

# Responding to Stalking on Campus: The Model Stalking Policy

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**Victims of Crime**

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# Stalking resource center

The Stalking Resource Center (SRC), a program of the National Center for Victims of Crime, was established in 2000 with support from the Office on Violence Against Women (OVW) at the United States Department of Justice. The Stalking Resource Center's mission is to enhance the ability of professionals, organizations, and systems to effectively respond to stalking. The Stalking Resource Center envisions a future in which the criminal justice system and its many allied community partners will have the best tools to effectively collaborate and respond to stalking, improve victim safety and well-being, and hold offenders accountable. As the only national training and technical assistance center focused solely on stalking, the Stalking Resource Center has provided training to tens of thousands of victim service providers and criminal justice professionals throughout the United States and has fostered innovations in programs for stalking victims and those practitioners who support them.

The Stalking Resource Center provides training on stalking dynamics, legal remedies, multidisciplinary efforts, practitioner-specific practices (e.g., safety planning, investigation, prosecution) and the use of technology to stalk, and operates a website with continuously updated information. The Stalking Resource Center also collects and distributes materials for practitioners such as case law digests and model protocols from jurisdictions around the country. For more information, **visit** [www.victimsofcrime.org/src](http://www.victimsofcrime.org/src).



The National Center for Victims of Crime is the nation's leading resource and advocacy organization dedicated to serving individuals, families, and communities harmed by crime. The mission of the National Center is to forge a national commitment to help victims of crime rebuild their lives. Working with local, state, and federal partners, the National Center:

- Advocates for laws and public policies that secure rights, resources, and protections for crime victims.
- Delivers training and technical assistance to victim service organizations, counselors, attorneys, criminal justice agencies, and allied professionals serving victims of crime.
- Fosters cutting-edge thinking about the impact of crime and the ways in which each of us can help victims rebuild their lives.
- For more information, **visit** [www.victimsofcrime.org](http://www.victimsofcrime.org).

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# Introduction

The Stalking Resource Center, a program of the National Center for Victims of Crime is pleased to offer this guide, *Responding to Stalking on Campus: The Model Stalking Policy*. Numerous colleges and universities across the country contact the Stalking Resource Center each year, requesting assistance on how to address stalking on campuses. Along with requests for technical assistance, schools have asked for examples of stalking policies they could adapt and implement on their campuses. This document is a direct response to those inquiries.

Stalking behaviors on campus can be difficult to recognize and ameliorate. It is important to remember that stalking is not a one-time event, but a series of incidents that can escalate and lead to violence. And, although much progress had been made in addressing domestic violence, dating violence, and sexual assault on campus, stalking is neither adequately discussed under many existing campus policies nor addressed in prevention efforts. Given the prevalence of stalking on campuses and its impact on victims, a dedicated effort to address stalking on campus is necessary.

National prevalence rates on stalking are startling. The *National Intimate Partner and Sexual Violence Survey* results, published in 2011 by the Centers for Disease Control and Prevention, reported that an estimated 6.6 million people were stalked in a one year period in the United States.<sup>1</sup> Persons ages 18 to 24 (average age of college students) experienced the highest rates of stalking victimization.<sup>2</sup> Research also shows that stalking is a significant problem on college campuses and these studies find higher rates of stalking victimization among college-aged women than that of the general population. The National College Women Sexual Victimization Study found that over 13 percent of college women had been stalked in the academic year prior to the study.<sup>3</sup> Though stalking behavior is often prolonged and ongoing, the majority of stalking incidents (over 83 percent) were not reported to police or campus law enforcement.<sup>4</sup> Three in ten college women reported being injured

1 Michele C. Black et al., "The National Intimate Partner and Sexual Violence Survey: 2010 Summary Report," (Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, 2011).

2 Katrina Baum et al., "Stalking Victimization in the United States," (Washington, DC: Bureau of Justice Statistics, 2009).

3 Bonnie S. Fisher, Francis T. Cullen, and Michael G. Turner, *Sexual Victimization of College Women* (Washington, DC: U.S. Department of Justice, National Institute of Justice, 2000).

