2015 ANNUAL SECURITY REPORT
MEMPHIS NAVAL SUPPORT ACTIVITY (NSA), TENNESSEE
Welcome from the Director of Public Safety

Greetings:

As Webster University celebrates 100 years of higher education we must recognize that nothing is more important to us than the safety of our students, staff, faculty and visitors. We strive to maintain a safe environment for everyone who studies, lives and works on our campuses around the world. To that end, Webster University constantly works to improve upon our safety programs and emergency response plan.

The men and women of the Webster University Department of Public Safety (WUDPS) are committed to providing a safe environment. We are engaged students, concerned parents and employees who desire to work in a safe place. We understand that public safety is a broad term; one that embraces the personal involvement of individuals and the community as a whole. WUDPS provides many aspects of security including fire suppression systems, safety campus escorts, proactive patrol, building access controls, crime prevention and education programs, crime analysis and reporting statistics. Members of WUDPS actively collaborate with many other university departments and maintain membership on several campus-wide committees.

All members of the Webster community have a responsibility to keep our campus safe and reflect the principles and respect for others that the Sisters of Loretto exalted 100 years ago when the foundations of what was to become Webster University were established.

Please take a moment to familiarize yourself with the programs and procedures discussed in this report and together we can keep Webster University a safe place for everyone.

Rick Gerger
Director of Public Safety
Webster University
314-968-7430
rickgerger06@webster.edu
Quick Reference Resources

Emergency Contacts:

Memphis NAS Military Police 901-874-5533
Webster University Public Safety Office 314-968-7430 (non-emergency line)
Sexual Offense Advocate 314-968-7030 (during office hours)
314-422-4651 (after hours)

* The Webster University Public Safety Office and the University’s Sexual Offense Advocate both maintain offices on the home campus in Webster Groves, MO; however, they are both available by phone to assist students at any of the University’s domestic or international campuses locate the necessary local resources.

Additional Helpful Contacts for Students:

Webster University – Memphis NAS 901-873-1531
Dean of Students Office 314-968-6980
Disability Services 314-968-7495
Financial Aid Office 314-968-6992
ID Cards 314-968-7430
**Campus Safety at Memphis NAS**

The Webster University Department of Public Safety (WUDPS) is available to assist administration at all of the University’s extended campuses. Day to day protective and safety services at the Memphis NAS campus are provided by the base’s Military Police. Military Police at the base are responsible for the investigation of any criminal incidents on campus under Department of Defense regulations.

WUDPS is a member of the University’s Finance and Administration division, and reports to the CFO and Vice President for Finance and Administration. The Office of Public Safety is located on the home campus in Webster Groves, MO and can be reached by phone 24 hours a day, 7 days a week at 314-968-7430 (non-emergency line).

WUDPS works collaboratively with the administration at each extended to site regarding policies that outline the procedures that should be taken in the event of a serious incident such as a fire, an active shooter situation, reports of sexual assault, property crime and other incidents that are reported to the extended campus administration or to WUDPS. Each extended campus administration also maintains policies on emergency response and emergency notifications. These policies are reviewed annually with WUDPS.

WUDPS and the individuals providing day to day protective and safety services at the extended campus use a combination of pro-active crime prevention methods to keep the University’s campus a safe place to learn, live and work. The University focuses on a dual approach of minimizing criminal opportunities whenever possible, and encouraging students and employees to take an active role in maintaining their own personal security and the security of others.

**Daily Crime Log**

Information on crimes reported on campus is recorded in the extended campus’ Daily Crime Log. The most recent 60 days of the Daily Crime Log are available for public inspection 24 hours a day, seven days a week, except during certain holidays and when the campus is closed. Whenever a request is made to view entries from more than 60 days ago, extended campus administrators will make their best efforts to provide that information at the time it is requested. However, if that information is not readily available, it will be provided within two business days of the request.

Each year, pursuant to the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act” (Clery Act), Webster University prepares and distributes an Annual Security Report (ASR) to provide prospective students and other members of the University community with crime statistics for the past three years. A separate report is prepared for each of the University’s campuses.

Every current and prospective student and employee receives instructions on how to access the ASR from the Registrar’s Office and/or Human Resources on an annual basis via email, written notification or notification in other documents. An electronic version of the ASR for each of Webster University’s campuses is available online year round at [http://www.webster.edu/public-safety/reports.html](http://www.webster.edu/public-safety/reports.html). Paper copies of the ASR for an extended campus can be requested from the extended site’s administration or by calling WUDPS at 314-968-7430.

