# ARE YOU BEING STALKED?

What every student should know

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What is stalking?

**STALKING IS A CRIME**

Stalking is a series of actions that make the victim feel afraid and in danger. Stalking usually escalates over time and is often violent therefore you must take stalking seriously.

Stalking can be defined as a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.

It is a course of conduct that can include:

- Repeated, unwanted, intrusive, and frightening communications from the perpetrator by phone, mail, and/or email
- Repeatedly leaving or sending victim unwanted items, presents, or flowers
- Following or laying in wait for the victim at places such as home, school, work, or recreation place
- Making direct or indirect threats to harm the victim, the victim's children, relatives, friends, or pets.
- Damaging or threatening to damage the victim's property
- Harassing victim through the internet
- Posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth
- Obtaining personal information about the victim by accessing public records, using internet search services, hiring private investigators, going through the victim's garbage, following the victim, contacting victim's friends, family work, or neighbors, etc.

Source: Stalking Resource Center, National Center for Victims of Crime

**Some things stalkers do:**

- Repeatedly call you
- Repeatedly hang up
- Send unwanted gifts
- Send unwanted emails, texts and facebook postings
- Damage your car, home, residence hall room and property
- Use technology to track you
- Repeatedly drive by your house, school or work
- Threaten to hurt you, your friends and family
- Contact your friends and family
- Any other actions that are for the purpose of causing fear and that attempt to control you
New York State’s definition of “affirmative consent,” notes: “Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity, or gender expression.”

Stalking Facts:

- 3.4 million people are stalked each year in the United States
- 1 in 12 women and 1 in 45 men are stalked during their lifetime
- 87% of stalkers are male, 94% of female victims had male stalkers, and 60% of male victims had male stalkers
- 52% of stalking victims are 18-29 years old.
- Only 23% of female victims and 36% of male victims are stalked by strangers
- 43% of female intimate partner stalking reported that the stalking began after the relationship ended
- About 50% of victims report the stalking to the police

Source: National Coalition against Domestic Violence

What should I do if I feel I am being stalked to stay safe?

- If you are in immediate danger contact 911
- Contact the police. Every state has stalking laws
- Consider getting a court order that tells the stalker to stay away from you
- If you are on campus, contact campus security
- Don’t communicate with the stalker or respond to attempts to contact you
- Save all text messages, voicemails and emails. Keep all evidence of the stalking
- Take threats seriously and act in a manner to protect your safety
- Contact a crisis hotline, domestic violence or rape crisis program
- Develop a safety plan which includes things like changing your routine and avoid traveling alone.
- Tell important people in your life about the stalking problem, including the police, your employer, family, friends, and neighbors.
- Carry a cellphone at all times so you can call for help.
- Consider changing your phone number (though some people leave their number active to collect evidence). You also can ask the phone company about call blocking and other safety features.
Cyberstalking
Cyberstalking is using the Internet, email, or other electronic communication to stalk someone. Examples of cyberstalking included:

- Sending unwanted, frightening, or obscene emails, text messages or instant messages or FB messages and other social media
- Harassing or threatening someone in a chat room
- Posting improper massages on FB and other social media
- Tracking your computer and Internet use
- Sending electronic viruses
- Pretending to be you

If you are cyberstalked:

- Send the person a clear, written warning not to contact you again
- If the stalking continues, get help from the police. You also can contact a domestic violence shelter and the National Center for Victims of Crime Helpline for support and suggestions.
- Print out copies of evidence such as emails. Keep a record of the stalking and any contact with police.
- Consider blocking messages from the harasser.
- Change your email address.
- File a complaint with the person’s Internet Service Provider (ISP).
- Never post online profiles or messages with details that could be used to identify or locate you (such as age, sex, address, workplace, phone number, school, or places you hang out).

How am I going to feel?

