosecutor with the Nassau County District Attorney's Office since 2006. He is currently assigned to the Rackets Bureau. In that capacity, he is charged with prosecuting organized crime and large scale operations engaging in illegal activities ranging from credit-card fraud to murder-for-hire. Jeremy is also currently assigned to the Technology Crimes Unit. In that capacity he is charged with prosecuting computer crimes ranging from cyber-bullying to child pornography and internet predators. Prior to his current assignment, Jeremy was assigned to the Economic Crimes Bureau where he was charged with prosecuting financial crimes ranging from identity theft to tax fraud. Prior to the Economic Crimes Bureau, Jeremy was assigned to the District Court Bureau where he prosecuted misdemeanor cases ranging from larceny to sexual abuse and brought multiple cases to trial.

Jeremy is also a frequent speaker on cyberbullying as part of the Nassau County District Attorney's STOP then Send Program. Jeremy is a graduate of Yeshiva University, class of '03, and Hofstra University School of Law, class of '06.

**Quinn Morris, Esq.**

Quinn M. Morris joined the Governmental Relations staff in May 2009. Quinn is a 2000 graduate of Canandaigua Academy. She received her B.S. in Business Administration from Ithaca College in 2004 and earned her J.D. from Albany Law School in 2007. She is admitted to the State of New York Supreme Court, Appellate Division, Third Judicial Department and the United States District Court, Northern District of New York. Before joining the association, Quinn was assistant counsel for the New York State Legislative Bill Drafting Commission where she researched and drafted bills for both the Senate and Assembly. She is also involved in coaching cheerleading at Rensselaer Polytechnic Institute (RPI) during the football season. Quinn is a native of the Finger Lakes region and currently resides in Albany, NY. Areas of Responsibility: Advocating and bill drafting on behalf of the Association's legislative agenda and serving as the Federal Relations Coordinator and the Resolutions Process Coordinator as well as NYSSBA's liaison to the Teachers' Retirement System board group and the National School Safety Coalition. Specifically responsible for issues affecting Special Education, Rural Schools, Home Field Advantage, Common Sense Agenda, Federal Medicaid, School Environmental Concerns, Nutrition, Physical Education, School Safety, Youth at Risk and Cities as well as covering various legislative committees.

**Katie Koestner**

At age 18, after being raped on a date with a fellow student at the College of William and Mary, Katie Koestner spoke out nationally and publicly, breaking a long national silence on the most under-reported crime in America. She appeared on the cover of TIME magazine's date rape issue, giving a name and a face to a crime that is recognized as a critical problem currently facing America's students.

Katie's assault, quickly followed by the William Kennedy Smith and Mike Tyson cases, helped bring the contemporary debate over date rape into the national spotlight. Ms. Koestner has appeared on Oprah, Good Morning America, NBC Nightly News, CNN, MTV, Larry King Live, CNBC Talk Live, MSNBC, Later Today, Entertainment Tonight, Italian TV and dozens of other news programs in order to create public awareness of date rape. Articles about Katie have been published in The New York Times, The Los Angeles Tribune, The Philadelphia Inquirer, The Chicago Sun-Times, The Journal of Higher Education, and hundreds of other publications.

HBO chose Katie as the subject of its Lifestories Docudrama, "No Visible Bruises: The Katie Koestner Story." In 2002, Katie worked with MIT to create "LifeLessons: Sexual Assault 101," an interactive CD ROM for high school and college students. In 2003, she completed two films with national award-winning Top Hat Productions: "Please Write Back: Sexual Assault among America's Students" and "Helping a Sexual Assault Survivor."

Katie earned degrees in Public Policy and Women's Studies, Magna Cum Laude and Phi Beta Kappa, from the College of William and Mary. Since her graduation, Katie has presented in front of hundreds of thousands of students for over a thousand different colleges, high schools, military institutions, youth groups and service organizations throughout North America. Her annual clients include MIT, West Point, the US Naval Academy, Amherst College, Williams College and The Lawrenceville School, among many other top universities and high schools.

Over the past decade, Katie has also been the featured speaker at dozens of Fraternity, Sorority, Residence Life, Student Activities and College Health conferences around the country. In 1996, she was part of a Department of Education initiative to reach both urban students and prison populations, joining fellow presenters Tipper Gore and Bonnie Campbell. Ms. Koestner has keynoted the conferences for many state coalitions against sexual assault. She has given addresses at the International Conference on Sexual Assault. She has also presented at the annual conferences for the National Association for Independent Schools, the National School Boards Association, the American Association of School Administrators, and the American College Personnel Association. In 2004, Katie keynoted the Sexual Misconduct Symposium for Independent Schools.

