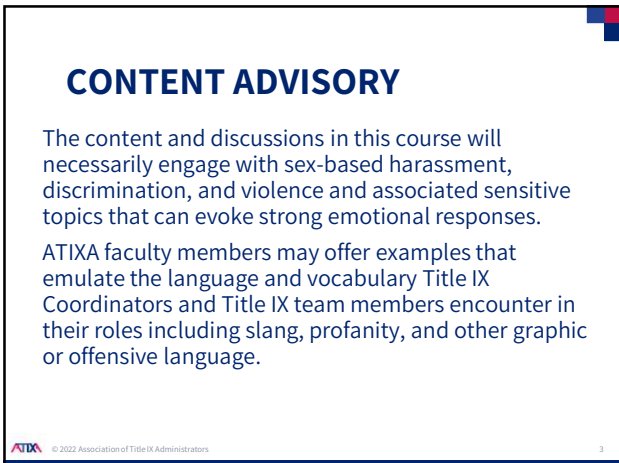




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AGENDA

- 1 Definitions
- 2 Cyber Stalking
- 3 Indicators of Potential Stalking
- 4 Impacts of Stalking & Non-stalking Behaviors
- 5 Addressing Stalking & Non-stalking Behaviors
- 6 Safety Planning Tips
- 7 Case Studies

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DEFINITIONS

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CONTINUUM OF CONDUCT

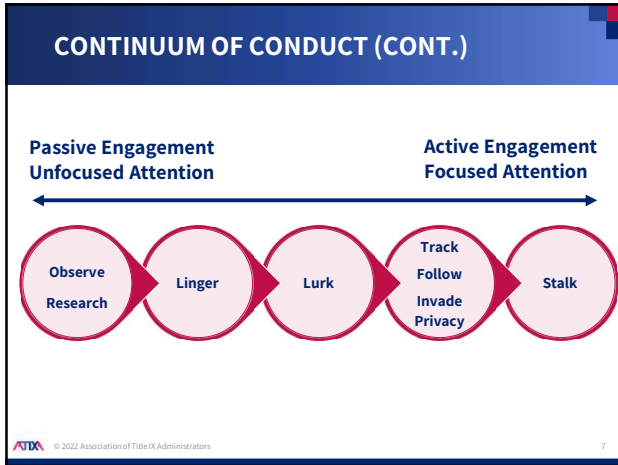
Not a Policy Violation Policy Violation

←————→

Observe Research → Linger → Lurk → Track Follow Invade Privacy → Stalk

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OBSERVATION

The action or process of watching something or someone carefully

- Levels of observation
 - To gain knowledge
 - Curiosity
 - Long-term/short-term
- Variations of observation
 - Research methods
- Subjective interpretations
 - Cultural interpretations
- Can be “annoying” but not necessarily problematic
- Does not rise to the level of policy violation
 - Does not invoke fear or substantial emotional distress

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LINGERING

Lasting for a long time or slow to end

- To stay in a place longer than necessary; a reluctance to leave
 - Accomplished with physical presence or eyes
 - **Example:** Staying near someone after your conversation has ended
 - **Example:** Looking too long at someone without cause
- May be attributed to social awkwardness of Respondent
- Often creates uncomfortableness
- Can be intentional or unintentional
- May or may not invoke fear
- Does not rise to the level of creating substantial emotional distress

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LURKING

<p>In Person</p> <p>To behave in a sneaky and secretive manner; appears similar to stalking, but...</p> <ul style="list-style-type: none"> ▪ Lurker benign/lacks menacing intent ▪ Isolated incident; not two or more acts (except when misreading social cues) 	<p>Virtual</p> <p>Someone within an online community who observes but does not participate</p> <ul style="list-style-type: none"> ▪ Non-threatening ▪ Lacks menace
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- Intentional encroaching/following/bothering behavior, but often results from fixation or crush
- Can feel like spying
- May be considered general harassment

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TRACKING/FOLLOWING/INVADING PRIVACY

- The perpetrator may be starting to feel spurned or rejected, or has already been rejected/dumped, and is turning to hostile intent
- The intent to harm is crystalizing, though specific plans/strategies are not yet fixed
- The perpetrator is doing deeper research, figuring out where the target lives, what kind of car they drive, their routes to/from school/work, behavior patterns, their known associates, social media activities, etc.
- This is often where spoofing, doxing, and gaslighting can occur

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STALKING – TITLE IX REGULATIONS

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to —
 - Fear for that person’s safety or the safety of others; or
 - Suffer substantial emotional distress.
- For the purposes of this definition:
 - **Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

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STALKING – TITLE IX REGULATIONS (CONT.)