- Emotional shock and disbelief that this is happening
- Embarrassment
- Fear of what the stalker will do
- Vulnerable and feeling unsafe
- Fearful of trusting people to help you
- Depressed, overwhelmed, angry
- Stressed
- Confused, frustrated, isolated
Counseling Services/On Campus

Old Westbury:
Harry Schure Hall, Rm 208
(516) 686-7976 (Main Number)

Alice Heron Burke, CCBT, LMHC
Senior Director
Harry Schure Hall, Rm 208B
(516) 686-7683

Joan O’Connor, CSAC, LMHC
Counselor III
Harry Schure Hall, Rm 208D
(516) 686-7703

Alyssa Provenzano, LMSW
Assistant Director

Old Westbury: Harry Schure Hall, Rm 208C (516) 686-7636
Manhattan: 26 West 61st Street, Rm M05 (212) 261-1759

Manhattan Campus:
26 West 61st Street, Mezzanine Level
(212) 261-1770 (Main Number)

Michael Schneider, LMSW
Director
26 West 61st Street, Rm M02
(212) 261-1773

Tiffany Ciprian, LMSW
Associate Director
26 West 61st Street, Rm M03
(212) 261-1755

Counseling Services/Off Campus

Manhattan:
• Safe Horizon Rape Crisis Hotline (212) 227-3000
• NYC Gay and Lesbian Anti-Violence Project (212) 714-1141
• Victims Of Violent Assault Assistance Program (212) 562-3755
• Brooklyn Community Program (718) 928-6950
• DOVE (Domestic and Other Violence Emergencies) New York Presbyterian Hospital (212) 305-3569
• SAVI (Sexual Assault and Violence Intervention Program) Mt. Sinai Hospital, Manhattan (212) 423-2140 or Queens (718) 736-1288

Old Westbury:
• Nassau County Rape Hotline (516) 222-2293
• The Safe Center LI (516) 542-0404
• Long Island Gay and Lesbian Youth, Inc (631) 665-2300
NYIT is committed to providing a safe learning and working environment. In compliance with federal law, specifically the Jeanne Clery Act (Clery Act) and the Campus Sexual Violence Elimination Act (SaVE Act), and NYIT has adopted policies and procedures to prevent and respond to incidents of sexual assault, domestic violence, dating violence, and stalking.

Title IX Support

When should I contact Title IX support staff?

Any student, staff, or faculty member, or applicant for admission who has concerns about sex discrimination or sexual misconduct, including stalking, is encouraged to seek the assistance of the Title IX Coordinator (faculty and staff) or the Deputy Title IX Coordinator (students and applicants).

If I contact Title IX support staff, will my confidentiality be maintained?

NYIT will maintain the confidentiality of the complaint to the greatest extent possible, consistent with the law and NYIT’s goal of conducting a thorough and complete investigation. Efforts will be made to safeguard the privacy and rights of all persons involved.

If you feel like you have been a victim of stalking, please contact a Title IX administrator.

Title IX Coordinator
Carol Jablonsky
Director, Human Resources
Old Westbury Campus, North House, Room 204
(516) 686-1014

Deputy Title IX Coordinators

Manhattan:
Dr. Ann Marie Klotz
Dean for Campus Life
26 W. 61st St.
(212) 261-1531

Old Westbury:
Dr. Francy Magee
Dean for Campus Life
Student Activities Center, 2nd Floor
(516) 686-7996

Central Islip:
Paul Cavanagh
Assistant Dean, VIP
Independence Hall, Room 106
(631) 348-3169

Gail Wasmus
Assistant to the Athletic Director
Sports Complex, Room 104
(516) 686-7447
NYITCOM:
Mary Ann Achtziger
Associate Dean NYIT College of Osteopathic Medicine
Serota Hall, Room 213
(516) 686-3775

Resources for Students with Disabilities

Section 504, Rehabilitation Act

“No otherwise qualified individual with a disability in the United States...shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance....” 29 U.S.C. § 794(a).

The Rehabilitation Act prohibits discrimination on the basis of disability in programs receiving federal financial assistance and in the employment of practices of federal contractors. Each federal agency has its own set of § 504 regulations, but all include reasonable accommodation for employees with disabilities, program accessibility, effective communication for individuals who have hearing or vision disabilities, and accessible new construction. Individuals with concerns or questions about the ADA or Section 504 may contact NYIT’s ADA and Section 504 coordinator as follows:

Old Westbury & Manhattan
Alyssa Provenzano, LMSW
Assistant Director, Disability Services Counseling & Wellness
Old Westbury: Harry J. Schure Hall, Room 208
(516) 686-7636
Manhattan: 26 W. 61st Street, Room M03
(212) 261-1759

NYITCOM
Cheryl Newman, M.S.
Medicine Learning Specialist,
Old Westbury: NYITCOM Serota Building, Room 208
(516) 686-1446
Legal Services