Katie is a VAASA trained sexual assault peer counselor. At Cornell University, she founded Students Helping Others to Understand Trauma (SHOUT). Ms. Koestner is the co-author of two books: *Sexual Assault on Campus: What Every College Needs to Know about Protecting Victims, Providing for Just Adjudication, and Complying with Federal Laws* (1995), a guidebook on model campus sexual assault policies; and *Total Sexual Assault Risk Management Strategies for Colleges* (1998). She also contributed to *Just Sex*, an anthology on the history of the anti-sexual violence movement.

Since she began working as a rape awareness educator, Katie has kept a daily journal of her visits to schools. This journal will be the basis of a book that gives a sweeping first-hand account of the realities of sexual assault for students in America. Since founding Campus Outreach Services, Inc., she has dedicated the organization to fighting sexual assault in every possible way. She has taken her efforts to one more level in 2001 with the creation of TKKI: The Katie Koestner Initiative for a World Without Rape, a national charity involved with raising funds for Sexual Assault Nurse Examiner Programs, Physical Evidence Recovery Kits, and other projects designed to achieve a world without rape. The most significant development for TKKI has been the formation and spread of "The I (nitiative) Club," a national high school peer education program on respectful relationships.

#### **Gregg T. Johnson, ESQ.**

Born in Queens, New York, Mr. Johnson resides in southern Saratoga County. Mr. Johnson graduated from Providence College (B.A.) *magna cum laude* in 1987, and Albany Law School of Union University (J.D.) *cum laude* in 1992.

Mr. Johnson concentrates his practice in civil defense litigation. Mr. Johnson's areas of practice include civil rights law, employment law, constitutional law, and municipal law. His litigation practice includes representing clients before federal courts, administrative agencies, state courts, and appellate courts. Mr. Johnson regularly defends public and private employers and supervisors against claims of

discrimination, wrongful discharge, workplace harassment, civil rights violations, and retaliation. He also defends public officials against a range of civil rights claims, including claims against law enforcement professionals, school officials, housing discrimination claims, and First Amendment claims.

Mr. Johnson's practice also includes providing day-to-day advice and counsel to clients on issues ranging from policy development, compliance issues, and risk management. Mr. Johnson is a frequent speaker in the areas of employment practice liability, law enforcement liability, discrimination, and risk management.

Prior to founding Lemire Johnson, LLC, Mr. Johnson was a shareholder in one of Albany's largest labor and employment firms where he spent seventeen years developing, expanding, and supervising his defense litigation practice.

Admitted to practice before: All New York Courts

Connecticut Courts

United States Court of Appeals for the Second Circuit

U.S. District Court for the Northern District of New York

U.S. District Court for the Southern District of New York

U.S. District Court for the Eastern District of New York

U.S. District Court for the Western District of New York

Member of the: New York State Bar Association

Northern District of New York Federal Court Bar Association

Saratoga County Bar Association

Defense Research Institute

Professional Liability Underwriters Society.

### **Joseph R. Scardapane**

Joseph R. Scardapane, Ph.D., has been a teaching administrator, supervising psychologist and researcher at Hofstra University since 1991. Currently assistant provost and executive director of the Joan and Arnold Saltzman Community Services Center and director of the Psychological Evaluation, Research and Counseling (PERC) Clinic, Dr. Scardapane previously held positions as school psychologist for the Board of Cooperative Educational Services for Southern Westchester and chief clinical psychologist at the Southeast Nassau Guidance Center in Seaford, New York. He has presented both nationally and internationally on topics ranging from the intellectual assessment of bilingual children to the use of acceptance-based techniques in cognitive-behavioral therapy.

As director of a psychology training clinic, he serves two doctoral programs by teaching and supervising students in psychological assessment and cognitive-behavioral therapy. With Dr. Scardapane's direction, the PERC Clinic continues to provide cutting-edge services to the community while providing educational and research opportunities to Hofstra University doctoral students. He has helped establish specialty clinics to train students in a comprehensive manner, utilizing the expertise of the Department of Psychology faculty in areas such as the treatment of anger disorders, phobias, childhood behavioral disorders, and autism spectrum disorders. In addition, the Institute for Family Forensic Psychology provides evaluations, therapy and supervised or therapeutic visitation services for families referred from family court. Dr. Scardapane also directs the Acceptance and Commitment Therapy Clinic, which provides services to patients suffering with chronic physical or emotional pain that is interfering with their quality of life. Dr. Scardapane also serves as institutes chairperson for the Association for Behavioral and Cognitive Therapies (ABCT) and as treasurer for the Association of Directors of Psychology Training Clinics (ADPTC).