4 Ibid

emotionally or psychologically from being stalked.<sup>5</sup> It is important to note that stalking often occurs in the context of both dating violence and sexual assault. In one study, researchers found that 43 percent of victims were stalked by a current/former boyfriend and in 10 percent of incidents, the victim reported that the stalker forced or attempted sexual contact.<sup>6</sup> Other research on sexual assault on college campuses found that perpetrators of these assaults were premeditating, repeat offenders, who used strategies we identify as classic stalking strategies (such as surveillance and information gathering) to select and ensure the vulnerability of their victims.<sup>7</sup>

We recommend the development of a collaborative and comprehensive response to stalking on campus that includes creating a campus stalking policy. A university or college stalking policy is one of the best ways to address the significant problem of stalking on campus. A policy demonstrates institutional commitment to the issue and serves as an authoritative mechanism to inform the campus community about this serious crime. A policy on stalking can create guidelines for students, informs the campus body that stalking behaviors will not be tolerated, and can be a proactive measure in guiding student behavior on campus.

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### **Development of this Document**

In developing this policy, the Stalking Resource Center recognized that some colleges and universities were already taking steps to address stalking on their campuses. The SRC first collected and reviewed existing campus policies on stalking and other relevant campus policies from over 90 schools. In an attempt to ensure a diverse sample of university and college environments, a range of two-year, four-year, public, private, urban, rural, and faith-based schools' policies were researched.

In reviewing and analyzing the policies, the SRC identified both the most common elements and the necessary—or minimum—elements that should be included in any campus policy addressing stalking. Specifically, the SRC considered:

- The policy format (i.e., was stalking addressed in a stand-alone policy, or added to a school's dating violence, sexual assault, and/or sexual harassment policy.)
- The definition of stalking in the policy

<sup>5</sup> Ibid

<sup>6</sup> Ibid.

<sup>7</sup> . David Lisak and Paul Miller, "Repeat Rape and Multiple Offending Among Undetected Rapists," *Violence and Victims* vol. 17, no.1 (February 2002)

- Which members of the campus community were covered by the policy
- Whether the policy included a list of the common types of stalking behaviors
- Whether the policy included the use of technology to stalk
- Whether the policy included an outline of stalking victim safety accommodations
- Whether the policy included an outline of reporting procedures
- Whether the policy included a statement of victim and offender rights

A more detailed description of each of these elements, and recommended ways in which to incorporate them into future policies, is described in the following pages.

After collecting and analyzing the sample policies, the SRC convened two focus groups at an OVW Campus Grantee Conference in Washington, DC, to solicit more detailed information from campus grantees. In the focus groups, participants were asked about the ways in which their campuses work with stalking cases, whether they have seen a rise in stalking cases, about their campus' response to stalking victims and perpetrators, about the need for any policy on stalking, and whether they face other challenges in dealing with stalking cases.

The Stalking Resource Center also held a working meeting hosted by The Center for Research on Violence Against Women at the University of Kentucky with key campus stakeholders. Participants included campus law enforcement, university administrators, student affairs, campus advocacy, judicial affairs, and women's center staff and counselors. The purpose of this meeting was to further explore the questions posed to the focus groups, but also to identify elements for a campus policy addressing stalking. In the meeting, the participants reached a consensus on both the essential and optional elements for any campus policy addressing stalking. At other campus conferences, the SRC shared an initial draft of the policy with campus grantees and solicited their feedback on the format, length, content, and policy elements. With the feedback from these meetings and the input received from the focus groups, the SRC developed the *Responding to Stalking on Campus: The Model Stalking Policy* for any campus to use as a template for their own policies.

# How to Use This Document

**T**his policy document is designed for campuses to use in its entirety or to adapt selected portions for their specific needs. The section entitled “Essential Elements” provides content areas deemed necessary for any adequate policy on stalking. These essential elements include a purpose statement, a clear definition of stalking, a list of stalking behaviors (including the use of technology to stalk), a clear explanation of reporting procedures for victims of stalking, a referral to advocacy or legal services, possible safety accommodations and resources for victims, and a discussion of appropriate due process. Each of these elements is discussed in the next section of this document in further detail.

In addition to these essential elements for a campus policy on stalking, schools may wish to incorporate various “optional” elements into their policy. These include a summary of relevant national and local prevalence information about stalking, the rights of the victim and the accused, non-campus criminal and civil remedies available to victims, safety tips and safety planning for victims, information about the investigative response and judicial process, notification or confidentiality policies, and a dissemination plan for the policy (i.e., some suggestions on how to make the policy widely available and known to the student body). Further information about these elements can be found in the section titled “Optional Policy Elements” beginning on page 12.

Before considering the various elements to include in a campus stalking policy, a brief discussion about policy formats is warranted.



