



Rights & Options Document

Your rights and options as a victim of dating or domestic violence, sexual assault and stalking.

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Understanding your Rights & Options after you have been a victim of Dating Violence, Domestic Violence, Sexual Assault and Stalking

Webster University does not discriminate on the basis of sex in its educational programs or activities. Sexual assault, dating violence, domestic violence and stalking are prohibited by Webster University as those terms are defined under the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (“Clery Act”). Additionally, Webster University strictly prohibits all forms of sexual harassment, as that term is defined under Title IX of the Education Amendments Act of 1972 and federal regulations issued thereunder (collectively, “Title IX”). Webster University wants to inform you of our policy and procedures and your rights and options to address sexual harassment, sexual assault, domestic violence, dating violence, and stalking—regardless of whether such misconduct falls within the purview of the Clery Act and/or Title IX. This document, which describes your rights and options, will use the term “Prohibited Conduct” to refer collectively to sexual assault, domestic violence, dating violence and stalking as used in the Clery Act and to sexual harassment as defined under Title IX.

Introduction

You are entitled to notice of the following rights and options regarding the following topics under the Violence Against Women Act of 1994:

- Confidentiality of reports of Prohibited Conduct.
- The importance of preserving evidence.
- The option to notify law enforcement and be assisted by the institution in doing so (or decline to notify such authorities).
- Options for, available assistance in, and how to request changes to academic, living, transportation and working situations or protective measures.
- An explanation of the procedures for institutional disciplinary action in cases of alleged Prohibited Conduct; including:
 - o The standard of evidence that will be used.
 - o Possible sanctions and protective measures.
 - o That the procedures will be implemented by college or university officials who have received training.
 - o A party’s right to an advisor of such party’s choice.
 - o That the parties will be simultaneously notified in writing of the outcome and any appeals.
- Information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community.

Confidentiality

The University will keep confidential the identity of any individual about whom a report or formal complaint of Prohibited Conduct is made (i.e., a complainant), any individual who has been reported to be the perpetrator of sex discrimination (i.e., a respondent), and any person alleged to have witnessed Prohibited Conduct, except as may be permitted by the Family Educational Rights and Privacy Act or the federal regulations issued thereunder (collectively, “FERPA”), as otherwise required by applicable law, or as needed to carry out the requirements of Title IX. The University will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information

about the reporting party, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994; and maintain as confidential any accommodations or protective measures provided to the reporting party, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the accommodations or protective or supportive measures.

The Importance of Preserving Evidence

Regardless of when and to whom an individual chooses to 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. The importance of preserving 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. The following are examples of immediate steps that a party should consider taking to preserve evidence relating to a report of Prohibited Conduct:

- Review photographs, videos, text messages, or other recordings of any kind on mobile phones or other electronic devices to locate and preserve any such materials that relate to any reported Prohibited Conduct. Be careful to preserve relevant text messages and voicemails that may otherwise be subject to an auto-deletion schedule.
- Communications occurring on social media platforms should be preserved by any means possible (e.g., screenshots, etc.) to the extent such communications relate to any reported Prohibited Conduct.
- Ask relevant witnesses to preserve any physical or electronic evidence in their possession or under their control that relates to the reported Prohibited Conduct.
- Consider whether the reported Prohibited Conduct occurred in a location where some or all of the relevant events may have been captured on surveillance video and contact the owner of such surveillance footage to request its preservation.

Preserving Physical Evidence through a Forensic Exam

A prompt medical exam is often a critically important step in preserving physical evidence following an experience of Prohibited Conduct—especially when such experience includes sexual assault. Any individual who may wish to pursue legal charges is advised not to bathe, douche, smoke, change clothing, or clean the bed/linen/area where such person experienced Prohibited Conduct (if the Prohibited Conduct 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 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.

Law Enforcement Notification

It is the choice of the party who is reported to have experienced Prohibited Conduct whether or not such person wishes to contact law enforcement and make a report. Should you choose to contact law enforcement, University officials will assist you. These officials will never require you to make a report to law enforcement.

