WEBSTER UNIVERSITY DEPARTMENT OF PUBLIC SAFETY

2024 Annual Security and Fire Safety Report Fort Sill

Containing Crime and Fire Statistics for 2021, 2022, and 2023

Webster UNIVERSITY

Webster University
2024 Annual Security Report
Ft Sill Campus

QUICK REFERENCE RESOURCES

Emergency Contacts

- Emergency 911
- Ft. Sill Military Police 580-442-2103
- Webster University – Ft. Sill 580-353-5766
- Webster University Department of Public Safety 314-246-7430 (non-emergency)
- Sexual Offense Advocate (main campus) 314-649-8474 (24 hours a day)

The Department of Public Safety and Sexual Offense Advocate are located on the main campus in Webster Groves, Missouri; however, staff members can assist callers remotely or make appropriate referrals to local resources.

Webster Alert System

This is the University's free mass notification service, which is used to alert all students, faculty & staff regarding important information regarding campus crimes, emergencies and other potentially life-threatening events at their webster.edu email address. Users are strongly encouraged to add a personal email address and mobile number to their account by logging into Connections and clicking on the Webster Alerts banner.

The following telephone numbers connect callers with personnel at the main campus; however, staff and administrators at the main campus can either assist callers at branch campuses remotely or make appropriate local referrals.

University Title IX Coordinator

- University Title IX Coordinator 314-246-7780

Other Campus Resources

- Dean of Students Office 314-968-6980
- Academic Resource Center 314-246-7620
- Financial Aid Office 314-968-6992
- Counseling Services 314-968-7030
- Immigration/Visa Information 314-246-7860

FT. SILL CAMPUS ANNUAL CRIME STATISTICS

This section of the Annual Security Report explains what type of crimes institutions are directed to include under the Clery Act, as well as how the University obtains and tabulates these statistics each year. Reporting tables are provided which include crime statistics for the calendar years 2021-2023.

Preparation of the Annual Crime Statistics

The statistics included in the Annual Security Report are compiled by the Department of Public Safety (DPS) with assistance from a wide range of other University administrative departments, including but not limited to Campus Directors and Assistant Directors at branch campuses, Student Affairs, Human Resources, and Title IX. DPS collects statistics from these departments and other University Campus Security Authorities (CSAs) [1]on an ongoing basis throughout the year and follows up with an annual request for confirmation that all reports of crimes received by CSAs have already been reported to DPS. DPS also annually requests crime statistics from local law enforcement agencies which could potentially respond to calls anywhere on this campus' Clery reportable geography.

Explanation of the 2021-2023 Crime Statistics Reporting Tables

Under the Clery Act, institutions are only directed to disclose statistics for specific offenses, (collectively referred to as Clery Act Crimes) which were reported to have occurred in one of the following four[2] geographical locations associated with the University:

On-Campus: 1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; or 2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Public Property: All public property, including but not limited to thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Non-campus Buildings or Property: Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's

[1] CSAs include members of DPS, as well as other University employees or volunteers with responsibility for campus security who are not members of DPS, and University officials with significant responsibility for student and campus activities, including but not limited to, student housing, student discipline and campus judicial proceedings. Because official responsibilities and job titles vary significantly on campuses, CSAs are classified by job function, not job title.

[2]Statistics for incidents occurring in on-campus student housing facilities are separately reported as a subset of on-campus property. However, there are no on-campus student housing facilities associated with this campus at this time

educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. Note that none of Webster University's officially recognized student organizations own or control any property.

Clery Act Crimes are categorized in four general categories. The Criminal Offenses category includes: Criminal Homicide, including Murder and Non-negligent Manslaughter, and Manslaughter by Negligence; Sexual Assault, including Rape, Fondling, Incest and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson. The Hate Crimes category includes any of the Criminal Offenses and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by bias. The VAWA Offenses category includes: any incidents of Domestic Violence, Dating Violence and Stalking. (Note that Sexual Assault is also a VAWA Offense but is included in the Criminal Offenses category for Clery Act reporting purposes). The final category of Clery Act Crimes is referred to as Arrests and Referrals for Disciplinary Action and includes: Violations of Weapons Laws, Drug Abuse Violations and Liquor Law Violations. **Definitions of each offense are provided in Appendix C.**

It is also important to note:

- statistics are based on reports of alleged criminal offenses – and offenses are included regardless of whether or not the crime has been investigated, or whether a finding of guilt or responsibility has been made; and
- statistics are tabulated based on the date the Clery Act Crime was reported, not the date it allegedly occurred.

Criminal Offenses Reporting Table 2021-2023 (Ft. Sill Campus):

Offense	On-Campus Property			Non-Campus Property			Public Property		
	2021	2022	2023	2021	2022	2023	2021	2022	2023
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0

VAWA Offenses Reporting Table 2021-2023 (Ft. Sill Campus):

Offense	On-Campus Property			Non-Campus Property			Public Property		
	2021	2022	2023	2021	2022	2023	2021	2022	2023
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

Arrests and Disciplinary Referrals Reporting Table 2021-2023 (Ft. Sill Campus):

Offense	On-Campus Property			Non-Campus Property			Public Property		
	2021	2022	2023	2021	2022	2023	2021	2022	2023
Arrests: Weapons: Carrying, Possessing, Etc.	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, Etc.	0	0	0	0	0	0	0	0	0
Arrests: Drug Abuse Violations	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Drug Abuse Violations	0	0	0	0	0	0	0	0	0
Arrests: Liquor Law Violations	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	0	0	0	0	0	0	0	0	0

Hate Crimes

In addition to the statistics presented in the Reporting Tables on the preceding pages, institutions are required to report the statistics for hate crimes. There were no reported Hate Crimes during 2021, 2022, or 2023.

Unfounded Crimes

Institutions are also required to disclose whether any crime reports were “unfounded” and subsequently withheld from crime statistics during each of the three most recent calendar years. A crime is considered unfounded for Clery Act purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless.

There were no unfounded crimes in 2021, 2022, or 2023.

CAMPUS SAFETY POLICIES AND PROCEDURES

This section of the Annual Security Report includes information about Webster University's Department of Public Safety, how to report crimes or suspicious activity to the University, and how the University communicates important safety information to its students, faculty, and staff.

Campus Safety

The Webster University Department of Public Safety (DPS) is located at the University's main campus in Webster Groves, Missouri. DPS is led by Director Rick Gerger who has over 20 years of law enforcement experience and holds a Bachelor of Science in Administration of Justice and a Master of Arts in Business and Organizational Security Management. DPS is a member of the University's Finance and Administration division, and reports to the Vice President and CFO.

The Director of Public Safety and other department personnel work collaboratively with base military police and administrators and staff at the University's branch campuses. DPS and the branch campus administrators and staff are dedicated to providing protective and safety services to the campus community.

Jurisdiction and Enforcement Authority

Base military police have jurisdiction over all Webster University owned or controlled property associated with this branch campus; however, the Campus Director, DPS, and administrators and staff on the main campus work collaboratively with base military police to enforce University policy, as well as local and federal laws. Only base military police have the power to make arrests on the Webster University property associated with this campus; however, University administrators or staff may assist base military police with making arrests on University property, or with any search or seizure in connection with an arrest related to a crime committed on University property.

There are no written "memorandum of understanding" (MOU) agreements between the University and base military police regarding the investigation of alleged criminal offenses. However, campus administrators and DPS work cooperatively with base military police to enhance public safety services and campus security. None of the University's recognized student organizations own or control any on campus or non-campus buildings or structures.

Base military police and campus administrators are responsible for the day-to-day campus security for all of the facilities on campus. DPS works closely with administrative departments on this branch campus on a dual approach to campus security – which entails both minimizing criminal opportunities whenever possible and encouraging members of the campus community to take an active role in their own personal safety and the safety of others.

Base military police and campus administration employ a number of techniques to minimize criminal opportunities on campus generally.

Facility Maintenance

The base's facilities and landscaping are maintained in a manner that minimizes hazardous conditions.

Access to Campus Facilities

Webster University's Ft. Sill campus includes well-equipped classrooms and administrative space. The University's facilities are generally open to individuals on base during normal business hours. Military personnel are responsible for coordinating the issuance of any necessary access cards, keys and access codes for students, faculty and staff, and authorized visitors.

Security Awareness & Crime Prevention Programs

Education is another key component of maintaining a secure campus. The Department of Public Safety at the main campus in Webster Groves offers certain online resources which are available to campus community members at all of its branch campuses. The Department of Public Safety and the Campus Director plan to continue to work collaboratively to continue to develop additional security awareness and crime prevention programming for students, employees or faculty at this campus.

Crime Prevention Programs

The University provides all students, staff and faculty with access to a variety of videos on Campus Safety, including crime prevention tips. These videos can be accessed from student, staff, and faculty's Webster University Connections page under the "Crisis Response" tab. Additional crime prevention tips are provided in Appendix A to this Report.

Regardless of the specific focus of the programs presented, the University's security awareness and crime prevention presentations emphasize the need for participants to be responsible for their own security and safety, as campus safety requires collaboration between the University, students, faculty and staff.

Additional crime prevention, security awareness programs and resources (including Active Shooter training) are also available to interested individuals and groups of students, parents, staff and faculty by request.

Reporting Criminal or Suspicious Activity and Emergencies

The University strongly encourages all members of the campus community (as well as visitors) to report any criminal or suspicious activity and emergencies promptly and accurately as outlined below as soon as possible, even if the victim of a crime elects to, or is unable to, make such a report. It is essential that all crimes are reported using these methods so that the Campus Director can determine whether a Timely Warning[3] needs to be issued to the campus community and consider whether the incident should be included annual crime statistics.

[3] 3 Timely Warnings are Clery mandated safety alerts that are issued to the campus community under certain circumstances. The University's policies and procedures regarding Timely Warnings are explained in a later section of this Report

The University also strongly encourages individuals to report any crimes which occur off campus to the Campus Director. While these crimes are not included in the Annual Security Report,[4] the Campus Director can work with DPS to determine which local law enforcement agency to contact for assistance.

Contacting the University about Criminal Actions, Suspicious Activities or Emergencies on Campus

Campus community members should report criminal action, suspicious activity or other emergencies occurring on campus to the Campus Director at the main campus number listed in the Quick Reference section of this Report. If a reporting party cannot reach the Director, or the crime, suspicious activity or emergency is taking place outside of regular business, hours, reporting parties should contact base military police by calling 911. Anytime an individual reports an incident directly to base military police or other local law enforcement instead of the Campus Director, he or she should follow up with a brief voicemail to the Director.

Confidential Reports

The University understands that there are times when a victim of a crime does not want to pursue action within the university system or the criminal justice system; however, reporting parties may still want to consider making a confidential report. With a reporting party's permission, the Campus Director (or the Campus Director's designee) can file a report without revealing the reporting party's identity.

The purpose of a confidential report is to comply with a reporting party's desire to keep the matter confidential, while allowing the University to take the necessary steps to ensure the future safety of the reporting party and campus community. Confidential reports also allow the University to determine where there is a pattern of crime with regard to a particular location, method, or assailant, and assess whether a Timely Warning (described in more detail in the Timely Warning section of this document) is needed. These Confidential reports are also included in the University's annual crimes statistics.

Important note: confidential reporting is not available for reports of sexual assault, dating violence, domestic violence or stalking. As explained in later sections of the Annual Security Report, the University must share the reporting party's identity with a Title IX Coordinator anytime it receives a report involving one of those crimes. See the section of the Report titled "Reporting Sexual Assault, Dating Violence, Domestic Violence or Stalking" for additional detail on how to report these types of offenses confidentially.

The University communicates annually with the individuals on the main campus in Webster Groves who act in the role of a licensed pastoral or professional counselors regarding the procedures for Confidential Reporting described above and asks these counselors to inform their clients about confidential reporting as they deem appropriate. Regardless of whether a report is made confidentially or not, statistics included in the Annual Security Report never include any identifying information for any of the involved parties.

[4] Unless the incident took place on reportable non-campus property as that term is defined by the Department of Education.

University Response to Reports of Crime or Suspicious Activity

Whenever the Campus Director receives a report of a crime or suspicious activity, the Campus Director will relay that information to DPS at the main campus, and work with DPS to document the incident. If the reporting party requests the involvement of the base military police or other local law enforcement, the Campus Director and DPS can assist reporting parties with this request. Reporting parties should be aware that reports (and any associated investigation) involving students may be referred to Student Affairs and/or a Title IX Coordinator for review and possible disciplinary referral depending on the nature of the report. Likewise, reports involving employees/faculty members may be forwarded to Human Resources and/or a Title IX Coordinator for review and possible disciplinary referral.

Higher Education Opportunity Act Victim Notification

It is University policy to, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

Webster Alerts Mass Notification System

Webster University's Webster Alerts system is powered by Rave Alert™, a global leader in higher education emergency notification. Webster Alerts are used to notify the campus community about certain crimes and emergencies as described more fully below in the following sections of the Annual Security Report related to Timely Warnings and Emergency Notifications. The University may also use Webster Alerts to communicate unexpected school closures from time to time; however, it is never used to send information regarding advertising or campus activities.

Rave Guardian is another safety and security measure to keep students and staff safe. Rave Guardian Safety App keeps students connected directly with Public Safety, receiving campus notification, and giving access to resources for safety on campus.

Students, faculty and staff are automatically enrolled in the Webster Alerts system; however, their account initially only lists their webster.edu email address, and they are only signed up to receive alerts for the campus(es) they attend classes at or are employed at. Students, faculty and staff cannot opt out of receiving communications at their webster.edu email address related to certain crimes or emergencies which may affect their campus(es).

The University strongly encourages students, faculty and staff to also add additional contact information such as personal email addresses and mobile numbers to their Webster Alerts account. Individuals are provided an opportunity to add up to three personal email addresses and three mobile numbers to their account. This also allows account holders to add other individuals such as parents or guardians to their account if they wish. Other individuals who are interested in signing up for a Webster Alerts account can request an account by contacting the Sr. Director of Public Safety, Emergency Management & Facilities, Rick Gerger at 314-246-8708 or rickgerger06@webster.edu. Instructions for accessing Webster Alerts accounts is provided in new student, faculty and staff orientation materials. Account holders can edit their current contact

information and campus preferences at any time simply by logging onto Connections and clicking on the Webster Alerts banner.

Timely Warning Policies and Procedures

What Are Timely Warnings?

It is the University's policy to issue Timely Warnings to the campus community any time a campus security authority (or local law enforcement agency) receives a report of a Clery Act crime that has occurred on Clery Act geography that, in the judgment of the Campus Director (or his/her designee),[5] constitutes a serious or continuing threat to students, faculty or employees. The University's Timely Warnings are known as "Campus Safety Alerts," and these Alerts will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar crimes.

When Are Timely Warnings Issued?

Whenever the Campus Director receives a report of a Clery Act crime that has occurred on Clery Act geography, the Director evaluates that crime on a case-by-case basis to determine whether, based on the facts known at that time, there is an ongoing threat to the campus community. Factors taken into consideration include but are not limited to the nature of the crime and the continuing danger to the campus community. Campus Safety Alerts are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- Murder/Non-Negligent Manslaughter;
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger campus community);
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice, but will be assessed on a case-by- case basis);
- A string of Burglaries or Motor Vehicle Thefts that occur in a reasonably close proximity to one another;
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the Campus Director) – in cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a "timely" warning notice to the community; however, all cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice; Policies and Procedures" section of this Report may also be fulfilled by a designee of the Director's choosing.
- Major incidents of Arson;
- Other Clery Act Crimes as determined necessary by the Campus Director.

[5]Note that any of the Campus Director's responsibilities outlined anywhere in the "Timely Warning

The institution is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

What Is Included in a Timely Warning?

Once the Campus Director determines that a Campus Safety Alert should be issued to the campus community, he or she will draft the content of the Alert. The Campus Director has primary responsibility for developing the content of the Campus Safety Alert; however, the Director of Public Safety (or designee) or Chief Communications Officer (or designee) at the Webster Groves campus are also authorized to draft Alerts if necessary.

The content of Campus Safety Alerts varies depending on what information is known at the time and the type of offense involved; however, the following information (if known) is typically including unless it could potentially compromise law enforcement efforts or victim confidentiality:

- Date/time/location of the crime;
- Brief description of the crime;
- Suspect description(s);
- Local law enforcement contact information;
- Relevant crime prevention or safety tips.
- How Are Timely Warnings Issued?

Campus Safety Alerts are always communicated via blast emails to all email addresses associated with this campus which are registered with Webster Alerts. This will always include every student, faculty, and staff's "webster.edu" email address, as well as any additional email addresses which these individuals have added to their Webster Alerts accounts. The University may also choose, on a case-by- case basis, to supplement the primary methods of issuing Campus Safety Alerts with one or more of the following additional methods of communications: text messages to mobile numbers registered with the Webster Alerts system associated with this campus, posting information to the University's official social media pages, posting information to the University's official website, or posting paper flyers in strategic locations on campus.

The Campus Director has primary responsibility for issuing the Campus Safety Alerts to the campus community using the methods described above; however, the Director of Public Safety (or designee) or Chief Communications Officer (or designee) at the Webster Groves campus are also authorized to issue Alerts via any of these methods if necessary.

Updates to Timely Warnings

In the event that the Campus Director determines that an update to the original Campus Safety Alert should be issued, the update will be prepared and issued using the same procedures and methods as the initial Campus Safety Alert.

Campus Safety Advisories

While the Clery Act does not require universities to issue Timely Warnings for non-Clery Act Crimes or crimes which do not occur on Clery Act Geography; the Campus Director may choose from time to time to issue notices to the campus community of other types of crimes or crimes which occur nearby the University but outside its Clery Act Geography. These notices are known as "Campus

Safety Advisories" and they may be issued in a variety of ways to all or a portion of the members of the campus community. The Director of Public Safety (or designee) may from time to time assist the Campus Director in communicating these voluntary Advisories to the appropriate members of the campus community at times.

EMERGENCY RESPONSE AND EVACUATION POLICIES AND PROCEDURES

The University understands that taking proactive steps regarding emergency planning is an important step in maintaining a safe campus for students, faculty, staff and visitors. This section of the Annual Security Report addresses the University's emergency response and evacuation policies and procedures and explains how the University communicates information about emergencies or dangerous situations on campus to the campus community.

Immediate Emergency Response Procedures

Broadly speaking, the University's Emergency Operations Plan (EOP) establishes policies, procedures and organizational structures and roles essential for Webster University to respond to, and recover from, crisis and emergency situations that threaten lives, property, public health and the safety of faculty, staff, students and visitors in any location controlled, leased, or owned by Webster University. DPS leads the University's efforts to develop and implement the Plan; however, department heads, building managers on campus, and the Campus Directors at Webster University's branch campuses are also responsible for developing emergency response plans, contingency plans and continuity of operations plans for their staff and areas of responsibility as appendices to and under the umbrella of the Plan. The Plan calls for the University to respond to crisis situations using the standards of the nationally recognized Incident Command System. DPS officers and other University personnel at the main campus in Webster Groves, Missouri receive training in the Incident Command System and Responding to Crisis Incidents on campus and undergo refresher training annually.

The University's Plan focuses on the following objectives:

- Establishing the basic organizational and operational roles and procedures to be used in the event of any emergency or crisis situation occurring within or on a campus or site controlled, leased, or owned by Webster University.

- Articulating clear command and control mechanisms that, when deployed, positions the University to secure and/or commit all appropriate resources toward minimizing the threat of the crisis and protecting lives, property, services and normal operations of the University.

- Creating a learning-centered environment that emphasizes community responsibility through an understanding of key concepts prevention, intervention, and response. By focusing on prevention, we reduce the necessity of intervention and response.