**Eva J. Klain, Esq.,** Director, Child and Adolescent Health, ABA Center on Children and the Law

As director of the ABA Center on Children and the Law's child and adolescent health projects, Ms. Klain researches and analyzes health law policy, including court responses to the health and developmental needs of infants and toddlers, policies addressing substance abuse, teen pregnancy, statutory rape, domestic trafficking for sexual exploitation, "sexting", cyberbullying, and other issues. She works to promote interdisciplinary collaboration as director of the Center's Partners in Program Planning for Adolescent Health project. Before working on health issues, Ms. Klain directed a Center Court Improvement Program (CIP) project, working with judges, attorneys, and other child welfare professionals on the systemic improvement of juvenile dependency courts. Prior to joining the Center in 1996, Ms. Klain worked for the National Center for Prosecution of Child Abuse and with the High Court of Prague in the Czech Republic. Ms. Klain received her Bachelor of Arts degree from Cornell University in 1986 and her law degree *cum laude* from Georgetown University Law Center in 1989.

**Sharon G. Elstein,** Research Director, ABA Center on Children and the Law

In over 20 years at the Center, Sharon Elstein has conducted numerous research studies to understand, assess, and evaluate civil and criminal justice system responses to child maltreatment. She has extensive experience in project management, survey development, interviewing, data collection and analysis, and report writing. A sample of subjects include: use of technology for recording and sharing child victim testimony; statutory rape; child exploitation; mobile child advocacy centers; and sexting and cyberbullying. Ms. Elstein is the author of numerous articles published in the ABA's *Child Law Practice* on issues of child welfare practice for attorneys, judges, and caseworkers, and is the author of a series of articles on substance abuse and child welfare practice. Ms. Elstein received her MS degree in the Administration of Justice from the American University in Washington, D.C.

**Andrew Schepard** , Director of the Center for Children, Families and the Law and Professor of Law

Professor Schepard is a 1972 graduate of Harvard Law School, where he served as Articles Editor of the Harvard Law Review, served as a Law Clerk to former Chief Judge James L. Oakes of the United States Court of Appeals for the Second Circuit.

Professor Schepard is the editor of the Family Court Review and the author of *Children, Courts and Custody: Interdisciplinary Models for Divorcing Families* (Cambridge University Press 2004). He has written many law review articles in family law and alternative dispute resolution. Professor Schepard writes the Law and Children column for the New York Law Journal.

Professor Schepard is the Reporter for the Uniform Collaborative Law Act sponsored by the National Conference of Commissioners on Uniform State Laws. He is a member of the American Bar Association's Youth at Risk Commission. He was the Reporter for the Model Standards of Practice for Family and Divorce Mediation approved by the American Bar Association, the Association of Family and Conciliation Courts and the Association for Conflict Resolution and the Reporter for the American Bar Association's Leadership Summit on Unified Family Courts.

Professor Schepard is the Director of the Center for Children, Families and the Law at Hofstra Law School. He founded Hofstra Law School's Child and Family Advocacy Fellowship Program that awards full tuition scholarships and paid externships to students pledged to a career in the field. He is also a founder of Parent Education and Custody Effectiveness (P.E.A.C.E), an education program for divorcing and separating parents on how to manage their conflicts over their children responsibly.

He is the Chair of the Family Law Education Reform Project co-sponsored by Hofstra Law School and the Association of Family and Conciliation Courts. He is an attorney member of the Judicial Conference of the State of New York. Professor Schepard is also Program Director for the National Institute of Trial Advocacy's course in Modern Divorce Advocacy and has served as Program Director for NITA's Child Advocacy, Deposition and Trial Advocacy courses.

Professor Schepard has received numerous awards from the American Bar Association and the Association of Family and Conciliation Courts for his work with families and children in conflict. Professor Schepard is an elected member of the American Law Institute and a Fellow of the American Bar Foundation.

**CYBERBULLYING: POLICY, PREVENTION AND INTERVENTION**  
**HOFSTRA LAW SCHOOL**  
**FRIDAY, APRIL 8, 2011**

**Speaker Addendum**

Deborah Bensinger is the Associate Director of Legal Affairs for the Anti-Defamation League. In that role, she is involved in all aspects of the League's civil rights agenda; including hate crimes, immigration, religious freedom, equal rights, and discrimination and spends a significant amount of her time working on the issue of cyberbullying for the League – including the development of the ADL model bullying prevention law. Prior to joining ADL, Debbie worked as an associate at the law firm, Braverman & Associates, P.C. in New York and before that as a Legislative Assistant to Hon. Martin Frost in the U.S. House of Representatives. Debbie earned her B.A. from University of Michigan and her law degree from Fordham Law School.