Interim, Protective and Supportive Measures

Working in conjunction with the Sexual Offense Advocate, the Chief Human Resources Officer and the Associate Vice President of Student Affairs and Dean of Students, there is the option of making interim remedies/options available to the parties involved with a report of Prohibited Conduct before the report is resolved—even if the party who is reported to have experienced Prohibited Conduct chooses not to file a report. Where the Prohibited Conduct at issue constitutes “sexual harassment” as defined under Title IX and the Title IX Coordinator and/or the University’s Chief Human Resources Officer have been placed on notice of the reported Prohibited Conduct, the University’s Title IX Coordinator is responsible for facilitating the provision of supportive measures to the parties (i.e., the complainant and the respondent). These interim and protective measures and—where Title IX applies—supportive measures may include modifications to academic schedules, campus housing, student leadership, working situations, as well as providing academic support or making special arrangements for withdrawing or dropping classes without penalty, if requested and reasonably available, regardless of whether the party who is reported to have experienced Prohibited Conduct chooses to file a formal complaint. No contact measures may also be implemented. Any interim, protective and supportive measures implemented should be non-disciplinary and non-punitive in nature, except in special circumstances that warrant the emergency removal of a person accused of Prohibited Conduct.

Information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for parties who are reported to have experienced Prohibited Conduct, both within the institution and in the community, are included herein at Appendix B.

To make a request for Interim, Protective and Supportive Measures following an incident of Prohibited Conduct, please contact the University’s Title IX Coordinator, Kimberley Bynum-Smith at 314-246-7780 or kimberleybynumsmith@webster.edu, or by going to the Office for Civil Rights Compliance located at 200 Hazel Ave., Webster Groves, MO 63119.

Title IX

Reporting incidents of Prohibited Conduct is essential to ensuring that the University’s policies are followed and enforced. Reporting provides the opportunity for effective intervention, support and remediation, and most importantly, to help prevent such incidents from occurring. University policy requires that reports of Prohibited Conduct made to University employees or resident advisors must be forwarded to the Title IX Office:

Director of Office for Civil Rights Compliance and Title IX Coordinator

Kimberley Bynum-Smith

200 Hazel Ave.

Webster Groves, MO 63119

314-246-7780

kimberleybynumsmith@webster.edu

Civil Rights and Title IX Investigator

Beth Oberg
200 Hazel Ave.
Webster Groves, MO 63119
314-246-7951
bethoberg@webster.edu

Title IX Coordinators can help explain your options, including requesting supportive measures, filing a complaint under Webster University's policy, and/or procedural guidance if you choose to pursue criminal charges. They can also assign you a University-provided advisor free of charge.

Most forms of Prohibited Conduct will constitute sexual harassment under Title IX. Where Title IX is implicated, the parties to a report or formal complaint are afforded certain rights and resources as set forth in Appendix A, below. Processes are designed to be as fair and impartial and allow parties involved to obtain supportive measures, updates during the process, rights to prepare, view evidence collected, be advised, and notified of outcomes.

In cases involving a form of Prohibited Conduct that does not constitute sexual harassment under Title IX, the person who is reported to have experienced such Prohibited Conduct still has rights and options as described in this document. Indeed, if the Title IX Coordinator finds that a report of Prohibited Conduct does not constitute sexual harassment under Title IX, the Title IX Coordinator will transfer the report to the University's Student Conduct office or Human Resources department for processing the report, as appropriate.

Reports to the Sexual Offense Advocate

A person who is reported to have experienced Prohibited Conduct, or who witnesses Prohibited Conduct, 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. 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 can be reached 24 hours a day, seven days a week by mobile phone at 314-422-4651, 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 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-campus or off-campus referral.

The Sexual Offense Advocate informs the person of all rights under the University's Title IX Policy on Sex Discrimination, Including Sexual Harassment ("Title IX Policy") and provides procedural information and support as needed. The Sexual Offense Advocate also works with the University's Public Safety Officers when necessary to provide advice regarding options available for filing civil and/or criminal charges

related to the reported offense. Those who believe they have experienced Prohibited Conduct may also report the offense directly to Campus Public Safety or to the appropriate Title IX Coordinator or Deputy Title IX Coordinators as indicated above.

