


The Romanticizing of Stalking Behavior

Bricker 
Graydon
Title IX In Focus
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Presenter – Jessica Galanos

- Higher Education Attorney & Consultant
- Former in-house Deputy Title IX Coordinator, Interim Title IX Coordinator, and litigator
- Currently serve in interim roles when needed, and provide investigative and decision-maker services for civil rights matters
- Based in Champaign, Illinois – soon to be St. Louis!

Contact:

Bricker Graydon
100 South Third Street
Columbus, OH 43215-4291
614.227.2341
jgalanos@brickergraydon.com



Presenter – Jamie Edwards-Pasek

- Educator, attorney, mediator, and violence prevention specialist
- Founder and director of Rex Solutions, LLC, a training and consulting company focused on helping institutions prevent and effectively respond to sexual and interpersonal violence.
- Previously Jamie has worked with multiple universities in the Title IX space, including:
 - Established first stand-alone Title IX Office at a private university;
 - Serving as a University-provided grievance process advisor for students and employees; and
 - Facilitating alternative resolution of sexual misconduct cases as a neutral.
- Former Litigator and Family Court Law Clerk
- J.D. with a Certificate in Public Health from the University of Pennsylvania
- B.S. from Carnegie Mellon University in Political Science, History & Policy, and Gender Studies.

Contact:

Jamie Edwards-Pasek
jedwardspasek@gmail.com

<https://rexsolutionsllc.com>



Unlock the Power of Prevention



Disclaimers

We can't help ourselves. We're Lawyers.

- We are not giving you legal advice.
- Consult with legal counsel regarding specific situations.
- You will receive slides for today's presentation after we've concluded.

And another one...

Specific to the Title IX In Focus Webinar Series

- The 2020 Title IX regulations require training on several specific subjects
- While the Title IX In Focus webinar series will discuss *some* of the required subject matter, none of these one-hour webinars will cover *all* of the material required for Title IX training compliance
- Work with your TIXC to make sure that you are trained in accordance with Title IX, Clery, and any applicable state law

Can We Post These Materials?

YES – Post away!

Institutions are required by §106.45(b)(10)(i)(D) to post materials used to train Title IX personnel on its website.

- You will receive a copy of the slides via email within a few days!



Agenda

- Definitions of Title IX Stalking & Sexual Harassment (2020 regs)
- Identifying the Issue: The Problem with Romanticization
- What Does Stalking Actually Look Like?
- What Can We Do About Stalking?

Title IX Stalking

- “Stalking” is engaging in a course of conduct directed at a specific person on the basis of sex that would cause a reasonable person with similar characteristics under similar circumstances to:
 - Fear for the person’s safety or the safety of others; or
 - Suffer substantial emotional distress.

34 C.F.R. 106.30

- **NOTE:** definitions vary, but stalking is also a crime in all 50 states and under Federal law

Stalking – Course of Conduct

- Under VAWA regulations:
 - 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.

Stalking – Reasonable Person

- Under VAWA regulations, for purposes of the stalking definition: means a reasonable person under similar circumstances and with similar identities to the victim.

Stalking – Substantial Emotional Distress

- Under VAWA regulations: means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Title IX Sexual Harassment

- Unwelcome conduct
- On the basis of sex
- determined by a reasonable person to be so:
 - severe,
 - pervasive, and
 - objectively offensive
- that it effectively denies a person equal access to the recipient's education program or activity.

34 C.F.R. 106.30

Hypothetical: the Ferris Wheel

- Allie is at a local carnival for the evening and decides to ride the Ferris wheel with a male friend, whom she recently met. While in the Ferris wheel car, and while the car rises into the air, a man rushes to jump on her Ferris wheel carriage and wedges himself between Allie and her no-name companion. The stranger hastily introduces himself as "Noah," and says to Allie, "I would really like to take you out." The Ferris wheel operator then stops the wheel and shouts to Noah that there can't be 3 people to a carriage, which prompts Noah to stand up, grasp the spokes of the Ferris wheel, and hang precariously from the wheel itself, dangling high above the ground in front of everyone attending the carnival. Noah then says to Allie, "Well, will you go out with me?" She says, "No," several times, which prompts Noah to say, "Alright, you leave me no other choice then." Noah then removes one hand from his grip on the Ferris Wheel, leaving him suspended high above the ground by the strength of his grip in only one hand. Allie and members of the crowd below gasp. Noah then says, "I'm going to ask you one more time, will you or will you not go out with me?" He then says, "My hand is slipping." Allie's friend witnesses this exchange and says, "Grab the bar, you idiot!" Noah responds by saying, "Not until she agrees!" Allie then says, "Okay, okay, fine – I'll go out with you!" Noah then directs Allie to repeat herself several more times before he reaches for the Ferris wheel with his other hand to steady himself and avoid falling to his certain death.

