

TIPS FOR CAMPUS STALKING INVESTIGATIONS AND HEARINGS

Stalking is a serious, prevalent, and dangerous crime that impacts every campus in the United States; that is a violation of student conduct codes and Title IX; and that is a crime under the laws of the 50 states, District of Columbia, U.S. Territories, Uniform Code of Military Justice, and Federal government, as well as many tribal jurisdictions.

When a school investigates a report of stalking and holds disciplinary or Title IX hearings, there are a lot of things to consider. This document provides guidance on what is important to consider and what is important to ask the victim/complainant and accused stalker/respondent. To refresh your understanding of stalking, watch webinars and read resources at [StalkingAwareness.org](https://www.stalkingawareness.org). To review how stalking is covered under Title IX, see our resource on [The Basics of Stalking and Title IX](#).

Schools that receive federal funding are required by Title IX to remedy any situation of sex discrimination, address its effects, and prevent it from happening again. Violating these requirements could cause a school to lose its federal funding or be liable for monetary damages to the student whose rights were violated.

IMPORTANT CONSIDERATIONS

Victims' perceptions of their own risk and what their stalker is capable of are one of the most accurate predictors of risk. The Stalking and Harassment Assessment and Risk Profile (SHARP) is a tool designed specifically to examine and assess stalking. It is a free web-based assessment available at www.CoerciveControl.org that assesses the "big picture" of the stalking situation and a victim's risk in the moment.

Remember that victims are sometimes unsure if what they are experiencing violates student conduct codes, Title IX, or criminal statutes.

In fact, 43% of college stalking victims who meet the legal criteria of stalking do not identify their experience as "stalking."ⁱ And while 92% of college stalking victims tell friends and/or family about the unwanted pursuit behaviors, only 29% contact a program or resource for help.ⁱⁱ So, your contact is critical! Your response may determine how or if the victim continues to get help or participates in the investigation and hearing process.

When first meeting with a victim, make sure to:

- Have stalking resources on hand, like brochures about stalking and available campus and local support services.
- Discuss the possibility of recording an audio or video victim statement to preserve what the victim says along with their demeanor and explain why that would be helpful.
- Discuss the options of engaging with the criminal legal system and how an audio or video victim statement would be helpful in that situation.
- Preserve evidence immediately, for example taking pictures of text messages.
- Prepare for the long haul. Stalking investigations are often long, resource-intensive investigations.
- Conduct a thorough interview and gather information now. This ensures other responders down the road can do their jobs well, too.

Title IX defines stalking as **a pattern of behavior directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.**

The individual incidents that establish a pattern of behavior may not be a violation on their own.

Fear is central to the definition of stalking. Common stalking behaviors include—but are not limited to—repeated unwanted phone calls and messages, showing up when uninvited, following, surveillance, spreading rumors, and threats.

Victims are often the first to minimize what is happening to them and friends, family, peers, and responders also often downplay the seriousness. Any time a victim reports any type of harassing behavior, consider the possibility of a stalking case and determine whether it is an isolated incident or repeated conduct. Overall, remember to:

- Look at the duration, intensity, and frequency of the behavior.
- Focus on respondent behavior.
- Consider what the victim has changed in their life in response to the behavior.
- Explain to the victim what their reporting options are and respect their decision; community advocates and criminal legal professionals may be better positioned and resourced to help.

QUESTIONS TO ASK THE VICTIM / COMPLAINANT

Listen closely and document everything a victim reports, even if what they say sounds unbelievable. It's important to ask open-ended questions and give the victim plenty of time to respond. It is also important to recognize the impact trauma has on victim responses. In general, you want to ask questions about the context of the situation, the type of repeated and unwanted contact that happened, and how it interfered with their life and/or made them feel fearful. It's often helpful to explain to the victim why you are asking a question and its context as part of the legal definition of stalking. When discussing any technology-facilitated stalking, it's important to explain that law enforcement may be better able to seize and examine any electronic evidence.

