

## **Stalking in Universities: responding effectively as an institution while prioritising the safety of victims**

### **Introduction**

Young people between the ages of 21-25 year make up 66% of University students (OfS, 2022) and it is this group of people who are likely to be a most risk of sexual harassment and violent crime. The prevalence of stalking victimisation is also likely to be elevated. Indeed, an FOI request made to universities by the Unfollow me campaign, revealed that 381 students had made allegations of stalking or domestic abuse between 2015 and 2018. In 40% of those cases the person who was accused of stalking and the person making the allegation studied at the same university (Vice 2019).

The Statement of Expectations published by the Office for Students calls for the implementation of more effective systems, policies and processes to prevent and respond to incidents of harassment and sexual misconduct, stalking is included under this definition (OfS 2021). Access to appropriate and effective support is a key principle in this statement. The necessity of adopting existing UUK guidelines to create a culture where such behaviours are highlighted as high risk and associated preventative education is also evident.

This chapter provides a context for the legislation and will additionally focus on academic institutions' legal duties in prevention, identification and responding effectively to online harassment and stalking and the barriers to enacting legislation.

### **The background: definitions and prevalence of stalking**

Stalking remains a crime that is not widely understood and may include a pattern of events and experiences that can be both objectively neutral as well as frightening or violent. Victims

themselves often find it hard to define. Generally stalking is recognised in academic literature to be a course of conduct that creates fear (Sheridan & Roberts 2011; Logan & Walker 2021; Strand, 2020). Stalking does not have a legal definition, but is identified under two offences as repeated persistent behaviours of harassment which involve a course of conduct that creates a fear of violence in an individual and amounts to stalking, or creates serious alarm and distress, but does not reach the threshold for fearing violence. The legislation specifically identifies that “the effect of such behaviour is to curtail a victim's freedom, leaving them feeling that they constantly have to be careful” (Crown Prosecution Service, 2018). This is highly problematic for anyone in the University community, where the expectation should be “for students to succeed” and “to feel safe, healthy and part of a tolerant, inclusive academic community” (OfS, 2021)

The definition of a ‘course of conduct’ needs unpacking to communicate the disruption caused by persistent, repeated, unwanted intrusions. Therefore, an additional way of identifying stalking has been in terms of the frequency and prevalence of the behaviours. Cloonan-Thomas, Daff & McEwan (2021) suggest that a combination of three elements should be considered when attempting to define stalking for the purposes of research which could be helpfully be extended to identifying stalking in University settings. These elements are the frequency and duration of the unwanted intrusions as well as the target's or victims experience of fear (McEwan et al.,2020). Purcell et al. (2004) suggested that unwanted behaviour from someone for a duration of longer than two weeks distinguishes persistent stalking from shorter patterns of harassment, which are generally shorter in duration. During this 2-week period the repetition of behaviours is also considered, and it is generally agreed that the conduct includes five or more unwanted intrusions to amount to stalking behaviour. Research indicates that the number and nature of intrusions often goes beyond this, with individual

victims of stalking reporting up to 100 incidents before reporting it to the police (HMIC, HMCPSI 2017). Beyond academic definitions, the difficulties with identifying stalking are just as challenging. In recognition of this, the College of Policing devised and now share a mnemonic to help identify stalking behaviour for those who are experiencing it and those who may be supporting them. If someone's behaviour is experienced as Fixated, Obsessive, Unwanted and Repeated (FOUR) and causes fear and distress, it should be identified as stalking.

### **Laws on stalking**

Stalking is an offence under the Protection of Freedoms Act 2012 with two offences of stalking added to new sections 2A and 4A into the Protection from Harassment Act 1997. The Protection from Harassment Act 1997 states that stalking can be described as "following another person, contacting or attempting to contact another person by any means, as well as publishing a statement or material relating to, suggesting relating to or originating from another person". Under section 2A of the Act, it is an offence to pursue "... a course of conduct in breach of section 1(1), ... [in which] the course of conduct amounts to stalking.' (Crown Prosecution Service, 2018) The offence should be identified when a victim reports stalking behaviour involves a course of conduct that occurs on at least two occasions, which causes alarm or distress to the victim. In addition, the perpetrator is required to understand that the course of conduct amounts to harassment to the victim. The general test in stalking case is to ask whether a reasonable person with the same information would find the perpetrators behaviour amounts to harassment. The Act does not provide a definition of stalking but gives a list of behaviours and conduct that could be considered harassment. This has led to debate on the characterisation of behaviours around

stalking and cyberstalking. Section 2A of the Act distinguishes cyberstalking as a subsection of the offence of stalking. A person guilty of the offence of stalking under section 2A can face a summary conviction to six months' imprisonment and/or a fine of up to £5,000.

