

STALKER

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By forming a legal definition of stalking as an offense that does not necessarily involve touching, the committee has tried to make legal action possible for stalking victims.

Jacque Gibson, head of the stalking committee and director of the mediation program, said the stalking committee has been working on forming a stalking amendment to the student conduct code for about seven months.

Throughout the seven months, many lawyers have helped revise the proposed amendment to prepare it for submission to the Student Conduct Committee, Gibson said.

The proposed amendment says the stalker's contact with his victim must cause "reasonable apprehension of imminent physical harm" and cause "substantial impairment of the other person's ability to perform the activities of daily life."

On Tuesday the Student Conduct Committee unanimously passed a motion to send the amendment out for public hearing. The public hearing will take place in 45 to 90 days.

If the conduct committee passes the amendment, it will then go to the Student Senate.

If the amendment passes, it will be added as Section 21 to the Student Conduct Code.

Gibson said the final amendment USB presented to the conduct committee Tuesday was much broader than the stalking committee originally intended.

Gibson said the clause that refers to "reasonable apprehension of imminent physical harm" may make it difficult to apprehend stalkers who do not verbally threaten their victims.

Violation of First Amendment rights is the primary reason for the broader amendment, Gibson said.

"Most victims of stalking are going to wish it was broader than that. We did too, but any-

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if that person "knowingly or recklessly harasses, alarms or coerces another person by engaging in repeated and unwanted contact with the other person."

Mannix said the bill does not require malicious intent to be established to determine whether the crime has been committed. Some people who stalk others do not intend harm, yet still cause their victims distress, Mannix said.

Malicious intent is difficult to prove in courts, Mannix said. When stalking has been committed and a law enforcement officer has probable cause to believe the victim's personal safety is threatened, the officer may issue a protective order. The order would be valid for seven days.

During the seven-day period, a court hearing would determine if a permanent order should be issued or if psychological evaluation of the perpetrator is necessary.

If a psychological evaluation is required and treatment is found necessary, the court would refer that person to the proper mental health agency.

Violation of the temporary protective order would be punishable by a maximum of six months in prison and/or a \$1,000 fine. Violating a permanent stalking protective order would result in up to five years in prison, a \$100,000 fine or both.

thing broader would probably be unconstitutional," Gibson said. "We're not thrilled with it, but we think this is what it will take to get it passed."

Stover said she does feel that the new code may not be broad enough to allow the University to take action against stalkers like the one who followed her.

"I wish the language was stronger," Stover said. "The chances of someone being convicted of this are very slim."

On the state level, Rep. Kevin Mannix, D-Salem, has proposed a bill that would outlaw stalking.

Gibson said the state law would outlaw misdemeanor and felony charges for stalking offenders, and that if the state makes the stalking bill a law, the chances are it will be even more conservative than the one the University adopts.

"I suspect the state will be more restrictive," Gibson said. "The Oregon Constitution has such clear statements about free speech that it will be difficult to pass."

The attempt to develop a law

against stalking in Oregon is part of a national trend, Gibson said.

Gibson said that when the stalking committee first began working on the amendment, only two states had stalking laws in effect, but now 20 states have passed laws.

Until a bill is passed or a conduct code amendment made, stalking victims should report all incidents, Stover said.

"Document it and report it," she said. "Even if there is nothing the University or police can do, report it because then you have proof."

OPS Director Carey Drayton said stalking victims should report their perpetrator's behavior because some stalking can often lead to punishable offenses such as intimidation, telephone harassment and menacing.

Green said victims should go to OPS if their stalker is not a University student, or if they believe the stalker may have violated state law. Otherwise, she said, victims should report stalking to the Dean of Students Office.

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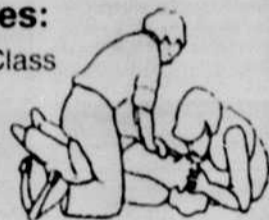
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