Hypothetical: the Boombox

- Diane has just broken up with her boyfriend, Lloyd. Diane was internally conflicted about the break-up and almost immediately regretted her decision. However, Diane did not share these feelings with Lloyd, so he was unaware of her uncertainty.
- Lloyd missed Diane very much and decided to make a grand romantic gesture to show how much he loves her. To that end, Lloyd brought his trusty boombox to Diane's house and decided to play a romantic song on it while holding the boombox over his head.

Hypothetical: Vampire Protector

Bella recently moved to a new city. With a gossipy group of new friends, Bella became curious about her standoffish biology partner, Edward, and his siblings. Edward too was curious about Bella. The two became friends and eventually started dating. Edward, infatuated with Bella, could not stand to be away from her and found himself sitting in Bella's room every night watching her sleep.

Hypothetical: an AOL connection

- Kathleen uses AOL to correspond with a mysterious man who goes by the online name of "NY152." The pair initially agree to *not* share specific details about their lives with one another before later deciding to meet in person. Mr. NY152, whose real name is Joe, arrives to meet Kathleen in person for the first time and realizes that he actually knows her in real life because they are competitors in the book business. Joe does not reveal his true identity but continues to correspond with Kathleen online for months as "NY152." During this time, he learns about Kathleen's favorite flower, her love of Joni Mitchell, and the deep connection between Kathleen's memories of her mother and the bookstore she owns. Joe, who now interacts regularly with Kathleen IRL, uses the information he learned during their online conversations to fuel their in-person conversation, all while Kathleen is unaware that Joe and NY152 are the same person.

The Problem: Romanticization of Stalking



Image: SPARC 2025

“persistent pursuit”