The Plan also identifies broad response measures for various types of crisis/incidents, including but not limited to: bomb threats, civil protests, explosions, fires, hazardous materials incidents, infrastructure failure, severe weather, natural disasters, violent/criminal incidents, terrorism and public relations emergencies.

In the event of an emergency on campus, local administrators and staff at this campus will work collaboratively with base military police and first responders on base to respond to, and summon the necessary resources, to mitigate, investigate, and document the emergency or dangerous situation. It is essential that the Campus Director remains an active part of emergency response so that the Campus Director (or the Campus Director's designee) can ensure the appropriate emergency notifications go out to the appropriate segment(s) of the campus community.

Evacuation Procedures

The University's EOP includes general evacuation guidelines; however, any time the University determines that an evacuation is necessary, the specific evacuation procedure would be affected by a myriad of factors, including the type of threat, the occupancy of the other buildings and areas of the campus at the time of the incident, etc. Students, faculty, staff and visitors to the campus community are expected to follow the instructions of any first responders on the scene. These first responders may instruct you to evacuate the building you are inside of, or shelter in place. You may be instructed to shelter in place if circumstances dictate that evacuation outside the building/area is not advisable. These situations include, but are not limited to, tornados, severe weather and chemical attack.

At the sound of a fire alarm or if you are instructed to evacuate, leave your work area immediately and proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and dial 911.

1. Remain calm.
2. Do NOT use elevators, use the stairs.
3. Assist individuals with physical mobility issues evacuate if you can do so safely. If you are aware of an individual with mobility issues who is unable to exit without using an elevator, assist that individual with securing a safe location near a stairwell, and immediately inform the responding Fire Department of the individual's location.
4. Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
5. Make sure all personnel are out of the building.
6. Do not re-enter the building.

Shelter-in-Place Procedures –

What It Means to "Shelter-in-Place"

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. To "shelter-in-place" simply means that you should make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

If the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belonging (purse, wallet, access card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest building quickly. If emergency responders are on the scene, follow their directions.

How You Will Know to "Shelter-in-Place"

A shelter-in-place notification may come from University personnel or local first responders.

How to "Shelter–in-Place"

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by campus administrators or local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
    a. Locate a room to shelter inside. It should be:
    b. An interior room;
    c. Above ground level; and
2. Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms maybe necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. (University personnel will coordinate with the property manager to turn off the ventilation as quickly as possible.)
6. Make a list of the people with you and ask someone to call the list in to base military police so they know where you are sheltering. If only students are present, one of the students should call in the list.
7. Turn on a radio or TV and listen for further instructions.
8. Make yourself comfortable.

Emergency Notifications Policies & Procedures

What Are Emergency Notifications?

It is the University's policy to immediately notify the campus community (in the form of an Emergency Notification) any time the Campus Director (or his/her designee)[6] confirms that there is a significant emergency or dangerous situation which poses an immediate threat to the health or safety of students, faculty or staff occurring on the campus. The Campus Director is also responsible for determining the appropriate segments or segments of the campus community to receive a notification based on the type of incident involved and its location.

When Are Emergency Notifications Issued?

Any time the Campus Director is notified about a potential emergency or dangerous situation on the University's Clery Act Geography, the Campus Director will then reach out to the appropriate University

[6] Note that any of the Campus Director's responsibilities outlined anywhere in the "Emergency Notification Policies and Procedures" section of this Report may also be fulfilled by a designee of the Director's choosing.

administrators, DPS personnel on the main campus, first responders on base and/or the National Weather Service to quickly gather enough basic information to evaluate whether the situation poses an immediate threat to the health or safety of students, faculty or staff at that time. If the Campus Director confirms that there is not a significant emergency or dangerous situation which poses an immediate threat to the health or safety of students, faculty or staff at this time, the Director will continue to monitor the situation closely.

Examples of situations which would require an Emergency Notification include but are not limited to an active shooter on campus, serious inclement weather such as a tornado, or a serious spill of hazardous materials. Whenever there is confirmation of a significant emergency or dangerous situation as described above, Webster University will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

What Is Included in an Emergency Notification?

Once the Campus Director determines that an Emergency Notification should be issued, the Director will draft the content of the Emergency Notification. The Campus Director has primary responsibility for developing the content of the Emergency Notifications, however, the Director of Public Safety (or designee) and Chief Communications Officer (or designee) at the Webster Groves campus are also authorized to draft Notifications if necessary.

The content of Emergency Notifications varies depending on what information is known at the time and the type of emergency involved, however, the following information (if known) is typically included:

- The nature of the emergency;
- The action to be taken (e.g., Evacuate; Seek Storm Shelter; Shelter in Place);
- Additionally, “GO TO” and “AVOID” may be used in the event normal response procedures would place personnel at risk; and
- Where to obtain further information and/or updates on the emergency.

How Are Emergency Notifications Issued?

Emergency Notifications are always communicated via the following methods: blast emails to all addresses[7] associated with this campus which are registered with Webster Alerts; text message alerts to any mobile devices associated with this campus which are registered with Webster Alerts; broadcast announcements through all IP phones located on campus; and an alert posted on the University’s official website.[8]

The University may also choose, on a case-by-case basis, to supplement the primary methods of issuing Emergency Notifications with one or more of the following additional methods of

[7]This will always include every student, faculty, and staff’s “webster.edu” email address, as well as any additional email addresses these individuals have added to their Webster Alerts accounts.

[8] Anytime there is an emergency notification posted to the University’s website it will appear in a banner at the top of the page: www.webster.edu.

communications: posts on the University's official social media pages; alerts posted to digital signage located on campus; and desktop alerts to any computers on campus which are connected to the University's network.

The Campus Director has primary responsibility for disseminating the Emergency Notifications in the primary and secondary methods described above; however, the Director of Public Safety (or designee) and Chief Communications Officer (or designee) at the Webster Groves campus are also authorized to disseminate Notifications via any of these methods if necessary.

Communicating Emergency Notifications to the Larger Community

The University always provides information regarding any emergency notifications to the larger community by posting information on the University website's main page (www.webster.edu). The University may also decide on a case-by-case basis to utilize its official social media accounts or provide information directly to local or national media.

Follow Up Information Regarding Campus Emergencies

The Campus Director will stay in close contact with appropriate University administrators, DPS personnel on the Webster Groves campus, first responders on base and/or the National Weather Service as the situation unfolds, so that the Director can determine when it is appropriate to provide follow up information to the community. Any follow up information will be provided using the same procedures and methods as the initial Emergency Notification, except fire alarms.

Publication & Tests of Emergency Response and Evacuation Procedures

The University publicizes its emergency response and evacuation procedures annually by blast email to all "webster.edu" email addresses, in conjunction with at least one test per calendar year. This same information is also publicly available year-round on the DPS website at: https://webster.edu/public- safety/crisis.php. Additional crisis response materials can also be found on students, faculty, and staff's Connections home page on the right hand side of the home screen of the Connections home page under the "Crisis Response" heading after you have logged into your account.

The University conducts a variety of tests of its emergency plans and evacuation policies and procedures. Tests include regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution. Drills are relatively small-scale activities that are designed to focus on specific areas or specific sections of this plan which are normally developed and evaluated by internal personnel to help acquire knowledge/skills. Exercises are generally larger in scale and are formal events and are designed to be as close to "real-life"' as possible. They are typically not stopped or interrupted to make corrections except for safety concerns or real incidents that could impact the participants. The exercises have a debriefing and a critique at the conclusion. The purpose of exercises is to test the knowledge/skills of the participants.

For example, Public Safety on the Webster Groves campus works collaboratively with other departments to annually test the University's Webster Alerts systems which is used by this and all

other branch campuses. The University also conducts annual tabletop exercises involving a different hypothetical emergency or crisis to test its emergency response and evacuation procedures.

After each the conclusion of each drill or exercise, a University official responsible for coordinating the drill/exercise will document: a description of the drill/exercise, the date/time of the drill/exercise, and whether it was announced or unannounced.

ALCOHOL AND DRUG POLICY & EDUCATION PROGRAMS

The University recognizes that effective Alcohol and Drug policy and education programs are another important aspect of campus safety. In compliance with the Drug Free Schools and Communities Act, Webster University publishes information regarding the University 's prevention programs related to drug and alcohol abuse prevention which include standards of conduct that prohibit the unlawful possession, use, and distribution of alcohol and illegal drugs on campus and at institution-associated activities; sanctions for violations of federal, state, and local laws and University policy; a description of health risks associated with alcohol and other drug use and abuse; and a description of available counseling, treatment, rehabilitation and/or re-entry programs for WU students and employees. The University's full Drug and Alcohol Policy is available at: https://www.webster.edu/student-handbook/index.php. Select portions of the University's Drug and Alcohol Policy and the associated education programs are explained in this section of the Annual Security Report.

University Alcohol Policy

The University expects its students to observe all federal, state and local laws, including those related to the possession, use, sale and consumption of alcoholic beverages. Webster University prohibits the unlawful possession, use and sale of alcoholic beverages on campus. Persons under the age of 21 are prohibited from possessing or consuming alcoholic beverages The Campus Director and the Dean of Students Office at the main campus in Webster Groves work collaboratively to enforce these laws.

The Dean of Students Office, other offices and departments in Student Affairs, and the Campus Director work together to maintain standards governing the allowable use of alcohol on campus and at campus events. When on campus, students who are 21 years of age or older may consume alcoholic beverages only at University sanctioned events. The University prohibits drinking games on campus. While off- campus, students are expected to uphold the policies of the Student Code of Conduct. Behavior occurring off-campus that is that is detrimental to the University or members of the campus community is governed by this Code. Webster reserves the right to take actions that address the violations through educational intervention or sanctions.

Students, faculty or staff in violation of the University's Alcohol Policy are referred to Student Affairs (students) or Human Resources (faculty/staff) and may be referred to local law enforcement if they are in violation of any local or federal alcohol laws.

University Drug Policy

The possession, use and sale of illegal drugs is prohibited on this campus and illegal under both state and federal law. Administrators and staff at this campus work collaboratively with administrators and staff members at the Webster Groves campus to enforce these laws. Students, faculty or staff in violation of the University's Drug Policy will be referred to Student Affairs (students) or Human Resources (faculty/staff) and may be referred to local law enforcement if they are in violation of any local or federal drug laws.

Drug and Alcohol-Abuse Education Programs

Oversight for the University's Alcohol and other Drug Education and Prevention (AOD) program is formally housed within Student Affairs. Dr. Patrick Stack, Director of Counseling/Life Development is a Certified Reciprocal Advanced Alcohol Drug Counselors (CRAADC) and provides leadership and education in this area. A CRAADC credential requires a minimum of a Master's degree in mental health counseling, didactics in substance abuse education and prevention, 100 hours of supervision, and candidates must successfully pass a national exam.

Drug and Alcohol programs are coordinated through the collective efforts of Student Affairs on the Webster Groves campus, which includes the key offices of the Dean of Students Office, Counseling/Life Development, Student Health Services, Housing and Residential Life, Multicultural Center and International Student Affairs (MCISA), First-Year Experience Program (FYE), Office of Student Engagement, the University Center, and Campus Dining. Collectively, Student Affairs supports and promotes healthy decision making that leads to a healthy learning environment.

Specifically, our efforts include developing programs associated with student involvement, relationships, personal development, social responsibility and the use of alcohol, tobacco, and other drugs. Some of the program elements related to drug or alcohol-abuse education programs include:

Counseling/Life Development:

Counseling/Life Development at the main campus is available to assist students at branch campuses with alcohol/drug issues. Professional counselors provide treatment for substance abuse. Specifically, Counseling staff engage the University community in the following ways:

Counseling /Life Development provides an on-line self-evaluation for alcohol that can be accessed worldwide through the counseling/life development website. This evaluation will provide recommendations and resources, including contacting a member of the counseling staff for guidance. Students are also able to take a comprehensive on-line wellness screening for alcohol/drugs provided through the National Wellness Institute (NWI).

Dean of Students Office

The Dean of Students Office partners with other departments and administration at the branch campuses to assist with programming efforts as needed.

Title IX

The effects of alcohol and drug usage are addressed within the University's sexual misconduct prevention programming.

Issues related to alcohol and drug usage are included in the training provided to individuals serving on the University Conduct Board.

Human Resources

The Office of Human Resources is required to communicate with all employees regarding drug/alcohol abuse in the workplace.

POLICIES AND PROCEDURES RELATED TO SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, AND STALKING

This section of the Annual Security Report discusses the serious topic of sexual assault, dating violence, domestic violence, and stalking. The following pages include important information on topics such as prohibited conduct, and options for reporting sexual assault, dating violence, domestic violence, and stalking. This section also includes information on associated disciplinary proceedings, as well as information about the University's education and awareness campaigns, and local resources (both on campus and in the community) available to assist reporting parties with a wide range of issues.

Policy on Sex Discrimination, Including Sexual Harassment

Webster University is committed to maintaining a safe learning and working environment that is free of discrimination, harassment, sexual violence, and other forms of sexual misconduct that undermine its educational mission. Our training programs and educational tools related to sexual assault, harassment and other sexual offenses inform Webster students and employees of these prohibited activities and the corresponding obligations and procedures for reporting and responding to related complaints.

While the University makes every effort to educate the community to prevent sexual assault, harassment, and other sexual offenses from occurring, we are also committed to providing support to those affected when this behavior does occur. The University's Policy on Sex Discrimination, Including Sexual Harassment (referred to hereinafter as the "Title IX Policy") describes the University's programs to prevent dating violence, domestic violence, sexual assault, and stalking. The full policy is available at: https://www.webster.edu/civil-rights/title-ix.php The University's Policy prohibits (among other conduct) the crimes of domestic violence, dating violence, sexual assault, and stalking.

The definitions of the offenses of sexual assault, dating violence, domestic violence, and stalking used in reporting Clery Act crimes in the annual statistics appear below. [9]These definitions of dating violence, domestic violence, and stalking come from the Violence Against Women Act (VAWA), and the definition of sexual assault comes from the FBI's UCR program and which can be found in Appendix A of 34 CFR Part 668.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

- Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

[9]Appendix D provides applicable state law definitions for these crimes. The definitions under state law are not used to classify crimes in the included annual statistics; however, they are provided for education and awareness purposes.

Domestic violence: A Felony or misdemeanor crime of violence[10] committed –

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for her, his, or others' safety; or
- Suffer substantial emotional distress. For the purposes of this definition:
    - Course of conduct means two or more acts, including but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
    - Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
    - Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, A sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling:** The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

[10] The term "crime of violence" is defined by 18 U.S. Code Section 16 as follows:

(a) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or

(b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense

While all sexual assaults reported to a Campus Security Authority or DPS are included in the annual crime statistics without regard to the issue of consent, the definition of consent (both in regard to the Title IX Policy and any applicable state law) is an essential component of the Title IX Policy and the University's primary and ongoing prevention and awareness programs.

The University's Title IX Policy defines Sexual Consent as "an affirmative and willing agreement to engage in a specific form of sexual contact with another person."

The Title IX Policy expands on this definition by explaining that,

> Consent requires an outward demonstration, through mutually understandable words or actions, indicating that an individual has voluntarily chosen to engage in a specific form of sexual contact.
>
> Consent cannot be achieved through manipulation, coercion, force or by taking advantage of the incapacitation of another individual.
>
> An individual can withdraw consent at any time prior to or during any form of sexual contact, and when consent is withdrawn during any form of sexual contact, the sexual contact must end immediately.
>
> When the issue of consent is placed in dispute by a complainant or respondent, the University will consider all relevant facts and circumstances, including without limitation (i) the presence or absence of affirmative words or actions indicating a willingness to engage in sexual contact, (ii) whether a reasonable person who would have understood the words and acts at issue as expressing consent; and (iii) whether there are any circumstances, known or reasonably apparent to any of the involved parties, demonstrating incapacitation or any other inability to make a voluntary choice to engage in sexual contact.

The Title IX Policy uses the University's definition of consent provided above; however, any applicable state law definition will be provided in Appendix D for education and awareness purposes. The University's definition of consent is used to identify potential misconduct from a sexual assault perspective in connection with disciplinary procedures.

Webster University's Title IX Team

Webster University's Title IX Team is led by the University's designated Title IX Coordinator, Kimberley Bynum-Smith. Ms. Bynum-Smith is the person Webster University has designated to ensure Webster complies with Title IX. The Title IX Coordinator's duties include overseeing all Title IX reports of alleged policy violations and identifying and addressing any pattern or systemic problems that arise during the review of such reports of alleged policy violations.

The Title IX Coordinator has ultimate oversight responsibility and works with a Deputy Title IX Coordinator and investigators who assist in fulfilling the Title IX Coordinator's responsibilities. Members of the Title IX Office receive training at least on an annual basis related to carrying out their roles and responsibilities. Contact information for Ms. Bynum-Smith appears below. Ms. Bynum-Smith is located at the Webster Groves main campus, but she handles Title IX at all of the University's U.S. branch campuses.

Designated Title IX Coordinator

Kimberley Bynum-Smith
Office for Civil Rights Compliance & Title IX Coordinator
200 Hazel Ave.
St. Louis, MO 63119
314-246-7780
kimberleybynumsmith@webster.edu

Reporting Sexual Assault, Dating Violence, Domestic Violence or Stalking

The University offers individuals a number of reporting options which are outlined below; however, the University strongly encourages reporting to the Sexual Offense Advocate. The Sexual Offense Advocate is trained to provide assistance in making decisions about pursuing medical attention, counseling/support services, filing campus disciplinary procedures, preserving evidence, and filing criminal and/or civil charges. In cases where the alleged perpetrator poses a perceived threat to the campus community, the Sexual Offense Advocate may work with the appropriate administrators to issue a temporary ban from or restricted access to campus for that person. Regardless of which reporting option an individual ultimately chooses, he or she, at his or her discretion, may choose anyone he or she would prefer to serve as a support person at all times.

Confidential Reports to the Sexual Offense Advocate

A person who is the reporting party of a sexual offense, or who witnesses a sexual offense, is encouraged to make a report to the Sexual Offense Advocate. **Individuals are encouraged to first report any issues to the Sexual Offense Advocate as such initial reports will be kept completely confidential as the Sexual Offense Advocate is not required to report any information about an incident to the Title IX Coordinator without a reporting party's permission**. Reports of sexual assault, dating violence, domestic violence or stalking made to the Sexual Offense Advocate which meet the definition of a Clery Act Crime and which occur within this campus' Clery Act Geography are still included in the annual crime statistics, but the statistics ever include any personal-identifying information. Sexual assaults reported to the Sexual Offense Advocate which meet the definition of a Clery Act Crime and which occur within the University's Clery Act Geography may also result in a Timely Warning (Campus Safety Alert); however, Timely Warnings never include information that identifies the reporting party.

The Sexual Offense Advocate can advise reporting parties regarding their options in making a report about any sexual offense pursuant to these policies and procedures to the Title IX Coordinator.

The Sexual Offense Advocate is located on the Webster Groves campus but is available to assist individuals at any of the University's campuses. The Advocate can be reached 24 hours a day, seven days a week at: 314-649-8474.

The Sexual Offense Advocate is designated by the University as the support and resource person for all students and employees who believe they have experienced sexual assault or a sexual offense. The Sexual Offense Advocate is available to assist campus community members with the following areas of concern:

- The Sexual Offense Advocate has training in crisis intervention and support techniques, and provides emotional, medical, and/or judicial support either directly or through on- or off-campus referral.

- The Sexual Offense Advocate informs the person of all rights under this policy and provides procedural information and support as needed. The Advocate also works with Campus Directors when necessary to advise the person regarding options available for filing civil and/or criminal charges related to the offense. Those who believe they have experienced a sexual offense may also report the offense directly to the Title IX Coordinator, the Chief Human Resources Officer, the Department of Public Safety at the Webster Groves campus, or local law enforcement as explained below.

