

LAW OFFICE *of*  
KRISTIE MCCANN

INC.

YOUR PARTNERS IN COMPLIANCE & PREVENTION

# STALKING PREVENTION & RESPONSE

# DISCLAIMERS

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The information shared in this training, whether in group discussions or private conversations, is for educational purposes only and does not constitute legal advice or a guarantee of compliance.

While our organization is available for hire to provide legal counsel or advice, our trainings do not offer or constitute legal advice.

For guidance specific to your organization, consult legal counsel to ensure alignment with relevant case law, state and local regulations, and evolving federal standards.



# MEET OUR TEAM



**Kristie McCann, Esq.**  
Owner, Attorney



**Alyssa Roush**  
Civil Rights Specialist

# Learning Objectives

Afterwards, you'll be able to:

- Define stalking and identify the various forms it can take.
- Recognize behavioral warning signs and red flags.
- Understand the unique dynamics of stalking in school/campus settings & relationships.
- Respond effectively using trauma-informed practices.
- Understand when to make referrals for Violence Risk Assessments.
- Support safety planning and prevention efforts.



# What is Stalking?

# VAWA (34 CFR § 668.46(a)) Definitions

## Stalking

engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional distress.

## Course of Conduct

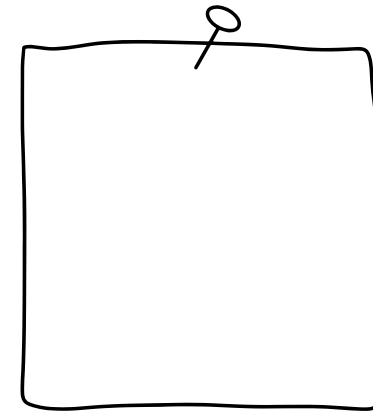
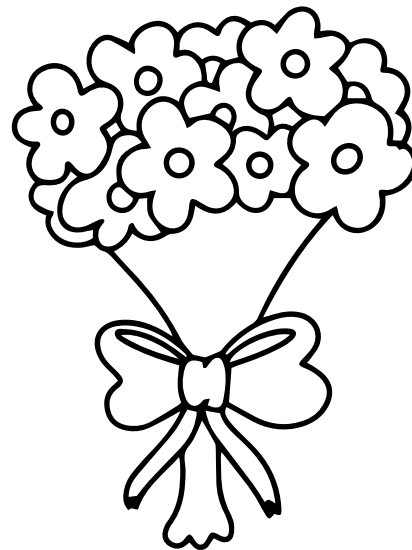
two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