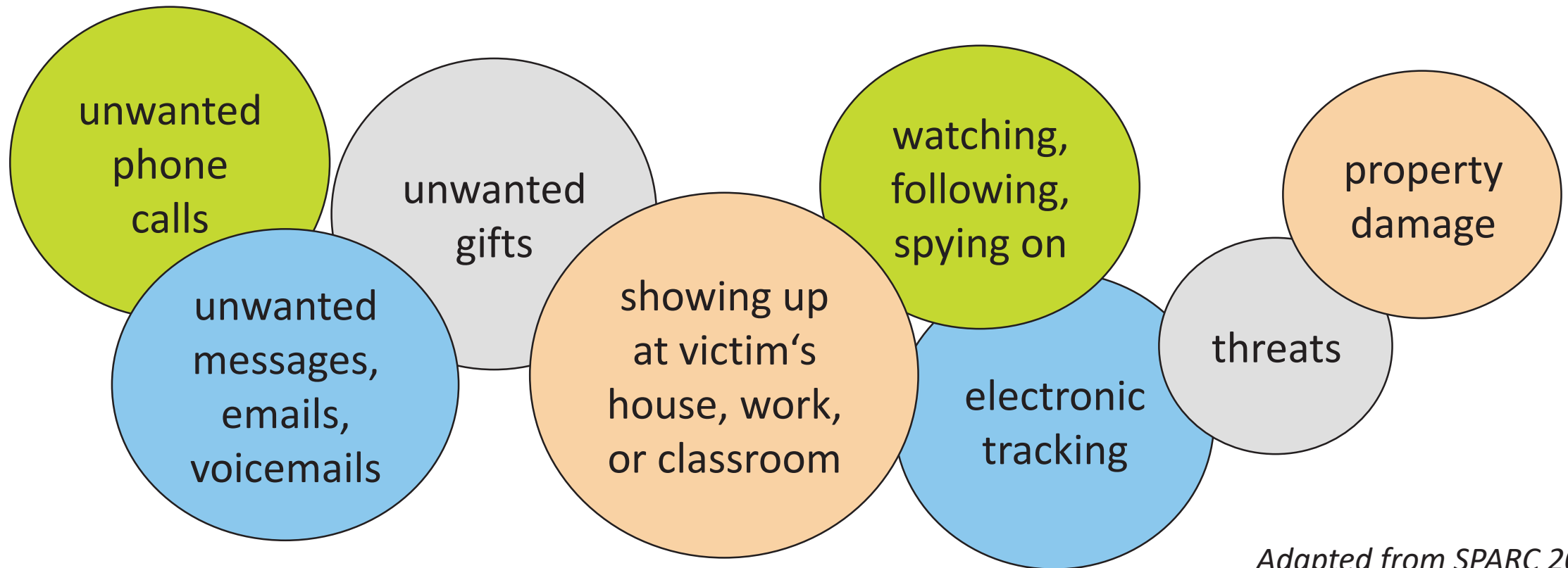
= normal

= desirable, flattering

- Encourages would-be respondents to engage in this behavior
- Makes impacted parties, and others around them, less likely to recognize
 - Less likely to report
 - Less likely to seek – and receive -- help
- Can make responders minimize, disbelieve, even victim-blame

(Lippman 2015)





What Does Stalking Actually Look Like? (1 of 4)



Adapted from SPARC 2021

What Does Stalking Actually Look Like? (2 of 4)

- “Course of Conduct” or “Pattern of Behaviors” that fall into 1+ categories

 Surveillance	 Life Invasion
 Intimidation	 Interference

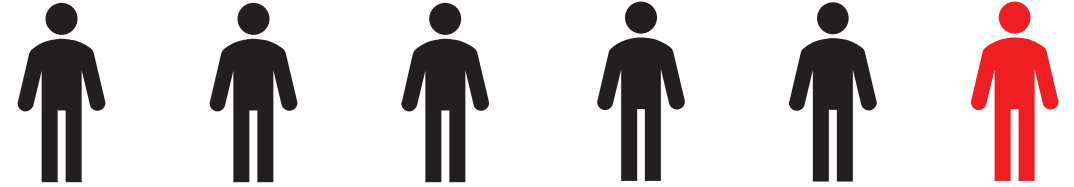
Images: Microsoft Office

Adapted from SPARC 2021

What Does Stalking Actually Look Like? (3 of 4)