- The Sexual Offense Advocate may serve as the reporting party's support person during all proceedings carried out under University auspices. The Sexual Offense Advocate may designate an alternate to act as representative in the event the Sexual Offense Advocate is unable to perform the duties due to illness or other professional conflicts.

- The Sexual Offense Advocate can assist the reporting party in understanding options related to pressing civil and/or criminal charges as well as in the process of working with DPS and/or local law enforcement authorities.

Reports to the Department of Public Safety (Located on the Webster Groves Campus)

Reporting parties also have the option of reporting sexual offenses the Department of Public Safety (DPS) at the Webster Groves campus. DPS can be reached at 314-968-6911 (emergency) or 314-968- 7430. Anytime an individual reports a sexual assault or incident of dating violence, domestic violence or stalking to DPS, DPS will automatically contact the Sexual Offense Advocate, and the incident will be forwarded to the Title IX Coordinator for review regardless of whether the reporting party chooses to participate in a university disciplinary proceeding or pursue criminal charges.

When making a report, the party talk to a DPS officer and provide a written statement about the incident. Depending on the incident, the report will be forwarded to the proper department for follow-up and resources.

Reports to Local Law Enforcement

As noted above, both the Sexual Offense Advocate and DPS can assist reporting parties with notifying local law enforcement agencies. Alternatively, reporting parties also have the option of reporting incidents directly to local law enforcement authorities themselves. The first page of this Report titled “Quick Reference Resources” lists the non-emergency number for local law enforcement with jurisdiction over this branch campus.

Sexual assault, dating violence, domestic violence and stalking also constitute potential criminal acts that could be grounds for criminal and/or civil action. Reporting parties have the right to file a criminal complaint against the perpetrator of the sexual offense and a complaint with Webster University simultaneously; however, reporting parties also always have the right to decline to notify law enforcement.

When making a report, the party talk to the law enforcement officer and provide a written statement about the incident. The law enforcement agency would then handle any investigation for resources directly with the reporting party.

Reports to a Title IX Coordinator or Chief Human Resources Officer

The Sexual Offense Advocate will strongly recommend that all individuals confidentially reporting sexual offenses to the Sexual Offense Advocate file a formal report with the Title IX Coordinator or Chief Human Resources Officer. Individuals also have the option to make reports directly to a Title IX Coordinator or Chief Human Resources Officer. Once reported to the Title IX Coordinator or Chief Human Resources Officer, any necessary interim steps will be taken pursuant to the Title IX Policy. Additionally, such reports will be handled consistent with the University's Title IX Policy regarding investigation, adjudication, and resolution.

Important Information Regarding Confidentiality

This Policy requires the University to keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA) or U.S. Department of Education regulations pursuant to FERPA (34 CFR part 99), as otherwise required by applicable law, or as needed to carry out the purposes of the Title IX Regulations, including the conduct of any investigation, hearing, or judicial proceeding arising the Title IX Regulations. Of course, where the University is required by applicable law to disclose information in a report or formal complaint of sexual harassment, such disclosures will be made. Nothing in this shall be construed to prohibit a complainant or respondent from freely discussing the details of a report or formal complaint of sexual harassment. **There are only two types of University employees who are not required to forward these types of reports to a Title IX Coordinator: 1) the Sexual Offense Advocate,[11] 2) a Professional or Pastoral Counselor[12] who is who is employed by the University in that capacity and is acting in that role at the time the disclosure is made.**

As required by law, disclosures to any other Webster University employee of a sexual assault, incident of dating violence, domestic violence or stalking will be forwarded to a Title IX Coordinator, and in the event that the incident meets the definition of a Clery Act Crime and allegedly took place on the University's Clery Act Geography associated with this campus will be included in this campus' annual crime statistics and may result in a Timely Warning (Campus Safety Alert).

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[11]The term "crime of violence" is defined by 18 U.S. Code Section 16 as follows:
an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or
any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

[12]Note that disclosures to a professional or pastoral counselor at the University, who is acting in that role at the time the information is received, will not be included in the University's annual crime statistics, and will not result in a Timely Warning (Campus Safety Alert) unless the reporting party gives his or her permission for the counselor to forward information about the incident to another employee or department at the University such as the Sexual Offense Advocate, a Title IX Coordinator, or the Department of Public Safety.

However, the annual crime statistics and Timely Warnings never include any personally identifying information[13] about the reporting party.

Victims may request that directory information on file with the University be withheld by request in the registrar's office.

Regardless of whether a victim has opted-out of allowing the University to share "directory information," personally identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know, i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The University does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

Other Considerations Regarding Incidents of Sexual Assault, Dating Violence, Domestic Violence or Stalking

Seeking Prompt Medical Attention

Regardless of whether (or to whom) an individual chooses to make a report, the University strongly encourages anyone who has experienced sexual intrusion, sexual penetration, dating or domestic violence to seek prompt medical attention. A medical examination can identify any internal trauma, test for sexually transmitted diseases, as well as obtain appropriate medical evidence should one choose to pursue legal charges at some later date. In the event that an individual chooses not to participate in forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted diseases[14]

The section of this Report titled "Community Resources Available to Reporting Parties" contains local resources which can provide information about sexual assault and forensic exams, including referrals to medical providers. The Sexual Offense Advocate can also assist individuals with finding local medical resources.

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[13] The term personally identifying information is defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 1395(1)(20)).

[14]Under the Violence Against Women and Department of Justice Reauthorization Act of 2005, starting in 2009, states must certify that they do not "require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both. "occurred within the past 96 hours" prior to a medical exam. However, individuals who have already engaged in any of these activities, can still choose to have an exam performed.

Preserving Evidence

Regardless of when and to whom an individual chooses report to, it is important that a reporting party immediately preserve any evidence that may assist in establishing the facts of the alleged violation so that authorities and relevant administrators may ultimately take appropriate action against the responding party. It is important to preserve evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order. Such evidence may include, but is not necessarily limited to, physical evidence or electronic or written communications.

Preserving Physical Evidence through a Forensic Exam

Any individual who believes he or she may wish to pursue legal charges are advised not to bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted (if the offense engaged in any of these activities, can still choose to have an exam performed.

Preserving Other Forms of Evidence

In cases where individuals believe they may be interested in pursuing criminal and/or civil charges, it is also important to work with local law enforcement agencies so that statements can be taken and evidence can be collected immediately. Reporting parties are also encouraged to save evidence such as letters, notes, emails, records of phone calls, videos, photos, texts, social media postings (Facebook, Twitter, etc.), computer screenshots, voicemails, or any other form of evidence that may be helpful to a criminal investigation or campus judicial proceeding.

Amnesty from University Drug and Alcohol Policy

The University encourages reporting and seeks to remove any barriers to reporting by making the procedures for reporting transparent and straightforward. The University recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to make a report because of potential consequences for his/her/their own conduct, which may violate other University policies and codes of conduct.

An individual who reports sexual misconduct will not be subject to disciplinary action by the University, for his/her/their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The University may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs. This amnesty policy applies to the University's student conduct process as well as related policies applicable to students, faculty and staff.

While the University may waive disciplinary action under its policies related to use of alcohol and drugs as indicated above, it retains the responsibility to report any illegal use of these substances as required by law and will act in compliance with those laws.

University Response to Reports of Sexual Assault, Dating Violence, Domestic Violence or Stalking

The University will promptly and effectively respond to reports of sexual offenses and harassment and will take appropriate action to prevent, correct, and if necessary, discipline behavior that

violates this policy. While the University takes reporting parties' confidentiality very seriously, it is important for reporting parties to recognize that the level of confidentiality their report will receive under law varies depending on who they make their report to. **The only way in which an individual can report a sexual offense with complete confidentiality is to contact the Sexual Offense Advocate or another professional or pastoral counselor at the University.** Note that these individuals are located on the Webster Groves campus but are available to assist individuals at the U.S. branch campuses by phone.

As explained above, the University also strongly encourages reporting parties to notify local law enforcement authorities (and can assist in doing so); however, it is important to know that regardless of who the incident is reported to, reporting parties[15] always have the right to decline to notify local law enforcement authorities. Similarly, the University never requires reporting parties to participate in any investigation or disciplinary proceeding.

The University strictly prohibits retaliation, including intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by the Title IX Regulations, or because the individual has made a report or complainant, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under such regulations.

Any time a student or employee reports to the University that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee with a written explanation of the student or employee's rights and options, including:

- the procedures affected individuals should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how the institution will protect the confidentiality of reporting parties and other necessary parties;
- a statement that the institution will provide written notification to students and employees about support services within the institution and in the community;
- a statement regarding the institution's provisions about options for, available assistance in, and how to request interim protective measures; and
- an explanation of the procedures for institutional disciplinary action.

Anytime a reporting party is referred to the Title IX Office, the Title IX Coordinator will also provide the reporting party with the same written explanation of rights and options.

Orders of Protection

Webster University encourages reporting parties of sexual misconduct to make a formal report to the appropriate local law enforcement authorities for the purpose of filing a criminal complaint and/or seeking and enforcing a no contact, restraining or similar Court Order. The University Sexual Offense advocate (314-649-8474/24 hours a day) or one of the contacts listed below in the "Community Resources Available to Reporting Parties" section of this Report can assist individuals with information regarding obtaining a protective order under applicable state law.

[15] The only exception is in cases involving a minor, as the University must notify law enforcement pursuant to certain states' law.

Members of the Webster University community who receive a lawful order of protection (including ex parte orders) should provide a copy to the Campus Director and to the applicable University appointed Title IX Coordinator. The University also suggests that individuals with orders of protection meet with the Campus Director to develop a Safety Action Plan – a plan intended to reduce the risk of harm while on campus or coming and going from campus. This plan may include, but in not limited to, escorts and special parking arrangements.

In addition to orders of protection issued by the courts, Webster University may impose a mutual no contact directive. Mutual No Contact directives prohibit an individual from contacting a specific person or specific people until rescinded. Contact includes, but is not limited to in person, by phone, text messaging, social media, by third person, etc. Mutual No Contact directives may be issued by the Title IX Office, the Hearing Officers, and the Appeal Officers.

Students or staff also have the right to request that their campus directory information on file be removed from public sources by directing a request to the Office of the Registrar, Loretto Hall 63, Webster Groves Main Campus, 314-968-7450/800-987-3447, registraroffice@webster.edu.

Interim Protective Measures

The University provides written notification to reporting parties about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The institution will provide such protective measures if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

Whenever an individual reports a sexual assault, incident of dating violence, domestic violence or stalking, the written explanation of the reporting party's rights and options provided by the University will include information regarding how to request changes to academic, living, transportation and working situations or protective measures; and the University is obligated to comply with any reasonable requests following a report of an alleged sexual assault, incident of domestic violence, dating violence or stalking. The Title IX Coordinator is responsible for coordinating the effective implementation of such measures.

These options include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures, if requested and reasonably available, regardless of whether the reporting party chooses to file a formal report. No contact measures may also be implemented.

Any interim protective measures imposed should avoid any lasting negative effects on the any party before any findings of responsibility are made as much as is possible in the circumstances presented.

The University maintains the confidentiality of any protective measures provided to any involved party to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures. The Title IX Coordinator reviews options and interim protective measures with the reporting party, and in doing so explains that he

or she will limit the information shared with University employees in other campus departments involved in certain accommodations/protective measures (e.g., Housing and Residential Life, Academic Affairs, Human Resources, etc.) The Title IX Coordinator provides the most minimal amount of information possible in order to affect the accommodation/protective measure, and never communicates the reason for the requested accommodation/protective measure to anyone outside of the Title IX Office.

On Campus Resources Available to Parties Reporting Sexual Assault, Dating Violence, Domestic Violence or Stalking

Whenever an individual reports a sexual assault, incident of dating violence, domestic violence or stalking, the written explanation of the reporting party's rights and options provided by the University will include information on the following resources:

Counseling & Mental Health Services – There are no counseling or mental health services available on site at this branch campus, but the University's Sexual Offense Advocate can assist with referrals to local resources in addition to the Community Resources listed below.

Health Services - There are no health services available on site at this branch campus, but the University's Sexual Offense Advocate can assist with referrals to local resources in addition to the Community Resources listed below.

Victim Advocacy Services – As explained above, the University's Sexual Offense Advocate can assist reporting parties with a full range of advocacy services.

Legal Assistance – The University does not offer reporting parties legal assistance on campus, but the University's Sexual Offense Advocate can assist with referrals to local resources in addition to the Community Resources listed below.

Visa & Immigration Assistance - Blerina Polovina, Director of International Admissions International Recruitment, can assist reporting parties at any of the branch campuses with visa or immigration matters. Ms. Polovina is located on the Webster Groves campus and can be reached at 314-246-7860 or by email at kongjble@webster.edu.

Student Financial Aid - The Office of Financial Aid can assist reporting parties at any of the branch campuses with financial aid matters. This office is located on the Webster Groves campus and can be reached at 314-968-6992 or by email at financialaid@webster.edu.

Additional Services – Reporting parties can always contact the University's Sexual Offense Advocate or a Title IX Coordinator for assistance with other related services which are not included here.

Community Resources Available to Parties Reporting Sexual Assault, Dating Violence, Domestic Violence or Stalking

Whenever an individual reports a sexual assault, incident of dating violence, domestic violence or stalking, the written explanation of the reporting party's rights and options provided by the University will include information on the following community resources:

Counseling, Mental Health, Health Services, Victim Advocacy Services, & Legal Assistance – New Directions (http://marie-detty.org/new-directions-women%E2%80%99s-shelter-domestic-violence%2C-sexual-assault---stalking-services.html) can provide a wide range of referrals to local resources. This organization can be reached at 580-357-2500. The DoD Safe Helpline can be reached 24 hours by calling 877-995-5247. More information on the Safe Helpline is available at: https://www.safehelpline.org/. Ft. Sill also operates its own hotline at 580-574-0871. More information on the resources on base is available at: https://sill-www.army.mil/

Visa & Immigration Assistance – The National Customer Service Center for the U.S. Citizenship and Immigration Service (USCIS) is: 1-800-375-5283. The closest field office is located at: 4400 Southwest 44th Street, Suite A, Oklahoma City, Oklahoma 73119. More information is available at: https://www.uscis.gov/

Student Financial Aid - The Department of Education's Federal Student Aid office's website is: https://studentaid.gov/. They can be reached by phone at 1-800-433-3243.

General Information Regarding Institutional Disciplinary Proceedings Related to Reports of Sexual Assault, Dating Violence, Domestic Violence or Stalking

The University will take disciplinary action against an individual found to have engaged in sexual assault, domestic violence, dating violence, and/or stalking. The type and severity of disciplinary action taken will depend upon the specific violation(s) and the specific circumstances of each case. A person may be found responsible for violating more than one section of the University's Title IX Policy.

Webster is committed to providing prompt, fair, and impartial investigation and resolution of reports of violations under the Sexual Misconduct Policy. The University's disciplinary process is consistent with the University's policy, transparent to the reporting party and responding party and will include a prompt, fair, and impartial investigation and resolution process. All reports received by the Title IX Coordinator are handled consistent with the Title IX Policy regarding investigation, adjudication, and resolution. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present. The accuser, the accused and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings.

The Title IX Policy states that both parties will be notified regarding procedures used in the hearings. Information can also be provided regarding legal options; however, it is recommended that legal advice be obtained from a competent attorney. The University's proceedings also provide the reporting party and the responding party with the same opportunities to have an advisor of his/her choice present during any institutional disciplinary proceeding. This includes the right to be accompanied by an advisor (i.e., any individual who provides the reporting party or responding party support, guidance, or advice) to any related meeting or proceeding. The University will not limit the choice of or presence of an advisor for either the reporting or responding party in any meeting or institutional disciplinary proceeding.

Timeframe for Disciplinary Proceedings

The University endeavors to complete the grievance process for a formal complaint within 90 days from the date on which a complainant files, or the Title IX Coordinator signs, the formal complaint through the date on which a decision-maker issues a decision in such case. Further, the Title IX Policy states "The University intends to adhere to the time frames set forth in this Policy whenever possible; however, the University reserves the right to extend the grievance process time frames for good cause, and when exercising that right, will provide written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as unscheduled breaks and campus closures and may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

Officials Conducting Disciplinary Proceedings

The University will ensure that all Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, shall receive training on the definition of sexual harassment; the scope of the University's education program or activity; the issues related to domestic violence, dating sexual assault, stalking and how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable; and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The University will also ensure that decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. The University will ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. Materials used to train the University's Title IX Coordinators, investigators, decision-makers, and any person who will promote impartial investigations and adjudications of formal complaints of sexual harassment.

Notifications to Reporting and Responding Parties

The Title IX Policy states that in all cases of allegations of violations of the Policy, the reporting party and responding party will receive simultaneous notification, in writing, of: (1) any result of a disciplinary proceeding (including the rationale for the result and any sanctions imposed); (2) procedures for the reporting party and responding party to appeal the result of the disciplinary proceeding; (3) any change in the result of a disciplinary proceeding (including the rationale for the result); and (4) when the results of any disciplinary proceeding become final.

Standard of Evidence

The standard of evidence to be used to determine responsibility in the processing of a formal complaint is the preponderance of the evidence standard. Notwithstanding the suggestion or mandate to apply, in general, any other evidentiary standard to charges or complaints against faculty or other University personnel, where any respondent is accused of sexual harassment in a formal complaint, the standard of evidence shall be the preponderance of the evidence standard.

Sanctions

In determining sanctions, the Hearing Boards will consider the nature and seriousness of the offense. Sanctions are determined by the Hearing Officer or Appeal Officer and implemented by the Title IX Coordinator. Sanctions for students found responsible for violating the university's Title IX Policy are: Written Warning, Probation, Educational Training, Educational Assignment, No Contact Order, Housing/Campus Life Probation/Suspension/Restrictions (loss of privileges, relocation, eviction), Administrative Hold on Educational Account, Suspension, Expulsion, Withholding of Degree, Revocation of Degree, and Transcript Notation. Sanctions for employees found to have violated the policy are: Warning- Written or Verbal, the implementation of a Performance Improvement Plan, Counseling, Training or Education, Demotion, Loss of Annual Pay Increase, No Contact Order, Suspension with or without Pay, Revocation of Tenure and Termination.

University Disciplinary Processes

This section of the Report provides information from the University's Policy on Sex Discrimination, Including Sexual Harassment (Title IX Policy), including the process followed when filing a formal complaint, and the process followed when choosing to use the informal resolution process.

TITLE IX POLICY ON SEX DISCRIMINATION, INCLUDING SEXUAL HARASSMENT

Effective August 14, 2020
Revised March 8, 2024

I. PURPOSE

The purpose of Webster University's Title IX Policy on Sexual Harassment ("**Policy**") is to prohibit sexual harassment, as that term is defined under the terms of this Policy and the Department of Education's regulations construing Title IX of the Education Amendments Act of 1972 ("**Title IX**").[16]

Webster University ("**University**") is committed to maintaining safe learning, living and working environments free of discrimination, harassment, sexual violence, and other forms of sexual misconduct that undermine the University's educational mission. In pursuit of that goal, this Policy provides the campus community with the appropriate process for reporting and redressing individual reports of sexual harassment.

Of course, the University works to prevent harassment and discrimination of all types from occurring in the programs and activities under the University's control; however, as described in this Policy, the University has made resources available to help members of the University community who experience sexual harassment.

The provisions contained within this Policy apply to any person participating in, or attempting to participate in, a university program or activity. Other university resources and policies, such as the Student Handbook, Employee Manual, or the Faculty Manual, may govern complaints and subsequent disciplinary actions for allegations of sexual assault, dating violence, domestic violence, and stalking that do not fall under Title IX.