## Substantial Emotional Distress

significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

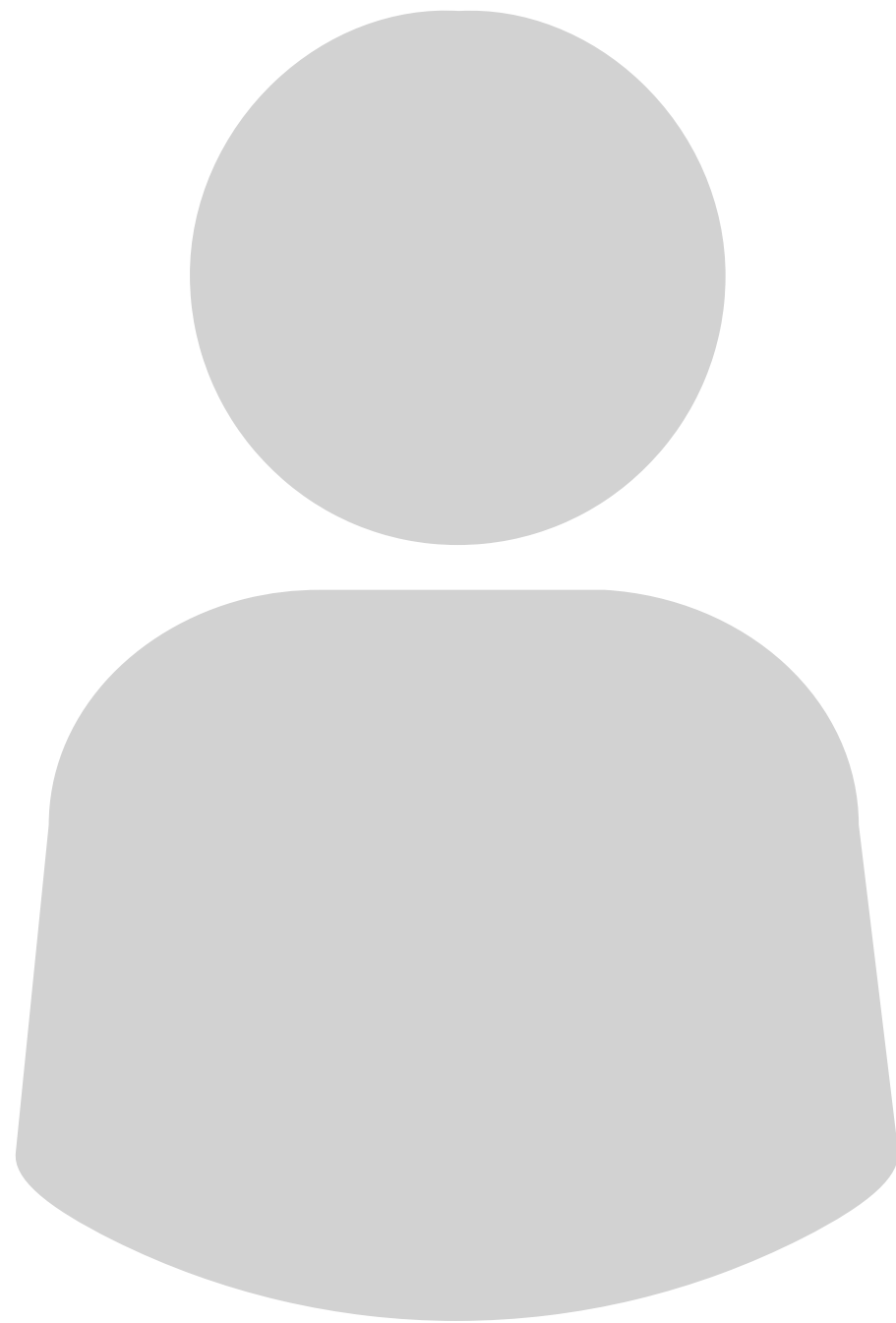
# Context MATTERS

- Ordinary behaviors may seem harmless to outsiders but become threatening in context.
- Context reveals intent and impact.
- A gift from a friend feels different than a gift from someone previously told “do not contact me.”
- What looks like a “kind gesture” may actually be:
  - A way to assert control
  - A violation of boundaries or space
  - A signal that the stalker is watching or knows the victim’s movements



# Reasonable Person – VAWA (34 CFR § 668.46(a))

a reasonable person under similar circumstances and with similar identities to the victim.



The "reasonable person standard" evaluates situations based on how a typical person from the same protected class (e.g., sex, race, ability) in the same circumstances would perceive or respond to the facts.

- Take into account the totality of the circumstances, including the person's background, context of the interaction, and the dynamics at play.
- Focus on the perceptions and experiences of the Party based on their identity and how they would reasonably interpret the situation.



# Dynamics of Stalking

All

Images

News

Videos

Short videos


Shopping

Forums


More ▾

Tools ▾




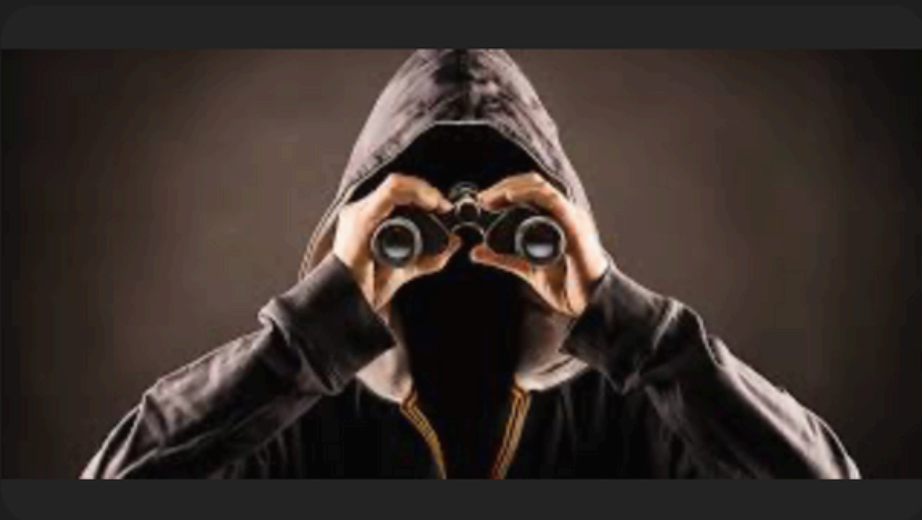
 USC Today - University of Southern Cali...  
Stalking in the age of social media ...




 The Center at 909  
Stalking | SASC: The Center At 909




 University of Colorado Boulder  
January is National Stalking Awaren...




 CONCEPT Professional Training - Palo Alto Univer...  
Stalking Assessment & Management (SAM)




 HCA Healthcare T...  
The truth about st...