1 in 3 women



1 in 6 men

Most Impacted Age Group

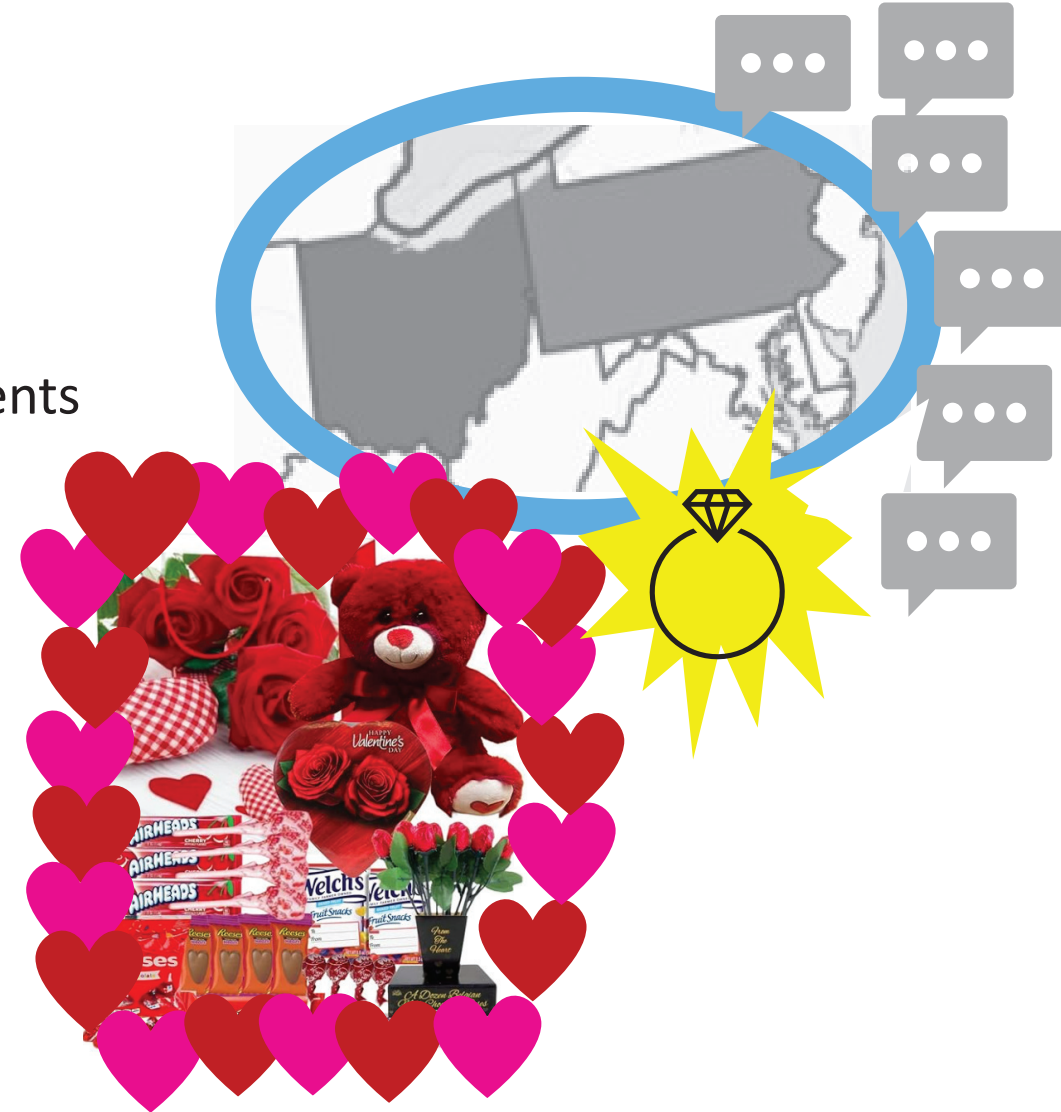
18-24



Adapted from SPARC

What Does Stalking Actually Look Like? (4 of 4)

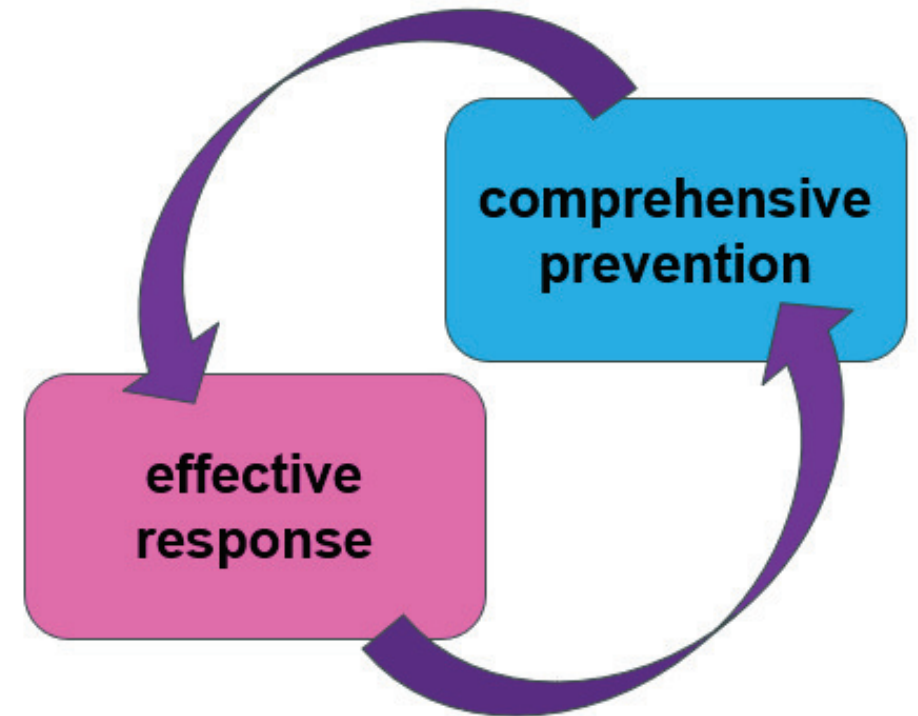
- my “baby” sister in college in PA
- “loser boyfriend” from home (OH)
- she ends relationship
- he will NOT stop contacting her
 - texts, voicemails, social media
- he will NOT stop contacting her friends and her parents
- she blocks him
- he leaves PILE of gifts INSIDE apartment building
- calls police
 - “you must have really broken his heart”
- “jurisdictional issues”
- court: NCO based on harassment of parents