#### A NOTE ON THE WORD “POLICY”

Schools vary on how they title their campus documents that pertain to student behavior. Some schools have stalking “policies,” some have stalking “protocols,” and yet others title these documents “codes of conduct” or “behavior statement.” Although this publication is called the *Responding to Stalking on Campus: The Model Stalking Policy*, we recognize that schools will need to re-title it as they adapt the recommendations to fit their campus’s needs. The main purpose of the *Responding to Stalking on Campus: The Model Stalking Policy* is to have a document available to all in your campus community that outlines the seriousness of stalking and the campus response to it. How each campus titles it is far less important as there is no hard and fast rule for titling such a publication.

### **A Distinct and Separate Stalking Policy**

A clear policy on stalking provides an opportunity for enhanced awareness by naming stalking as a specific problem on campus. Having a university or campus policy on stalking also allows schools to be consistent with existing state statutes against stalking, while also allowing for higher levels of sanctions against perpetrators. If a school’s stalking policy is a stand-alone policy, the judicial process may offer better victim sensitivity and protection (i.e., a campus judicial board that is established to hear sexual assault, domestic violence, and stalking cases are likely trained specifically on these issues unlike a general judicial board). Placing stalking as an issue under general harassment or other policies may not adequately underscore the significance of the issue on college campuses.

Having a combined stalking, sexual assault, and dating violence policy might be more efficacious, as stalking might be more easily added to existing dating and sexual violence policies. Some may note that as stalking often occurs within the context of those other crimes, it makes sense to include them together.

Having a clear policy on stalking is the most important factor. The Stalking Resource Center recommends that you discuss these issues with stakeholders on your campus and determine a stand-alone or combined policy placement that best suits the needs of your campus community. Whether this policy is a stand-alone policy or covered under other campus documentation, is a decision that needs to be made on the local level. Whichever policy format your campus decides to adopt, consider ensuring the items discussed in the next section are included in the policy.

# Essential Elements of a Campus Stalking Policy

There are several “essential” elements that should be included in any campus policy addressing stalking. These essential elements are a statement of purpose, a definition of stalking, a provision detailing who is covered by the policy (jurisdiction), a list of stalking behaviors, reporting procedures, and safety accommodations for victims. Each of these elements is discussed in greater detail below.

## ESSENTIAL ELEMENTS OF A CAMPUS STALKING POLICY

- Statement of Purpose
- Definition of Stalking
- Jurisdiction
- List of Stalking Behaviors
- Reporting Procedures
- Safety Accommodations for Victims

### Statement of Purpose

A campus stalking policy should include a statement of purpose. This statement can both outline the problem of stalking on college campuses and universities and reflect the school mission to provide a safe and enriching campus environment for all students. This section provides the “why” of a policy and emphasizes that stalking will not be tolerated at the school. Furthermore, a purpose statement can remind all campus community members that the fundamental purpose of a school environment is learning, and stalking disrupts students’ abilities and rights to learn. A purpose statement can be succinct and direct. For example:

“ABC University is determined to provide a campus atmosphere free of violence for all members of the campus community. For this reason, ABC University does not tolerate stalking and will pursue the perpetrators of such acts to the fullest extent possible. ABC University is also committed to supporting victims of stalking through the appropriate provision of safety and support services. This policy applies equally to all members of ABC University’s community: students, faculty, staff, contract employees, volunteers, and campus visitors.”

## Definition of Stalking

A clear definition of stalking is critical for any campus policy to ensure it is understood by the entire campus community and that all cases are handled consistently. Since 1990, stalking has received considerable attention from policy makers, and laws against stalking exist in every state, U.S. territory, and on the federal level. Because state and federal legislative processes are independent, no single legal definition of stalking exists. Similarly, the Stalking Resource Center noted great variability in the definitions and descriptions of stalking when reviewing the various campus policies on stalking.

The 2013 reauthorization of the Violence Against Women Act (VAWA) added stalking to the crime categories that must be reported under the Clery Act. The definition of stalking as outlined in VAWA reads: **The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.**

A “course of conduct” can be defined as a pattern of behavior composed of two or more acts over a period of time, however short, that evidence a continuity of purpose. A “reasonable person” standard asks if a reasonable person in similar circumstances would be made afraid by the perpetrator’s behavior. A reasonable person fear standard can help avoid various subjective perceptions of fear, as different people may not be fearful of the same things. Criminal laws vary widely on what level of fear the victim (and/or a reasonable person) must experience to make the stalking offender’s behavior criminal. Some laws require that the victim feel fear for safety. Other laws require that the victim feel terrorized, frightened, intimidated, or threatened, or fear that the

stalker intends to injure the person, another person, or property of the person or of another person. Several laws require that the victim fear serious bodily injury or death.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

While colleges or universities will use this federally defined definition of stalking, some campuses may choose to include the definition of stalking outlined in their state stalking statute. While the use of the state’s stalking statute for the policy definition

may be convenient, it may also place limits on a university’s ability to intervene in stalking cases. The state’s standard for criminal stalking may be much higher than what a school is willing to tolerate and the standard of proof may be quite high. The inclusion of state and federal statutes against stalking could certainly be part of a campus policy, but including a university-defined explanation of stalking may allow for more victim protections and higher perpetrator accountability. For instance, if a student violates the student code of conduct, then that student may face additional sanctions that a criminal statute could not address, such as suspension or expulsion.