- **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the Complainant.
- **Substantial emotional distress** means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.
- The TIX regulations insist this definition not be interpreted to violate the First Amendment.
- Apart from Title IX definitions which are both broad and vague, stalking is often characterized by a menacing or harmful intent, and usually demonstrates an escalating course of conduct, moving both toward greater levels of incursion and instillation of fear/violence.
- Fantasy and delusion can both figure in strongly, especially when romantic overtures are unrequited

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COMMON STALKING MOTIVES

- **Celebrity:** Stalking a famous person
 - Nationally, locally, or institution-wide
- **Domestic:** Stalking a former spouse or intimate partner
 - Most common form of stalking
 - Often manifests in the workplace or educational setting
- **Lust:** Serial predators who stalk victim after victim
 - Stranger to stranger
 - A fixation with victimization
- **Love-scorned:** An acquaintance who desires an intimate relationship with victim but is rejected
 - Most common for females to be the stalker
 - A belief the target has mutually strong feelings

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COMMON STALKING MOTIVES (CONT.)

- **Political:** Stalking motivated by political beliefs
 - Usually a strong agreement or disagreement with the victim
- **Hit:** Also known as “murder-for-hire”
 - Less common
 - Act committed by stranger but involves someone known to the victim
- **Revenge:** Stalking by an aggrieved or angry person
 - Stalker usually known to the victim
 - Payback is motivation

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NON-SEXUAL STALKING

- Stalking most commonly occurs on the basis of sex (and thus falls within Title IX). There are instances of non-sex-based stalking that fall within institutional policy but not Title IX.
- Because stalking is often driven by fixation, whatever fixates someone can be the basis for stalking, irrespective of sex, including fixations on hair color, tattoos, piercings, celebrity, notoriety, accomplishments, etc.
- When stalking is not sex-based, it will still be covered by VAWA § 304 (Clery Act) in the higher education environment, and the procedures used to address the stalking behavior must be compliant with VAWA § 304.

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CYBER STALKING

- Technological Abuse
- Technology-Facilitated Sexual Abuse
- Cyber Stalking
- Cyber Harassment

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VAWA 2022: TECHNOLOGICAL ABUSE

- 2022 VAWA Reauthorization added the term **technological abuse**, meaning:
 - an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.

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TECHNOLOGY-FACILITATED SEXUAL ABUSE

- Gender-based abuse facilitated via the use of communication technology or any other emerging technologies
 - Image-based Abuse
 - Recorded Sexual Assault
 - Deepfakes
 - Sexual Extortion
 - Doxing
 - Cyber Dating Violence
 - Cyber Harassment
 - Cyber Stalking

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CYBER STALKING

- The use of communication technology, or any other emerging technologies, to engage in a course of conduct directed at a specific person that would cause a reasonable person to —
 - Fear for that person’s safety or the safety of others; or
 - Suffer substantial emotional distress.
- Often includes efforts to monitor or surveil a current or former intimate partner
- Most cyber stalking behaviors are not protected by the First Amendment

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CYBER STALKING (CONT.)

- Common communication technology used to perpetrate cyber stalking:
 - Email
 - Text messages
 - Social media sites
 - Social networking platforms
 - Messaging apps
 - GPS and geolocation data
 - Spyware
 - Other emerging technologies and online spaces

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CYBER STALKING (CONT.)