The Sexual Offense Advocate may serve as a support person for an individual who is reported to have experienced Prohibited Conduct during all proceedings carried out under University auspices relating to such report of Prohibited Conduct. The Sexual Offense Advocate, in consultation with the person who is reported to have experienced Prohibited Conduct, 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 conflicts. The Sexual Offense Advocate's role is separate from the administrative functions associated with any University hearing procedures.

When any incident of sexual offense occurs on campus (or to a member of the Webster University community—even if off-campus), we strongly encourage reporting to the Sexual Offense Advocate and/or the Office of Public Safety. When contacted first, Public Safety will automatically contact the Sexual Offense Advocate.

These people 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. In cases where the person accused of Prohibited Conduct poses a perceived threat to the campus community, the Sexual Offense Advocate and Office of Public Safety may work with the appropriate administrators to issue appropriate interim remedies for either party. Where the Prohibited Conduct that has been reported would, if true, constitute sexual harassment under Title IX, and would warrant removal of the accused individual on an emergency basis, the University's Title IX Coordinator shall be responsible for carrying out the emergency removal of such person.

It is especially important that a reporting party preserve any evidence that may assist in establishing the facts of the alleged Prohibited Conduct so that 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.

Reports to the Title IX Coordinator

The Sexual Offense Advocate will strongly recommend that all individuals confidentially reporting Prohibited Conduct to the Sexual Offense Advocate file a written statement with the Title IX Coordinator or Deputy Title IX Coordinator. Once reported to the Title IX Coordinator or Deputy Title IX Coordinator, any necessary interim steps will be taken pursuant to Section XI of this Policy. Additionally, such reports will be handled consistent with the Title IX Policy regarding investigation, adjudication, and resolution.

Reports to the Local Authorities

Prohibited Conduct may be grounds for criminal and/or civil action. Persons who are reported to have experienced Prohibited Conduct have the right to file a criminal report against the person(s) accused of engaging in such Prohibited Conduct in addition to filing a report with Webster University simultaneously.

Webster University encourages persons who are reported to have experienced Prohibited Conduct 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 the pursuit of criminal and/or civil charges is desired, it is especially important to work with these officers 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 reported to have experienced Prohibited Conduct to understand 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.

The complete Title IX Policy is available at: <https://www.webster.edu/civil-rights/title-ix.php>

Confidential Resources

Confidential resources available to individuals reporting Prohibited Conduct include:

- For Students: Webster University's Student Counseling and Life Development, at 314-968-7030
- For Faculty and Staff: ComPsych, at 800-311-4327