Section 2B of the Act details police powers to enter and search premises in relation to the section 2A offence. Stalking which involves fear of violence or serious alarm or distress is recognised under Section 4A. Here offenses which amount to stalking are required to have occurred on at least two occasions and that violence will be used against victim or the course of conduct causes serious alarm or distress which have a substantial adverse effect on his or her usual day-to-day activities. Consequently, it can be understood section 4A encompasses aggravated forms of cyberstalking as well since it represents an aggravated form of section 2A. A person found guilty under section 4A can be sentenced to imprisonment for a term not exceeding ten years and/or a fine, and on summary conviction, to imprisonment not exceeding six months and/or a fine up to £5,000.

Under Scottish law, stalking offences are charged under section 39 of the Criminal Justice and Licensing (Scotland) Act 2010. According to section 39, a person commits the offence of stalking, when they engage in a course of conduct with the intention to cause the victim to experience fear or alarm which the perpetrator ought to know will likely cause the victim physical or psychological harm, or apprehension or fear for safety (UK Government 2010). Section 31 (6) of the Act classifies several types of conduct covered by section 39 including instances of cyberstalking. Again, as in the Protection from Harassment Act 1997 the list of examples given is non-exhaustive. It can be seen there is not a specific stalking law in the UK, but apart from the Protection from Harassment Act 1997 there are also several

criminal laws that can apply to malicious communications, threatening violence and defamation. (Table 1).

Table 1. Here Please

The UK government is clear on the principal of online safety and adopts what is illegal offline is also illegal online introduced the Digital Charter which constitutes a rolling programme detailing the norms and rules of online behaviour and putting them in practice (UK Government, 2017, 2018). The Online Harms White Paper proposed a new regulatory framework to prevent online harms was also published in April 2019. Consultations on this closed in July 2019 (UK Government, 2019). In response to the process of consultation the Bill was renamed the Online Safety Bill and introduced with the ambitious commitment to make “the UK the safest place in the world to be online while defending free expression “(UK Government, 2022). This together with online literacy and citizenship skills for children and young adults’ online users may help address the emerging challenges ahead.

### **Stalking and technology**

Technology has undoubtedly made it easy for everyone to gather information about other people and to communicate with them. The quantity of unwanted, e-communications, surveillance and unauthorised access to accounts and devices documented in cases of stalking is often reported as overwhelming. A wide variety of technology is being used in stalking (Woodlock, 2014).

It has been observed that being victim to cyberstalking is associated with a consequential distrust of technology (Stevens et al 2021). Withdrawing from online spaces might seem to

be a protective measure, but can further isolate and disadvantage individuals, also presenting a particular difficulty to students who must engage with university digital systems, networks and virtual learning environments to study and engage with the University community. A report based on two freedom of Information requests (Phippen and Bond, 2020), suggests that at the time of writing, many universities do not recognise the core role of digital technologies and social media in the lives of their students and have not effectively engaged with how they may come to harm in these environments or with online safeguarding. Evidence also suggests that the experience of regular online abuse is combined with low awareness of policy amongst students and staff about acceptable internet use or pathways to support (Short et al 2016).

### **Impact of Stalking**

The impact of stalking is often profound and can result in tragic consequences for all those involved (HMICFRS, 2017). Serious harm can be experienced by the victims when they try to distance themselves from the offenders (Quinn-Evans et al., 2019), especially in cases where coercion and control has characterised the prior relationship. The fear is a realistic one as half of the stalkers carry out their threats (MacKenzie et al., 2009). In a study conducted by Monckton Smith et al. (2017) findings indicated that stalking behaviours were found to be present preceding 94 per cent of 358 homicides reviewed. However, the impact of stalking should not only be estimated in terms of physical assault. In cases where physical violence doesn't occur, the experience of stalking is associated with psychological harm, along with financial, social and other enforced losses and alterations to living that affect well-being and functioning (McEwan, Mullen and Purcell 2006, Short et al 2014).