This policy applies to prohibited conduct that occurs:

- on campus;
- within the context of a university program or activity (which includes locations, events, or circumstances in which the University has substantial control over both the Respondent as well as the context in which the sexual harassment occurred); and/or
- any building owned or controlled by a student organization that is officially recognized by the University.

Where the Respondent is a third-party or other non-university affiliated party, the University will offer and implement supportive measures to the complainant consistent with the goals of this Policy, which may include reporting the conduct to law enforcement, as appropriate.

Conduct that occurs outside of the United States is not covered by Human Resources or Student Conduct at those respective campuses.

[16] This Policy is intended, and shall be construed, to comply with Title IX and the Title IX Regulations.

II. SEX DISCRIMINATION, INCLUDING SEXUAL HARASSMENT

A. **Prohibition of Sex Discrimination, Including Sexual Harassment.** Consistent with longstanding University policy, regulations published by the U.S. Department of Education under Title IX (see 34 C.F.R. § 106, et seq.) ("**Title IX Regulations**") prohibit the University from discriminating on the basis of sex in all University educational programs or activities, and this requirement against discrimination extends to admission and employment. The University strictly prohibits sex discrimination, including sexual harassment, in the context of all education programs and activities that the University operates and in University employment relationships and in admission and hiring decisions. The University will promptly and effectively respond to reports of sex discrimination, including sexual harassment, and will take appropriate action to prevent and remediate such behavior.

B. **Definition of Sexual Harassment.** For purposes of this Policy, the term "sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the University conditioning the provision of an aid, benefit, or service of the University 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 University's education program or activity; or

3. any of the following crimes:

   a) "**Sexual assault**" refers to an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting System: See 20 U.S.C. § 1092(f)(6)(A)(v).

      (1) "**Rape**" is defined as penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent of the Complainant, including instances in which the Complainant is incapable of giving consent.

      (2) "**Fondling**" is defined as the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent.

      (3) "**Incest**" is defined as nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

      (4) "**Statutory rape**" is defined as nonforcible sexual intercourse with a person who is under the statutory age of consent.

   b) "**Dating violence**" refers to violence committed by a person:

      (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

      (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(a) The length of the relationship;

(b) The type of relationship;

(c) The frequency of interaction between the persons involved in the relationship. See 34 U.S.C. § 12291(a)(10).

c) "**Domestic violence**" refers to felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. See 34 U.S.C. § 12291(a)(8); or

d) "**Stalking**" refers to engaging in a course of conduct directed at a specific person that would cause a reasonable person to

(1) fear for their safety or the safety of others; or

(2) suffer substantial emotional distress. See 34 U.S.C. § 12291(a)(30).

C. **Inquiries about Title IX Requirements.** Inquiries about the application of this Policy, Title IX and the Title IX Regulations may be referred to the University's Title IX Coordinator:
Kimberley Bynum-Smith
Director, Office for Civil Rights Compliance and Title IX Coordinator
200 Hazel, 2nd Floor, St. Louis, MO 63119
314-246-7780
kimberleybynumsmith@webster.edu

D. **Interaction with Other University Policies.** This Policy addresses sex discrimination. There are other University policies (e.g., the Student Code of Conduct, the Human Resources Grievance Policy, and the Equal Employment Opportunity Commission [EEOC] policy) that address different forms of discrimination and harassment. If the Title IX Coordinator receives a report about misconduct that is not sex discrimination and is therefore not covered by this Policy, the Title IX Coordinator will not adjudicate that complaint. The conduct may be adjudicated by other individuals under the relevant policy(ies).

Individuals who fail to comply with this Policy and the procedures set forth therein may be subject to disciplinary actions guided by the Student Handbook, the Employee Handbook, or the Faculty Manual. Non-compliance with this policy may result in disciplinary action, up to and including separation from the University.

III. RETALIATION

A. **Prohibition of Retaliation.** The University strictly prohibits retaliation, including intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX or the Title IX Regulations, or because the individual has made a

report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under such regulations.

B. **Conduct Constituting Retaliation.** Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment—if made for the purpose of interfering with any right or privilege secured by Title IX or the Title Regulations—constitutes retaliation.

C. **Exceptions**

1. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this Policy. Likewise, the exercise of academic freedom, which is protected by the First Amendment, does not constitute retaliation under this Policy.

2. Charging an individual with a code of conduct violation or other policy violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy does not constitute retaliation prohibited under this Policy; provided, however, that a determination regarding responsibility for violation of this Policy, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

D. **Complaints of Retaliation.** Complaints alleging retaliation under this Policy may be filed according to the grievance procedures for sex discrimination, including sexual harassment, that are set forth in this Policy.

E. **Penalties for Retaliation.** A violation of this Policy may result in disciplinary action. The same range of disciplinary actions that are described in this Policy as available for a finding of sex discrimination, including sexual harassment, can be imposed as result of a finding that prohibited retaliation has occurred.

IV. CONFIDENTIALITY

This Policy requires the University to keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("**FERPA**") or U.S. Department of Education regulations published pursuant to FERPA (34 CFR part 99), as otherwise required by applicable law, or as needed to carry out the purposes of the Title IX Regulations, including the conduct of any investigation, hearing, or judicial proceeding arising from the Title IX Regulations. Of course, where the University is required by applicable law to disclose information in a report or formal complaint of sexual harassment, such disclosures will be made. Nothing in this Section IV shall be construed to prohibit a complainant or respondent from freely discussing the details of a report or formal complaint of sexual harassment.

V. SUPPORTIVE MEASURES

A. **Availability of Supportive Measures.** The University shall make available to every complainant and respondent supportive measures as part of the University's handling of a report of sex

discrimination, including reports and formal complaints of sexual harassment. Individuals involved in a complaint of sexual discrimination— whether as a complainant or a respondent—may receive supportive measures by contacting the Title IX Coordinator, who is responsible for coordinating effective implementation of supportive measures. Accommodations or supportive measures are available if the complainant requests them and if they are reasonably available, regardless of whether the complainant chooses to file a formal complaint or report the offense to the Title IX Coordinator, Public Safety, or local law enforcement. Upon request, the Title IX Coordinator will also provide written notification of such resources available to students and employees.

B. **Definition of Supportive Measures.** The term "supportive measures" means non- disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment.

C. **Examples of Supportive Measures.** Supportive measures may include any of the following examples: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

D. **Confidentiality.** The University shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the University's ability to provide the supportive measures.

VI. COMPLAINT, INVESTIGATION AND GRIEVANCE PROCEDURES

A. **Governing Procedures.** Reports and formal complaints of sex discrimination, including sexual harassment, occurring against a person in the United States will be handled in a manner consistent with the procedures set forth in this Section VII of this Policy.[17] These procedures provide for the prompt, fair, and impartial resolution of student and employee complaints alleging any action that would be prohibited by Title IX Regulations. Furthermore, this Policy provides for a grievance process for the handling of formal complaints, as required by the Title IX Regulations.[18]

B. **Definitions.** Terms used frequently in these procedures and elsewhere within this Policy are defined as follows:

1. *Actual knowledge.* The term "actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the University's Title IX Coordinator or to the University's Chief Human Resources Officer. No employee or official of the University other than the Title IX

[17] Other University policies, including the University's policy on Equal Employment Opportunity, govern allegations of misconduct, including sex discrimination, occurring against a person outside of the United States.

[18] Employee complaints of sexual harassment that occur off campus will be handled by the University's Human Resources Department. Student complaints of sexual harassment that occur off campus will be handled by the University's Student Conduct Office.

Coordinator Kimberly Bynum-Smith (200 Hazel, 2nd Floor, St. Louis, MO 63119; Telephone: 314-246-7780; Email: kimberleybynumsmith@webster.edu) and the University's Chief Human Resources Officer Charles Burton (470 E. Lockwood Ave., St. Louis, MO 63119; Telephone: 314-246-6960; Email: charlesburton@webster.edu shall have authority to institute corrective measures under this Policy on behalf of the University.

2. *Complainant.* The term "complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

3. *Consent.* The term "consent" means an affirmative and willing agreement to engage in a specific form of sexual contact with another person.

    a) **Consent is Always Required.** Sexual contact requires consent. Consent cannot be inferred simply from the absence of a "no" or an explicit rejection of particular sexual contact. Instead, a clear and affirmative form of consent, verbal or otherwise, is necessary prior to any sexual contact. Consent to some sexual acts does not constitute consent to others, nor does past consent to a given act constitute present or future consent. Consent must be ongoing throughout any sexual encounter and can be revoked at any time prior to or during any sexual contact.

    Consent cannot be obtained from someone who is asleep or otherwise mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition. A person is mentally or physically incapacitated when that person lacks the ability to make or act on considered decisions to engage in sexual activity. A person commits Sexual Assault and violates this Policy by engaging in sexual contact with someone who the person knows, or reasonably should know, is incapacitated.

    b) **Guidance Regarding Sexual Consent.** Consent can be accurately gauged only through direct communication about the decision to engage in sexual contact. Presumptions based upon contextual factors (such as clothing, alcohol consumption, or dancing) should not be considered as evidence for consent.

    Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and gauging consent. Talking with sexual partners about desires and limits may seem awkward, but such direct and explicit communication serves as the best means of obtaining consent.

        (1) Consent requires an outward demonstration, through mutually understandable words or actions, indicating that an individual has voluntarily chosen to engage in a specific form of sexual contact.

        (2) Consent cannot be achieved through manipulation, coercion, force or by taking advantage of the incapacitation of another individual.

        (3) An individual can withdraw consent at any time prior to or during any form of sexual contact, and when consent is withdrawn during any form of sexual contact, the sexual contact must end immediately.

When the issue of consent is placed in dispute by a complainant or respondent, the University will consider all relevant facts and circumstances, including without limitation:

(a) the presence or absence of affirmative words or actions indicating a willingness to engage in sexual contact,

(b) whether a reasonable person would have understood the words and acts at issue as expressing consent; and

(c) whether there are any circumstances, known or reasonably apparent to any of the involved parties, demonstrating incapacitation or any other inability to make a voluntary choice to engage in sexual contact.

4. *Formal complaint.* The term "formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the University investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the University with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information for the Title IX Coordinator set forth in this Policy. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

5. *Incapacitation.* The term "incapacitation" means a person's physical and/or mental inability to make informed, rational judgments to the extent that the individual is incapable of giving consent.

   a) **Incapacitation.** Incapacitation resulting in the physical and/or mental inability to make informed, rational judgments precludes a person from giving consent as that term is used in this Policy. Incapacitation may be caused by a permanent or temporary physical or mental impairment. Incapacitation may also result from the consumption of alcohol or drugs.

   The use of alcohol or drugs may, but does not automatically, affect a person's ability to consent to sexual contact. The consumption of alcohol or drugs may create a mental incapacity if the nature and degree of the intoxication go beyond the stage of merely reduced inhibition and reach a point in which the victim does not understand the nature and consequences of the sexual contact. In the latter case, the person cannot provide consent. A person who is asleep or who is passed out or unconscious as a result of the consumption of alcohol or drugs is physically helpless and is not able to consent.

   A person violates this Policy if the person has sexual contact with someone who the person knows or should know is incapacitated—regardless of the cause, including intoxication to the point of causing incapacitation. The test of whether an individual should know that another person is incapacitated is whether a reasonable, sober person would be able to ascertain the other person's incapacitation.

A respondent cannot rebut an allegation of sexual harassment merely by arguing drunkenness or other drug impairment prevented the respondent from knowing that the other person was incapacitated.

6. *Respondent.* The term "respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

C. **Reporting Sex Discrimination.**

1. *Persons Who Can Report Sex Discrimination.* Any person participating in, or attempting to participate in, a university program or activity may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), sexual assault, dating violence, domestic violence or stalking. Following such report, the Title IX Coordinator will provide the student or employee a written explanation of the individual's rights and options, irrespective of whether or not the offense occurred on-or-off campus.

2. *Reporting Methods.* A report of sex discrimination, including sexual harassment, may be made in person, by mail, by telephone, or by electronic mail, using the contact information listed in this Policy for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed in this Policy for the University's Title IX Coordinator. In addition to the Title IX Coordinator, the University's Chief Human Resources Officer may also receive notice of reports of sex discrimination, including sexual harassment, under this Policy.

3. *Amnesty from Drug, Alcohol, and Related University Policies.* The University encourages reporting and seeks to remove any barriers to reporting by making the procedures for reporting transparent and straightforward. The University recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to make a report because of potential consequences for their own conduct, which may violate other University policies and codes of conduct.

   An individual who reports sexual misconduct will not be subject to disciplinary action by the University for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The University may, however, initiate an educational discussion or pursue other educational remedies regarding the use of alcohol or other drugs. This amnesty policy applies to the University's student conduct process as well as related policies applicable to students, faculty and staff.

   While the University may waive disciplinary action under its policies related to use of alcohol and drugs as indicated above, it retains the responsibility to report any illegal use of these substances as required by law and will act in compliance with those laws.

D. **Responding to Sexual Harassment in the Absence of a Formal Complaint.**

1. *Prompt Response.* When the University has actual knowledge of sexual harassment in an education program or activity of the University against the person in the United States, the University will respond promptly, reasonably and with deliberate attention.
2. *Equitable Treatment.* The University's response will treat complainants and respondents equitably by offering supportive measures to the complainant and by following the grievance process outlined in this Policy before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.
3. *Prompt Efforts to Contact the Complainant.* Upon actual knowledge of sexual harassment, the Title IX Coordinator will contact the complainant promptly
    a) to discuss the availability of supportive measures,
    b) to consider the complainant's wishes with respect to supportive measures,
    c) to inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and
    d) to explain to the complainant the process for filing a formal complaint.
4. *Scope of the University's Responsibility to Respond.* For purposes of this Policy, the phrase "education program or activity" includes locations, events, or circumstances over which the University exercises substantial control over both the respondent and the context in which the sexual harassment occurs, including any building owned or controlled by a student organization that is officially recognized by the University. The phrase "education program or activity" also encompasses conduct occurring on the University's computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of, the University.

E. **Reporting or Filing a Formal Complaint of Sexual Harassment.**

1. *Persons Who Can Initiate a Formal Complaint.* A formal complaint may be filed by a complainant or signed by the Title IX Coordinator.
2. *Procedure for a Complainant to Initiate a Formal Complaint.* If a complainant chooses to file a formal complaint, the complainant must sign and submit a document to the Title IX Coordinator (in person, by mail, or by electronic mail, using the contact information for the Title IX Coordinator set forth in this Policy), alleging sexual harassment against a respondent and requesting that the University investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in an education program or activity of the University.
3. *Procedure for the Title IX Coordinator to Initiate a Formal Complaint.* Regardless of whether a complainant has filed a formal complaint, the Title IX Coordinator can choose to sign a formal complaint alleging sexual harassment against one or more respondents and requesting that the University investigate the allegation of sexual harassment. In deciding whether to sign a formal complaint, the Title IX Coordinator will consider the following factors:
    a) the severity and pervasiveness of the alleged sexual harassment;

b) any pattern of alleged misconduct attributed to the Respondent (e.g., serial predation);

c) the risk of serious harm to any student, employee or other individual associated with the University;

d) whether the complainant's allegations involved violence, threats, use of weapons, or similar factors;

e) whether the complainant's allegations have prompted the involvement of law enforcement and/or criminal proceedings; and/or

f) any other factor, whose consideration is permitted by applicable law, that directly or indirectly implicates the University's interests in providing a safe and productive learning environment.

F. **Responding to a Formal Complaint.**

1. *Application of Grievance Process.* In response to a formal complaint, the University will follow the grievance process set forth in this Policy. This grievance process is designed to treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a grievance process that complies with the Title IX Regulations before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

2. *Administrative Processing of a Formal Complaint.* When a formal complaint is made, the following administrative procedures will occur:

a) *Conflict Analysis.* As a preliminary matter, the Title IX Coordinator identified in this Policy will analyze whether such person has a conflict of interest that would preclude such person from acting as the Title IX Coordinator for the formal complaint at issue. A conflict of interest that precludes a person from holding a Title IX Coordinator, investigator, decision-maker/hearing officer or appeal officer role is one that would undermine the person's ability to approach an allegation or formal complaint of sexual harassment with impartiality. Such a conflict could arise, for example, from an intimate relationship or a very close personal relationship; however, merely knowing a complainant or respondent will not constitute a conflict of interest for purposes of this Policy. If such a conflict exists, the University's Title IX Coordinator or Chief Human Resources Officer will designate another properly trained individual to serve in the capacity at issue.

b) *Role Assignments.* The Title IX Coordinator will assign an investigator to investigate the formal complaint. Where the complainant and respondent voluntarily choose to attempt to reach an informal resolution of the formal complaint, the Title IX Coordinator will select a mediator to facilitate an informal resolution process. Where an informal resolution process is not elected or where it is elected but is unsuccessful, the Title IX Coordinator will also identify the appropriate decision-maker who will serve as the hearing officer presiding over the hearing of the formal complaint as the person who will decide whether a finding of responsibility for sexual harassment should be made and, if so, what remedies should be imposed against the respondent. For a formal complaint against a non-faculty University employee, the default decision- maker will be the Chief Human Resources Officer or such

person's designee. For a formal complaint against a University faculty member, the default decision-maker will be the Vice President for Academic Affairs or such person's designee. For formal complaints against a student, the default decision-maker will be the Dean of Students or such person's designee. For each of these role assignments, an analysis will be performed to determine whether a person selected as an investigator or decision- maker has a conflict of interest that would prevent such person from serving in the role at issue.

c) *Training Requirements.* The University will ensure that all Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, shall receive training on the definition of sexual harassment; the scope of the University's education program or activity; how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable; and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The University will also ensure that decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. The University will ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. Materials used to train the University's Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process will not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints of sexual harassment.

3. *Investigation Process.* The investigation of any formal complaint will be conducted in accordance with the following procedures. Such procedures will also be followed for reports of sexual assault, dating violence, domestic violence, or stalking that fall outside the scope of Title IX.

   a) *Investigation.* When a formal complaint meets the requirements of this Policy, the Title IX Coordinator, or designee, will assign a trained investigator to conduct a prompt, fair and impartial investigation of allegations contained in the formal complaint. All parties and witnesses are expected to provide truthful information. Knowingly providing false or misleading information is a violation of university policy and can subject a student or employee to disciplinary action. The investigator or designee will provide timely updates, as appropriate or requested, about the timing and status of the investigation.