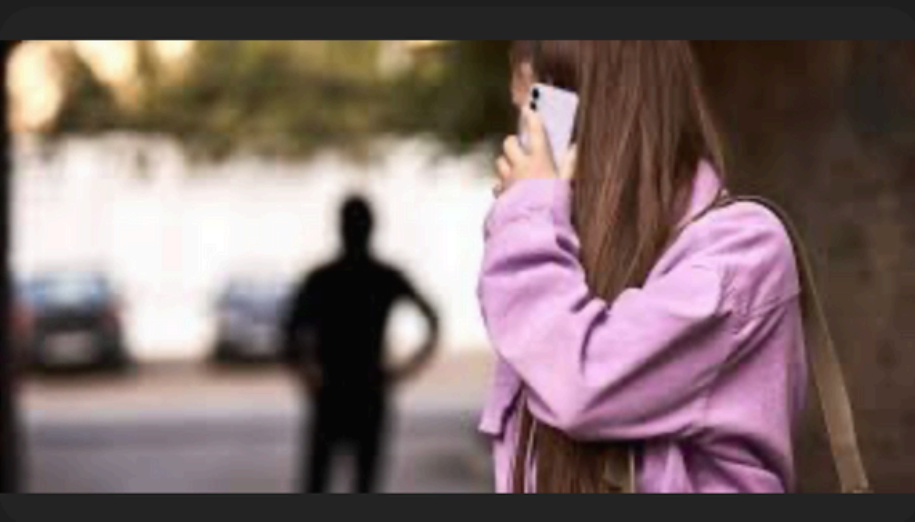
 Universitas Airlangga  
Understanding Stalking: A Psychologic...




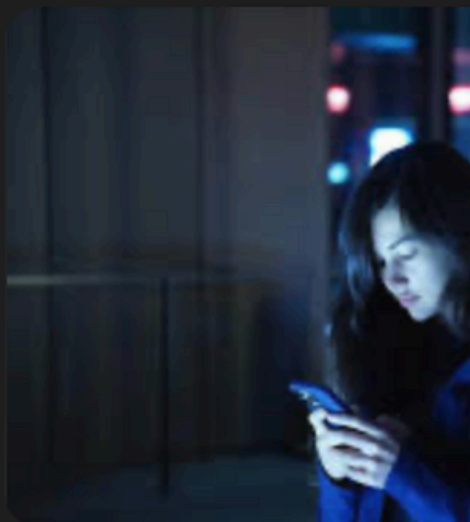
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Understanding Texas Stalking Law...




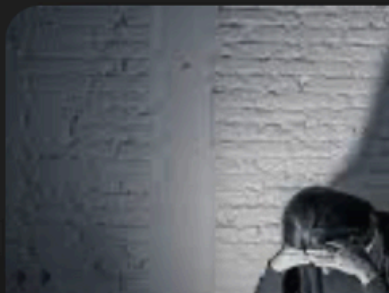
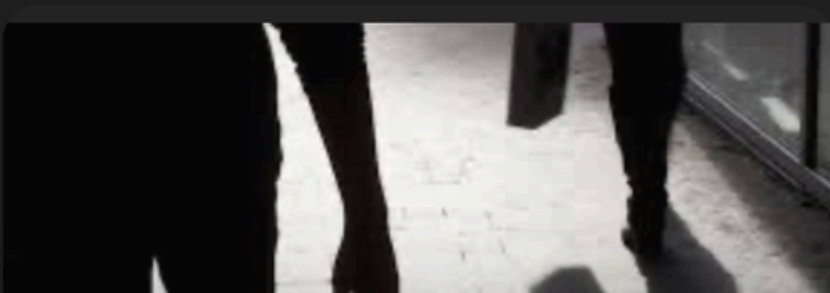
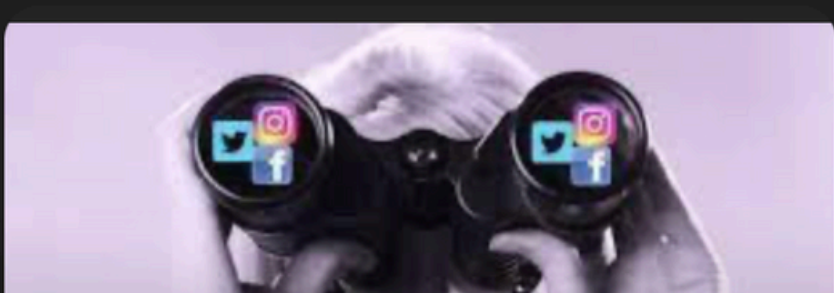
 National Legal Service  
What is Stalking and How to R...



 The Conversation  
Stalking rates in Australia are still ...