Manhattan:
- Campus Security (646) 273-7789
- Victim Services 24 hour Hotline (212) 577-7777
- New York City District Attorney’s Special Victim’s Bureau (212) 335-9373
- Brooklyn (Sex Crimes Bureau) 718-250-3170
- Bronx 718-590-2115
- Queens 718-286-6505
- Staten Island 718-556-7125

Old Westbury:
- Campus Security (516) 686-7789
- Nassau County Special Victim’s Squad (516) 573-8055
- Nassau County District Attorney’s Sex Crimes Unit (516) 571-1266

Additional Help:
- New York State Crime Victim’s Board 1 (800) 247-8035
- National Center for Victims of Crime 1-800-FVI-CALL

IF YOU ARE IN IMMEDIATE DANGER CALL 911

NEW YORK STATE STALKING LAWS

45 120. Stalking in the fourth degree.
A person is guilty of stalking in the fourth degree when he or she intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct:

1. Is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person’s immediate family or a third party with whom such person is acquainted; or

2. Causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person’s immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or

3. Is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person’s place of employment or business, and the actor was previously clearly informed to cease that conduct.
Stalking in the fourth degree is a class B misdemeanor.

S 120.50 Stalking in the third degree. 
A person is guilty of stalking in the third degree when he or she:
1. Commits the crime of stalking in the fourth degree in violation of section 120.45 of this article against three or more persons, in three or more separate transactions, for which the actor has not been previously convicted; or
2. Commits the crime of stalking in the fourth degree in violation of section 120.45 of this article against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime, as defined in subdivision five of section 120.40 of this article, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or
3. With intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person's immediate family; or
4. Commits the crime of stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree.

Stalking in the third degree is a class A misdemeanor.

S 120.55 Stalking in the second degree. 
A person is guilty of stalking in the second degree when he or she:
1. Commits the crime of stalking in the third degree as defined in subdivision three of section 120.50 of this article and in the course of and in furtherance of the commission of such offense: (i) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, shotgun, machine gun, electronic dart gun, electronic stun gun, cane sword, billy, blackjack, bludgeon, metal knuckles, chuka stick, sand bag, sandclub, slingshot, slungshot, shirken, "Kung Fu Star", dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapon; or (ii) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or
2. Commits the crime of stalking in the third degree in violation of subdivision three of section 120.50 of this article against any person, and has previously been convicted, within the preceding five years, of a
specified predicate crime as defined in subdivision five of section 120.40 of this article, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or

3. Commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree as defined in subdivision four of section 120.50 of this article against any person; or

4. Being twenty-one years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury or death.

Stalking in the second degree is a class E felony.

S 120.60 Stalking in the first degree.
A person is guilty of stalking in the first degree when he or she commits the crime of stalking in the third degree as defined in subdivision three of section 120.50 or stalking in the second degree as defined in section 120.55 of this article and, in the course and furtherance thereof, he or she:

1. Intentionally or recklessly causes physical injury to the victim of such crime; or

2. Commits a class A misdemeanor defined in article one hundred thirty of this chapter, or a class E felony defined in section 130.25, 130.40 or 130.85 of this chapter, or a class D felony defined in section 130.30 or 130.45 of this chapter.

Stalking in the first degree is a class D felony.

NY CLS Penal § 240.25. Harassment in the first degree. (1999)
A person is guilty of harassment in the first degree when he or she intentionally and repeatedly harasses another person by following such person in or about a public place or places or by engaging in a course of conduct or by repeatedly committing acts which places such person in reasonable fear of physical injury. This section shall not apply to activities regulated by the national labor relations act, as amended, the railway labor act, as amended, or the federal employment labor management act, as amended.

Harassment in the first degree is a class B misdemeanor.

A person is guilty of harassment in the second degree when, with intent to harass, annoy or alarm another person:
He or she strikes, shoves, kicks or otherwise subjects such other person to physical contact, or attempts or threatens to do the same; or
   1. He or she follows a person in or about a public place or places; or
   2. He or she engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose.

Subdivisions two and three of this section shall not apply to activities regulated by the national labor relations act, as amended, the railway labor act, as amended, or the federal employment labor management act, as amended. Harassment in the second degree is a violation.