Forms of Cyber Stalking

- **Passive**
 - Obtaining publicly available information without detection
- **Invasive**
 - Deliberate acts intended to infringe upon or violate privacy
- **Duplicitious**
 - Deceptive acts used to gain access to information without detection

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PERPETRATORS OF CYBER STALKING

- Could be anyone with access to the Internet and communication technology
- Perpetrators of cyber stalking have similar motivations to those of traditional stalkers
- Incidents of cyber stalking commonly perpetrated by individuals with *Dark Triad* personality traits (i.e., narcissism, Machiavellianism, and psychopathy)
- Seeing more incidents of women being the perpetrators of cyber stalking

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CYBER STALKING AND INTIMATE PARTNER VIOLENCE

- Perpetrators misuse technology to further customize tactics of abuse
 - Surveillance via mobile devices
 - Exploitation of “Smart Home” devices
 - Use of deepfakes to defame and/or damage the Complainant’s credibility or reputation
 - Use of ransomware, viruses, or keystroke loggers to steal personal data
 - Release of personal data to isolate the Complainant and/or amplify harm

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CYBER HARASSMENT

- The use of communication technologies, or any other emerging technologies to harass or bully another person
 - Also called cyberbullying
 - Most often occurs on social media platforms or other online forums
- Engaging in repeat behaviors directed at a specific person with the intent to cause harm
 - Threats
 - Encouraging self-harm
 - Spreading gossip or posting rumors
 - Impersonation
 - Sharing private and/or personal information
 - Disparaging sex- and gendered-based speech
 - Hate speech

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DIFFERENCES BETWEEN CYBER STALKING & CYBER HARASSMENT

<p>Cyber Stalking</p> <ul style="list-style-type: none"> ▪ Cause fear ▪ Maintain power and control ▪ Single perpetrator ▪ Perpetrator is often known to the Complainant ▪ Continuous cycle of incidents with multiple tactics 	<p>Cyber Harassment</p> <ul style="list-style-type: none"> ▪ Inflict harm ▪ Denigrate and/or humiliate ▪ Single or multiple perpetrators ▪ Perpetrator can be known, a stranger, or anonymous ▪ Often contained to a point in time with consistent tactics
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CHALLENGES OF CYBER STALKING COMPLAINTS

- Perpetrators often have the advantage of anonymity or the ability to mask their identity
- Stopping harmful conduct that occurs outside of institutional control or jurisdiction
- Complainant's ability to access institutional support services on a longer-term basis
- Retaining Complainants within work and educational environments
- Creating online environments where Complainants feel safe

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TAKEAWAYS

- Substantially disruptive online conduct could still violate policy and be addressed under:
 - Institutional harassment/discrimination policies
 - Student Handbook/conduct policies
 - Technology/Acceptable Use policies
 - Employee Handbook/conduct policies
 - Professionalism standards
- But be mindful of the speech/conduct distinction and any applicable First Amendment boundaries
- Institution should still take steps to:
 - Provide support and resources to the Complainant to address any “downstream effects”

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INDICATORS OF POTENTIAL STALKING

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INDICATORS OF POTENTIAL STALKING

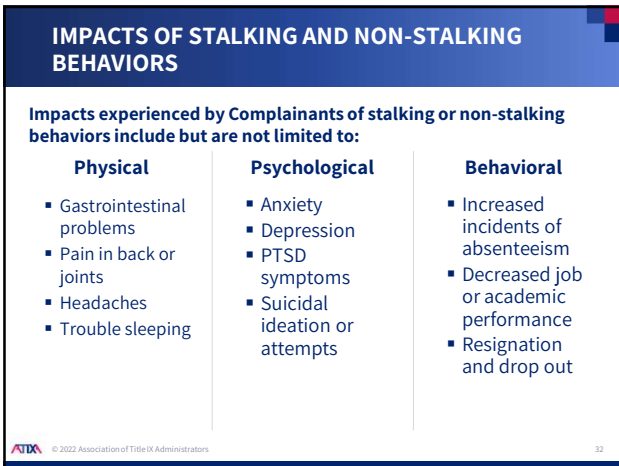
- Pay attention to subtle indicators that someone may be stalking/monitoring
- Examples include:
 - “Coincidentally” showing up wherever the person goes
 - Behaviors that others may “brush off”
 - Liking all social media posts (including from months or years prior) or liking/commenting moments after a post is published
 - Complainant liking location and Respondent then showing up at the location (e.g., Complainant liking workout facility and Respondent attending next workout class)
 - Liking Complainant’s friend’s post
 - Knowing personal information that hasn’t been shared