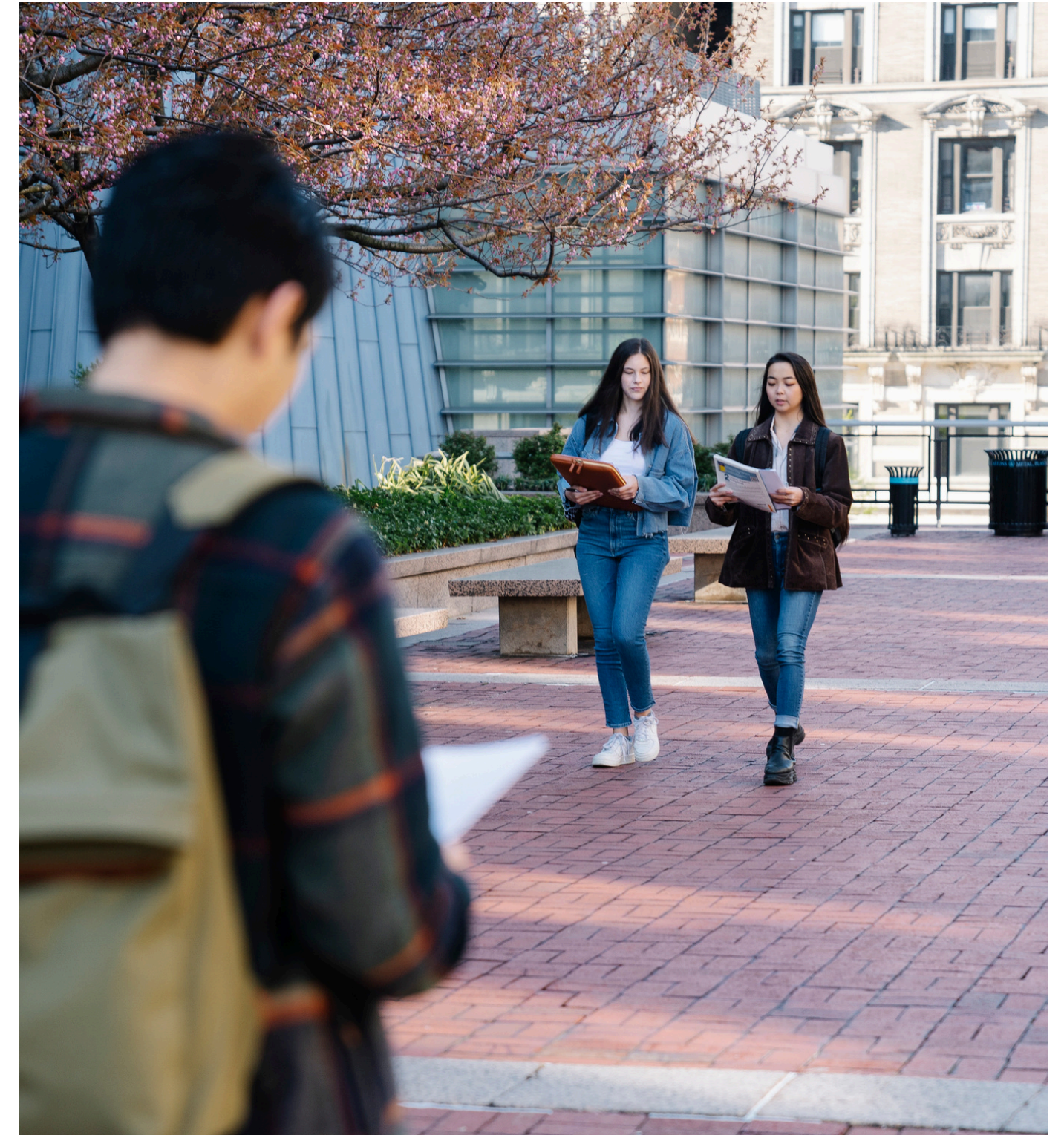


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# Understanding the Dynamics








- 60% of victims know their stalker; often intimate partners or acquaintances
- Power, control, obsession
- Often co-occurs with sexual harassment, assault, or emotional abuse.
- Escalation is common — many stalkers intensify behaviors after being ignored, confronted, or reported.
- Some stalkers don't make explicit threats until just before violence occurs.
- Weapon access, rejection, or stress (e.g., academic, legal) can quickly escalate intent to harm.
- Stalking is a key risk factor for homicide in intimate partner violence situations.