Stalking also has serious health implications for victims including the risk of developing psychological disorders such as post-traumatic stress disorder (PTSD), depression, panic

disorders, and anxiety (Dressing et al.2005). The risk of increasing psychological and physical problems for individuals who have existing chronic psychological, psychiatric, developmental or physiological conditions and disabilities, has also been documented in cases of cyber harassment (Alhaboby et al. 2016).

### **Stalking in the University population**

While the majority of students at university have a positive experience academically and socially, evidence shows that a significant proportion of students are subject to incidence of sexual abuse, harassment, and stalking. Universities are a microcosm of society and the same damaging behaviours seen in wider society exist in these institutions. However, Fissel et al (2020) found that the prevalence of stalking victimisation for college student samples seem to be greater than nationally representative adult samples. Demographic characteristics and their association with the incidence of victimisation through stalking have been widely researched (Mullen, Pathe and Purcell 2000; Chan and Sheridan, 2020). It is recognised that anyone can be a victim of stalking, however, more women are victimized than men and most offenders are male (Kuehner et al., 2012). Findings from the Crime Survey for England and Wales (CSEW) year ending 2019 indicate that about 1 in 10 men and more than 1 in 5 women between the ages of 16 and 74 have experienced stalking behaviour (ONS, 2019). Women also tend to report higher levels of fear during stalking when compared to men (Sheridan & Lyndon, 2010).

Given that government figures indicate that females between the ages of 18-19 are the most likely group to be the target of harassment and sexual offences (8.2%) when compared to females in general (3%) and both genders (3%). Young people are more likely to experience inter-personal violence (Walby & Allen 2004), and females in the age group which most students belong, 16-24 years are most vulnerable to sexual violence (Myhill & Allen 2002).

This makes the demographic profile of universities an important factor when considering safeguarding and legislation. Figures show that the student body is made up of students across all ages, however, in 2020–21, 37% of all students were under 21 (HESA), with more females (57%) accounting for 2.7 million students in the UK, which is an increase of 9% from 2019/20. It is important to remember that men can also be the victims of harassment and stalking, and response to these acts needs to be effective irrespective of the gender of the survivor.

A study conducted by the British Freedom of Information laws explores the statistics of domestic and stalking abuse allegations in higher institutions across Britain (Vice 2019). Responses were received by 119 universities, out of a total of approximately 136 universities in the UK. The report claims that about 381 learners in higher institutions, especially public universities within the United Kingdom, reported incidences of domestic and stalking abuse between 2015 and 2018. The same study also reports that approximately 51% of the individuals accused of abuse remain at their respective institutions. In the last three years, it is estimated that universities encountered around 175 complaints on domestic and stalking abuse, with 46% of all cases having taken place at Russell Group Universities. Cardiff had the highest number of allegations.

Between 2015 and 2018, Cardiff students reported 115 allegations of stalking or domestic abuse, however this high number was attributed to the effective implementation of the disclosure reporting gateway the university has in place. Here students are strongly encouraged to highlight any case of abuse and stalking, inferring that some students may fall victims more than once, they also encourage students to report any historic abuse prompting the rising number of reported cases. Although reporting system for abuse such as this encourages victims and survivors of various domestic and stalking abuse to come forward and disclose incidents



and thus will increase the number of reported cases, as of 2019, only 13% of universities had anti-harassment and anti-bullying policies as part of the code of conduct among students, this robust reporting practice is not the norm.

More recently a Freedom of Information request submitted by Palatinat (2021) to Durham University identified that 96 claims of bullying and harassment were submitted in a 21-month period using the University's Report and Support tool up to June 2021. In cases where the gender of the reporting person was disclosed, three-quarters of bullying and harassment claims reported were submitted by women identifying students and staff. This highlights the gendered nature of harassment. BAME staff and students were also disproportionately represented in these statistics as reports that disclosed the race of the reporting party showed that 30% of reports were made by BAME students or staff.

There are cases which highlight problematic responses to cases of stalking in universities. A recent report (BBC, 2021) detailed the experience of a 25-year-old female Oxford Brookes student who was stalked by a fellow student. He started messaging her, his conduct escalated to violent threats, use of multiple channels of communication and packages sent to her accommodation. The ordeal left her fearful, physically unwell and having to make changes to her daily activities. It was 4 months after the incidence was reported and protective measures were put in place by the university. The report suggests that the University put these protective measures in place to protect the student only after the perpetrator committed the criminal offense of breaking a restraining order against him. Following this breach, he was suspended from the university and banned from the campus. The student was prosecuted and given a 4-month suspended sentence and a restraining order of five years. This case highlights the lack of protective measures for victims of stalking when trying to force high risk, criminal conduct

issues of this kind into the existing practices of student misconduct. Statements from the university indicate the acknowledgement of the need for the improvement of policies where student behaviour or conduct may also constitute a criminal offence. This should be a priority across the sector.