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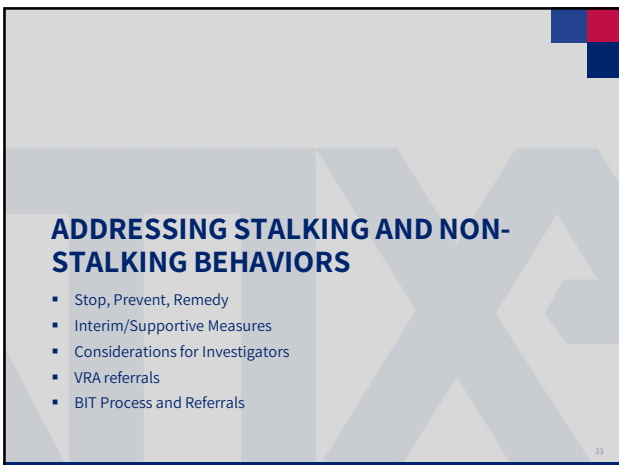
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TITLE IX ESSENTIAL COMPLIANCE ELEMENTS

In response to notice of sex-based stalking, the institution must:

- Offer supportive measures
- Offer an opportunity to file a formal complaint

Once an official with authority has received a complaint of sex-based stalking, the institution must:

- Take immediate and appropriate steps to **investigate**
- Take prompt and effective action to:
 - **Stop** the harassment
 - **Prevent** the recurrence
 - **Remedy** the effects

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SUPPORTIVE MEASURES

- Provided to all parties throughout the process:
 - Non-disciplinary, non-punitive
 - Individualized
 - Restore or preserve equal access
 - Without unreasonably burdening other party
 - Protect safety of parties or environment, or deter sexual harassment
- If supportive measures are not provided, document why not

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COMMON SUPPORTIVE MEASURES

- Referral to counseling or other health services
- Referral to the Employee Assistance Program
- Visa and immigration assistance
- Community or community subgroup education
- Altering housing situation (if applicable)
- Altering work arrangements for employees
- Safety planning
- Providing school safety escorts
- Transportation assistance
- Implementing contact limitations (no contact orders)
- Academic support, extensions of deadlines, or other course-related adjustments
- Trespass or Be on the Lookout (BOLO) orders
- Emergency notifications
- Increased security and monitoring of certain areas

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CONSIDERATIONS FOR INVESTIGATORS

- Ask Complainant to create an incident log or timeline with detailed information on each incident of stalking or stalking-related behavior
- Collect associated text messages, voice mails, phone call logs, photos, videos, and social media messages, including timestamps to verify authenticity
- Collaborate with IT department to access the institution's email and/or network systems to retrieve evidence (e.g., video, building access, computer lab access, network access)
- Ask Complainant for any reports filed with law enforcement or the courts, including those across geographic/municipal boundaries

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CONSIDERATIONS FOR INVESTIGATORS (CONT.)

- Ask if any friends, family members, or romantic partners have also experienced stalking incidents or stalking-related behaviors.
- Be aware that stalking may begin with gifts or proclamations of interest/love. Investigators should ask about all related unwelcome behavior.
- Be able to distinguish between behaviors that constitute observation, leering, lurking, and stalking.
- Increase your familiarity with the cyber stalking tactics (e.g., trolling, spoofing, phishing, swatting, doxing, sextortion)
- Note unique speech/text patterns in communications that may help determine if they came from the Respondent

