Stalking Standard Operating Protocol

Purpose

In accordance with Federal law and in order to protect members of the campus community, the HSC establishes this standard operating procedure. HSC is determined to provide a campus atmosphere free of violence for all members of the campus community. For this reason, the HSC does not tolerate stalking and will pursue the perpetrators of such acts to the fullest extent possible. HSC 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 HSC’s community: full and part-time students, faculty, staff, contract employees, volunteers, and campus visitors while on an HSC campus.

Definition of Stalking – Texas A&M University

Stalking (see Student Rule 24.4.2.3) Any repeated conduct directed specifically at another person that causes that person [or a member of that person’s family or household] to fear his/her safety. Such conduct includes following another person and acts that threaten or intimidate another person through fear of bodily injury or death of self or members of that person’s family or household or an offense being committed against that person’s property.

Definition of Stalking – State of Texas

Stalking is defined in the Texas Penal Code, Section 42.072 as follows.

(a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:

(1) constitutes an offense under Section 42.07, or that the actor knows or reasonably should know the other person will regard as threatening:

(A) bodily injury or death for the other person;

(B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or

(C) that an offense will be committed against the other person's property;

(2) causes the other person, a member of the other person’s family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily
injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and

(3) would cause a reasonable person to:

(A) fear bodily injury or death for himself or herself;

(B) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;

(C) fear that an offense will be committed against the person's property; or

(D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

(b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following laws that contains elements that are substantially similar to the elements of an offense under this section:

(1) the laws of another state;

(2) the laws of a federally recognized Indian tribe;

(3) the laws of a territory of the United States; or

(4) federal law.

(c) For purposes of this section, a trier of fact may find that different types of conduct described by Subsection (a), if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct.

(d) In this section:

(1) "Dating relationship," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.

(2) "Property" includes a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code.

Patterns of Stalking

Stalking behaviors can be characterized as persistent and frequent unwanted in-person contact, surveillance, and unwanted telephone and other electronic contact.

Some behaviors can include but are not limited to:

• Non-consensual communication including in-person communication, telephone calls, voice messages, text messages, email messages, social networking site posting, 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, such as, using cell phones and landline phones; text messaging; global positioning systems (GPS); or placing spyware on a victim’s computer.

- Trespassing
- Vandalism
- Non-consensual touching
- 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.

**Procedures for Reporting**

All members of the HSC are encouraged to contact both security and your local police department to report any stalking activity. This would include a second hand report of overheard incidents concerning students, staff, faculty, contract staff and visitors.

- File a complaint with law enforcement officials of their local jurisdiction.
- File a report with your campus security office.
- Report the situation to any campus security authority.
- File a third party report to security or any campus security authority; if you suspect someone you know has not reported the incidents formally to anyone.

Once notified of the incident security will notify the Director of Security of the report. The Director of Security will inform his chain of command and in addition will notify the Associate Vice President for Student Services and the Title IX Coordinator. HSC officials will attempt to assist the victim by providing escorts from vehicles to buildings, changing class schedules if possible and assisting with your local housing lease holder by explaining the situation to get a housing change.

HSC does not operate any on campus housing so this assistance cannot assure that your accommodations would be changed. Disciplinary sanctions for violations of this stalking policy and/or of the student code of conduct will be imposed in accordance with applicable HSC policies, including but not limited to expulsion. Every effort will be made to maintain a confidential report, but as a state entity, the Texas Open Records Act requires that all information sometimes be released if requested.