   It is the responsibility of the University, not the parties, to gather relevant information, to the extent reasonably possible. The investigator will conduct a fair and reliable fact-gathering based on the allegations in the Formal Complaint. The investigator will be responsible for interviewing the Complainant and the Respondent, interviewing potential witnesses; collecting relevant documentation and physical evidence, including documents, communications between the Parties, and other electronic records as appropriate; creating a timeline; and preparing a written report documenting the complete investigation.

   b) *Relevance.* The investigator will consider only relevant evidence that is available in a particular case. The term "relevance" shall have its ordinary meaning in any grievance process conducted under this Policy. Relevant questions are those that call for information that will assist the decision-maker/hearing officer in deciding whether the allegation(s) and

information in the investigation are either more likely or less likely to be true. Many forms of evidence that are logically relevant would not be admissible in a court of law based on application of the Federal Rules of Evidence or other applicable evidentiary standards that apply in judicial proceedings. Such evidence, so long as it is relevant, will nevertheless be available for consideration by an investigator. For example, a question cannot be excluded on the basis of relevance solely because it may be unduly prejudicial, concern prior bad acts, or constitute character evidence; however, questions that badger a witness or are unfairly repetitious may be deemed irrelevant. Questions concerning the complainant's sexual history are not relevant unless offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

c) *Objective Evaluation.* The investigator will conduct an objective evaluation of all relevant evidence — including both inculpatory and exculpatory evidence. At no stage of the grievance process will credibility determinations be made based on a person's status as a complainant, respondent, or witness. Formal complaints of sexual harassment often involve allegations with competing plausible narratives and no eyewitnesses. Such situations will be evaluated by objectively evaluating the relevant evidence, regardless of whether that available, relevant evidence consists of the parties' own statements, statements of witnesses, or other evidence. This does not mean that corroborating evidence is required, but the availability of corroborating evidence may bolster a party's position in support of or in opposition to a formal complaint.

d) *Presumption of No Responsibility.* Formal complaints will be handled with a presumption that the respondent is not responsible for alleged sexual harassment until a determination regarding responsibility is made at the conclusion of the grievance process. The presumption of non- responsibility does not mean that a respondent, complainant or witness is considered presumptively truthful, untruthful, credible or not credible. An investigator is free to develop an understanding of, and to take into account, each party's interests and the "stakes" at issue for each party. What is at stake, in and of itself, shall not reflect on the party's truthfulness.

e) *Respect for Legal Privilege.* The University will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. For instance, medical and counseling records of either party are privileged confidential records that the university cannot access, consider, disclose, or otherwise utilize without the express written consent of the party that holds the privilege. If a party decides to share such records with the Investigator after providing their written consent, those records become a part of the investigation and are available for review by the opposing party. Records maintained by the following are examples of privileged medical records: a physician, a psychiatrist, a psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment of the party. Additionally, records pertaining to conversations between an

attorney and their client, as well as conversations between an individual and a member of the clergy or ordained minister pursuant to seeking spiritual advice, are privileged. These are also records that the university cannot access, consider, disclose, or otherwise utilize without the express written consent of the party that holds the privilege. If a party decides to share such records with the Investigator after providing their written consent, those records become a part of the investigation and are available for review by the opposing party.

f) *Time Frames for Conclusion of the Grievance Process.* The University endeavors to complete the grievance process for a formal complaint within 90 days from the date on which a complainant files, or the Title IX Coordinator signs, the formal complaint through the date on which a decision-maker issues a decision in such case.

g) *Delays.* The University intends to adhere to the time frames set forth in this Policy whenever possible; however, the University reserves the right to extend the grievance process time frames for good cause and, when exercising that right, will provide written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include the complexity of the circumstances surrounding an allegation; scheduled and unscheduled breaks; campus closures; the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

h) *Burdens of Proof and of Gathering Evidence.* The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the University and not on the parties.

i) *Standard of Evidence.* In determining whether this Policy has been violated, the University will apply the preponderance of the evidence standard, meaning "is it more likely than not that the allegation(s) are substantiated." This standard of evidence applies to all complaints of sexual harassment, sexual assault, dating violence, domestic violence, or stalking, including such complaints that fall outside the scope of Title IX.

j) *Equal Opportunity to Present and Inspect Evidence.* The University's investigation and adjudication of the allegations must be based on an objective evaluation of the relevant evidence available in a particular case; however, the type and extent of evidence available will differ based on the facts of each allegation of sexual harassment. The investigator shall provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Furthermore, both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

k) *Time to Review Evidence Considered by the Investigator.* Prior to completion of the investigative report, the investigator shall send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and

the parties will have at least 10 calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. All such electronic copies and/or hard copies of such evidence shall be returned to the University's Title IX office within twenty (20) calendar days following the date on which a decision has been issued on a formal complaint (if no appeal is filed) or, where an appeal is filed, within ten (10) calendar days from the date on which a decision is issued by the appeal officer assigned to the case.

l) *Preparation of an Investigation Report.* The investigator shall create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing on the formal complaint, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

m) *No Gag Orders.* Neither the complainant nor the respondent shall be restricted in the ability to discuss the allegations under investigation or to gather and present relevant evidence.

n) *Advisor Participation.* The University shall provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding. The University, however, reserves the right to establish restrictions regarding the extent to which the advisor may participate in the proceedings (with any such restrictions applying equally to both parties).

o) *Notice with Time to Prepare.* The University shall provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time (i.e., at least ten (10) calendar days) for the party to prepare to participate.

p) *Consolidation of Formal Complaints.* The University reserves the discretion to consolidate related formal complaints as permitted by the Title IX Regulations.

4. *Informal Resolution.* If a formal complaint is filed, the parties may voluntarily agree to engage in an informal resolution process to attempt a resolution of any formal complaint except those involving allegations that an employee sexually harassed a student. The University will facilitate such an informal resolution process with the consent of the parties. Such an informal resolution process can occur at any time prior to reaching a determination regarding responsibility. If the parties resolve a formal complaint through an informal resolution process, the parties will be precluded from resuming a formal complaint arising from the same allegations that were included in the resolved formal complaint. If a party chooses to withdraw from an informal resolution process at any time prior to a resolution being reached, the formal complaint shall return to the grievance process. The grievance process timeline contemplated in this Policy shall be held in abeyance for any period of time during which a formal complaint is pending in an informal resolution process.

5. *Hearing Procedures.* Following an investigation of a formal complaint, the formal complaint will be submitted to a live hearing, presided over by the decision-maker. The following procedures shall apply to such a live hearing:

    a) *Availability of Evidence.* All evidence considered in the preparation of the investigation report concerning the formal complaint will be available to the parties for their inspection and review before the hearing so that each party has an equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

    b) *Questioning of Witnesses.* At the live hearing, the decision-maker must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. All questioning of parties and witnesses shall occur in a respectful, non-abusive manner. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. If a party does not have an advisor present at the live hearing, the University will provide without fee or charge to that party, an advisor of the University's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. If deemed reliable and relevant by the decision-maker, and not otherwise subject to exclusion under this Policy, the decision- maker may consider the statements of a party or witness who was not present at the hearing, or a party or witness who was present at the hearing but who nevertheless was not subject to cross examination. This includes, but is not limited to, information, statements, and materials provided or gathered during the investigative process.

    c) *Advisor Participation.* A party shall notify the Title IX Coordinator at least five calendar days prior to a scheduled hearing if such party has engaged an advisor (including the identity and contact information for such advisor) to perform the questioning of the opposing party and witnesses at a hearing on the party's behalf. If a party does not have an advisor, the University will appoint an advisor (of the University's choice) to perform questioning on behalf of the party at the hearing. Such an advisor has only one obligation at hearing: relaying the party's desired questions to the other party and witnesses (to the extent such questions are consistent with the decorum and other rules set forth in this Policy and imposed by the decision-maker equally on both parties). If a party to whom the University assigns an advisor refuses to work with the advisor when the advisor is willing to conduct cross-examination on the party's behalf, then the party has no right of self-representation with respect to conducting questioning at the hearing, and that party would not be able to pose any questions.

    d) *Opening and Closing Remarks.* At the outset of the live hearing, the decision- maker will permit each party (or the party's advisor) to make opening remarks of no more than five (5) minutes. At the conclusion of the presentation of all evidence in a hearing, the decision-maker will permit each party (or the party's advisor) to make closing remarks of no more than five (5) minutes. Professional decorum must be maintained throughout such opening and closing remarks, and the decision-maker shall have the discretion to cut off such remarks by a party (or the party's advisor) if professional decorum is not maintained by that party (or that party's advisor).

e) *Rulings on Witness Questions.* Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker shall determine whether the question is relevant and explain any decision to exclude a question as not relevant. Advisors may interpose objections to any question to present arguments regarding whether such question should be permitted, and in the event any such objection is made; however, any such objection should be made prior to the witness's answer being given. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker's rulings on questions posed to parties and witnesses are not subject to challenge by a party or the party's advisor during the hearing.

f) *Relevance.* A decision-maker shall apply the same standard of relevance as is required for investigators under Section VI(F)(3)(i) of this Policy, meaning all relevant evidence presented at a hearing shall be considered by the decision- maker (unless consideration of such evidence is prohibited by the Title IX Regulations). Furthermore, a decision- maker shall be free to rule repetitive questions to be irrelevant and exclude such repetitive evidence.

g) *Requests for Separation.* At the request of either party, the decision-maker must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker and parties to simultaneously see and hear the party or the witness answering questions.

h) *Location of Hearings.* The University reserves the discretion to conduct any hearing under this Policy with all parties physically present in the same geographic location or with any or all parties or other participants appearing virtually with technology enabling participants simultaneously to see and hear each other.

i) *Transcripts.* The University will provide the parties an opportunity to inspect and review a transcript (or, at the University's sole discretion, an audio or audiovisual recording) of any live hearing conducted under this Policy.

j) *Confidential Proceedings.* Consistent with the University's obligation to maintain confidentiality with respect to hearings on formal complaints made under this Policy, no one other than a party's advisor (and any person whose involvement is required by law, e.g., an interpreter for a party who suffers from a disability that necessitates the participation of an interpreter) shall be permitted to attend or observe a hearing with a party.

k) *Professional Decorum.* All parties and witnesses shall maintain professional decorum throughout a hearing conducted under this Policy. The expectation of professionalism includes, without limitation, that no person may badger or harass any party, witness, decision-maker or other University personnel involved in the hearing proceeding. Furthermore, a party shall be free to confer with the party's advisor during a hearing, such conferral shall not take place in a loud or disruptive manner. If a party or advisor violates any rules imposed on parties equally by this Policy or by a decision-maker during a hearing,

the University retains authority to respond in accordance with its policies governing student and employee misconduct.

l) *Written Determinations.* Applying the preponderance of evidence standard, the decision-maker, who will be someone other than the Title IX Coordinator or the investigator assigned to a formal complaint, shall issue simultaneously to each party a written determination regarding responsibility following the conclusion of a live hearing. Such written determination shall include the following:

(1) Identification of the allegations potentially constituting sexual harassment;

(2) A description of the procedural steps taken from the receipt of the formal complaint through the determination (including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held);

(3) Findings of fact supporting the determination;

(4) Conclusions regarding the application of the University's code of conduct to the facts;

(5) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the complainant; and

(6) The University's procedures and permissible bases for the complainant and respondent to appeal.

6. *Appeal Procedures.* If a complainant or respondent wishes to appeal the decision of the decision-maker presiding over the live hearing of a formal complaint, the party wishing to appeal must comply with the following procedures:

a) *Grounds for Appeal.* An appeal can be based on any one or more of the following grounds:

(1) Procedural irregularity that affected the outcome of the matter;

(2) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or

(3) The Title IX Coordinator, investigator(s), or decision- maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

b) *Notice of Appeal.* A party may appeal a decision-maker's decision based on one or more grounds for appeal identified in this Policy; however, such appeal must be submitted in writing to the Title IX Coordinator within ten (10) calendar days after the issuance of the decision-maker's decision to the parties. The Title IX Coordinator shall notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

c) *Appellate Briefing.* Each party to an appeal shall have an equal opportunity to submit a written statement in support of, or challenging, the outcome of a live- hearing in a case that is appealed under this Policy. Absent an extension granted by an appeal officer presiding over the case, any such written statement must be submitted to the Title IX Coordinator within 10 calendar days after the Title IX Coordinator has provided the notice required in Section VI(F)(6)(ii).

d) *Appeal Officers.* The University shall appoint three individuals (none of whom can be the person who served as the Title IX Coordinator, investigator, advisor or decision-maker for the underlying formal complaint) to serve as appeal officers to hear and decide any appeal that is filed under this Policy. The University shall designate one appeal officer to chair the appeal panel. The appeal officers shall apply the preponderance of evidence standard in deciding an appeal and shall decide the outcome of the appeal by majority vote. However, in instances where a total of three individuals are not available to serve as appeal officers, the University shall appoint a single appeal officer to decide the outcome of an appeal, and such person's decision shall be final.

e) *Written Decision.* Following the briefing period, the appeal officer serving as the chair of the appeal panel shall issue a written decision describing the result of the appeal and the rationale for the result. Such written decision shall be provided simultaneously to the parties by the Title IX Coordinator.

f) *Finality.* A determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of the appeal, if an appeal is filed, or on the eleventh (11th) calendar day following the University's provision of the written determination to the parties (if no appeal is filed by either party during the 10-day period for filing an appeal). Such determination shall be provided simultaneously to the parties by the Title IX Coordinator.

7. *Remedies.* If a finding of responsibility for violating this Policy is made, the remedies imposed may include supportive measures, the range of such supportive measures available to complainants and respondents is set forth in this Policy's definition of the term "supportive measures." Furthermore, such remedies may include disciplinary sanctions, punitive measures and measures that burden the respondent. Sanctions for a violation of this Policy by a student may include, but is not limited to: no-contact orders; educational training; expulsion; suspension; disciplinary probation; mandated counseling assessment which may include anger management course(s), alcohol and/or drug education program(s), and other requirements based upon the counseling assessment; restrictions on campus privileges including restrictions on campus housing or participation in student activities; community service; and/or other educational sanctions. Sanctions for a violation of this policy by an employee may include, but is not limited to: leave with pay, leave without pay, termination, change in job responsibilities or duties, relocation of assignment, mandated counseling or anger management assessment, mandated training, such as sexual harassment prevention. The Title IX Coordinator is responsible for effective implementation of any remedies imposed under this Policy. Upon request, the Title IX Coordinator will provide the University's written procedures for disciplinary action in cases of alleged sexual assault, dating violence, domestic violence, and stalking.

G. **Emergency Removal.** Notwithstanding any other provision of this Policy that may suggest otherwise, the University may choose to remove a respondent from any University education program or activity on an emergency basis if, based on an individualized safety and risk analysis, the University determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies such removal. When the University exercises its right to implement an emergency removal, the University will notify the respondent of that decision and provide the respondent with an opportunity to challenge the decision immediately following the removal.

H. **Administrative Leave.** Notwithstanding any other provision of this Policy that may suggest otherwise, the University may choose to place a non-student employee respondent on administrative leave during the pendency of a grievance process under this Policy. Furthermore, nothing in this Policy is intended to, or shall be construed to, modify the at-will nature of any employment relationship with the University.

VII. VIOLATIONS OF LAW

Sexual harassment may also violate the laws of the city, state or country where the incident occurred and subject the person engaging in sexual harassment to criminal prosecution by the presiding authority. The University will comply with laws of these various jurisdictions.

1. **Federal**: Title IX and the Title IX Regulations prohibit discrimination on the basis of sex in education programs or activities operated by recipients of federal financial assistance. https://www.justice.gov/crt/title-ix This Policy has been implemented pursuant to Title IX.

2. **State**: Sex offenses are defined by laws of individual states and other local jurisdictions.

Global Campuses: Members of the University community, visitors to campus, and participants at one of the University's global campuses should be aware that they are subject to the laws of the country in which they are located concerning what conduct constitutes sexual assault or a sexual offense.

VIII. OFFICE FOR CIVIL RIGHTS COMPLANCE STAFF

The Title IX Team. The Title IX Coordinator is the person the University has designated and authorized to coordinate the University's efforts to comply with the University's responsibilities under Title IX. The Title IX Coordinator's duties include overseeing all Title IX reports of alleged sexual harassment. The Title IX Coordinator has the full support of the University. If the Title IX Coordinator identified in this Policy is unavailable for any reason to serve as the Title IX Coordinator for a particular report or formal complaint of sexual harassment under this Policy, the Chief Human Resources Officer of the University shall identify the person who will serve as the acting Title IX Coordinator for such report or formal complaint. In the absence of a decision to the contrary by the University's Chief Human Resources Officer, the Deputy Title IX Coordinator identified in this Policy will be deemed, as a matter of default, the acting Title IX Coordinator for a particular report or formal complaint for which the Title IX Coordinator identified in this Policy is unavailable for any reason.

The Title IX Coordinator has ultimate oversight responsibility and works with An investigator who assist in fulfilling the Title IX Coordinator's responsibilities. The University may designate additional investigators or assistants to aid the Title IX Office in the event of a significant volume of reports of

sexual harassment, in response to a recusal of one or more members of the Office for Civil Rights Compliance with respect to a particular matter, or in any other circumstance that the University deems appropriate.

Members of this Title IX team receive training at least on an annual basis related to carrying out their roles and responsibilities.

Title IX Coordinator
Kimberley Bynum-Smith
Director, Office for Civil Rights Compliance and Title IX Coordinator
200 Hazel, 2nd Floor St. Louis, MO 63119
314-246-7780
kimberleybynumsmith@webster.edu

Webster also reserves the right to engage additional trained Deputy Title IX Coordinators and/or Title IX investigators on an ad-hoc basis as necessary.

Sexual Offense Advocate (24/7)
470 E. Lockwood Avenue, St. Louis, MO 63119
314-968-7030 (office)
314-649-8474 (mobile)

Office of Public Safety (24/7)
527 Garden Avenue (Next to Garden Ave. Garage) St. Louis, MO 63119
314-968-7430
314-968-6911 (Emergency)

IX. ACADEMIC FREEDOM

The University is firmly committed to free expression and academic freedom. Nothing in this Policy is intended to chill the free expression or academic freedom of anyone at Webster University. Members of the University community are free to express their views on any academic subject—regardless of whether those viewpoints are provocative or controversial. In contrast, however, sexual harassment and retaliation prohibited by this Policy do not constitute the exercise of academic freedom. The University will consider academic freedom and free expression in the investigation of any report of sexual harassment or retaliation that involves an individual's alleged speech or other communication and will take care to distinguish between viewpoint criticisms and academic discourse, which will not constitute sexual harassment, and offensive comments that are directed at an individual based on the individual's sex, gender, or other legally protected characteristics or status, which could constitute sexual harassment.

X. REPORTS TO CAMPUS AND OFF-CAMPUS RESOURCES

a) **Reports to the Sexual Offense Advocate.** A person who reports a sexual offense, or who witnesses a sexual offense, is encouraged to make a report to the Sexual Offense Advocate regardless of whether such a report is with respect to conduct that constitutes sexual harassment as defined by this Policy. Reports to the Sexual Offense Advocate will be kept completely confidential as the Sexual Offense Advocate is not required to report to the Title IX Coordinator any information about an incident reported to the Sexual Offense Advocate without the permission of the party who has made the report to the Sexual Offense Advocate. The Sexual Offense Advocate can provide advice

regarding options for reporting separately to the Title IX Coordinator, and of course, inquiries about this Policy can be made directly to the Title IX Coordinator.

1. **The Sexual Offense Advocate can be reached 24 hours a day, seven days a week by mobile phone at 314-649-8474, through Public Safety at 314-246-7430 or 314-968- 6900, or during office hours in the Counseling and Life Development Office at 314- 968-7030. International students and U.S. citizens living abroad to U.S. Campus: Phone: international access code +314-968-7030 or international access code +314- 422-4651.**
2. The Sexual Offense Advocate is designated by the University as a support and resource person for all students and employees who believe they have experienced sexual assault or a sexual offense regardless of whether such conduct occurred in the United States and even if such conduct would not qualify as sexual harassment as defined in this Policy. The Sexual Offense Advocate is available to assist campus community members with the following areas of concern:
3. The Sexual Offense Advocate has training in crisis intervention and support techniques, and provides emotional, medical, and/or judicial support either directly or through on- or off-campus referral.
    a) The Sexual Offense Advocate informs the person of all rights under this Policy and provides procedural information and support as needed. The Advocate also works with Public Safety Officers when necessary to advise the person regarding options available for filing civil and/or criminal charges related to the offense. Those who believe they have experienced a sexual offense may also report the offense directly to Campus Public Safety or to the appropriate Title IX Coordinator or Deputy Title IX Coordinator as indicated above.
    b) The Sexual Offense Advocate may provide support to the party who has made a report to the Sexual Offense Advocate during all proceedings carried out under University auspices. The Sexual Offense Advocate, in consultation with the party who has made a report to the Sexual Offense Advocate, may designate an alternate to act as representative in the event the Sexual Offense Advocate is unable to perform the duties due to illness or other professional conflicts.
    c) Please note that the Sexual Offense Advocate's role is separate from the administrative functions associated with the Title IX grievance procedure and grievance process.
4. When any incident of sexual offense occurs to a member of the University community— even if off-campus, the University strongly encourages reporting to the Sexual Offense Advocate and/or the Office of Public Safety even if such incident does not constitute sexual harassment as defined in this Policy. When contacted first, Public Safety will automatically contact the Sexual Offense Advocate.