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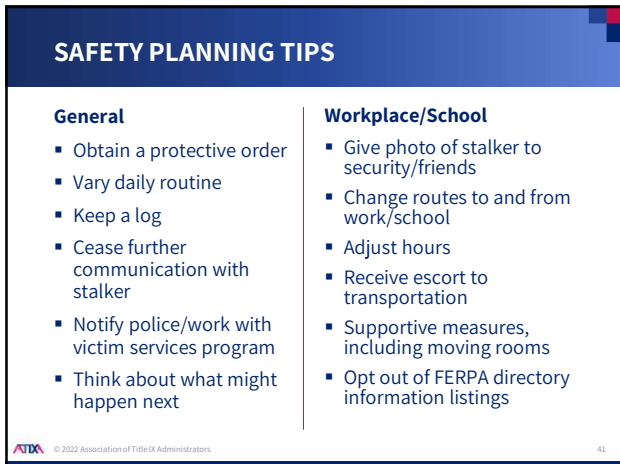
TOOLS FOR CYBER STALKING DETECTION

- Smartphone fingerprint lock
- Antivirus software
- "Stalker app" detection software
- Firewalls
- VPN (Virtual Private Networks)
- Privacy guards
- Data encryption
- Data recovery systems (e.g., Dr. Fone)

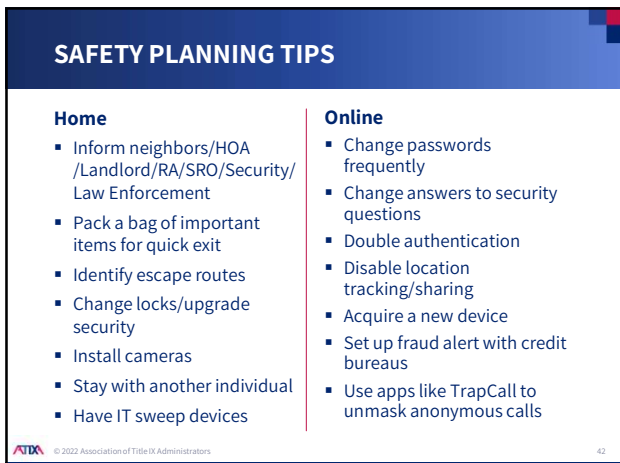
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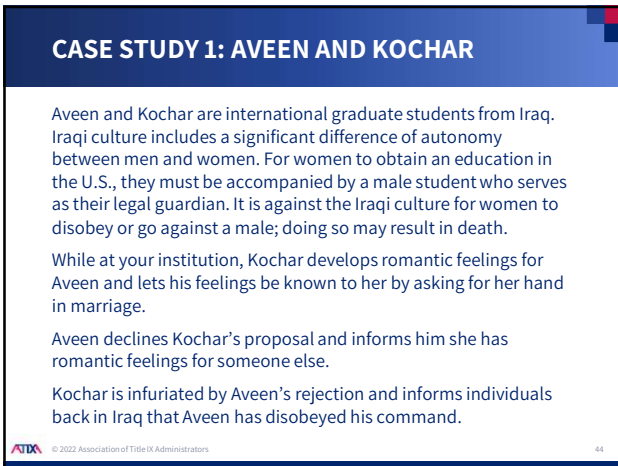
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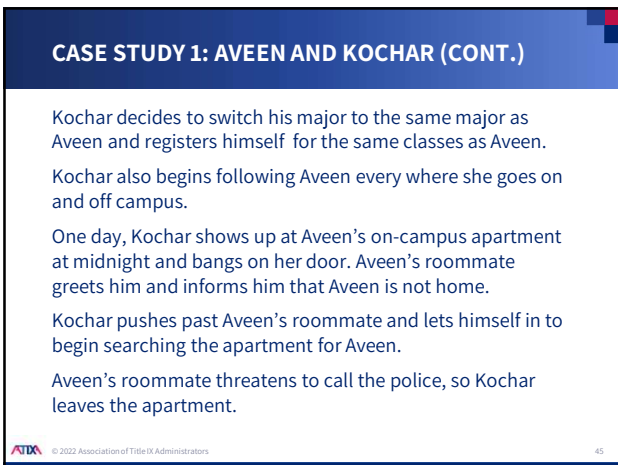
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CASE STUDY 1: AVEEN AND KOCHAR (CONT.)