What Can We Do About Stalking? (1 of 10)

Institutional Level:

- Raise stalking awareness
- Debunk harmful myths
 - It is serious and can be a crime.
 - It is not normal.
 - It is not romantic.
- Strong policy & easy reporting
- Trusted response
- Training/Professional Development for First Responders



What Can We Do About Stalking? (2 of 10)

Institutional Level:

- Annual Clery Report must include STATEMENT of:
 - programs to prevent SV, DV, & stalking
 - primary prevention & awareness for incoming students and staff
 - bystander intervention
 - risk reduction
 - ongoing & awareness for current students and staff

34 CFR § § 668.46(b)(11)(i), 668.46(b)(j)

- NOTE: Some states mandate SV, DV, and stalking prevention programs, e.g., PA Article XX-G § 2002-G et seq.

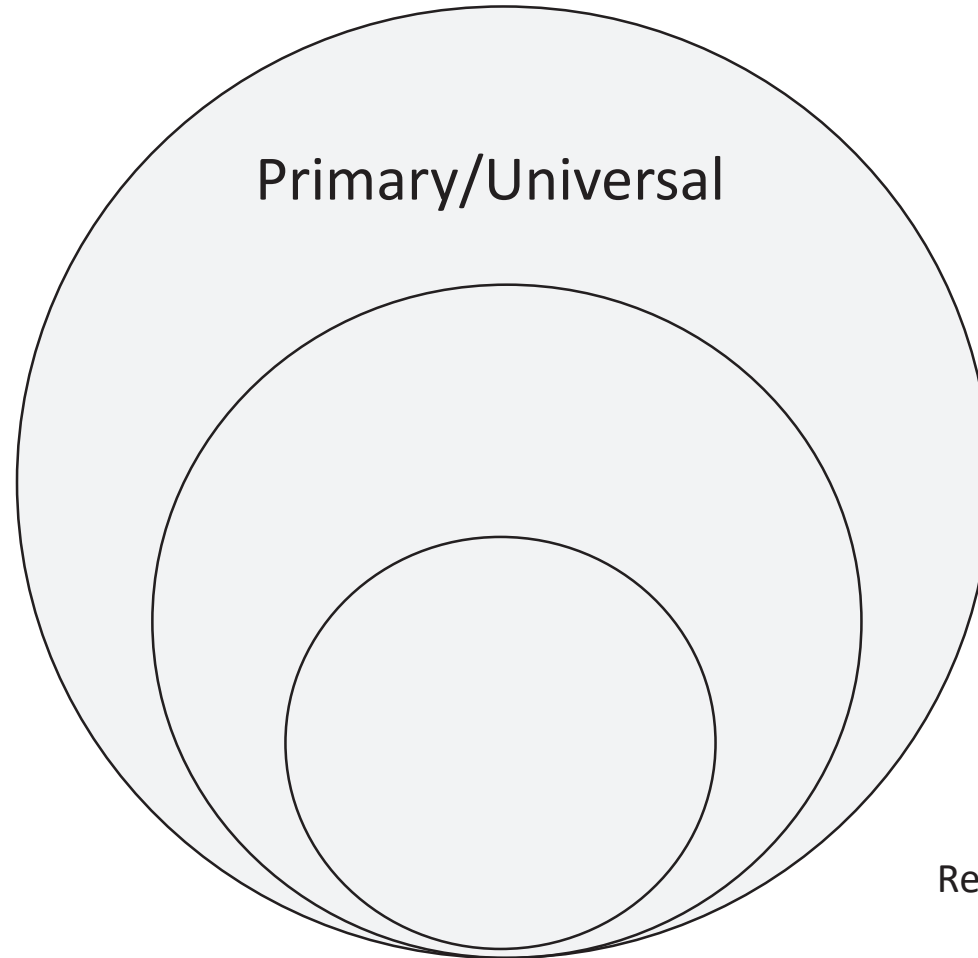
What Can We Do About Stalking? (3 of 10)