    The Sexual Offense Advocate as well as Public Safety are trained to provide assistance in making decisions about pursuing medical attention, counseling/support services, filing campus disciplinary procedures, preserving evidence, and filing criminal and/or civil charges.
5. It is especially important that someone experiencing sexual assault or some other form of sexual offense preserves any evidence that may assist in establishing the facts of the alleged offense that occurred so authorities and relevant administrators may appropriately investigate the

report. Such evidence may include, but is not necessarily limited to, physical evidence or electronic or written communications. Parties may also obtain a confidential forensic examination by a Sexual Assault Nurse Examiner at St. Mary's Health Center, 6420 Clayton Rd, Richmond Heights, MO 63117,314-768-8360. The YWCA also provides a Rape Crisis Hotline 314-531-7273, which can provide support and resources about sexual assault and forensic exams.

b) **Reports to the Title IX Coordinator.** In addition to confidentially reporting sexual harassment to the Sexual Offense Advocate, an individual may also file a written statement with the Title IX Coordinator should they choose to do so. See VI. E. for more information.

c) **Reports to the Local Authorities.** Behaviors defined above such as sexual assault, dating violence, domestic violence and stalking constitute potential criminal acts that could be grounds for criminal and/or civil action. Reporting parties of sexual offenses have the right to file a criminal report against a respondent simultaneously with a report of sex discrimination, including sexual harassment, under this Policy.

1. The University encourages individuals experiencing sexual misconduct (even if such conduct does not qualify as sexual harassment as defined in this Policy) to make a formal report to the appropriate local law enforcement authorities for the purpose of filing a criminal report and/or seeking and enforcing a no contact, restraining or similar Court Order and has the right to be assisted by the University in exercising this option.
2. In cases where individuals are interested in pursuing criminal and/or civil charges, it is especially important to work with law enforcement so that statements can be taken and evidence can be collected immediately. If a party experienced sexual intrusion or sexual penetration, one is encouraged to seek medical attention immediately. A medical examination can identify any internal trauma, test for sexually transmitted diseases, as well as obtain appropriate medical evidence should one choose to pursue legal charges at some later date.
3. The Sexual Offense Advocate can assist the party who has made a report in understanding options related to pressing civil and/or criminal charges as well as in the process of working with Public Safety and/or local authorities. The Webster University Office of Public Safety can be reached at 314-968-6911 (emergency) or 314-968-7430.
4. Although the Sexual Offense Advocate and the University's Office of Public Safety are available to receive reports of sexual misconduct, including conduct that—if proven— would constitute sexual harassment as defined in this Policy, a report of such conduct to the Sexual Offense Advocate and/or the Office of Public Safety will not trigger grievance procedures or a grievance process under this Policy.

d) **Reports Involving Minors or Suspected Child Abuse.** Under most state laws, an individual must make a mandatory report of suspected child abuse and neglect, including sexual assault, when that individual, in his/her professional capacity or within the scope of his/her employment, has knowledge of or observes a minor whom the individual knows or reasonably suspects has been the victim of child abuse or neglect, including sexual assault.

1. All University employees, whether designated as a mandatory reporter under state law or not, are required to immediately report any suspected child abuse and neglect to the Title IX

Coordinator and the Director of Public Safety. The source of abuse does not need to be known in order to file a report.

2. The University will report all suspected child abuse and neglect, including sexual assault, to law enforcement as required by the state in question. The University must act quickly regarding all reasonable suspicions of sexual or physical abuse. It is not the responsibility of any employee, student, or volunteer to investigate suspected child abuse. This is the role of and law enforcement and other authorities. Timeliness of the reporting is critical.

e) **Options for Seeking Confidential Resources.** The University encourages individuals who experience sexual assault and offenses to talk to somebody about what happened—so they can get the support they need, and so the University can respond appropriately.

Different employees on campus have different abilities to maintain a party's confidentiality.

1. Some are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication." Professional, licensed counselors and pastoral counselors who provide mental health counseling to members of the University community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without the permission of the party who has made a report to a counselor.

The following is the contact information for these individuals:
Samantha Sasek
Assistant Director of Counseling/Life Development, Sexual Offense Advocate
314-246-7009 or mobile: 314-649-8474 (24 hours)
samanthasasek@webster.edu

Patrick Stack
Director of Counseling
314-968-7030
stackpa@webster.edu

International students and U.S. citizens living abroad to U.S. Campus: Phone: international access code +314-968-7030 or international access code +314-422-4651.

2. A party who speaks to a professional or non-professional counselor or advocate of the Office of Counseling must understand that, if the party who has made the report to a counselor **does not permit** the professional or non- professional counselor to report the incident to a Title IX Coordinator (and the allegation is not reported directly by the party or some other party), the University's Title IX office **will not** conduct an investigation into the particular incident as appropriate and consistent with this Policy. While these professional counselors and advocates may maintain a party's confidentiality vis-à-vis the University, they may have legal reporting or other obligations under federal or state law, or laws in the country in which the incident occurred.

3. Confidential counselors and advocates will still assist the party in receiving other necessary protection and support, such as party advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules.

4. A party who at first requests confidentiality may later decide to file a report with the University or report the incident to local law enforcement, and thus have the incident fully investigated. These counselors and advocates will provide the party with assistance if the party wishes to do so.

5. Some employees are required to report all the details of an incident (including the identities of both the individual who claims to have experienced sexual harassment and the person who is accused of perpetrating sexual harassment) to the Title IX Coordinator or the Chief Human Resources Officer. Please note that reports to persons other than the Title IX Coordinator and the University's Chief Human Resources Officer, such as a Deputy Title IX Coordinator, will not confer "actual knowledge" of sexual harassment on the University for purposes of this Policy.

   If the University determines that the respondent poses a serious and immediate threat to the University community, the Office of Public Safety may be called upon to issue a timely warning to the community. Any such warning will not include information that identifies the complainant.

6. Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the University unless the complainant requests the disclosure and signs a consent or waiver form. While off-campus counselors and advocates may maintain a party's confidentiality vis-à-vis the University, they may have reporting or other obligations under federal and/or state law or the laws of the country in which the incident occurred.

XI. FALSE STATEMENTS

The University will not tolerate the making of any materially false statement by any party or witness in any grievance procedures or grievance process under this Policy. The University takes very seriously the accuracy of information collected under this Policy. A good-faith report that results in a finding of not responsible is not considered a materially false accusation of sexual misconduct. Likewise, a good-faith denial of sexual harassment allegations will not be considered a materially false statement even if the respondent is ultimately found responsible for violating the Policy. However, it is a violation of the Code of Student Conduct for any student to make an intentionally, materially false statement in any grievance procedure or grievance process under this Policy, and it is a violation of the University's Equal Employment Opportunity policy for any employee to make an intentionally, materially false statement in any grievance procedure or grievance process under this Policy.

APPENDIX A: TITLE IX SEXUAL ASSAULT PREVENTION AND EDUCATION RESOURCES

Multiple resources are made available to reporting parties and victims of sexual assault, either directly through the University or through various community resources. Below are some of those resources. Upon request, the Title IX Coordinator will also provide written notification of such resources available to students and employees.

Legal Assistance

Legal Services of Eastern Missouri represents people in orders of protection, divorce, custody, and paternity cases. Since 1956, LSEM has provided free legal help for more than one million low-income individuals/families with civil issues impacting housing, family law, public benefits, consumer fraud, healthcare, children's well-being, special education and relief from domestic violence. Call 314-534-4200.

Financial Aid

Financial Help for Women in Abusive Relationships: Mustering the courage to leave an abusive relationship is a process in itself. Overcoming the final barriers — emotional and logistical — to actually leaving is still a major step. Planning and preparing can be antidotes to fear, but even if you have to leave suddenly, there are ways to make the departure less wrenching. https://www.moneygeek.com/financial-planning/resources/financial-help-women-abusive-relationships/

Managing money is not easy, especially when women of all ages and backgrounds juggle multiple priorities. Annuity.org offers professional insight from experienced financial experts on a variety of financial topics to help you make smart decisions about your money. https://www.annuity.org/financial-literacy/women/

Visa and Immigration Services

The International Institute of St. Louis (IISTL) is St. Louis's community immigrant service and information hub. Their programs and services for immigrants, their families, and the wider community are locally and nationally acclaimed. IISTL connects new arrivals with first-touch services and resources, engage foreign-born and the wider community, and build a more inclusive community. https://www.iistl.org/

Immigration Help's mission is to help immigrants find freedom, opportunity, and love in the United States-without the high cost of an attorney. They have a 98% success rate, since 2019. https://www.immigrationhelp.org/

The Sexual Offense Advocate

The Sexual Offense Advocate can be reached 24 hours a day, seven days a week by mobile phone at 314-649-8474, through Public Safety at 314-968-6911or 314-968-7430, or during office hours in the Counseling and Life Development Office at 314-968-7030.

Sexual Offense Support Groups

The Sexual Offense Support Group is established and maintained by the Counseling Center with assistance from the Advocate as needed. Support groups are led by qualified persons who are trained and supervised by the Advocate and Director of Counseling.

The Wellness Center

Any professional counselors working in the Wellness Center must attend an approved program on the counseling of sexual offense reporting parties.

Employee Resources

Prudential's Employee Assistance program, offered by ComPsych, helps you and your family cope with life, from the everyday to the unexpected. Whether managing everyday issues such as job pressures, relationships, retirement planning, or finding childcare, or faced with grief, loss, or the impact of a disability, ComPsych is your resource for professional support. You and your family, including spouse and dependents, have access to ComPsych at no additional cost to you as long as your employer offers a covered product from Prudential. Professionals are available 24/7 and 365 days a year. Referrals may be made to appropriate professionals for up to 3 in- person visits, per year, per occurrence at no cost to the employee.

- ComPsych's Website: https://www.compsych.com/
- Guidance Resources' Website: https://www.guidanceresources.com/
- Hotline: 800-311-4327
- Human Resource Department: 314-246-6961 or benefits@webster.edu

Community Resources

There are a number of resources in the St. Louis community for those who have experienced sexual harassment. Such resources include:

ALIVE

https://alivestl.org/
St. Louis 24-hour Crisis Line: 314-993-2777
P.O. Box 28733, St. Louis, MO 63146 Office: 314-993-7080 Fax: 314-567-5629

Provides counseling, emergency sanctuary and other critical services to adults and children impacted by domestic abuse. ALIVE's services include:

- a 24-hour crisis line.
- emergency sanctuary
- emergency transportation.
- individual and group adult counseling.
- a children's treatment program.
- court advocacy.
- community education and outreach.

1 in 6

https://1in6.org/
901 E. Saint Louis, Floor 3, Springfield, MO 65806
877-628-1in6 or 877-628-1466

- 24/7 crisis chat available
- 1 in 6 offers resources and an online anonymous chat helpline for males/men who are survivors of childhood sexual abuse and sexual assault. 1 in 6 offers anonymous support groups online as well.

Safe Connections

https://safeconnections.org/
2165 Hampton Ave., St. Louis, MO 63139 314-646-7500

Safe Connections reduces the impact and incidence of relationship violence and sexual assault through education, crisis intervention, counseling, and support services. Safe Connections' services include:

- 24-hour crisis hotline: 314-531-2003
- therapy free of charge to adults and youth of all genders ages 12+ who have experienced rape, domestic or dating abuse (physical, sexual or emotional), sex trafficking, and/or childhood sexual abuse.
- groups, classes and workshops for adults and youth of all genders ages 12+ who have experienced rape, domestic or dating abuse, sex trafficking, and/or childhood sexual abuse. Through these group programs, clients receive professional guidance and peer social support in a safe environment. Additionally, group services are open to survivors of all genders and all support services are free of charge.

There are similar resources in each of the communities in which Webster maintains campuses. Resources may also be found at https://www.webster.edu/titleix/resources.php. The Sexual Offense Advocate can assist in locating additional resources.

Prevention and Education Resources

The University prohibits the offenses of sexual assault, dating violence, domestic violence and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the safety of all members of our University community. We place a strong emphasis on education and prevention programs geared toward minimizing such offenses. In accordance with the University's philosophy and obligations, programming and training about this Policy, standards of conduct, reporting options, resources and prevention efforts are required for all students, faculty and employees, including incoming students and new faculty and employees. Such trainings cover topics such as: key definitions of sexual misconduct; the importance and meaning of consent in sexual relations and the role that incapacity plays in these offenses; strategies to stay safe; and bystander education. In addition to that, employees also receive training on the roles and obligations of responsible employees and campus security authorities as well as their responsibilities under Title VII, Title IX, the Clery Act and the Violence Against Women Act. Webster University expects that any employee of the University who learns of an allegation of sexual harassment as defined by this policy, will immediately make a report to the Title IX Coordinator or Chief Human Resources Officer.

APPENDIX B: TITLE IX

Contact Information for Policy Violations Related to Sexual Harassment

Sexual Offense Advocate (24/7)
470 E. Lockwood Ave.
St. Louis, MO 63119
314-968-7030 (office)
314-649-8474 (mobile)

Office of Public Safety (24/7)
527 Garden Avenue
(Next to Entrance to Garden Ave. Garage)
St. Louis, MO 63119
314-968-7430
314-968-6911 (emergency)

Kimberley Bynum-Smith
Director, Office for Civil Rights Compliance and Title IX Coordinator
200 Hazel, 2nd Floor
St. Louis, MO 63119 314-246-7780
kimberleybynumsmith@webster.edu

Charles Burton
Chief Human Resources Officer
470 E. Lockwood Ave.
St. Louis, MO 63119
314-246-6960 (office)
charlesburton@webster.edu

Policy Regarding Educational Programs and Campaigns to Prevent Dating Violence Domestic Violence, Stalking and Sexual Assault

Webster University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that are comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that—

1. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and

2. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

The University places a strong emphasis on prevention and education programs and communications as effective ways to minimize sexual assault, harassment and other sexual

offenses; to inform students and employees of key definitions of all types of sexual misconduct, the importance and meaning of consent in sexual relations and the role that incapacity plays in these offenses; strategies to stay safe, and bystander education. Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees.

Bystander Intervention

The University takes care to educate students, staff and faculty about safe and positive options to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. This is commonly referred to as bystander intervention. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. The University recognizes the importance of educating the campus community how to safely engage in bystander intervention.

All students are encouraged to report suspected sexual offenses, and in no case should intervene directly in a situation without assistance from the administration or authorities if doing so risks harm to the bystander or victim. Bystander intervention should be carried out only where safe and positive results are warranted. In all cases, bystanders should report any observed sexual offense. Employees are also required to comply with the reporting requirements for responsible employees.

Appendix F contains some suggested techniques for effectively engaging in bystander intervention. Additional training and information on bystander information is provided in all Primary Prevention and Awareness Programs and a number of the Ongoing Prevention and Awareness Campaigns.

Risk Reduction

Education on risk reduction is another important piece of education and awareness related to dating violence, domestic violence, sexual assault and stalking. In this context, risk reduction refers to options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. Information on risk reduction is included in all Primary Prevention and Awareness Programs and a number of the Ongoing Prevention and Awareness Campaigns. The University's suggested risk reduction strategies are based on the needs of the campus community and never encourage victim blaming.

The University's primary prevention and awareness programs for students and faculty/staff both include the following components:

- A statement that the University prohibits the crimes of domestic violence, dating violence, sexual assault and stalking;
- The VAWA definitions of domestic violence, dating violence, sexual assault and stalking;
- Any applicable state law definitions of dating violence, domestic violence, sexual assault and stalking;
- Any applicable state law definitions of consent;
- The University's definition of consent and the purposes for which that definition is used;

- Descriptions of safe and positive options for bystander intervention;
- Information on risk reduction;
- A statement of policy regarding the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking, and of procedures that the institution will follow when one of these crimes is reported; and the procedural requirements for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, and stalking.

Primary Prevention and Awareness Programs

All new incoming students to all of Webster's campuses are currently required to complete an online sexual misconduct awareness and prevention course through Safe Colleges. The online course reviews Webster University community expectations, directs students to campus support and prevention resources, provides contact information for the Title IX Coordinator, and provides Bystander Intervention techniques.

All Webster University employees receive online training and are aware of their obligation to report sexual harassment on campus to the Title IX Coordinator. This online course covers the key elements of the following federal statutes: Title IX, the Clery Act, the Violence Against Women Act and Campus SaVE and Title VII. It also addresses employee rights and responsibilities as well as the specific roles and responsibilities of responsible employees.

Ongoing Prevention and Awareness Campaigns

Webster University engages in ongoing prevention and awareness campaigns which focus on programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution. The University utilizes a number of strategies and activities specifically designated to educate the community regarding sexual assault issues and to promote awareness of rape, acquaintance rape, and other sex offense prevention strategies.

The Sexual Offense Advocate and Title IX Coordinators at the main campus in Webster Groves work on a number of campaigns and programs, often in partnership with student or community groups each year at the Webster Groves campus. These individuals are also available to assist administration at branch campuses with similar campaigns and programming.

Oklahoma Sex Offender Registry

In response to Section 121 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C 16921), Oklahoma created an online database which can be accessed by the public at: https://sors.doc.ok.gov/ords/svorp/sors/r/sors/public-search

APPENDIX C – CLERY ACT CRIME DEFINITIONS

Murder/Non-Negligent Manslaughter: the willful (non-negligent) killing of one human being by another.

Manslaughter by Negligence: The killing of another person through gross negligence.

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, A sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

- **Fondling**: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

Robbery: the taking or attempting to take anything of value of the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault: an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary: the unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking and all attempts to commit any of the aforementioned.

Motor Vehicle Theft: the theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by person not having lawful access, even though the vehicles are later abandoned – including joyriding).

Arson: the willful or malicious burning or attempt to burn, with or without intent to defraud a dwelling house, public housing, motor vehicle or aircraft, or personal property of another, etc.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

- Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.
- Domestic violence: A Felony or misdemeanor crime of violence[19] committed –
- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for her, his, or others' safety; or
- Suffer substantial emotional distress.

For the purposes of this definition:

- Course of conduct means two or more acts, including but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- Weapons: Carrying, Possessing, Etc.: This classification encompasses weapons offenses that are regulatory in nature.

Drug Abuse Violations: the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of

[19] The term "crime of violence" is defined by 18 U.S. Code Section 16 as follows:
an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or
any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

state and local laws, specifically, those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

Liquor Law Violations: the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

Hate crimes: a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

The Department of Education directs institutions to report statistics for hate crimes in connection with the following offenses: Murder and Non-negligent Manslaughter; Sexual Assault; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; Arson. These definitions are provided above.

Institutions must also report statistics for hate crimes in connection with the following offenses which are not otherwise included in the annual crime statistics:

- **Larceny**: the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. (Larceny and theft mean the same thing in the UCR.) Constructive possession is the condition in which a person does not have physical custody or possession but is in a position to exercise dominion or control over a thing.
- **Simple Assault**: an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- **Intimidation**: to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/Damage/Vandalism of Property**: to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Types of Bias reportable under the Clery Act:

Race: A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.

Religion: A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.