The next day after their first class, Kochar grabs Aveen by the arm and demands to know where she was the previous night. Aveen remains silent and Kochar tells her that she will regret disobeying him.

Aveen is terrified and confides in her roommate that she is scared Kochar is going to harm her. Aveen also tells her roommate that she can't report Kochar to any official because she will be stoned to death when she returns home to Iraq.

The roommate decides to anonymously report Kochar to you, the Title IX Coordinator.

46

CASE STUDY 1: AVEEN AND KOCHAR (CONT.)

- Is this Stalking? Please provide a rationale for your answer.
- Which safety measures may be used/necessary?

47

CASE STUDY 2: SARAH, JANELLE, AND NEV

Sarah, an administrative assistant, approaches her supervisor, Nev, asking to speak with Nev confidentially about one of her co-workers. Nev agrees, and they meet one-on-one in Nev's office. Sarah starts by saying that she does not want to get anyone in trouble and that she is only trying to help. She reveals that the matter is very sensitive and involves her co-worker, Janelle.

Sarah says she thinks that Janelle is being physically abused by her partner, Robert.

48

CASE STUDY 2: SARAH, JANELLE, AND NEV

Sarah tells Nev that Janelle seems noticeably withdrawn. Recently, Janelle came to work late, had red puffy eyes, and looked as though she had been crying. When Sarah and others asked Janelle if she was OK, she simply nodded and said she was fine, and that she was just dealing with some personal issues. Sarah shares that she saw Janelle walking with a limp last week and, when asked about it, Janelle told people that she twisted her knee after slipping on some ice in her driveway. Later that same day, Sarah overheard Janelle on the phone saying, "But I'm scared of what he would do if I tried to leave him."

49

CASE STUDY 2: SARAH, JANELLE, AND NEV (CONT.)

Sarah shares with Nev that a month ago, Janelle missed a few days of work and returned to work wearing a sling. Janelle claimed that she had sprained her shoulder while working in the yard. Just yesterday, Janelle missed an important deadline for a project she is leading. When asked, Janelle said that she was having trouble with the passwords for her computer and that the files she needed to complete the project had been deleted. Sarah says that she also heard Janelle crying in the bathroom yesterday.

Sarah notes that she has previously hesitated to raise any concerns or suspicions, but she now worries that Janelle's situation is escalating and that someone needs to step in to help her.

50

CASE STUDY 2: SARAH, JANELLE, AND NEV (CONT.)

Concerned, Nev pulls Janelle's employee file. Nev knows that Janelle has been making more mistakes lately, and has missed an unusual amount of time, but feels that Janelle is a good employee who interacts well with students, faculty, and administrators. Whatever is going on, it is really beginning to impact Janelle's attendance at work. Janelle has taken 10 sick days in the last six weeks, which is more than she used the previous six months combined. Janelle only has one sick day remaining. While normally punctual, Janelle has also been late five times in the last month.

Nev had already planned to address the tardiness issue in her one-on-one with Janelle tomorrow, but given this new information, she reports the information to you as Title IX Coordinator.

51

CASE STUDY 2: SARAH, JANELLE, AND NEV (CONT.)

During your initial meeting with Janelle, she confirms that her injuries are the result of physical abuse by her partner, Robert. She shares other examples with you including that Robert will “break into” her computer and access her personal accounts to keep tabs on what she is doing and to mess with her. Janelle says that she does not know how Robert is able to access her computer because she frequently changes her passwords. Janelle adds that she suspects Robert has accessed her work accounts as well but that she does not have any real proof.

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CASE STUDY 2: SARAH, JANELLE, AND NEV (CONT.)

Janelle says that she is scared to leave Robert because he has a secured cloud account with copies of her and their small child’s personal information (social security numbers, birth certificates, W-2 forms, etc.).

Janelle says that while she is unsure what else Robert may have saved in the account, she is sure that he will “make good on his threats” to ruin her life by posting their information online if she tries to leave.