Appendix A: Rights and Resources of Parties to a Report of Prohibited Conduct

- 1. You have the right to contact a confidential counselor.** On campus, this includes professional counselors in the Student Counseling and Life Development Department, 314-968-7030, counselingld@webster.edu. They can provide confidential counseling or provide referrals to outside counseling services. Additional confidential resources for counseling and assistance, both on and off campus, are attached.
- 2. You have a right to communicate with the campus Office for Civil Rights Compliance about the University's process for responding to reports of Prohibited Conduct.** Most employees on campus are obligated to report instances of Prohibited Conduct to the Office for Civil Rights Compliance. Incidents are reported to the Title IX Coordinator who will explain your options while handling the matter as privately as possible, limiting information only to those specific employees assigned to assist with an investigation or adjudication process. Where the reported Prohibited Conduct would, if true, constitute sexual harassment under Title IX, the Title IX Coordinator will be responsible for responding as follows to the report (regardless of whether the person who is reported to have experienced the Prohibited Conduct wishes to file a formal complaint):
 - promptly contact the person who is reported to have experienced the Prohibited Conduct (i.e., the “complainant”) to discuss the availability of supportive measures as defined under Title IX,
 - consider the complainant's wishes with respect to supportive measures,
 - inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and
 - explain to the complainant the process for filing a formal complaint. If the reported Prohibited Conduct falls outside the scope of the University's Title IX Policy, the Title IX Coordinator will refer the matter to the University's office of Student Conduct and/or Human Resources Department for processing under the appropriate University policy.
- 3. Availability of Public Safety and/or law enforcement authorities.** Webster University's Public Safety staff are available at 314-246-7430. Individuals may choose to report instances to Public Safety or request assistance with notifying law enforcement officials.
- 4. You have the right to request interim supportive measures** such as a mutual “No Contact” order issued by the University if the parties involved in the report of Prohibited Conduct are both (or all) members of the University community, access to counseling services, rescheduling exams and assignments, changing class schedule, changing work schedule or job assignment, changing Residence Hall assignment, academic support, leaves of absence, or filing an order of protection. The University will determine whether and the extent to which supportive measures should be granted.
- 5. You have the right to amnesty for less serious policy violations.** The University will generally offer any student, whether the complainant, respondent or a third party, who reports violations of this policy limited immunity from being charged for policy violations related to alcohol use and/or drug use, provided that such violation(s) did not and do not place the health and safety of any person at risk. The University may choose, however, to pursue educational interventions.
- 6. You have the right to have your name and all information related to the offense kept as confidential as is reasonably possible.** Absolute confidentiality may not be maintained in all circumstances, especially when the University needs to act to protect the safety of others. However, as a general

matter all persons involved in a report of Prohibited Conduct are to respect the privacy of the individuals involved and must keep the matter as confidential as reasonably possible and except to the extent disclosures of such information are required or authorized by FERPA, Title IX and/or other applicable law. This does not prohibit you from disclosing information to persons who need to know it in order to participate in or administer the process, and/or to provide support and assistance to you. Your parent(s) or guardian(s) will not be contacted by the University except at your request or in the case of a health or safety emergency. If the University is required to notify the community of the incident, including recording an event in the campus crime log, no identifying information about you will be included, to the extent permissible by law.

7. You have the right to a prompt, fair and impartial investigation and resolution of your report if a formal complaint is filed. All parties to a formal complaint of Prohibited Conduct have equal rights to present relevant witnesses and other evidence. You may present documents, the names of witnesses, and other evidence to an investigator who may also interview other witnesses and consider other evidence.

8. You have the right to an advisor of your choice to support you throughout the University's investigation and resolution processes. Where a formal complaint of Prohibited Conduct is made, each party to the formal complaint will have an equal right to be assisted by an advisor provided by the University or an advisor whom the party chooses and engages without the assistance of the University, present at meetings related to the investigation or disciplinary proceeding. Parties have the right to have a private attorney serve as their advisor, at their own expense, regarding a formal complaint.

9. You have the right to know the status of a formal complaint to which you are a party including the outcome of any disciplinary proceeding and outcome of any appeal. You also have the right to see evidence and have time to prepare for interviews and hearings where a formal complaint is made.

- The University's processes provide a prompt, fair, and impartial process to afford the complainant and respondent the same opportunities to due process. You will be provided timely and equal access to any information that will be used during investigations, informal and formal disciplinary meetings and hearings subject to the privacy requirements under FERPA.
- The University approaches these matters impartially and seeks to determine the facts and weighs those facts and evidence against the appropriate standards of evidence to determine violations of policy.
- The person accused of engaging in Prohibited Conduct is presumed to have not committed a violation of the Title IX Policy or other applicable University policy unless and until a determination of responsibility is made at the conclusion of the grievance process. Disciplinary action will be implemented by University officials who have received training. Disciplinary action may include, but is not limited to, no-contact orders; educational training; probation; suspension; expulsion and any other disciplinary sanction identified in the Title IX Policy. The sanction designation is decided based on the investigation outcome and evidence of each individual case.
- The parties to a formal complaint of Prohibited Conduct will be given sufficient notice to prepare for interviews, meetings, hearings, appeals, and disciplinary proceedings. Relevant details needed by the parties to properly prepare will be shared, including the identities of parties involved; the specific policy violation in review; precise report date(s) and time(s) of conduct in question.
- Both parties will be notified in writing of the outcome of any appeal.