# SOME RED FLAGS:

-  It seems like they need their attention at all times
-  Continually asking where they are or who they're with
-  Contacting them constantly
-  Showing up at their home, class, work, etc. unannounced
-  Monitoring their social media
-  Obtaining information without them providing it
-  Unwanted or inappropriate gifts/grand gestures

# SOME RED FLAGS:

-  "They won't leave me alone"
-  "I keep seeing them everywhere"
-  "I've told this person that I need space, but ..."
-  "They keep asking me to hang out / blowing up my phone"
-  "I'm worried about running into them"
-  Repeated unwanted contact after being told to stop
-  Behavior escalates after confrontation or break-up



If you hear the words:

Creepy, obsessive, intrusive, overbearing,  
uncomfortable, attached, clingy, annoying, weird,  
suffocating, controlling, scared

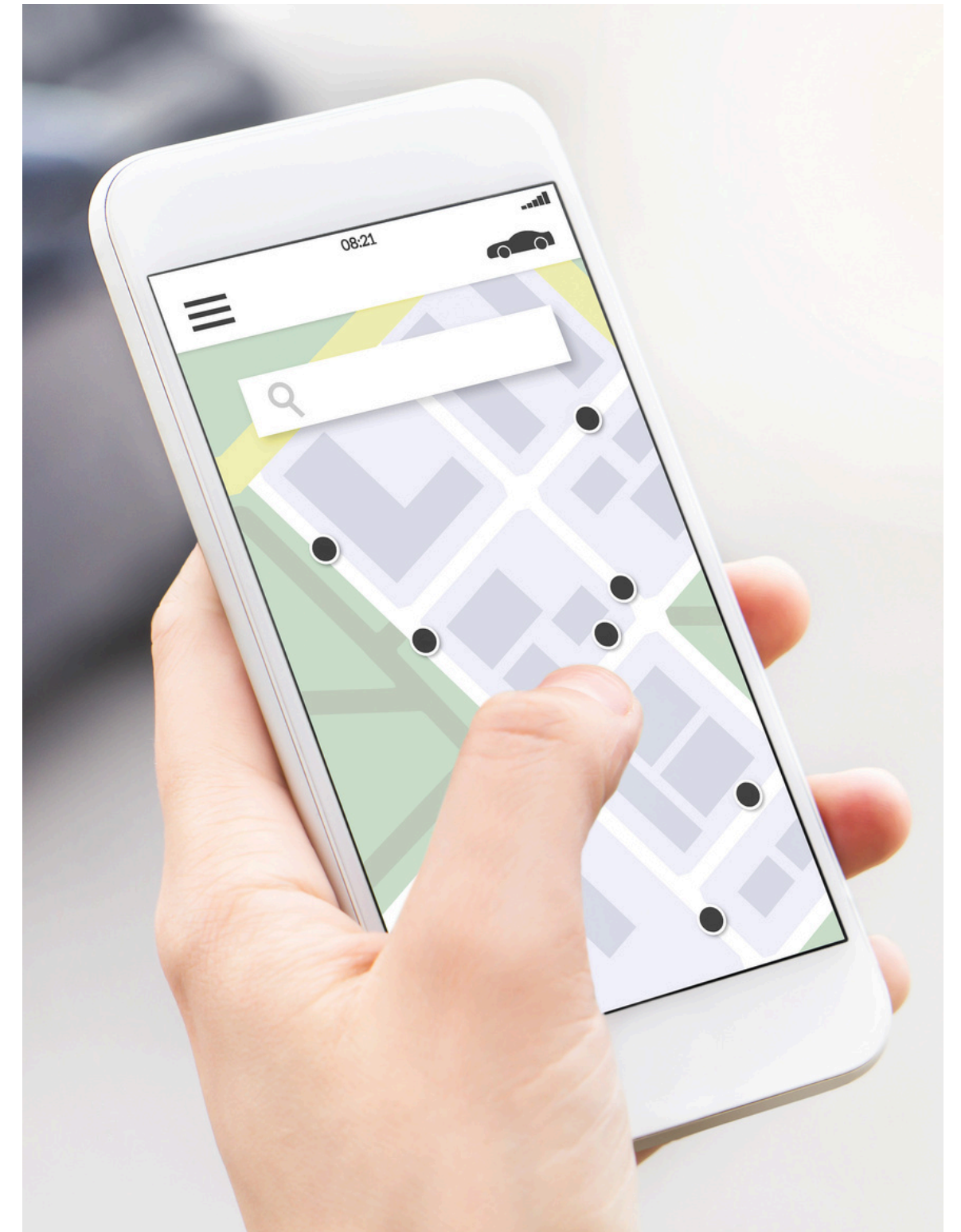
# Types of Stalking



# Surveillance

*Watching, tracking, or monitoring a person's activities*

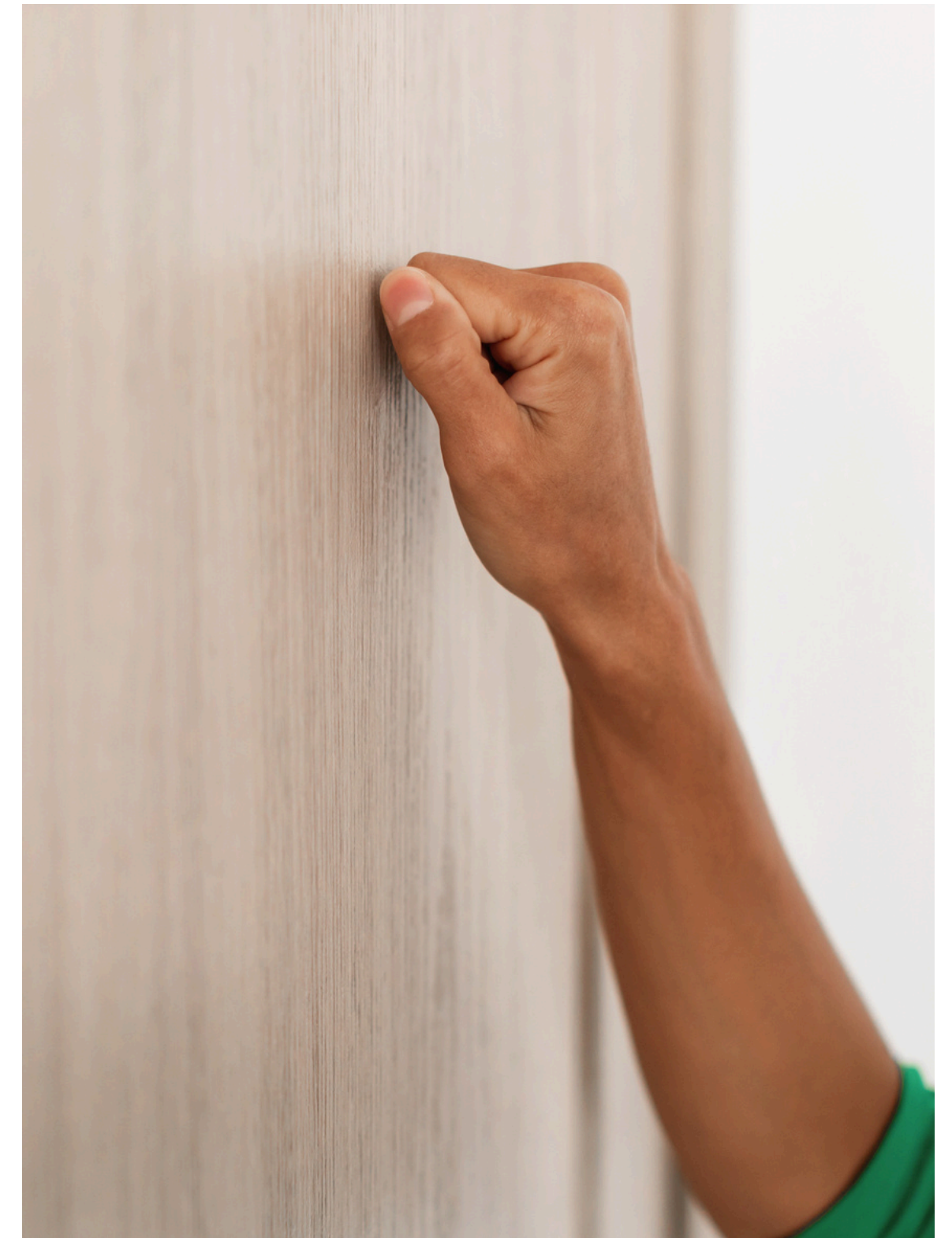
- Following someone on foot or by car
- Using GPS tracking devices or phone location sharing
- Constantly checking someone's social media or location
- Showing up where the person is
- Loitering outside residence halls, classrooms, libraries, dining halls
- Watching the person from a distance during class or club events
- Enrolling in or auditing the same classes as the victim without cause
- "Coincidentally" always being on the same bus route or gym schedule



# Life Invasion

*Intruding into the person's personal life or physical space*

- Repeated unwanted calls, texts, emails, or DMs
- Sending unwanted gifts
- Leaving messages on someone's car, dorm, or door
- Involving the person's friends or family unnecessarily
- Sending food deliveries or Uber rides to their address as a "gesture"
- Showing up at someone's car, dorm, extracurricular events, etc. without invitation
- Flooding them with messages on multiple platforms
- Hacking or guessing passwords to access emails or calendars
- Creating fake accounts to follow them or comment on posts
- Sending explicit or unwanted images repeatedly