- Do you know the stalker?
 - How long have you known them?
 - How would you describe your relationship?
 - Has your relationship changed?
 - How has your relationship changed?
 - What type of contact was typical in your relationship? (medium and frequency)
- Was there something in particular that made you decide to come in today?
- What do you remember about the timeline or history of this contact?
- How did you receive the contact? (Phone call, email, social media platform/app, text, etc.)
- If it was electronic, how did you identify the sender?
- People react to situations like this in a variety of ways, and there's no "right" or "wrong" way; it's important for us to document how the contact made you feel, so are you able to describe in your own words what your response was?
- Would you explain in your own words why the contact made you feel that way?
- What did you think might happen to you as a result of the contact?
- Did you keep any records of what was happening, like a documentation log?
- People react to situations like this in a variety of ways, some continue communication and some do not; what type of communications have you had with the stalker or have you stopped communicating with them?
- Do you believe the stalker knows that you do not want any more communication? Why do you believe that?
- Has the contact increased, decreased, ceased?
- Did every contact scare you, or at what point did you become frightened?
- Are you able to tell me about any impact this has had on your daily life? If so, how?
- Did you change your routines or activities as a result of what has occurred?
- Has there been any impact on your academics and/or job that you're able to tell me about?
- Have you done anything differently in your life as a result of this situation?
- Have you gotten new phone numbers, email accounts, social media accounts, etc. and not told the person contacting you?
- Has anyone witnessed any of the events that have happened?

QUESTIONS TO ASK THE ACCUSED / RESPONDENT

The importance of protecting fairness and due process rights for all students is a recognized goal of Title IX regulations. Communicating to the accused/respondent that they don't have to answer questions and that they are free to leave an interview can, at a minimum, demonstrate a statement is voluntary. It's important to ask open-ended questions and give the accused/respondent plenty of time to respond. In general, you want to learn whether the respondent knew or should have known that the contact was unwanted. Many respondents express that the situation is a misunderstanding, so it's often helpful to ask, "how is what you're doing being misunderstood?" to learn what they think about their behavior. Discuss the possibility of recording an audio or video statement to preserve what the accused/respondent says along with their demeanor, which is often very helpful in the investigation and hearing process.

- Do you know the complainant?
 - How long have you known them?
 - How would you describe your relationship?
 - Has your relationship changed?
 - How has your relationship changed?
 - What type of contact was typical in your relationship? (medium and frequency)
- Who are people familiar with the relationship between you and the complainant?
- Describe your contact with the complainant.
- Describe the timeline or history of this contact.
- How did you contact them?
- Did you receive a response? What was it?
- What was the purpose of the contact?
- Why did you continue the contact (either after you were asked to cease, when responses ceased, or when no response was received)?
- What electronic communication devices do you use?
- What is your cell phone provider?
- What social media accounts do you use and what are your user names?
- What devices do you use to access social media?
- What is your internet service provider?
- Where and how do you access the internet?
- Have you ever been accused of something like this before?
 - By whom?
 - When?

FOLLOW-UP

If you learn of other incidents or behavior that may violate Title IX or be criminal behavior—like sexual assault, strangulation, vandalism, burglary, trespassing, or nonconsensual distribution of intimate images—make sure to document the incident(s), discuss reporting options with the victim, and follow your own reporting requirements.

Please contact the Stalking Prevention, Awareness, & Resource Center (info@stalkingawareness.org) with any questions or for additional assistance to support victims and hold stalkers accountable.

ⁱ Brady, P. Q. & Woodward Griffin, V. (2019). *The Intersection of Stalking and Sexual Assault Among Emerging Adults: Unpublished Preliminary Results, mTurk Findings*, 2018.

ⁱⁱ Cantor, D., Fisher, B., Chibnall, S., Madden, K. (2020). *Report on the AAU campus climate survey on sexual assault and misconduct*. Westat.