A person is guilty of aggravated harassment in the first degree when with intent to harass, annoy, threaten or alarm another person, because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct, he or she:
   1. Damages premises primarily used for religious purposes, or acquired pursuant to section six of the religious corporation law and maintained for purposes of religious instruction, and the damage to the premises exceeds fifty dollars; or
   2. Commits the crime of aggravated harassment in the second degree in the manner proscribed by the provisions of subdivision three of section 240.30 of this article and has been previously convicted of the crime of aggravated harassment in the second degree for the commission of conduct proscribed by the provisions of subdivision three of section 240.30 or he or she has been previously convicted of the crime of aggravated harassment in the first degree within the preceding ten years; or
   3. Etches, paints, draws upon or otherwise places a swastika, commonly exhibited as the emblem of Nazi Germany, on any building or other real property, public or private, owned by any person, firm or corporation or any public agency or instrumentality, without express permission of the owner or operator of such building or real property; [fig 1]
   4. Sets on fire a cross in public view [fig 1]; or
   5. Etches, paints, draws upon or otherwise places or displays a noose, commonly exhibited as a symbol of racism and intimidation, on any building or other real property, public or private, owned by any person, firm or corporation or any public agency or instrumentality, without express permission of the owner or operator of such building or real property. Aggravated harassment in the first degree is a class E felony.

A person is guilty of aggravated harassment in the second degree when, with intent to harass, annoy, threaten or alarm another person, he or she:
   1. Either
(a) communicates with a person, anonymously or otherwise, by telephone, [fig 1] by telegraph, or by mail, or by transmitting or delivering any other form of written communication, in a manner likely to cause annoyance or alarm; or
(b) causes a communication to be initiated by mechanical or electronic means or otherwise with a person, anonymously or otherwise, by telephone, [fig 1] by telegraph, or by mail, or by transmitting or delivering any other form of written communication, in a manner likely to cause annoyance or alarm; or

2. Makes a telephone call, whether or not a conversation ensues, with no purpose of legitimate communication; or

3. Strikes, shoves, kicks, or otherwise subjects another person to physical contact, or attempts or threatens to do the same because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct; or

4. Commits the crime of harassment in the first degree and has previously been convicted of the crime of harassment in the first degree as defined by section 240.25 of this article within the preceding ten years.

5. For the purposes of subdivision one of this section, "form of written communication" shall include, but not be limited to, a recording as defined in subdivision six of section 275.00 of this part. Aggravated harassment in the second degree is a class A misdemeanor.

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**Related Offenses**

**NY CLS Penal § 250.45. surveillance in the second degree. (2003)**

A person is guilty of unlawful surveillance in the second degree when:

1. For his or her own, or another person's amusement, entertainment, or profit, or for the purpose of degrading or abusing a person, he or she intentionally uses or installs, or permits the utilization or installation of an imaging device to surreptitiously view, broadcast or record a person dressing or undressing or the sexual or other intimate parts of such person at a place and time when such person has a reasonable expectation of privacy, without such person's knowledge or consent [fig 1] ; or

2. For his or her own, or another person's sexual arousal or sexual gratification, he or she intentionally uses or installs, or permits the utilization or installation of an imaging device to surreptitiously view, broadcast or record a person dressing or undressing or the sexual or other intimate parts of such person at a place and time when such person has a reasonable expectation of privacy, without such person's knowledge or consent [fig 1] ; or

3. (a) For no legitimate purpose, he or she intentionally uses or installs, or permits the utilization or installation of an imaging device to surreptitiously view, broadcast
or record a person in a bedroom, changing room, fitting room, restroom, toilet, bathroom, washroom, shower or any room assigned to guests or patrons in a motel, hotel or inn, without such person's knowledge or consent.

(b) For the purposes of this subdivision, when a person uses or installs, or permits the utilization or installation of an imaging device in a bedroom, changing room, fitting room, restroom, toilet, bathroom, washroom, shower or any room assigned to guests or patrons in a hotel, motel or inn, there is a rebuttable presumption that such person did so for no legitimate purpose [fig 1] ; or

4. Without the knowledge or consent of a person, he or she intentionally uses or installs, or permits the utilization or installation of an imaging device to surreptitiously view, broadcast or record, under the clothing being worn by such person, the sexual or other intimate parts of such person. Unlawful surveillance in the second degree is a class E felony.

A person is guilty of unlawful surveillance in the first degree when he or she commits the crime of unlawful surveillance in the second degree and has been previously convicted within the past ten years of unlawful surveillance in the first or second degree.

Unlawful surveillance in the first degree is a class D felony.