## Policy Jurisdiction

Stalking policies should be clear in outlining exactly who is covered under the policy. In most instances, students of the college or university are specifically mentioned. The model policy offered in this document focuses on student perpetrators and/or student victims. However, we know that students may not be the only perpetrators or victims of stalking on a college campus. A faculty member or campus employee can certainly be the victim or

offender of stalking behavior. For this reason, campuses may want to include language in their stalking policy that covers students, faculty, staff, contract employees, and any campus visitors. Be sure to include definitions to specify who is covered under the policy (e.g., full and part-time students, full-time staff, faculty). Consider looking at extant employee policies and other relevant campus documents to see how to best address stalking with non-student victims and perpetrators.

## A List of Stalking Behaviors

A specific list and clear definitions of prohibited conduct is important for a campus stalking policy. Stalking behaviors can include those actions or activities that cause a victim to feel fear, or threaten their physical safety and/or mental health. Policies should adopt language that lists the specific behaviors, but includes language broad enough to encompass other actions not listed. For example, a policy could read: “Stalking behaviors include, but are not limited to...” It is important the behaviors listed are written broadly enough to include all the various behaviors in which an offender might be engaging and the creative ways in which her or she may attempt to contact his or her victims. Often a stalking offender will engage in behaviors that will have specific meaning to the victim, but might be difficult for an outside person to understand. For instance, many stalking offenders give unwanted gifts such as flowers, stuffed animals, or music to their victims. It may be difficult for an outside person to understand why those items make the victim feel fearful or intimidated.

The stalking behaviors can be characterized as persistent and frequent unwanted in-person contact, surveillance, and unwanted telephone and other electronic contact. Consider also a list of the various technological means to stalk, including use of the Internet, email, or social networking sites to gather information, harass and intimidate; using cell phones and landline phones; text messaging; global positioning systems (GPS); or placing spyware on a victim’s computer or cell phone. Be sure the policy explains what each offense means and provide the context, rather than just providing a list. Having sufficient details in the policy that outline prohibited behaviors will allow students to know what is expected of them and what consequences will result if they violate the policy.

The Stalking Resource Center recommends the following stalking behaviors be listed in any campus stalking policy:

- Non-consensual communication including in-person communication, telephone calls, voice messages, text messages, email messages, social networking site postings, instant messages, postings of pictures or information on websites, written letters, gifts, or any other communications that are undesired and/or place another person in fear
- Following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by a victim
- Surveillance and other types of observation, whether by physical proximity or electronic means
- Trespassing
- Vandalism
- Non-consensual touching

A clearly outlined reporting procedure is a necessary component of any campus policy on stalking.

- Direct physical and/or verbal threats against a victim or a victim’s loved ones
- Gathering of information about a victim from family, friends, co-workers, and/or classmates
- Manipulative and controlling behaviors such as threats to harm oneself, or threats to harm someone close to the victim
- Defamation or slander against the victim

## **Victim Reporting Procedures**

A clearly outlined reporting procedure is a necessary component of any campus policy on stalking. In reviewing existing campus policies on stalking, the Stalking Resource Center determined that while many policies included a reporting procedure for stalking, most referred victims to the general incident reporting procedure for all student conduct code violations. Very few policies included a specific procedure for reporting stalking. While the route for victims to report will vary for each college, we recommend that any section on reporting procedures describe all the ways in which individuals may report at your school. For example, a comprehensive reporting procedures section could include:

- Filing a criminal report with law enforcement authorities
- Filing a university complaint or complaint of student code violations
- Filing a confidential or anonymous report
- Filing a third-party report

If your university requires a formal complaint for any legal or disciplinary action, be sure to outline this process in your policy document. Additionally, consider including how witnesses or bystanders can report threats of violence and stalking. Please see the sample policies for further examples of reporting procedures.