She is afraid he will track her no matter where she goes.

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CASE STUDY 2: SARAH, JANELLE, AND NEV (CONT.)

- Is this Stalking? DV? A hybrid of both? Please provide a rationale for your answer.
- Which safety measures may be used/necessary?

54

CASE STUDY 3: TAYLOR AND JESSIE

At the end of class, Taylor asks their Biology Lab instructor if he could walk Taylor to their car in the parking garage because Taylor is being followed by another student, Jessie.

Concerned by this, the instructor notifies the campus police department, who arrive on scene to interview Taylor.

They learn that Taylor and Jessie are both enrolled in their second semester at the community college.

Taylor reports that they have seen Jessie nearly "every single day all over campus."

55

CASE STUDY 3: TAYLOR AND JESSIE (CONT.)

Taylor reports that Jessie is "always staring" at them. When asked about the specific locations in which Taylor has seen Jessie following them, Taylor reported that every Tuesday/Thursday for the past three weeks, while Taylor is eating lunch in the cafeteria, Jessie intentionally moves to a closer table when Jessie sees Taylor.

Taylor reports that Jessie will also repeatedly stand up and walk past the table where Taylor is sitting and stare.

Taylor reports that this past Tuesday, Jessie walked by the table at least six separate times.

56

CASE STUDY 3: TAYLOR AND JESSIE (CONT.)

Taylor reports that they tried to ignore Jessie's behavior at first, but then Taylor noticed that Jessie is now waiting for Taylor outside of Biology Lab when it is over. Taylor reports that Jessie sits at the bench across from the lab door and "just stares" as Taylor exits the room and walks down the hallway. Taylor said it is "freaking [them] out" and they are scared to come to campus.

Taylor reported that their first interaction with Jessie was over Facebook. Taylor stated that they both are in a Facebook group for students who are trying to buy cheaper textbooks from other students.

Taylor reported that every time Taylor posts, Jessie comments on the same post and comments on how "good looking" Taylor is, or "how nice [Taylor] seems." Taylor has never responded to Jessie or communicated with Jessie in person.

57

CASE STUDY 3: TAYLOR AND JESSIE (CONT.)

Taylor said they are “pretty sure” Jessie has followed Taylor in the parking garage and library. Taylor pointed Jessie out in the hallway, so the police approached Jessie.

When the police spoke with Jessie, Jessie states that they have seen Taylor around and think Taylor is attractive and nice.

Jessie informed the police that they have severe Autism Spectrum Disorder, so people often think Jessie is weird. Jessie stated that Taylor is in the Biology Lab section just before Jessie’s Biology Lab, which is held in the same room. Jessie apologized repeatedly to the police for “scaring” people. Jessie shared that they were “just trying to work up the courage to say ‘hi’ to Taylor so they could be friends.”

58

CASE STUDY 3: TAYLOR AND JESSIE (CONT.)

Jessie became upset during the interview and said that they would be more comfortable talking later when their mother could be present. The police agreed to schedule a later time to discuss the situation and walked Jessie to the Disability Support Services office so Jessie could speak with the Coordinator, with whom Jessie is very close. The police submitted a copy of their report to the Title IX Office and noted that they have not been able to schedule another interview with Jessie yet.

59

CASE STUDY 3: TAYLOR AND JESSIE (CONT.)

- Is this Stalking? Please provide a rationale for your answer.
- Which safety measures may be used/necessary?

60

CASE STUDY 4: NORAH

- Nora enrolled in Professor Simkowitz's Advanced Theoretical Physics class, despite the rumor that Simkowitz only gave "A" grades to male students.
- Nora busted her butt for an A in the class but received a B+. When she asked Professor Simkowitz why she only earned a B+, he explained that all of her assignments were A-level work except for the last two, which earned B- grades. When she asked what errors she made on those assignments, he told her that he gave her B- grades because she is a woman, and only male students earn A's in his class, because of their greater natural aptitude in STEM.

61

CASE STUDY 4: NORAH (CONT.)