Despite the prevalence of stalking and harassment among students, it has not led to significant legislation protecting these individuals within the university environment which presents a unique set of vulnerabilities. Increased autonomy, restricted movement in terms of regularly scheduled classes and other activities, communal working/living on or close to campus, and designated parking, etc. all contribute to students being consistently, predictably accessible and highly vulnerable to experiencing stalking risks compared to the general public (Fisher, Cullen, & Turner, 2002).

Universities are tasked with ensuring that the spaces where students study, work, and live are safe. The interests of these students are guaranteed by acts such as the Equality Act of 2010, legislation, duty of care at common law, and contract law which put down legal obligations on universities to protect their students in various situations. Equality Act of 2010 (UK Government 2010) ensures that it is unlawful for a university to victimize, harass or discriminate potential, current and former students, however there is currently no legislation and laws that legally put an obligation on universities to protect their students and thus far the reach of the university's obligations regarding the well-being of a student has not been tried out in the courts, in an instance of a breach of this duty of care has not been tested.

The Universities obligation to the student is a complicated and usually falls upon the academics within university to collaborate and help the students with adverse situations. Consequently,

many universities train their staff to ensure that they appropriately react to situations where they are indicators that a student is in a position of harm or a problematic situation.

## **Responses to Stalking**

How can we be sure that Universities offer effective support? Beyond Universities, people who are being stalked sometimes approach health care professionals (HCPs) to help reduce the impact of stalking on their lives (Mullen et al., 2006). This often helps the victim to clarify their situation and adopt coping strategies, but the response and help given is reliant on the HCP's knowledge of the phenomenon (Kamphuis et al., 2005). In most cases, HCPs may underestimate the adverse effects of stalking on a victim's life. This underestimation can be common in cases where the boundaries in the situation do not fall within a still dominant stereotype of cases such as stranger stalking or gender of victim and perpetrator. The belief that stalking offenders are usually strangers is at odds with the experience of most victims (Weller et al., 2013). McEwan et al. (2007) found that being stalked by a former partner poses more threat and is sustained over a longer period (Eke et al., 2011). Stalking is also commonly seen as female victims at the hands of the male perpetrators (Purcell et al. 2002). Thus, underestimation of stalking effects may occur in cases where such characteristics are not evident (Brooks, Petherick, Kannan, Stapleton & Davidson, 2021). Practitioners may fail to understand the actual challenges facing male victims experiencing stalking by female perpetrators. At the same time, professionals fail to understand the complexity associated with stalking. As a result, this translates into the inability of individuals who are being stalked in accessing support health and social services needed to overcome their situation. This vacuum is recognised by the stalking sector in general, while there are specialist trained practitioners known as ISACs (Independent Stalking Advocacy Caseworkers) that are usually based within stalking or domestic abuse charities. They can both offer skilled support directly to victims and

support those working with victims of stalking. However, there are simply not enough. At the time of writing the government is being petitioned to provide more funding for stalking advocates under ‘Gracie’s Law’. This is named after Gracie Spinks who was 23 and was stalked and murdered by a former colleague. In her memory, friends, family and agencies working in the stalking sector have come together to support this initiative. This lack of specialist services is likely be mirrored in universities, with only 13% who responded to the FOI request having specific policies on domestic abuse and stalking (Vice, 2019). The positive impact of providing more advocates is demonstrated by figures released by the Suzy Lamplugh trust (2022) who indicated that in stalking cases where a specialist advocate is involved victims are more likely to report to the police and have more success when pursuing legal action. The report also highlighted that victims found that their stalking advocate “was vital in supporting their overall wellbeing and mental health”.