Appendix B: Information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community.

Persons reporting Prohibited Conduct are encouraged to utilize University and community resources for addressing needs relating to counseling, physical health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services aimed at supporting those reported to have experienced Prohibited Conduct to safely access the University's education programs and activities. With exception of the main campus located in Webster Groves, Missouri, there are no on-site health services available, but the University's Sexual Offense Advocate can assist reporting parties from every campus with a full range of advocacy services. In addition to offering advocacy services.

In the United States, local police can be reached in cases of emergency by dialing 911.

Missouri

Webster Groves

ALIVE—Alternatives to Living in Violent Environments

(<https://alivestl.org/>) 314-993-2777 – available 24 hours/7 days a week. ALIVE provides counseling, emergency sanctuary, and other critical services to adults and children impacted by domestic abuse. ALIVE also serves the LGBTQ community through the Anti-Violence Advocacy Project (AVAP) which can be accessed through ALIVE's main crisis line.

YWCA Women's Resource Center

(<https://www.ywcastl.org/what-were-doing/womens-services>) 314-531-RAPE (7273) – available 24 hours/7 days a week crisis line. YWCA Woman's Place provides immediate and ongoing support for women who have experienced emotional, physical or sexual abuse. YWCA Woman's Place is unique in being the only non-residential stand-alone drop-in center in the St. Louis region where no appointment is needed and there are no eligibility requirements or fees. All are welcome without regard to age, background, ethnicity or cultural traditions. At YWCA Woman's Place women have the confidential opportunity to assess their situation, experience understanding and encouragement, and access resources helpful to them.

Woman's Place (St. Louis County drop-in center)
314-645-4848
140 North Brentwood
Clayton, MO 63105

Woman's Place (St. Charles location)
4116 McClay
St. Charles, MO 63304
The St. Charles office is located at the Sts. Joachim and Ann Care Service in the Tri-County Outreach Center. The St. Charles office is not a drop-in center so please call for hours. To speak with an advocate, call 636-373-7911 or 314-645-4848.

SSM St. Mary's Health Center

Located at 6420 Clayton Road, Richmond Heights, MO 63117. Their phone number is 314-768-8000. St. Mary's offers confidential forensic examinations by a Sexual Assault Nurse Examiner. <https://www.ssmhealth.com/locations/st-marys-hospital-st-louis>. The YWCA Rape Crisis Hotline listed above (314-531-RAPE (7273)) can also provide callers with referrals for additional providers for sexual assault and forensic exams.

The nearest U.S. Citizenship and Immigration Service (USCIS) is located at: Robert A. Young Federal Building, 1222 Spruce St., St. Louis, MO 63103.

Westport

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(<https://alivestl.org/>) 314-993-2777 – available 24 hours/7 days a week. ALIVE provides counseling, emergency sanctuary, and other critical services to adults and children impacted by domestic abuse. ALIVE also serves the LGBTQ community through the Anti-Violence Advocacy Project (AVAP) which can be accessed through ALIVE's main crisis line.

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The Jane Doe Advocacy Center located at 7403 Manchester Road, #140, Maplewood, MO 63143. Their phone number is 314-329-5339.

The National Customer Service Center for the U.S. Citizenship and Immigration Service (USCIS) is: 1-800375-5283. The closest field office is located at: Robert A. Young Federal Building 1222 Spruce Street, Room 2.205 Saint Louis, MO 63103-2815. More information is available at: <https://www.uscis.gov/about-us/find-a-uscis-office/field-offices>.

Texas

San Antonio

The Rape Crisis Center can provide a wide range of referrals to local resources. The Center can be reached at 210-349-7273. More information is available at: <https://rapecrisis.com/>.

The National Customer Service Center for the U.S. Citizenship and Immigration Service (USCIS) is: 1-800375-5283. The closest field office is located at: 20760 North US Highway 281, Suite A, San Antonio, TX 78258. More information is available at: <https://www.uscis.gov/about-us/find-a-uscis-office/field-offices>.