- Norah challenged this, but Professor Simkowitz stated that it was a proven, empirical fact.
- Devastated, Norah decided to meet with the Title IX officer. She was insistent that she had earned A's on the last two assignments, despite her B- grades. She asserted that if Simkowitz docked her grades because of her sex, he was discriminating against her.
- The Title IX officer agreed to open an investigation and told Norah that the charge against Professor Simkowitz would be disparate treatment.
- In her aggravation, Norah rejected this charge and has insisted that the Title IX office charge him with stalking, and has filed a formal complaint, accordingly.

62

CASE STUDY 4: NORAH (CONT.)

- The Title IX officer couldn't understand why this would be stalking, but Norah asserted that his conduct fit the definition.
- The Title IX officer, perplexed, has come to you for advice. Could this conduct fit the stalking offense, or should it be dismissed?

63

CASE STUDY 5: THOMAS AND HOLLY

Thomas and Holly are both first-year dental students. Thomas has expressed his interest in a sexual relationship with Holly on multiple occasions and Holly has rebuffed him stating that she is engaged to a non-student, Bryce.

One night at a dental student social gathering Thomas found Holly's phone on the counter—unlocked and unattended — and he decided to scroll through her texts while she wasn't looking. He noticed that she communicated with another classmate, Troy, quite a lot. Thomas returned Holly's phone to where he found it before she noticed.

64

CASE STUDY 5: THOMAS AND HOLLY (CONT.)

A few days later, Thomas once again propositioned Holly for sex, and she declined citing her relationship with Bryce. Thomas responded, "Really? You're going to use that line again? You're sleeping with Troy despite your engagement!"

Holly was stunned. How did Thomas know about her relationship with Troy? She assumed Troy must have said something even though he promised he wouldn't. Holly confronted Troy and he adamantly denied mentioning his sexual relationship with Holly to anyone.

65

CASE STUDY 5: THOMAS AND HOLLY (CONT.)

One month later, Thomas approached Holly at a party and asked if she wanted to "hook-up" with him in one of the vacant bedrooms. Holly again declined citing her engagement to Bryce.

Thomas responded, "Cut the crap. You know you're still cheating on Bryce with Troy. So, either you're going to f*ck me now, or I'm going to tell Bryce all about your little side piece when he comes to town next weekend."

Holly asked, "How do you know about Troy? How do you know that Bryce is coming to town next weekend? Are you spying on me?"

Thomas just grinned and said, "Wouldn't you like to know?"

66

CASE STUDY 5: THOMAS AND HOLLY (CONT.)

The next day, Holly took her phone and laptop to the IT Help Desk, and they discovered that someone downloaded the Spynie app on her phone, which enabled the installer to read all of her messages, track her phone's location, and browsing history.

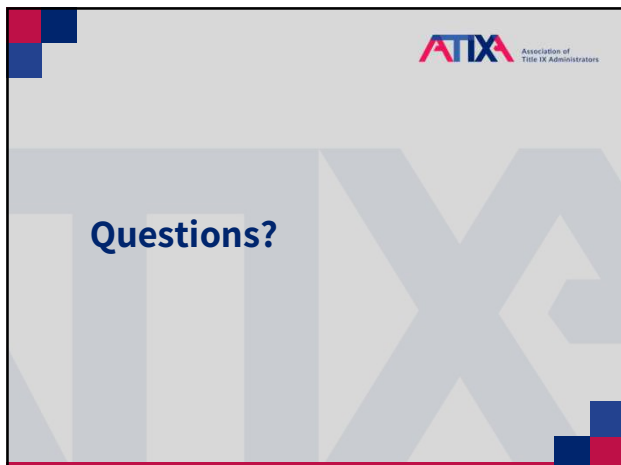
Holly submitted a formal complaint with the Title IX Office indicating she believed Thomas was responsible for putting the Spynie app on her phone.

67

CASE STUDY 5: THOMAS AND HOLLY (CONT.)

- Is this Stalking? Please provide a rationale for your answer.
- Which safety measures may be used/necessary?

68



69



70



71