A person is guilty of dissemination of an unlawful surveillance image in the second degree when he or she, with knowledge of the unlawful conduct by which an image or images of the sexual or other intimate parts of another person or persons were obtained and such unlawful conduct would satisfy the essential elements of the crime of unlawful surveillance in the first or second degree, intentionally disseminates such image or images.

Dissemination of an unlawful surveillance image in the second degree is a class A misdemeanor.

A person is guilty of dissemination of an unlawful surveillance image in the first degree when:

1. He or she, with knowledge of the unlawful conduct by which an image or images of the sexual or other intimate parts of another person or persons were obtained and such unlawful conduct would satisfy the essential elements of the crime of unlawful surveillance in the first or second degree, sells or publishes such image or images [fig 1] ; or

2. Having created a surveillance image in violation of section 250.45 or 250.50 of
this article, or in violation of the law in any other jurisdiction which includes all of the essential elements of either such crime, or having acted as an accomplice to such crime, or acting as an agent to the person who committed such crime, he or she intentionally disseminates such unlawfully created image [fig 1] ; or

3. He or she commits the crime of dissemination of an unlawful surveillance image in the second degree and has been previously convicted within the past ten years of dissemination of an unlawful surveillance image in the first or second degree.

Dissemination of an unlawful surveillance image in the first degree is a class E felony.

Stalking can be defined as a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.

It is a course of conduct that can include:

- Repeated, unwanted, intrusive, and frightening communications from the perpetrator by phone, mail, and/or email
- Repeatedly leaving or sending victim unwanted items, presents, or flowers
- Following or laying in wait for the victim at places such as home, school, work, or recreation place
- Making direct or indirect threats to harm the victim, the victim's children, relatives, friends, or pets.
- Damaging or threatening to damage the victim's property
- Harassing victim through the internet
- Posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth
- Obtaining personal information about the victim by accessing public records, using internet search services, hiring private investigators, going through the victim's garbage, following the victim, contacting victim's friends, family work, or neighbors, etc.

Source: Stalking Resource Center, National Center for Victims of Crime

**NYIT Judicial Policies—Old Westbury & Manhattan Campus**

**New York Statewide Alcohol and/or Drug Use Amnesty Policy:**

When reporting instances of sexual misconduct in good faith, students or bystanders will not be subject to alcohol and/or drug use policy violations occurring around the time of the alleged incident.

**Student Code of Conduct—Section 1**
NYIT is committed to the philosophy of educating its students through rational inquiry, discourse, and cooperative resolution of controversial issues. To achieve and support the educational mission and goals of the college, to create an environment where all students have the same opportunity to succeed academically and to promote health and safety, NYIT has established policies that set minimum standards for student behavior. As an institution of higher education, NYIT encourages students to rise above the minimum standards, and works to build a community of learners where all members of the college community show respect for the views of others and accept responsibility for their own actions. Individuals and groups have the right to the freedom of expression, but they must at all times respect the rights of others. The deliberate violation of established rules or procedures at NYIT is unacceptable to building a learning community. NYIT will act immediately to protect life and property, while maintaining and balancing the rights of students and the NYIT community. The right of every student to learn will be protected through enforcement of the NYIT Student Code of Conduct.

Every student who accepts enrollment at NYIT thereby agrees to abide by all policies, rules, and regulations published at the college. The following policies, deemed the Student Code of Conduct, govern conduct of all students, their guests, as well as visitors to any NYIT campus or facility. These policies provide students, faculty, and staff with guidelines regarding the expectations for responsible participation in the educational community, as well as offer information regarding consequences for violating such expectations. The code is intended to preserve community standards, including the pursuit of academic integrity, safety, health, and welfare of all members within the NYIT community. This Student Code of Conduct does not govern students at the NYIT College of Osteopathic Medicine, NYIT’s international campuses, or the Vocational and Graduate Independence Programs. Those programs have developed their own codes of conduct for registered students.

**Section 5—S. Stalking**

Stalking is defined as activities occurring on more than one occasion that collectively instill fear in a person and/or threaten his or her safety, mental health, physical well-being, or general privacy. Such behaviors and activities may include, but are not limited to:

1. Nonconsensual communication (including face-to-face, telephone calls, voice messages, electronic mail, written letters/notes, unwanted gifts).
2. Threatening or obscene gestures.
3. Pursuing or following.
4. Electronic or any form of surveillance and/or other types of nonconsensual observation.

_NYIT Student Handbook_

_NYITCOM Student Handbook_