Institutional Level: Public Health Approach

Everyone

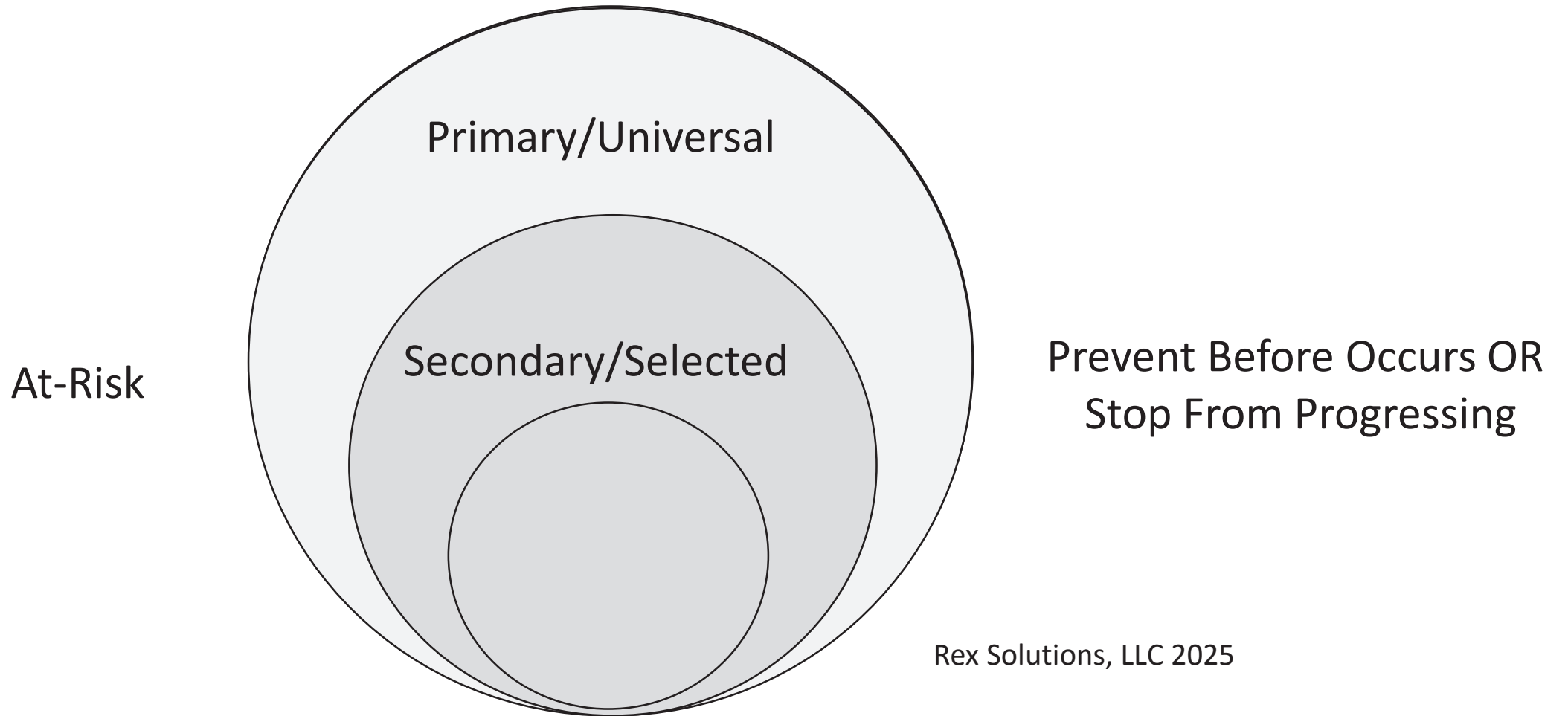
Primary/Universal

Prevent BEFORE Occurs



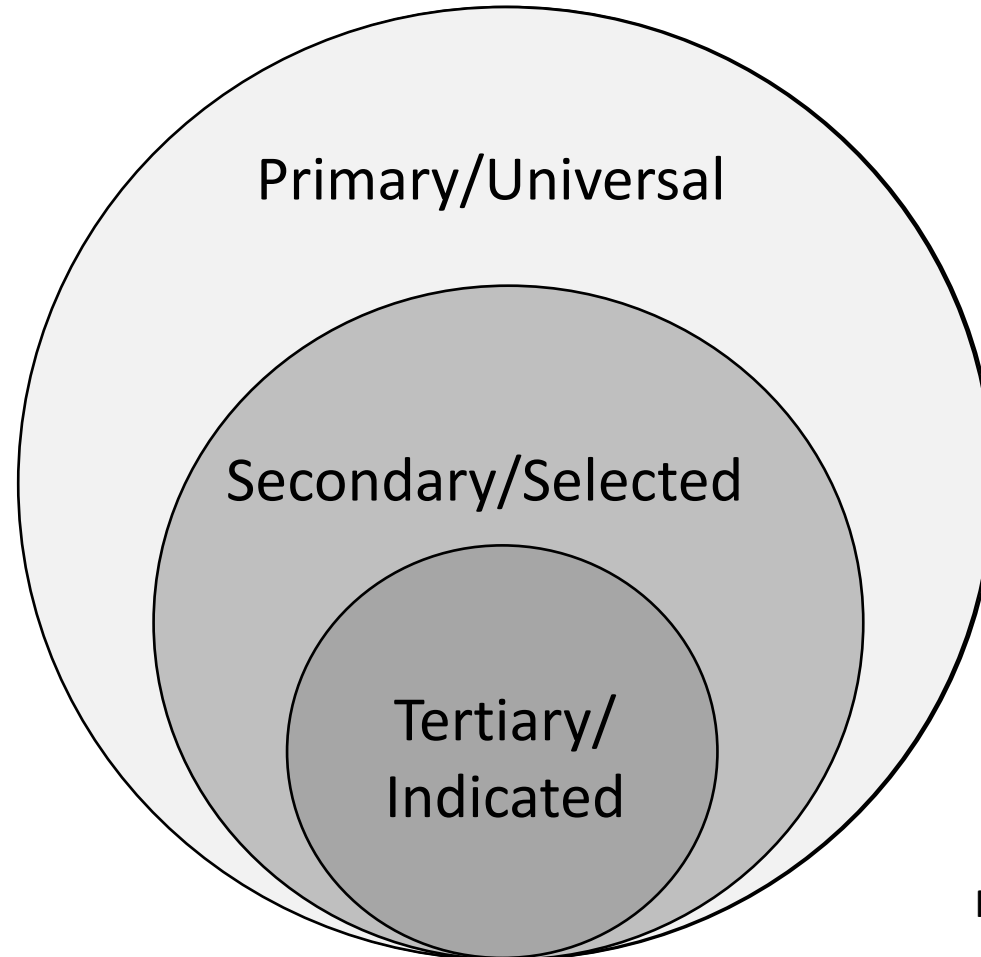
What Can We Do About Stalking? (4 of 10)

Institutional Level: Public Health Approach



What Can We Do About Stalking? (5 of 10)

Institutional Level: Public Health Approach



Victims & Perpetrators

- Stop Escalation
- ↓ Harm
- ↑ Safety/Well-Being
- Prevent Re-Occurrence

What Can We Do About Stalking? (6 of 10)

- Individual Level: Reducing Risk of Victimization

- Avoid posting personal contact information and whereabouts.
- Listen to your gut: if it doesn't feel right, it probably isn't.
- It's okay to lie to protect your safety.
- Tell another person if you do not wish to have further contact.