## **Safety Accommodations for Victims**

Victims of stalking need readily available information on resources to help keep them safe. An explicitly stated outline of available safety accommodations can be beneficial. If your school does not want to list safety accommodations in the stalking policy, consider a link or reference to where victims might find accommodations.

Typical accommodations for campus victims of stalking are the issuance of a no-contact order against the offender, changes in an academic schedule (for either the victim or accused offender), provision of alternative housing opportunities, the imposition of an interim suspension of the accused, referral to proper advocacy and/or health services, and the provision of resources for medical and/or psychological support. If your campus is largely a commuter campus, consider what options the school has in providing protections and safety accommodations for students. For instance, could security officers accompany the victim to and from class and parking lots? For an example of safety accommodations, please see the sample policies.

# Optional Policy Elements

Along with the essential elements, your school may want to consider the inclusion of other items in developing its campus policy on stalking. These elements include a statement of rights (rights of both the victim and the accused), an explanation of the disciplinary process, and a discussion about privacy and notification processes at your school. You may find that it is not necessary to provide this information, as it may already be addressed in other campus publications. If so, consider mentioning some basic information on these issues and then direct readers to those documents.

## OPTIONAL ELEMENTS OF A CAMPUS STALKING POLICY

- Statement of Victim's Rights
- Statement of the Rights of the Accused
- Disciplinary Process
- Privacy and Notification Process

## Rights of the Victim and the Accused

Your college may want to consider the inclusion of rights for both the victim and the accused offender of stalking. This section can mirror any existing rights of students outlined in a campus victim bill of rights, the student code of conduct, or any other applicable campus policies. Here are some suggestions of victim rights:

All students on our campus have a right to an environment free from any behaviors that interfere with students attaining their educational goals. Therefore, this campus will treat all incidents of stalking seriously.

Victims of stalking on our campus have the right to:

- Treatment with dignity and respect, not subjected to biased attitudes or judgments
- Not having past and irrelevant conduct discussed during any resulting proceedings
- Changes in academic and/or living situations, if possible
- All support services regardless of the choice to file a school or criminal complaint
- Submission of a written account of the incident and a victim-impact statement

- Having a person of choice, including legal counsel or an advocate, present throughout the proceedings, as set forth in the student code of conduct
- Having one's identity protected, in accordance with the student code of conduct or other legal requirements

Accused students also have rights and outlining these in a policy may be beneficial. Some of these rights could include:

- The right to know the nature and source of the evidence used in the hearing process
- The right to present witnesses and material evidence relevant to the case
- The right to an advisor to aid in the preparation of the case
- The right to access counseling services, health center support, or other aid from a student service group
- The right to consultation with a campus official on academic support services and referrals to community resources, when appropriate
- The right to voluntary residence hall relocation, when available

## **Disciplinary Process**

Highlighting the disciplinary sanctions that may be imposed on an offender will let students know exactly what kind of behavior will not be tolerated, and what may occur if they are found engaging in stalking behaviors. Specify which disciplinary sanctions may be imposed by the school independent of any criminal outcome. Any mention of disciplinary sanctions should correspond with other applicable campus policies. If you choose to include this element in your policy, a succinct statement may be all that is necessary. For example, the policy could read: "Disciplinary sanctions for violations of this stalking policy and/or of the student code of conduct will be imposed in accordance with applicable ABC University policies, including but not limited to, expulsion." Moreover, if your school reserves the option to pursue disciplinary action without the victim's participation (i.e., based on a third party or anonymous report), consider noting this in the policy as well.

## **Notification and Limits on Confidentiality**

Federal and some state laws require campuses to collect, publish, and distribute reports regarding statistics concerning the incidence of sexual offenses and other serious crimes occurring on college campuses. While the reports may not include identifying information about the victims of these crimes, these reports do sometimes require confirmation of the crimes by campus officials. Consider highlighting for victims of stalking exactly what will occur on your campus once a report of stalking is made. Be sure to differentiate between criminal reports and university complaints. Consider also if your campus allows for the filing of a confidential or anonymous report as well as a third party report. Information about notification and confidentiality limitations could be addressed in any section regarding reporting procedures.

For more information about federal reporting requirements, contact the Clery Center for Security on Campus, by visiting their website at [www.clerycenter.org](http://www.clerycenter.org), or calling (484) 580-8754.

