

Federal and State Laws: Stalking

Stalking

Under Title IX, *stalking* is defined as:

- Two or more acts directed at a specific person that would cause a reasonable person with similar identities under similar circumstances:
 - Fear for their personal safety or the safety of others
 - Substantial emotional suffering or anguish

Stalking includes using any means to follow, watch secretly, threaten, or communicate to or about a person, or interfere with that person's property.

Statutes

Federal Law

Stalking

Title 34—EDUCATION

SUBTITLE B—REGULATIONS OF THE OFFICES OF THE DEPARTMENT OF EDUCATION

CHAPTER I—OFFICE FOR CIVIL RIGHTS, DEPARTMENT OF EDUCATION

PART 106—NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS

OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

SUBPART D—DISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES PROHIBITED

§ 106.30 Definitions. *[Effective Aug. 14, 2020.]*

(a) As used in this part:

.... *[Content omitted for clarity]*

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;

(2) Unwelcome conduct 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; or

(3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

.... *[Content omitted for clarity]*

.... *[Content omitted for clarity.]*

§ 106.44 Recipient's response to sexual harassment. *[Effective Aug. 14, 2020.]*

(a) General response to sexual harassment. A recipient with actual knowledge of sexual harassment in an education program or activity of the recipient against a person in the United States, must respond promptly in a manner that is not deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. For the purposes of this section, §§ 106.30, and 106.45, "education program or activity" includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution. ... *[content omitted for clarity]*

.... *[Content omitted for clarity.]*

Title 34-CRIME CONTROL AND LAW ENFORCEMENT

Subtitle I-Comprehensive Acts

CHAPTER 121-VIOLENT CRIME CONTROL AND LAW ENFORCEMENT

SUBCHAPTER III-VIOLENCE AGAINST WOMEN

§ 12291. Definitions and grant provisions

(a) Definitions

In this subchapter:

.... *[Content omitted for clarity]*

(30) Stalking

The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to —

(A) fear for his or her safety or the safety of others; or

(B) suffer substantial emotional distress.

.... *[Content omitted for clarity]*

.... *[Content omitted for clarity.]*