Adapted from SPARC, RAINN

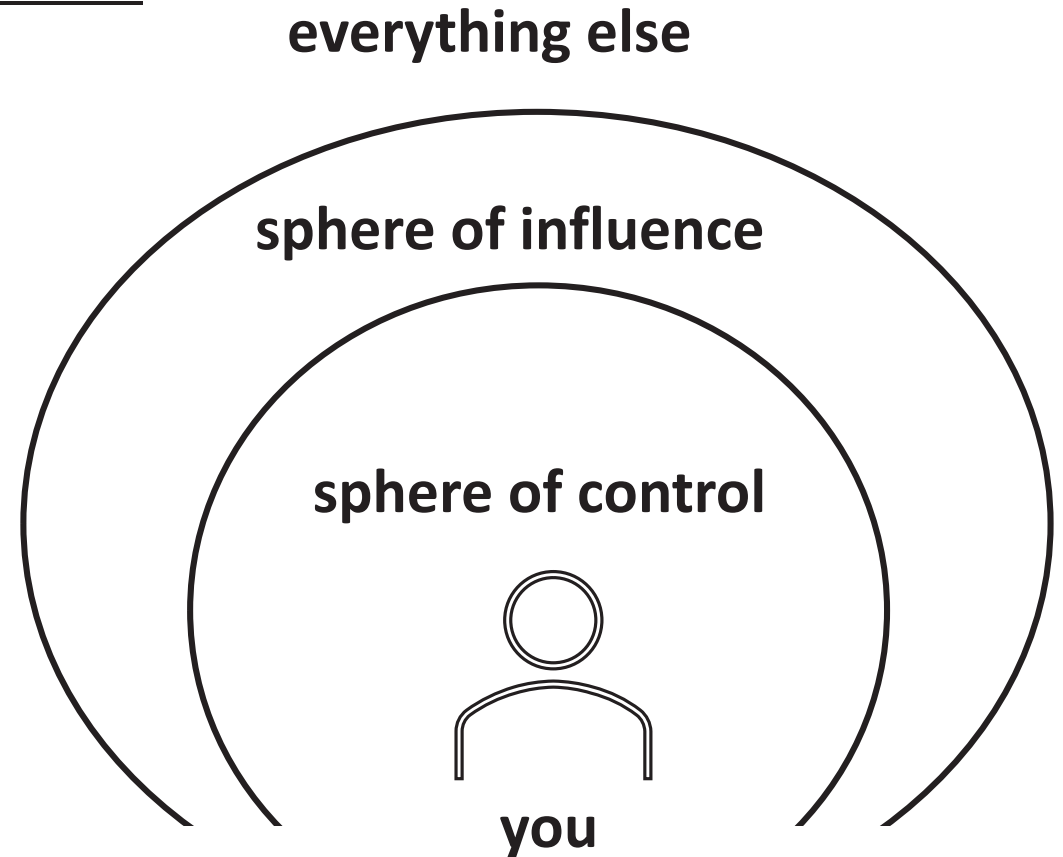


Image: Rex Solutions, LLC 2025

What Can We Do About Stalking? (7 of 10)

Individual Level: What To Do If You're Being Stalked

- Get help: contact Crisis Hotline, Victim Services Agency, Title IX Office.
- Develop safety plan.
- Keep track of the contacts if possible.
 - Keep a log.
 - Preserve evidence where possible.
- Consider advising the person not to contact you further.
 - No further contact.
- Consider contacting law enforcement.

Adapted from SPARC

What Can We Do About Stalking? (8 of 10)

Individual Level: Reducing Risk of Perpetration

- Make sure to get consent prior to physical, sexual and/or virtual interactions.
- If someone stops responding – or tells you that they don't want to communicate – take the hint and stop contacting them.
 - You are NOT entitled to a response.
- Never resort to violence or threats.

What Can We Do About Stalking? (9 of 10)

Individual Level: Effective Interventions for Stalking

Research suggests that there are 5 stalking profiles:

1

Intimacy
Seeking

2

Incompetent

3

Resentful

4

Predatory

5

Rejected

(Mackenzie & James 2011)

What Can We Do About Stalking? (10 of 10)

Individual Level: Effective Interventions for Stalking

- No “One-Size-Fits-All” Approach
- Effective Interventions Are Usually Multi-Disciplinary:
 - punishment/sanctions
 - mental health treatment, such as cognitive-behavioral therapy
 - restrictions such as restraining orders
 - social skills training
- Depending on the case, intervention(s) may:
 - stop stalking behavior in some cases (at least temporarily)
 - have no impact on the behavior; OR
 - cause the stalker to escalate their behavior



Image: Microsoft Office

(Mackenzie & James 2011; Spence-Diehl 1999)

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Upcoming Higher Ed Webinars

- Athletics Hots Topics – March 13, 2024 at 12:00 p.m. ET (Free)
- AI and Student Conduct on Campus – April 10, 2025 at 12:00 p.m. ET (Free)
- Watch for pop-up webinars about Federal Government updates!!

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Upcoming Title IX In Focus Webinars


March 27, 2025: Employee
Sexual Misconduct Cases

April 24, 2025: Sexual
Misconduct Hearings

May 29, 2025: Title IX
Litigation Update

Jessica L. Galanos

 jgalanos@brickergraydon.com

 614 227 2341

 www.brickergraydon.com

Bricker 
Graydon