# Additional Considerations

Adapting a campus policy can be an arduous undertaking for some schools. We recommend laying some groundwork first by underscoring the reality of the problem of stalking on your campus. You may want to consider holding educational trainings about stalking and conducting literature reviews of academic research on stalking. Your campus community may need more information regarding stalking dynamics and prevalence, responding to stalking cases, working with victims, and offender accountability. There are many different ways to develop and deliver training on these issues. Consider holding a day-long training on stalking and inviting key campus stakeholders, such as residence life officials, judicial affairs, campus law enforcement, counselors, and students. Webinars, brown-bag lunches, and ongoing meetings provide other training opportunities.

The Stalking Resource Center can assist in developing a training that would suit the needs of your campus. Additional training resources may be found at [www.victimsofcrime.org/src](http://www.victimsofcrime.org/src). For more information, please contact [src@ncvc.org](mailto:src@ncvc.org).

In order to begin the process of adopting a policy (or enhancing an existing policy), we strongly encourage working collaboratively with all stakeholders. Involve representatives from all areas of your campus population, including students, campus law enforcement, residence life, counseling services, health services, judicial affairs, and other important stakeholders on campus. Consider forming a task group and identifying specific people responsible for the various aspects of implementing, enforcing, and evaluating the impact of the policy. Without “buy-in” from various campus stakeholders, a policy is likely to have a limited impact.

Be sure any campus stalking policies are in accordance with other school policies. Ensure any language used is clear and unambiguous. Any policy must be able to withstand university and/or legal scrutiny by reflecting clear language and procedures, including definitions of stalking and exactly who the policy covers. For your campus policy on stalking to serve as a deterrent, it needs to be clearly articulated to the entire campus body, and the consequences of violating the policy should be clear. For further ideas and assistance on developing a stalking policy on your campus, and to learn how other campuses have done so, please contact the Stalking Resource Center.



# Sample Policy

## *(Essential and Optional Elements)*

### **Statement of Purpose**

The [YOUR UNIVERSITY] is determined to provide a campus environment free of violence for all members of the campus community. For this reason, [YOUR UNIVERSITY] does not tolerate stalking, and will pursue the perpetrators of such acts to the fullest extent possible. [YOUR UNIVERSITY] is also committed to supporting victims of stalking through the appropriate provision of safety and support services. This policy applies to all students of [YOUR UNIVERSITY] community.

Stalking incidents are occurring at an alarming rate on the nation's college campuses. It is a crime that happens to men and women of all races/ethnicities, religions, ages, abilities, sexual orientations, and gender identity. It is a crime that can affect every aspect of a victim's life. Stalking often begins with phone calls, emails, social networking posts and/or letters and can sometimes escalate to violence.

National and local data include the following statistics:

- Fill in national data
- Fill in any local data on stalking (if university data is not available, consider using any local state data)

Stalking is a crime in [YOUR STATE] and is subject to criminal prosecution. Students perpetrating such acts of violence will be subject to disciplinary action through the [YOUR UNIVERSITY] Office of Judicial Affairs (or appropriate division office). This can include expulsion from [YOUR UNIVERSITY] and/or criminal prosecution simultaneously.

### **Policy Jurisdiction**

This protocol applies equally to all students at [YOUR UNIVERSITY].

### **Definition of Stalking**

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

**Course of conduct** is defined as “a pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of purpose.”

### **Stalking Behaviors**

Stalking includes any behaviors or activities occurring on more than one occasion that collectively instill fear in or cause substantial emotional distress to a victim, and/or threaten her or his safety, mental health, or physical health. Such behaviors and activities may include, but are not limited to, the following:

- Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, text messages, written letters, gifts, or any other communications that are undesired and place another person in fear.
- Use of online, electronic, or digital technologies, including:
  - Posting of pictures or information in chat rooms or on Web sites
  - Sending unwanted/unsolicited email or talk requests
  - Posting private or public messages on Internet sites, social networking sites, and/or school bulletin boards
  - Installing spyware on a victim's computer or cell phone
  - Using Global Positioning Systems (GPS) to monitor a victim
- Pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the victim
- Surveillance or other types of observation including staring, "peeping"
- Trespassing
- Vandalism
- Non-consensual touching
- Direct verbal or physical threats
- Gathering information about an individual from friends, family, and/or co-workers
- Threats to harm self or others
- Defamation – lying to others about the victim

## Reporting Stalking

[YOUR UNIVERSITY] encourages reporting of all incidents of stalking to law enforcement authorities and/or campus public safety officers, and respects that whether or not to report to the police is a decision that the victim needs to make. Advocates or [INSERT APPROPRIATE OFFICE HERE] are available to inform victims of the reporting procedures and offer appropriate referrals. Victims of stalking choosing to pursue the reporting process have the right to assistance or consultation of an advocate (reference own law in your state). The [YOUR UNIVERSITY] offers services to victims even if they choose not to report the incidents. The [INSERT APPROPRIATE OFFICE] provides services, advocates, and information for victims in a safe, supportive, and confidential setting. In some circumstances, a victim may wish to seek an order of protection from a court of appropriate jurisdiction against the alleged perpetrator. Victims may also seek restriction of access to the University by non-students or non-employees in certain circumstances.

