

TITLE IX POLICY ON SEX DISCRIMINATION, INCLUDING SEXUAL HARASSMENT

Effective August 19, 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**”).¹

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 or sex discrimination.

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 now covered by Human Resources or Student Conduct at those respective campuses.

¹This 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 Sex Discrimination.** For purposes of this Policy, sex discrimination (i.e., discrimination on the basis of sex) includes, but is not limited to, pregnancy or related conditions, gender identity, and sexual orientation. (NOTE: Students who wish to file a complaint of sex discrimination on the basis of pregnancy or related condition should refer to Webster University’s *Policy for Pregnant and Parenting Students*.)

C. **Definition of Sexual Harassment.** Sexual Harassment is a form of sex discrimination; however, complaints of sexual harassment will be handled in accordance with the procedures outlined in this Policy that are unique to sexual harassment claims. 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).

D. **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

E. **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.² 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.³

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 Coordinator Kimberley 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: 314-246-7055; 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.

1. **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.

² 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.

³ 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.

2. **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.

(4) 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 sex discrimination or sexual harassment against a respondent and requesting that the University investigate the allegation of such complaint. 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.

1. **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.

B. **Reporting Sex Discrimination or Sexual Harassment.**

1. *Persons Who Can Report Sex Discrimination or Sexual Harassment.* 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.

All University employees (except Confidential Resources, as identified in Section X. of this Policy) are required to report conduct that may constitute sex discrimination or sexual harassment to the Title IX Coordinator or the Chief Human Resources Officer ("CHRO"). Nevertheless, only reports of sexual harassment or sex discrimination made to the Title IX Coordinator or the CHRO will confer on the University "actual knowledge" of such prohibited conduct for purposes of 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.

C. Responding to Sex Discrimination or Sexual Harassment in the Absence of a Formal Complaint.

1. *Prompt Response.* When the University has actual knowledge of sex discrimination, including 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 sex

discrimination or sexual harassment, the Title IX Coordinator will contact the complainant promptly

1. to discuss the availability of supportive measures,
2. to consider the complainant's wishes with respect to supportive measures,
3. to inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and
4. to explain to the complainant the process for filing a formal complaint.

Notwithstanding any provisions in this Policy to the contrary, actual knowledge is achieved only when the Title IX Coordinator or the CHRO is placed on notice of conduct that may violate this Policy.

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.

D. Reporting or Filing a Formal Complaint of Sex Discrimination (other than Sexual Harassment).

1. *Persons Who Can Initiate a Formal Complaint of Sex Discrimination.* A formal complaint of sex discrimination (other than Sexual Harassment) may be filed by a complainant or signed by the Title IX Coordinator.

2. *Procedure for a Complainant to Initiate a Formal Complaint of Sex Discrimination.* 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 sex discrimination against a respondent and requesting that the University investigate the allegation of sex discrimination. At the time of filing a formal complaint, a complainant must be a student or employee of the University or an individual otherwise participating in or attempting to participate in an education program or activity or employment at the University.

3. *Procedure for the Title IX Coordinator to Initiate a Formal Complaint of Sex Discrimination.* Regardless of whether a complainant has filed a formal complaint, the Title IX Coordinator can choose to sign a formal complaint alleging sex discrimination against one or more respondents and requesting that the University investigate the allegation of sex discrimination. In deciding whether to sign a formal complaint, the Title IX Coordinator will consider the following factors:

1. the severity and pervasiveness of the alleged sex discrimination;

2. any pattern of alleged misconduct attributed to the person or persons accused of engaging in sex discrimination;
 3. the risk of serious harm to any student, employee or other individual associated with the University; and/or
 4. 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 or working environment.
4. *Investigation Process.* Complaints of conduct that, if true, would constitute sex discrimination (other than sexual harassment) in violation of this Policy will be investigated thoroughly, promptly and in a confidential manner to the extent possible. However, given the nature of such an investigation, which may require interviews with witnesses, the University cannot guarantee absolute confidentiality with respect to matters handled under this Policy. While investigations of complaints of sex discrimination (other than sexual harassment) will be thorough, unlike the procedures that apply to complaints of sexual harassment under this Policy, investigations of sex discrimination (other than sexual harassment) will be conducted and completed without a hearing process.

Upon completion of an investigation of sex discrimination under this Policy, the University will communicate its findings and intended actions to the complainant and the person(s) accused of having violated this Policy as expeditiously as possible. If the investigator finds that sex discrimination in violation of this Policy occurred, the person who has violated this Policy will be subject to appropriate instructive and/or disciplinary procedures. In the case of University employees, if sex discrimination in violation of this Policy is established, disciplinary action for a violation of this policy may range from verbal or written warnings up to and including immediate termination of employment, depending upon the circumstances. With regard to Policy violations by non-employees, corrective action will be taken after consultation with appropriate University personnel.

The University takes all complaints pursuant to this Policy seriously. Accordingly, any individual found to have knowingly made a false report or complaint in bad faith will be subject to corrective action up to and including suspension or expulsion from the University or termination of employment from the University.

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

1. *Persons Who Can Initiate a Formal Complaint of Sexual Harassment.* A formal complaint of sexual harassment 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 a student or employee of the University or an individual otherwise participating in or attempting to participate in an education program or activity or employment at the University.

3. *Procedure for the Title IX Coordinator to Initiate a Formal Complaint of Sexual Harassment.* 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:

1. the severity and pervasiveness of the alleged sexual harassment;
2. any pattern of alleged misconduct attributed to the Respondent (e.g., serial predation);
3. the risk of serious harm to any student, employee or other individual associated with the University;
4. whether the complainant's allegations involved violence, threats, use of weapons, or similar factors;
5. whether the complainant's allegations have prompted the involvement of law enforcement and/or criminal proceedings; and/or
6. 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 of Sexual Harassment.

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:

1. *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.

2. *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.

3. *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.

1. *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.

2. *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.

3. *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.

4. *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.

5. *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.

6. *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.

7. *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.

8. *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.

9. *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.

10. *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.

11. *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.

12. *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.

13. *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.

14. *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).

15. *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.

16. *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:

1. *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.

2. *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.

3. *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.

4. *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).

5. *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.

6. *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.

7. *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.

8. *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.

9. *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.

10. *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.

11. *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.

12. *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:

1. *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.

2. *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.

3. *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).

4. *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.

5. *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.

6. *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. TITLE IX STAFF

A. **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, a Deputy Title IX Coordinator 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 the investigator who assists 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 Title IX office 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.

B. 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

Civil Rights & Title IX Investigator

Beth Oberg
Civil Rights & Title IX Investigator
200 Hazel, 2nd Floor St. Louis, MO 63119
314-246-7951
bethoberg@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.

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.

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:

1. 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.

2. 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 Title IX Coordinator as indicated above.

3. 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.

4. 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.

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.

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.

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.

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.

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.

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.

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.

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. 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.

Revision History

August 19, 2024
March 8, 2024
August 14, 2020
September 20, 2016

APPENDIX A: 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 314-968-6911 or 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://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:
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
314-968-6960 (office)
618-560-4019 (mobile)
charlesburton@webster.edu