Sexual Orientation: A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

Gender: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

Gender Identity: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.

Ethnicity: A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.

National Origin: A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

Disability: A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

APPENDIX D – CRIME PREVENTION TIPS

While Webster University makes every effort to provide a safe campus, students, faculty, and staff must also do their part to help us maintain a safe environment. The University encourages everyone who attends, works or visits one of its campuses to follow basic personal and property crime prevention procedures.

Tips for Securing Valuables in an Office

- Always lock your office, even when you are away for a few minutes.
- If you have valuables stored in your office, do not leave them overnight.
- Never leave purses or other valuables unattended.
- Keep your desk and files locked when you are away.
- Never store money in your desk drawers or file cabinets
- Report all losses to your Campus Director immediately.

Tips for Securing Valuables in Residences

Conspicuously mark items of value with a unique identifier making the items more difficult to sell and making it easier for law enforcement officials to return lost or stolen property.

Personal Safety Tips

- When walking alone after dark, walk on well-lighted, well-traveled walkways and plan your route ahead of time. Avoid places where attackers might hide (spaces between parked cars, overgrown shrubs, and dark passageways) and areas where you might get cornered. Remember that it is best to walk facing traffic.
- If anyone follows you while you are walking alone, look confident and let him or her know you are aware of their presence. Don't be polite or engage in conversation. If they continue to follow you, cross the street and/or change directions. If this doesn't work, walk toward other people or occupied buildings and stay away from places where you might get cornered.
- If you are trapped in your car and afraid for your safety, honk your horn in quick short bursts. This will attract people's attention.
- Make sure that all of the car doors are locked whenever you leave your vehicle.
- When returning to your car, have your keys ready so you can enter your car quickly and be aware of your surroundings. If you have to look into a purse or a pocket to find them, it takes extra time and you lose sight of what is around you, which could allow someone to sneak up on you.

Preventing Thefts from Vehicles

- Install a vehicle alarm or mechanical lock for the steering wheel or ignition.
- Always lock the doors and leave the windows rolled up.
- Keep valuables out of sight. Place valuable items in your trunk not the front or back seats.
- Know the license number, year, make and model of your vehicle.
- Never leave money, checkbooks, or credit cards in the vehicle at any time.

Preventing Bicycle Theft

Keep bicycles locked any time they are unattended. Be sure the lock or cable goes through the front wheel, rear wheel and the frame, and secure

APPENDIX E – OKLAHOMA STATE STATUTES

§ 21-113. Consent. [General Provisions Definitions]

The term "consent" means the affirmative, unambiguous and voluntary agreement to engage in a specific sexual activity during a sexual encounter which can be revoked at any time. Consent cannot be:

1. Given by an individual who:
   a) is asleep or is mentally or physically incapacitated either through the effect of drugs or alcohol or for any other reason, or
   b) is under duress, threat, coercion or force; or
2. Inferred under circumstances in which consent is not clear including, but not limited to:
   a) the absence of an individual saying "no" or "stop", or
   b) the existence of a prior or current relationship or sexual activity.

§ 21-112. Sexual assault.

The term "sexual assault" is any type of sexual contact or behavior that occurs without explicit consent of the recipient including, but not limited to, forced sexual intercourse, forcible sodomy, child molestation, child sexual abuse, incest, fondling and all attempts to complete any of the aforementioned acts.

In any criminal jury trial of a crime involving any type of sexual contact or behavior where "consent" is an element of the crime or a defense raised by the accused, the court shall instruct the jury on the definition of consent as such term is defined in Section 113 of this title.

§ 21-1113. Slight penetration is sufficient to complete crime.

The essential guilt of rape or rape by instrumentation, except with the consent of a male or female over fourteen (14) years of age, consists in the outrage to the person and feelings of the victim. Any sexual penetration, however slight, is sufficient to complete the crime.

§ 21-1111v1 Rape defined.

A. Rape is an act of sexual intercourse involving vaginal or anal penetration accomplished with a male or female who is not the spouse of the perpetrator and who may be of the same or the opposite sex as the perpetrator under any of the following circumstances:
   1. Where the victim is under sixteen (16) years of age;
   2. Where the victim is incapable through mental illness or any other unsoundness of mind, whether temporary or permanent, of giving legal consent;
   3. Where force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person;
   4. Where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit;
   5. Where the victim is at the time unconscious of the nature of the act and this fact is known to the accused;
   6. Where the victim submits to sexual intercourse under the belief that the person committing the act is a spouse, and this belief is induced by artifice, pretense, or concealment

practiced by the accused or by the accused in collusion with the spouse with intent to induce that belief. In all cases of collusion between the accused and the spouse to accomplish such act, both the spouse and the accused, upon conviction, shall be deemed guilty of rape;

7. Where the victim is under the legal custody or supervision of a state agency, a federal agency, a county, a municipality or a political subdivision and engages in sexual intercourse with a state, federal, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim, or the subcontractor or employee of a subcontractor of the contractor of the state or federal government, a county, a municipality or a political subdivision that exercises authority over the victim;
8. Where the victim is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in sexual intercourse with a person who is eighteen (18) years of age or older and is an employee of the same school system; or
9. Where the victim is nineteen (19) years of age or younger and is in the legal custody of a state agency, federal agency or tribal court and engages in sexual intercourse with a foster parent or foster parent applicant.
10. Where the victim is at least sixteen (16) years of age but less than eighteen (18) years of age and the perpetrator of the crime is a person responsible for the child's health, safety or welfare. "Person responsible for a child's health, safety or welfare" shall include, but not be limited to: a.
    a) parent,
    b) a legal guardian,
    c) custodian,
    d) a foster parent,
    e) a person eighteen (18) years of age or older with whom the child's parent cohabitates,
    f) any other adult residing in the home of the child,
    g) an agent or employee of a public or private residential home, institution, facility or day treatment program as defined in Section 175.20 of Title 10 of the Oklahoma Statutes, or
    h) an owner, operator or employee of a child care facility, as defined by Section 402 of Title 10 of the Oklahoma Statutes.

B. Rape is an act of sexual intercourse accomplished with a male or female who is the spouse of the perpetrator if force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person.

§21-1111v2. Rape defined.

A. Rape is an act of sexual intercourse involving vaginal or anal penetration accomplished with a male or female who is not the spouse of the perpetrator and who may be of the same or the opposite sex as the perpetrator under any of the following circumstances:
    1. Where the victim is under sixteen (16) years of age;
    2. Where the victim is incapable through mental illness or any other unsoundness of mind, whether temporary or permanent, of giving legal consent;58 Oklahoma Statutes - Title 21. Crimes and Punishments Page 339
    3. Where force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person;

4. Where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit;
5. Where the victim is at the time unconscious of the nature of the act and this fact is known to the accused;
6. Where the victim submits to sexual intercourse under the belief that the person committing the act is a spouse, and this belief is induced by artifice, pretense, or concealment practiced by the accused or by the accused in collusion with the spouse with intent to induce that belief. In all cases of collusion between the accused and the spouse to accomplish such act, both the spouse and the accused, upon conviction, shall be deemed guilty of rape;
7. Where the victim is under the legal custody or supervision of a state agency, a federal agency, a county, a municipality or a political subdivision and engages in sexual intercourse with a state, federal, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim, or the subcontractor or employee of a subcontractor of the contractor of the state or federal government, a county, a municipality or a political subdivision that exercises authority over the victim; Where the victim is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in sexual intercourse with a person who is eighteen (18) years of age or older and is an employee of a school system;
8. Where the victim is nineteen (19) years of age or younger and is in the legal custody of a state agency, federal agency or tribal court and engages in sexual intercourse with a foster parent or foster parent applicant; or
9. Where the victim is a student at a secondary school, is concurrently enrolled at an institution of higher education, and engages in acts pursuant to this subsection with a perpetrator who is an employee of the institution of higher education of which the victim is enrolled.

B. "Employee of an institution of higher education", for purposes of this section, means faculty, adjunct faculty, instructors, volunteers, or an employee of a business contracting with an institution of higher education who may exercise, at any time, institutional authority over the victim. Employee of an institution of higher education shall not include an enrolled student who is not more than three (3) years of age or older than Oklahoma Statutes - Title 21. Crimes and Punishments Page 340 the concurrently enrolled student and who is employed or volunteering, in any capacity, for the institution of higher education.

C. Rape is an act of sexual intercourse accomplished with a male or female who is the spouse of the perpetrator if force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person.

NOTE: This section was purportedly repealed by Laws 2022, c. 228, § 6, emerg. eff. May 5, 2022.

§ 21-1111.1. Rape by instrumentation.

A. Rape by instrumentation is an act within or without the bonds of matrimony in which any inanimate object or any part of the human body, not amounting to sexual intercourse is used in the carnal knowledge of another person without his or her consent and penetration of the anus or vagina occurs to that person.

B. Provided, further, that at least one of the circumstances specified in Section 1111 of this title has been met; further, where the victim is:
   1. At least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in conduct prohibited by this section of law with a person who is eighteen (18) years of age or older and is an employee of the same school system,
   2. Under the legal custody or supervision of a state or federal agency, county, municipal or a political subdivision and engages in conduct prohibited by this section of law with a federal, state, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim, consent shall not be an element of the crime.
   3. Nineteen (19) years of age or younger and in the legal custody of a state agency, federal agency or tribal court and engages in conduct prohibited by this section of law with a foster parent or foster parent applicant.
   4. A student at a secondary school, is concurrently enrolled at an institution of higher education, and engages in acts pursuant to Oklahoma Statutes - Title 21. Crimes and Punishments Page 337 this section with a perpetrator who is an employee of the institution of higher education of which the student is enrolled.

C. "Employee of an institution of higher education", for purposes of this section, means faculty, adjunct faculty, instructors, volunteers, or an employee of a business contracting with an institution of higher education who may exercise, at any time, institutional authority over the victim. Employee of an institution of higher education shall not include an enrolled student who is not more than three (3) years of age or older than the concurrently enrolled student and who is employed or volunteering, in any capacity, for the institution of higher education.

D. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post- imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

§ 21-1114. Rape in first degree - Rape in second degree.

A. Rape or rape by instrumentation in the first degree shall include:
   1. Rape committed by a person over eighteen (18) years of age upon a person under fourteen (14) years of age;
   2. Rape committed upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime;
   3. Rape accomplished where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit;
   4. Rape accomplished where the victim is at the time unconscious of the nature of the act and this fact is known to the accused;
   5. Rape accomplished with any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution regardless of the age of the person committing the crime; or

6. Rape by instrumentation regardless of the age of the victim or the age of the person committing the crime.

B. In all other cases, rape is rape in the second degree.

First of two versions of this section. FIRST OF TWO VERSIONS OF THIS SECTION. Text as amended by Laws 2002, c. 455 § 5. See also, the text as amended by Laws 2009, c. 234 § 124.

§ 21-1115v1. Rape in first degree a felony.

Rape in the first degree is a felony punishable by death or imprisonment in the State Penitentiary, not less than five (5) years, except as provided in Section 3 of this act, in the discretion of the jury, or in case the jury fails or refuses to fix the punishment then the same shall be pronounced by the court.

Second of two versions of this section. SECOND OF TWO VERSIONS OF THIS SECTION. Text as amended by Laws 2009, c. 234 § 124. See also, the text as amended by Laws 2002, c. 455§ 5.

§ 21-1115v2. Punishment for rape in first degree.

Rape in the first degree is a felony punishable by death or imprisonment in the custody of the Department of Corrections, for a term of not less than five (5) years, life or life without parole. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment. Any person convicted of a second or subsequent violation of subsection A of Section 1114 of this title shall not be eligible for any form of probation. Any person convicted of a third or subsequent violation of subsection A of Section 1114 of this title or of an offense under Section 888 of this title or an offense under Section 1123 of this title or sexual abuse of a child pursuant to Section 843.5 of this title, or any attempt to commit any of these offenses or any combination of these offenses shall be punished by imprisonment in the custody of the Department of Corrections for life or life without parole.

§ 21-1116. Rape in second degree a felony.

Rape in the second degree is a felony punishable by imprisonment in the State Penitentiary not less than one (1) year nor more than fifteen (15) years.

§ 21-1112. Age limitations on conviction for rape.

No person can be convicted of rape or rape by instrumentation on account of an act of sexual intercourse with anyone over the age of fourteen (14) years, with his or her consent, unless such person was over the age of eighteen (18) years at the time of such act.

§ 21-885. Incest.

Persons who, being within the degrees of consanguinity within which marriages are by the laws of

the state declared incestuous and void, intermarry with each other, or commit adultery or fornication with each other, shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections not exceeding ten (10) years. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this subsection shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post- imprisonment supervision shall be in addition to the actual imprisonment.

§ 21-887. Crime against nature, what penetration necessary.

Any sexual penetration, however slight, is sufficient to complete the crime against nature.

First of two versions of this section. FIRST OF TWO VERSIONS OF THIS SECTION. Text as amended by Laws 2002, c. 455 § 4. See also, the text as amended by Laws 2022, c. 331 § 2.

§ 21-888v1. Forcible sodomy.

A. Any person who forces another person to engage in the detestable and abominable crime against nature, pursuant to Section 886 of the title, upon conviction, is guilty of a felony punishable by imprisonment in the State Penitentiary for a period of not more than twenty (20) years, except as provided in Section 3 of this act. Any person convicted of a second violation of this section, where the victim of the second offense is a person under sixteen (16) years of age, shall not be eligible for probation, suspended or deferred sentence.
B. The crime of forcible sodomy shall include:
    1. Sodomy committed by a person over eighteen (18) years of age upon a person under sixteen (16) years of age; or
    2. Sodomy committed upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime; or
    3. Sodomy accomplished with any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution regardless of the age of the victim or the person committing the crime; or
    4. Sodomy committed by a state, county, municipal or political subdivision employee or a contractor or an employee of a contractor of the state, a county, a municipality or political subdivision of this state upon a person who is under the legal custody, supervision or authority of a state agency, a county, a municipality or a political subdivision of this state.

Second of two versions of this section. SECOND OF TWO VERSIONS OF THIS SECTION. Text as amended by Laws 2022, c. 331 § 2. See also, the text as amended by Laws 2002, c. 455 § 4.

§ 21-888v2. Forcible sodomy.

A. Any person who forces another person to engage in the detestable and abominable crime against nature, pursuant to Section 886 of this title, upon conviction, is guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a period of not more than twenty (20) years. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this

subsection shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment. Any person convicted of a second violation of this section, where the victim of the second offense is a person under sixteen (16) years of age, shall not be eligible for probation, suspended or deferred sentence. Any person convicted of a third or subsequent violation of this section, where the victim of the third or subsequent offense is a person under sixteen (16) years of age, shall be punished by imprisonment in the custody of the Department of Corrections for a term of life or life without parole, in the discretion of the jury, or in case the jury fails or refuses to fix punishment then the same shall be pronounced by the court. Any person convicted of a violation of this subsection after having been twice convicted of a violation of subsection A of Section 1114 of this title, a violation of Section 1123 of this title or sexual abuse of a child pursuant to Section 843.5 of this title, or of any attempt to commit any of these offenses or any combination of the offenses, shall be punished by imprisonment in the custody of the Department of Corrections for a term of life or life without parole.

B. The crime of forcible sodomy shall include:
   1. Sodomy committed by a person over eighteen (18) years of age upon a person under sixteen (16) years of age;
   2. Sodomy committed upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime;
   3. Sodomy accomplished with any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution regardless of the age of the victim or the person committing the crime;
   4. Sodomy committed by a state, county, municipal or political subdivision employee or a contractor or an employee of a contractor of the state, a county, a municipality or political subdivision of this state upon a person who is under the legal custody, supervision or authority of a state agency, a county, a municipality or a political subdivision of this state, or the subcontractor or employee of a subcontractor of the contractor of the state or federal government, a county, a municipality or a political subdivision of this state;
   5. Sodomy committed upon a person who is at least sixteen (16) years of age but less than twenty (20) years of age and is a student of any public or private secondary school, junior high or high school, or public vocational school, with a person who is eighteen (18) years of age or older and is employed by the same school system;
   6. Sodomy committed upon a student at a secondary school who is concurrently enrolled at an institution of higher education by an employee of the institution of higher education of which the student is enrolled;
   7. Sodomy committed upon a person who is at the time unconscious of the nature of the act, and this fact should be known to the accused; or
   8. Sodomy committed upon a person where the person is intoxicated by a narcotic or anesthetic agent administered by or with the privity of the accused as a means of forcing the person to submit.

1. "Employee of an institution of higher education", for purposes of this section, means faculty, adjunct faculty, instructors, volunteers, or an employee of a business contracting with an institution of higher education who may exercise, at any time, institutional authority

over the victim. Employee of an institution of higher education shall not include an enrolled student who is not more than three (3) years of age or older than the concurrently enrolled student and who is employed or volunteering, in any capacity, for the institution of higher education.

§ 22-60.1. Definitions. [Domestic Abuse]

As used in the Protection from Domestic Abuse Act and in the Domestic Abuse Reporting Act, Sections 40.5 through 40.7 of this title and Section 150.12B of Title 74 of the Oklahoma Statutes:

1. “Dating relationship” means intimate association, primarily characterized by affectionate or sexual involvement. For purposes of this act, a casual acquaintance or ordinary fraternization between persons in a business or social context shall not constitute a dating relationship;
2. "Domestic abuse" means any act of physical harm or the threat of imminent physical harm which is committed by an adult, emancipated minor, or minor child thirteen (13) years of age or older against another adult, emancipated minor or minor child who is currently or was previously an intimate partner or family or household member;
3. “Family or household member” means:
   a. parents, including grandparents, stepparents, adoptive parents and foster parents,
   b. children, including grandchildren, stepchildren, adopted children and foster children,
   c. persons otherwise related by blood or marriage living in the same household,
   d. persons otherwise related by blood or marriage, or persons not related by blood or marriage living in the same household;
4. “Foreign protective order” means any valid order of protection issued by a court of another state or a tribal court;
5. “Harassment” means a knowing and willful course or pattern of conduct by a family or household member or an individual who is or has been involved in a dating relationship with the person, directed at a specific person which seriously alarms or annoys the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress and must actually cause substantial distress to the person. “Harassment” shall include, but not be limited to, harassing or obscene telephone calls in violation of Section 1172 of Title 21 of the Oklahoma Statutes and fear of death or bodily injury;
6. “Intimate partner” means:
   a. current or former spouses,
   b. persons who are or were in a dating relationship,
   c. persons who are the biological parents of the same child, regardless of their marital status or whether they have lived together at any time, and
   d. persons who currently or formerly lived together in an intimate way, primarily characterized by affectionate or sexual involvement. A sexual relationship may be an indicator that a person is an intimate partner, but is never a necessary condition;
7. “Mutual protective order” means a final protective order or orders issued to both a plaintiff who has filed a petition for a protective order and a defendant included as the defendant in the plaintiff’s petition restraining the parties from committing domestic violence, stalking, harassment or rape against each other. If both parties allege domestic abuse, violence, stalking, harassment or rape against each other, the parties shall do so by separate petition pursuant to Section 60.4 of this title;
8. “Rape” means rape and rape by instrumentation in violation of Sections 1111 and 1111.1 of

Title 21 of the Oklahoma Statutes;

9. "Stalking" means the willful, malicious, and repeated following or harassment of a person by an adult, emancipated minor, or minor thirteen (13) years of age or older, in a manner that would cause a reasonable person to feel frightened, intimidated, threatened, harassed, or molested and actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed or molested. Stalking also means a course of conduct composed of a series of two or more separate acts over a period of time, however short, evidencing a continuity of purpose or unconsented contact with a person that is initiated or continued without the consent of the individual or in disregard of the expressed desire of the individual that the contact be avoided or discontinued. Unconsented contact or course of conduct includes, but is not limited to:
    a. following or appearing within the sight of that individual,
    b. approaching or confronting that individual in a public place or on private property
    c. appearing at the workplace or residence of that individual,
    d. entering onto or remaining on property owned, leased, or occupied by that individual,
    e. contacting that individual by telephone,
    f. sending mail or electronic communications to that individual, or
    g. placing an object on, or delivering an object to, property owned, leased or occupied by that individual; and
10. “Victim support person” means a person affiliated with a domestic violence, sexual assault or adult human sex trafficking program, certified by the Attorney General or operating under a tribal government, who provides support and assistance for a person who files a petition under the Protection from Domestic Abuse Act.