[INSERT YOUR CAMPUS PROCEDURE FOR REPORTING STALKING HERE]

In certain instances, [YOUR UNIVERSITY] may need to report an incident to law enforcement authorities. Such circumstances include any incidents that warrant the undertaking of additional safety and security measures for the protection of the victim and the campus community or other situations in which there is clear and imminent danger, and when a weapon may be involved. However, it is crucial in these circumstances to consult with supervisory staff and/or [INSERT APPROPRIATE PERSON/AGENCY HERE], since reporting may compromise the safety of the victim.

Crisis intervention and victim safety concerns will take precedence. Personal safety concerns are often very important for stalking victims.

## Safety for Victims of Stalking

[YOUR UNIVERSITY] is committed to supporting victims of stalking by providing the necessary safety and support services. Student victims of stalking are entitled to reasonable accommodations. Due to the complex nature of this problem, the student victim may need additional assistance in obtaining one or more of the following areas:

- No-contact order
- Services of a victim advocate
- Witness impact statement
- Change in an academic schedule
- Provision of alternative housing opportunities
- The imposition of an interim suspension on the accused
- The provision of resources for medical and/or psychological support

For assistance obtaining these safety accommodations, please contact [INSERT APPROPRIATE OFFICE/ PERSON HERE].

If safety is an immediate concern, encourage the victim to contact law enforcement or [LOCAL RESOURCE] for assistance.

## **Stalking Victims' Rights**

Students on our campus have the right to live free of behaviors that interfere with students attaining their educational goals. Students who report stalking have the right to:

- Treatment with dignity and respect, not subjected to biased attitudes or judgments
- Not having past and irrelevant conduct discussed during any resulting proceedings
- Changes in academic and/or living situations, if possible
- All support services regardless of the choice to file a school or criminal complaint
- Submission of a written account of the incident and a victim-impact statement
- Having a person of choice, including legal counsel or an advocate, present throughout the proceedings, as set forth in the student code of conduct
- Having one's identity protected, in accordance with the student code of conduct or other legal requirements

Victims can request immediate on-campus housing relocation, transfer of classes, or other steps to prevent unnecessary or unwanted contact or proximity to an alleged assailant. When possible, requests will be accommodated.

## **Rights of Accused**

Students accused of stalking behaviors have rights on this campus. Those include:

- The right to know the nature and source of the evidence used in the hearing process
- The right to present witnesses and material evidence relevant to the case
- The right to an advisor to aid in the preparation and presentation of the case
- Access to services from the counseling, health center or other student service group
- Voluntary residence hall relocation, when available
- Consultation with a campus official on academic support services and referrals to community resources when appropriate.

## **Disciplinary Process**

Disciplinary sanctions for violations of this stalking policy and/or of the student code of conduct will be imposed in accordance with applicable [YOUR UNIVERSITY] policies, including but not limited to, expulsion.

Accused parties should refer to [YOUR UNIVERSITY'S] (insert name of policy document here) for more information on their rights, resolution of disciplinary charges, disciplinary procedures and responsibilities.

# Sample Policy

## *(Essential Elements Only)*

### **Statement of Purpose**

The [YOUR UNIVERSITY] is determined to provide a campus environment free of violence for all members of the campus community. For this reason, [YOUR UNIVERSITY] does not tolerate stalking, and will pursue the perpetrators of such acts to the fullest extent possible. [YOUR UNIVERSITY] is also committed to supporting victims of stalking through the appropriate provision of safety and support services. This policy applies to all students of [YOUR UNIVERSITY] community.

Stalking incidents are occurring at an alarming rate on the nation's college campuses. It is a crime that happens to men and women of all races/ethnicities, religions, ages, abilities, sexual orientations, and sexual identity. It is a crime that can affect every aspect of a victim's life. Stalking often begins with phone calls, emails, social networking posts and/or letters, and can sometimes escalate to violence.

National and local data include the following statistics:

- Fill in national data
- Fill in any local data on stalking (if university data is not available, consider using any local state data)

Stalking is a crime in [YOUR STATE] and is subject to criminal prosecution. Students perpetrating such acts of violence will be subject to disciplinary action through the [YOUR UNIVERSITY] Office of Judicial Affairs (or appropriate division office). This can include expulsion from [YOUR UNIVERSITY] and/or criminal prosecution simultaneously.