Universities UK is the collective voice of 140 universities across the UK. It is the membership body of Vice chancellors and University principles and aims towards continued improvement in HE. To support UK universities in tackling the rise of online abuse, UUK published guidance and practical recommendations designed to support universities in addressing online harassment, including stalking (UUK, 2019). The published report was based on evidence including academic articles, research reports from external experts and reference to practice in the international education sector. The report recommended seven principles in addressing online harassment and promoting online welfare. The first of these was for senior leadership within universities to take ownership and accountability for safeguarding of students and provide procedures of reporting, monitoring, and supporting student concerns. As stated in principle two this must be done in a strategic and university wide approach and all stakeholders must be involved including student’s union, senior leaders and academics. While principal 3

states that students must be engaged in the creation and development of procedures and where possible survivor accounts should shape the future progress of such programs. UUK also recommends in principle 4 that robust policies and procedures are effective in tackling the issues at hand and institutions extend a zero-tolerance culture to matter of online harassment. Universities must also monitor and evaluate prevention and support activities. Accessibility is highlighted in principle 5, stating that universities must have a range of accessible mechanisms to make disclosures and report incidents. In addition, equality monitoring should be embedded into reporting systems and universities should consider peer to peer procedures to support students. Principles 6 and 7 are recommendations to promote online safety and welfare in collaboration with students and the student union as well as considering adopting optional questions for the National student survey around online safety and wellbeing. Finally, the report recommends sharing good practice among universities and sharing research and experiences of good practice in tackling the issue of online harassment.

## **Recommendations**

The recommendations that arise from this review of stalking at universities, are informed by the Office for Students and Universities UK. “Changing the Culture”. There is a need to enact the principles outlined above to meet the expectations of university communities and these will be partly shaped by training and resources. The response to stalking cases must improve, but so must the wider social problem which tolerates harassing and stalking behaviours. Universities provide an environment where that can be challenged by integrating education on stalking to improve identification of stalking behaviours and create a culture which rejects all forms of harassment.

The primary recommendation here is that University student services and staff who find themselves supporting members of the university community should undertake training in order to ensure that stalking behaviours can be identified and the victims of stalking are supported by suitably informed staff who have knowledge of the correct referral routes for specialist services, support and access to justice. Disclosing the details of stalking can be very difficult, so the university systems and processes students and staff encounter need to be as supportive and non-judgemental as possible. There are several national and regional organisations who form the National Stalking Consortium and who offer training in stalking awareness and the response to stalking. Amongst this consortium is The Alice Ruggles trust who offer an Ofqual accredited qualification aimed at professionals who work with young people and has been attended by a variety of Student Services professionals. The Suzy Lamplugh trust who chairs the consortium has an established history of education, campaigning and support for stalking and provides the National Stalking helpline service and offers both open access stalking awareness courses and bespoke stalking awareness courses that can be tailored to the requirements of the team or organisation.

The second recommendation addresses the culture shift necessary to create culture that is prevents abuse like harassment and stalking Cases studies that present positive movement towards this culture shift are included on the UUK webpage on Tackling Online harassment and feature a range of interventions.

In conclusion, the effectiveness of staff training and changing the culture on campus highlighted in the recommendations above will only be understood by a reduction in reported cases and an increased feeling of safety by individuals in the community. Universities have a role in providing information that might indicate that success. A baseline metric assessing

university culture and feelings of safety, might be a good place to start. We would also recommend that the National Student Survey adds to the core 27 questions by including a question about how safe students feel on campus and in their life at university, This could also be included in staff surveys and would echo the expectation for students to (not only) succeed” but, “to feel safe, healthy and part of a tolerant, inclusive academic community” (OfS, 2021).

### **Getting help or advice on stalking**

National Stalking Helpline| The Suzy Lamplugh

Trust: <https://www.suzylamplugh.org/pages/category/national-stalking-helpline>

Paladin: <https://paladinservice.co.uk/>

Alice Ruggles Trust <https://alicerugglestrust.org/>

The Cyber Helpline: <https://www.thecyberhelpline.com/>

Protection Against Stalking: <https://www.protectionagainststalking.org/>

Women’s Aid: <https://www.womensaid.org.uk/information-support/what-is-domestic-abuse/stalking/>

Victim Support: <https://www.victimsupport.org.uk/crime-info/types-crime/stalking-and-harassment/>

Citizens Advice: <https://www.citizensadvice.org.uk/family/gender-violence/domestic-violence-and-abuse-getting-help/>

### **Scotland:**

<https://www.actionagainststalking.org>

<https://www.mygov.scot/victim-support-stalking>

### **Wales:**

Safer Communities Wales: <https://safercommunities.wales/vawdasv/stalking-and-harassment/>

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