# Interference

*Attempts to disrupt the person's daily life, safety, or reputation*

- Harassing roommates or friends to isolate the victim socially
- Vandalizing dorm room doors or personal property (backpacks, bikes, clothes, etc.)
- Showing up to group projects, meetings, work, class or labs and causing disruption
- Sending mass emails to on-campus clubs or groups about the person
- Submitting fake conduct or academic complaints
- Posting rumors on forums or apps (YikYak, Reddit)
- Stealing or deleting notes, assignments, or lab materials
- Calling or emailing faculty to discredit the victim's credibility or work



# Intimidation

*Behaviors that instill fear, threaten, or exert control*

- Displaying weapons
- Making veiled threats like “you’ll regret this”
- Making aggressive eye contact or physical gestures from a distance
- Staring at the victim in class, smirking, or following them after meetings
- Implying harm (“you should be careful walking home from the library”)
- Leaving threatening notes in shared spaces like laundry rooms or lounges
- Threatening to release personal information (“doxxing”)
- Tagging the victim in threatening or hostile memes/posts
- Repeatedly contacting friends to pass along veiled threats



CAMPUS SAFETY CENTER

# Risk Assessment & Safety

# When Stalking Falls Under Title IX

- The conduct is based on sex or gender (e.g., romantic or sexual obsession, rejection, sexual threats, etc.)
- It creates a hostile environment that limits access to education
- It occurs in an education program or activity, including:
  - School/campus spaces
  - Online institution platforms (e.g. email, Zoom)
  - Sponsored events or programs

# When Stalking Falls Under Clery (Higher Ed)

- It occurs on Clery geography (on-campus, public property, or non-campus property controlled by the institution)
- It meets the Clery definition of stalking
- It results in a pattern of fear/distress

Covers stalking as a crime, not as a form of discrimination or harassment.

Conduct could fall under both TIX and Clery.

\*\*\*Checklists in your binder\*\*\*

# Risk Assessment is Critical

- High-risk indicators: Threats to harm, access to weapons, escalation
- Understand fear as a key emotional indicator—even when “nothing has happened yet”
- Use stalking screening tools (e.g., SHARP) to assist in threat assessment
- Use a Violence Risk Assessment to assist in decisions related to emergency removal or interim suspension
- Having a team discussion will help you make smart, informed decisions – don’t be afraid to collaborate in difficult situations



# What is a Violence Risk Assessment (VRA)?

- A structured, evidence-informed process used to:
  - Evaluate the likelihood that an individual may engage in targeted or repeated violence, and
  - Guide interventions, emergency removals, and safety plans.
- Focuses on understanding risk factors, warning signs, and situational context to manage and reduce potential harm.
- Should be completed by a trained, qualified professional, typically:
  - A forensic psychologist, clinical psychologist, or counselor trained in threat assessment & tools (e.g. HCR-20, SARA-V3, WAVR-21, SIVRA-35);
  - A campus threat assessment team member with VRA training (often from law enforcement, counseling, or student conduct); and/or
  - In some cases, an external consultant or multidisciplinary Behavioral Intervention Team (BIT).
- A VRA is **not** a finding of responsibility or criminal investigation.
- Always document: the reason for referral, the outcome, and any actions taken.

# Do I need to make a referral for a VRA?



Refer for a VRA to be conducted **immediately** when there is:

- Physical violence resulting in injury (e.g., strangulation, punching)
- Threats to kill or seriously harm the Complainant or others
- Use of a lethal weapon or threat involving a weapon
- Violations of no-contact orders tied to this case

# Do I need to make a referral for a VRA?



- If no automatic trigger is met, use a point-based screening (such as NABITA's framework) to gauge.
- Some behaviors that can add up to needing a referral:
  - Recent and/or ongoing behavior
  - Unmanaged mental health or substance issues
  - Detailed knowledge of the complainant's routine, home, or online presence
  - Access to weapons
  - Uninvited entry into the Complainant's home, workplace, or vehicle, or attempts to lure them from a safe space
  - Obsessive behavior, doxxing, or unwanted fixation
  - Behavior is related to unrequited love, past relationship, recent breakup
  - Escalation

# Safety Planning & Supportive Measures

- Safety plans should change, evolve, and adapt as the situation does
- As much as possible, don't just plan for what's already happened but also what could happen next
- Try to plan for reactions to changes as well
- Work with the Complainant to balance living life normally with safety planning
- Safety planning to talk through:
  - Safe routes, buddy systems, Public Safety escorts
  - Varying daily routine
  - Tech safety (e.g., social media privacy, GPS)
  - Residence hall protections
  - Academic adjustments (schedule, seat, modality)
  - Emergency contacts and alert systems
  - Seeking protective orders or police involvement