### **Policy Jurisdiction**

This protocol applies equally to all students at [YOUR UNIVERSITY].

### **Definition of Stalking**

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

**Course of conduct** is defined as “a pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct.”

## Stalking Behaviors

Stalking includes any behaviors or activities occurring on more than one occasion that collectively instill fear in a victim, and/or threaten her or his safety, mental health, or physical health. Such behaviors and activities may include, but are not limited to, the following:

- Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, written letters, gifts, or any other communications that are undesired and place another person in fear.
- Use of online, electronic, or digital technologies, including:
  - Posting of pictures or information in chat rooms or on Web sites
  - Sending unwanted/unsolicited email or talk requests
  - Posting private or public messages on Internet sites, social networking sites, and/or school bulletin boards
  - Installing spyware on a victim's computer or cell phone
  - Using Global Positioning Systems (GPS) to monitor a victim
- Pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the victim
- Surveillance or other types of observation, including staring or “peeping”
- Trespassing
- Vandalism
- Non-consensual touching
- Direct verbal or physical threats
- Gathering information about an individual from friends, family, and/or co-workers
- Threats to harm self or others
- Defamation – lying to others about the victim

## Reporting Stalking

[YOUR UNIVERSITY] encourages reporting of all incidents of stalking to law enforcement authorities and/or campus public safety officers, and respects that whether or not to report to the police is a decision that the victim needs to make. Advocates or [INSERT APPROPRIATE OFFICE HERE] are available to inform victims of the reporting procedures and offer appropriate referrals. Victims of stalking choosing to pursue the reporting process have the right to assistance or consultation of an advocate (reference own law in your state). The [YOUR UNIVERSITY] offers services to victims even if they choose not to report the incidents. The [INSERT APPROPRIATE OFFICE] provides services, advocates, and information for victims in a safe, supportive, and confidential setting. In some circumstances, a victim may wish to seek an order of protection from a court of appropriate jurisdiction against the alleged perpetrator. Victims may also seek restriction of access to [YOUR UNIVERSITY] by non-students or non-employees in certain circumstances.

[INSERT YOUR CAMPUS PROCEDURE FOR REPORTING STALKING HERE]

In certain instances, [YOUR UNIVERSITY] may need to report an incident to law enforcement authorities. Such circumstances include any incidents that warrant the undertaking of additional safety and security measures for the protection of the victim and the campus community or other situations in which there is clear and imminent danger, and when a weapon may be involved. However, it is crucial in these circumstances to consult with supervisory staff and/or [INSERT APPROPRIATE PERSON/AGENCY HERE], since reporting may compromise the safety of the victim.

Personal safety concerns are often very important for stalking victims. Crisis intervention and victim safety concerns will take precedence.

## **Safety for Victims of Stalking**

[YOUR UNIVERSITY] is committed to supporting victims of stalking by providing the necessary safety and support services. Student victims of stalking are entitled to reasonable accommodations. Due to the complex nature of this problem, the student victim may need additional assistance in obtaining one or more of the following:

- No-contact order
- Services of a student victim advocate
- Witness impact statement
- Change in an academic schedule
- Provision of alternative housing opportunities
- The imposition of an interim suspension on the accused
- The provision of resources for medical and/or psychological support

For assistance obtaining these safety accommodations, please contact [INSERT APPROPRIATE OFFICE/ PERSON HERE].

If safety is an immediate concern, encourage the victim to contact law enforcement or [LOCAL RESOURCE] for assistance.



January is **National Stalking Awareness Month**, a time that challenges our nation to fight this dangerous crime by learning more about it. Communities that better understand stalking, can better support victims and combat the crime more effectively.

The Stalking Resource Center of the National Center for Victims of Crime, in partnership with the Office on Violence Against Women of the U.S. Department of Justice, presents a versatile set of resources to help you plan your observance of **National Stalking Awareness Month** and your outreach throughout the year.

If more people learn to recognize stalking, we have a better chance to protect victims and prevent tragedies.

For more information and resources, visit [www.stalkingawarenessmonth.org](http://www.stalkingawarenessmonth.org). During National Stalking Awareness Month, follow us at [www.facebook.com/StalkingResourceCenter](https://www.facebook.com/StalkingResourceCenter), or [twitter.com/SRC\\_NCVC](https://twitter.com/SRC_NCVC).

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