§ 21-644.v1 Assault - Assault and battery - Domestic abuse. [Domestic Abuse addressed in C. below]

A. .Assault shall be punishable by imprisonment in a county jail not exceeding thirty (30) days, or by a fine of not more than Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

B. Assault and battery shall be punishable by imprisonment in a county jail not exceeding ninety (90) days, or by a fine of not more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

C. Any person who commits any assault and battery against a current or former intimate partner or a family or household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes shall be guilty of domestic abuse. Upon conviction, the defendant shall be punished by imprisonment in the county jail for not more than one (1) year, or by a fine not exceeding Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment. Upon conviction for a second or subsequent offense, the person shall be punished by imprisonment in the custody of the Department of Corrections for not more than four (4) years, or by a fine not exceeding Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment. The provisions of Section 51.1 of this title shall apply to any second or subsequent offense.

D.

1. Any person who, with intent to do bodily harm and without justifiable or excusable cause, commits any assault, battery, or assault and battery upon an intimate partner or

a family or household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes with any sharp or dangerous weapon, upon conviction, is guilty of domestic assault or domestic assault and battery with a dangerous weapon which shall be a felony and punishable by imprisonment in the custody of the Department of Corrections not exceeding ten (10) years, or by imprisonment in a county jail not exceeding one (1) year. The provisions of Section 51.1 of this title shall apply to any second or subsequent conviction for a violation of this paragraph.

2. Any person who, without such cause, shoots an intimate partner or a family or household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes by means of any deadly weapon that is likely to produce death shall, upon conviction, be guilty of domestic assault and battery with a deadly weapon which shall be a felony punishable by imprisonment in the custody of the Department of Corrections not exceeding life. The provisions of Section 51.1 of this title shall apply to any second or subsequent conviction for a violation of this paragraph.

E. Any person convicted of domestic abuse committed against a pregnant woman with knowledge of the pregnancy shall be guilty of a felony, punishable by imprisonment in the custody of the Department of Corrections for not more than five (5) years.

Any person convicted of a second or subsequent offense of domestic abuse against a pregnant woman with knowledge of the pregnancy shall be guilty of a felony, punishable by imprisonment in the custody of the Department of Corrections for not less than ten (10) years.

Any person convicted of domestic abuse committed against a pregnant woman with knowledge of the pregnancy and a miscarriage occurs or injury to the unborn child occurs shall be guilty of a felony, punishable by imprisonment in the custody of the Department of Corrections for not less than twenty (20) years.

F. Any person convicted of domestic abuse as defined in subsection C of this section that results in great bodily injury to the victim shall be guilty of a felony and punished by imprisonment in the custody of the Department of Corrections for not more than ten (10) years, or by imprisonment in the county jail for not more than one (1) year. The provisions of Section 51.1 of this title shall apply to any second or subsequent conviction of a violation of this subsection.

G. Any person convicted of domestic abuse as defined in subsection C of this section that was committed in the presence of a child shall be punished by imprisonment in the county jail for not less than six (6) months nor more than one (1) year, or by a fine not exceeding Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment. Any person convicted of a second or subsequent domestic abuse as defined in subsection C of this section that was committed in the presence of a child shall be punished by imprisonment in the custody of the Department of Corrections for not less than one (1) year nor more than five (5) years, or by a fine not exceeding Seven Thousand Dollars ($7,000.00), or by both such fine and imprisonment. The provisions of Section 51.1 of this title shall apply to any second or subsequent offense. For every conviction of a domestic abuse crime in violation of any provision of this section committed against an intimate partner or a family or household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes, the court shall:

1. Specifically order as a condition of a suspended or deferred sentence that a defendant participate in counseling or undergo treatment to bring about the cessation of domestic abuse as specified in paragraph 2 of this subsection;
2.

a. The court shall require the defendant to complete an assessment and follow the recommendations of a batterers' intervention program certified by the Attorney General. If the defendant is ordered to participate in a batterers' intervention program, the order shall require the defendant to attend the program for a minimum of fifty-two (52) weeks, complete the program, and be evaluated before and after attendance of the program by program staff. Three unexcused absences in succession or seven unexcused absences in a period of fifty-two (52) weeks from any court-ordered batterers' intervention program shall be prima facie evidence of the violation of the conditions of probation for the district attorney to seek acceleration or revocation of any probation entered by the court.
b. A program for anger management, couples counseling, or family and marital counseling shall not solely qualify for the counseling or treatment requirement for domestic abuse pursuant to this subsection. The counseling may be ordered in addition to counseling specifically for the treatment of domestic abuse or per evaluation as set forth below. If, after sufficient evaluation and attendance at required counseling sessions, the domestic violence treatment program or licensed professional determines that the defendant does not evaluate as a perpetrator of domestic violence or does evaluate as a perpetrator of domestic violence and should complete other programs of treatment simultaneously or prior to domestic violence treatment, including but not limited to programs related to the mental health, apparent substance or alcohol abuse or inability or refusal to manage anger, the defendant shall be ordered to complete the counseling as per the recommendations of the domestic violence treatment program or licensed professional;

3.

a. The court shall set a review hearing no more than one hundred twenty (120) days after the defendant is ordered to participate in a domestic abuse counseling program or undergo treatment for domestic abuse to assure the attendance and compliance of the defendant with the provisions of this subsection and the domestic abuse counseling or treatment requirements. The court may suspend sentencing of the defendant until the defendant has presented proof to the court of enrollment in a program of treatment for domestic abuse by an individual licensed practitioner or a domestic abuse treatment program certified by the Attorney General and attendance at weekly sessions of such program. Such proof shall be presented to the court by the defendant no later than one hundred twenty (120) days after the defendant is ordered to such counseling or treatment. At such time, the court may complete sentencing, beginning the period of the sentence from the date that proof of enrollment is presented to the court, and schedule reviews as required by subparagraphs a and b of this paragraph and paragraphs 4 and 5 of this subsection. Three unexcused absences in succession or seven unexcused absences in a period of fifty-two (52) weeks from any court-ordered domestic abuse counseling or treatment program shall be prima facie evidence of the violation of the conditions of probation for the district attorney to seek acceleration or revocation of any probation entered by the court.
b. The court shall set a second review hearing after the completion of the counseling or treatment to assure the attendance and compliance of the defendant with the provisions of this subsection and the domestic abuse counseling or treatment requirements. The court shall retain continuing jurisdiction over the defendant

during the course of ordered counseling through the final review hearing;

4. The court may set subsequent or other review hearings as the court determines necessary to assure the defendant attends and fully complies with the provisions of this subsection and the domestic abuse counseling or treatment requirements;
5. At any review hearing, if the defendant is not satisfactorily attending individual counseling or a domestic abuse counseling or treatment program or is not in compliance with any domestic abuse counseling or treatment requirements, the court may order the defendant to further or continue counseling, treatment, or other necessary services. The court may revoke all or any part of a suspended sentence, deferred sentence, or probation pursuant to Section 991b of Title 22 of the Oklahoma Statutes and subject the defendant to any or all remaining portions of the original sentence;
6. At the first review hearing, the court shall require the defendant to appear in court. Thereafter, for any subsequent review hearings, the court may accept a report on the progress of the defendant from individual counseling, domestic abuse counseling, or the treatment program. There shall be no requirement for the victim to attend review hearings; and
7. If funding is available, a referee may be appointed and assigned by the presiding judge of the district court to hear designated cases set for review under this subsection. Reasonable compensation for the referees shall be fixed by the presiding judge. The referee shall meet the requirements and perform all duties in the same manner and procedure as set forth in Sections 1-8-103 and 2-2-702 of Title 10A of the Oklahoma Statutes pertaining to referees appointed in juvenile proceedings.

The defendant may be required to pay all or part of the cost of the counseling or treatment, in the discretion of the court.

H. As used in subsection G of this section, "in the presence of a child" means in the physical presence of a child; or having knowledge that a child is present and may see or hear an act of domestic violence. For the purposes of subsections C and G of this section, "child" may be any child whether or not related to the victim or the defendant.
I. For the purposes of subsections C and G of this section, any conviction for assault and battery against an intimate partner or a family or household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes shall constitute a sufficient basis for a felony charge:
    1. If that conviction is rendered in any state, county or parish court of record of this or any other state; or
    2. If that conviction is rendered in any municipal court of record of this or any other state for which any jail time was served; provided, no conviction in a municipal court of record entered prior to November 1, 1997, shall constitute a prior conviction for purposes of a felony charge.
J. Any person who commits any assault and battery with intent to cause great bodily harm by strangulation or attempted strangulation against an intimate partner or a family or household member as defined by Section 60.1 of Title 22 of the Oklahoma Statutes shall, upon conviction, be guilty of domestic abuse by strangulation and shall be punished by imprisonment in the custody of the Department of Corrections for a period of not less than one (1) year nor more than three (3) years, or by a fine of not more than Three Thousand Dollars ($3,000.00), or by both such fine and imprisonment. Upon a second or subsequent conviction for a violation of this section, the defendant shall be punished by imprisonment

in the custody of the Department of Corrections for a period of not less than three (3) years nor more than ten (10) years, or by a fine of not more than Twenty Thousand Dollars ($20,000.00), or by both such fine and imprisonment. The provisions of Section 51.1 of this title shall apply to any second or subsequent conviction of a violation of this subsection. As used in this subsection, "strangulation" means any form of asphyxia; including, but not limited to, asphyxia characterized by closure of the blood vessels or air passages of the neck as a result of external pressure on the neck or the closure of the nostrils or mouth as a result of external pressure on the head.

K. Any district court of this state and any judge thereof shall be immune from any liability or prosecution for issuing an order that requires a defendant to:
   1. Attend a treatment program for domestic abusers certified by the Attorney General;
   2. Attend counseling or treatment services ordered as part of any suspended or deferred sentence or probation; and
   3. Attend, complete, and be evaluated before and after attendance by a treatment program for domestic abusers, certified by the Attorney General.

L. There shall be no charge of fees or costs to any victim of domestic violence, stalking, or sexual assault in connection with the prosecution of a domestic violence, stalking, or sexual assault offense in this state.

M. In the course of prosecuting any charge of domestic abuse, stalking, harassment, rape, or violation of a protective order, the prosecutor shall provide the court, prior to sentencing or any plea agreement, a local history and any other available history of past convictions of the defendant within the last ten (10) years relating to domestic abuse, stalking, harassment, rape, violation of a protective order, or any other violent misdemeanor or felony convictions.

N. Any plea of guilty or finding of guilt for a violation of subsection C, F, G, I or J of this section shall constitute a conviction of the offense for the purpose of this act or any other criminal statute under which the existence of a prior conviction is relevant for a period of ten (10) years following the completion of any court imposed probationary term; provided, the person has not, in the meantime, been convicted of a misdemeanor involving moral turpitude or a felony.

O. For purposes of subsection F of this section, "great bodily injury" means bone fracture, protracted and obvious disfigurement, protracted loss or impairment of the function of a body part, organ or mental faculty, or substantial risk of death.

P. Any pleas of guilty or nolo contendere or finding of guilt to a violation of any provision of this section shall constitute a conviction of the offense for the purpose of any subsection of this section under which the existence of a prior conviction is relevant for a period of ten (10) years following the completion of any sentence or court imposed probationary term.

§ 21-644.1. Domestic Abuse with a prior pattern of physical abuse

A. Any person who commits domestic abuse, as defined by subsection C of Section 644 of this title, and has a prior pattern of physical abuse shall be guilty of a felony, upon conviction, punishable by imprisonment in the custody of the Department of Corrections for a term of not more than ten (10) years or by a fine not exceeding Five Thousand Dollars ($ 5,000.00) or by both such fine and imprisonment.

B. For purposes of this section, "prior pattern of physical abuse" means two or more separate incidences, including the current incident, occurring on different days and each incident relates to an act constituting assault and battery or domestic abuse committed by the defendant against a current or former spouse, a present spouse of a former spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is in a dating relationship, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, a person living in the same household as the defendant, a current intimate partner or former intimate partner, or any combination of such persons, where proof of each incident prior to the present incident is established by the sworn testimony of a third party who was a witness to the alleged physical abuse or by other admissible direct evidence that is independent of the testimony of the victim.

§ 21-1173. Stalking - Penalties.

A. Any person who willfully, maliciously, and repeatedly follows or harasses another person in a manner that:
   1. Would cause a reasonable person or a member of the immediate family of that person as defined in subsection F of this section to feel frightened, intimidated, threatened, harassed, or molested; and
   2. Actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed, or molested, shall, upon conviction, be guilty of the crime of stalking, which is a misdemeanor punishable by imprisonment in a county jail for not more than one (1) year, or by a fine of not more than One Thousand Dollars ($ 1,000.00), or by both such fine and imprisonment.

B. Any person who violates the provisions of subsection A of this section when:
   1. There is a permanent or temporary restraining order, a protective order, an emergency ex parte protective order, or an injunction in effect prohibiting the behavior described in subsection A of this section against the same party, when the person violating the provisions of subsection A of this section has actual notice of the issuance of such order or injunction;
   2. Said person is on probation or parole, a condition of which prohibits the behavior described in subsection A of this section against the same party or under the conditions of a community or alternative punishment; or
   3. Said person, within ten (10) years preceding the violation of subsection A of this section, completed the execution of sentence for a conviction of a crime involving the use or threat of violence against the same party, or against any member of the immediate family of such party, shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding five (5) years, or by a fine of not more than Two Thousand Five Hundred Dollars ($ 2,500.00), or by both such fine and imprisonment.

C. Any person who:
    1. Commits a second act of stalking within ten (10) years of the completion of sentence for prior conviction of stalking; or
    2. Has a prior conviction of stalking and, after being served with a protective order that prohibits contact with an individual, knowingly makes unconsented contact with the same individual, shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding five (5) years, or by a fine of not less than Two Thousand Five Hundred Dollars ($ 2,500.00), or by both such fine and imprisonment.
D. Any person who commits an act of stalking within ten (10) years of the completion of execution of sentence for a prior conviction under subsection B or C of this section shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding ten (10) years, or by a fine of not less than Five Thousand Dollars ($ 5,000.00), or by both such fine and imprisonment.
E. Evidence that the defendant continued to engage in a course of conduct involving repeated unconsented contact, as defined in subsection F of this section, with the victim after having been requested by the victim to discontinue the same or any other form of unconsented contact, and to refrain from any further unconsented contact with the victim, shall give rise to a rebuttable presumption that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.
F. For purposes of determining the crime of stalking, the following definitions shall apply:
    1. "Harasses" means a pattern or course of conduct directed toward another individual that includes, but is not limited to, repeated or continuing unconsented contact, that would cause a reasonable person to suffer emotional distress, and that actually causes emotional distress to the victim. Harassment shall include harassing or obscene phone calls as prohibited by Section 1172 of this title and conduct prohibited by Section 850 of this title. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose;
    2. "Course of conduct" means a pattern of conduct composed of a series of two or more separate acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct"; approaching or confronting the victim in a public place or on private property,
    3. "Emotional distress" means significant mental suffering or distress that may, but does not necessarily require, medical or other professional treatment or counseling;
    4. "Unconsented contact" means any contact with another individual that is initiated or continued without the consent of the individual, or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Constitutionally protected activity is not included within the meaning of unconsented contact. Unconsented contact includes but is not limited to any of the following:
        a. following or appearing within the sight of that individual,
        b. approaching or confronting that individual in a public place or on private property,
        c. appearing at the workplace or residence of that individual,
        d. entering onto or remaining on property owned, leased, or occupied by that individual,
        e. contacting that individual by telephone,
        f. sending mail or electronic communications to that individual, and
        g. placing an object on, or delivering an object to, property owned, leased, or occupied by that individual;

5. "Member of the immediate family", for the purposes of this section, means any spouse, parent, child, person related within the third degree of consanguinity or affinity or any other person who regularly resides in the household or who regularly resided in the household within the prior six (6) months; and
6. “Following” shall include the tracking of the movement or location of an individual through the use of a Global Positioning System (GPS) device or other monitoring device by a person, or person who acts on behalf of another, without the consent of the individual whose movement or location is being tracked; provided, this shall not apply to the lawful use of a GPS device or other monitoring device or to the use by a new or used motor vehicle dealer or other motor vehicle creditor of a GPS device or other monitoring device, including a device containing technology used to remotely disable the ignition of a motor vehicle, in connection with lawful action after default of the terms of a motor vehicle credit sale, loan or lease, and with the express written consent of the owner or lessee of the motor vehicle.

****Note: The state of Oklahoma does not define Dating Violence, but does provide that any act of physical harm, or the threat of imminent physical harm against a person with whom a perpetrator was or is in a dating relationship is considered domestic violence**.

APPENDIX F – BYSTANDER INTERVENTION TIPS

The University encourages the campus community to recognize that we all have an opportunity to make a difference and reduce the incidents of sexual misconduct on our campus, by learning how to intervene when we witness a situation that makes us uncomfortable, or we know is wrong. One method of bystander intervention is referred to as the "3 D's - Distract, Delegate, and Direct." Information about how to engage in this method appears below. **IMPORTANT REMINDER**: You should always assess whether you can safely intervene before engaging in any of the techniques described below.

Distract. This technique involves causing some form of distraction that will interrupt the flow of what is happening. Once you identify a high-risk situation you can attempt to distract either of the two individuals.

Examples:

- Ask one of the people to help you find a lost item.
- Interrupt to ask for directions.
- Spill a drink.
- Start talking to the couple and don't leave, so isolation cannot happen.
- An easy technique you can use is to invite the targeted individual to go outside for some fresh air. Once he or she is away from the other person, check in and ask if she or he needs help.

Delegate. When a bystander doesn't feel safe to approach the situation alone, she or he can involve others.

Examples:

- Group intervention. There is power in numbers. If you don't feel comfortable going by yourself, ask a group to go with you. Say to one's friends, I am concerned for that person. Can you find their friends and get them to check on the situation, while I stay here and watch?
- Ask a bouncer at a bar to look into the situation
- Ask the host to intervene. For example, I am worried for that girl, who is so drunk. Could you let that guy know that upstairs is off limits?

Direct. With the direct approach, you confront either the potential target or the person who you think is potentially about to commit a sexual assault.

Examples:

- Say, "we are finding their friends and they will take them home."
- Say to the targeted individual, "I am not letting a stranger take you home."
- Say to the possible perpetrator, "Hey, you can't take them upstairs; it's not a good idea."

Please contact the University's Title IX Coordinator or the Sexual Offense Advocate with any questions about the material provided in this Appendix or about bystander intervention generally.

Webster UNIVERSITY

With its main campus in St. Louis, Missouri, USA, Webster University comprises an action-oriented global network of faculty, staff, students and alumni who forge powerful bonds with each other and with their communities around the globe. Founded in 1915, Webster is a private nonprofit university with students studying at campus locations in North America, Europe, Asia and Africa and in a robust learning environment online. The university is committed to ensuring high-quality learning experiences that transform students for global citizenship and individual excellence.

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