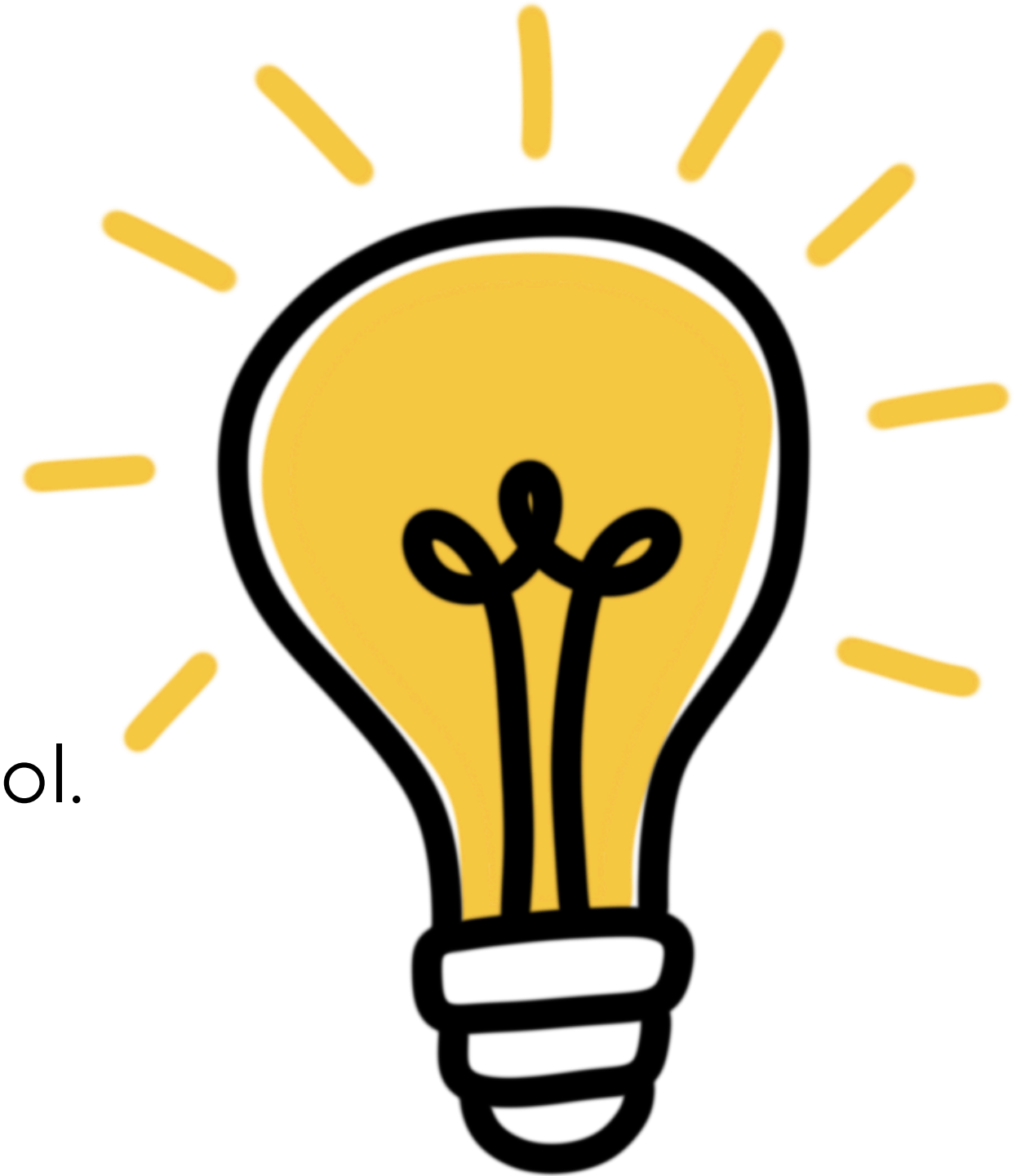


# Best Practices at School / on Campus

- Ensure cooperation between Title IX, SRO, campus police, and CSA roles
- Include stalking clearly in policies and prevention training
- Document, document, document
- Apply a pattern-based lens when evaluating stalking claims
- Offer supportive measures in both Title IX and non-Title IX cases
- Prevention education is critical:
  - Awareness campaigns (“Stalking Awareness Month” in January)
  - Training for RAs, faculty and staff, campus safety officers, teachers, coaches
  - New student orientation
  - Consistent messaging
- Resources: SPARC, Clery Center

# Key Takeaways

- Context MATTERS.
- Course of conduct = 2 or more; early intervention is best!
- Always offer supportive measures & safety planning.
- Always assess patterns, not isolated acts.
- When in doubt, screen for risk.
- Risk is reassessed over time—not a one-time tool.
- “It’s just weird behavior” can become life-threatening behavior without warning.
- Prevention education is needed year-round.





# THANK YOU

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