Methodology for Reporting Crime Statistics

Under the Clery Act, each ASR must contain certain campus crime, arrest, and judicial referral statistics which were reported to WUDPS, local law enforcement agencies, and/or individuals known as Campus Security Authorities (CSAs) during the preceding calendar year. These statistics include reports of crimes and fires occurring in the following locations: 1) on campus property, 2) in campus student housing facilities, 3) in certain off campus buildings owned or controlled by the University, and 4) on public property within, or immediately adjacent to and accessible from, the campus. The University does have recognized student organizations, but none of them owns or controls any on campus or non-campus buildings or structures. Therefore, the local police agencies do not report criminal activity by students, as there are no non-campus facilities.

The following statistics are compiled and published by the WUDPS with assistance from extended campus Directors, and local law enforcement agencies which could potentially respond to calls on the extended campus. According to the Clery Act, the following crimes must be classified using the FBI Uniformed Crime Reporting (UCR) Handbook: murder, manslaughter, robbery, burglary, motor vehicle theft, aggravated assault, and arson. Sex offenses (rape, forcible fondling, incest, statutory rape, domestic violence, dating violence and stalking) are classified using the definition from the federal Violence Against Women Act. Drug, liquor, and weapons law violations are classified using Tennessee statutory law.

The UCR and VAWA definitions used for classification of these offenses are provided in Appendix A. Tennessee law is not used in compiling these statistics; however, Tennessee’s state law definitions for the offenses of sexual assault, domestic violence, dating violence, and stalking are included in Appendix D.

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1 The Clery Act also requires universities with residential facilities to report certain fire statistics. The University does not maintain any residential facilities in connection with this extended campus.

2 Under the Clery Act, anyone with significant responsibility for student and campus activities is classified as a CSA (e.g., employees and volunteers such as directors, deans, department heads, student affairs staff, judicial affairs, advisors, athletic coaches and extended campus directors are all classified as CSAs).
### Summary of 2014 Crime Statistics for Memphis NAS Campus

See Appendix B for the comprehensive crime statistics for 2012, 2013 and 2014. The following chart is a snapshot summary of the statistics for 2014 more fully reported in Appendix B.

<table>
<thead>
<tr>
<th>Offense</th>
<th>Total Number of Reportable Offenses in 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder/ Manslaughter</td>
<td>0</td>
</tr>
<tr>
<td>Robbery/Burglary/Motor Vehicle Theft</td>
<td>0</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>0</td>
</tr>
<tr>
<td>Arson</td>
<td>0</td>
</tr>
<tr>
<td>Sexual Offenses</td>
<td>0</td>
</tr>
<tr>
<td>Dating Violence/Domestic Violence/Stalking</td>
<td>0</td>
</tr>
<tr>
<td>Arrests for Alcohol, Drug or Weapons Violations</td>
<td>0</td>
</tr>
<tr>
<td>Referrals for Disciplinary Actions Related to Alcohol</td>
<td>0</td>
</tr>
<tr>
<td>Referrals for Disciplinary Actions Related to Drugs</td>
<td>0</td>
</tr>
<tr>
<td>Referrals for Disciplinary Actions Related to Weapons</td>
<td>0</td>
</tr>
</tbody>
</table>

There were no hate crimes to report for 2014.³

There were no crimes withheld from this ASR because they were determined to be unfounded.⁴

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³ The Clery Act also requires universities to include statistics on hate crimes. Certain offenses (murder, non-negligent manslaughter; forcible rape; aggravated assault, simple assault, intimidation; arson; and destruction, damage or vandalism of property) may also be classified as hate crimes if they manifest evidence the victim was intentionally selected because of the perpetrator’s bias regarding the victim’s perceived: race, gender, religion, sexual orientation, ethnicity/national origin and/or disability. Source: Federal Register, April 29, 1994, Vol. 59, No. 82; Federal Register, November 1, 1999, Vol. 64, No. 210

⁴ If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is considered “unfounded,” and the Department of Education does not require universities to include unfounded crimes in their ASR.
Secure Access to University Controlled Buildings

After hours access to any building space controlled by the University requires prior approval of campus administration. University issued identification is the standard for access verification within this community.

WUDPS General Crime Prevention Resources for Students, Faculty and Staff

WUDPS offers a number of formal and informal trainings, programs, and tips to students, faculty and staff on the Webster Groves, MO home campus regarding crime prevention and safety education. WUDPS is available to assist students, faculty and staff at any of the extended campuses with similar trainings conducted remotely.

During the 2014 calendar year, WUDPS conducted several events and presentations on safety and emergency response and C.E.R.T training (Campus Emergency Response Team) for the Webster Groves, MO home campus. WUDPS is available to assist students, faculty and staff at any of the extended campuses with similar trainings conducted remotely.

WUDPS is also available to provide, distribute and participate in discussion groups to address topics such as crime/fire prevention, general or specific safety issues, drug and weapons free environment compliance, and general property or personal security concerns as requested.

Facility Maintenance

The property manager for the extended campus is responsible for maintaining facilities and landscaping in a manner that minimizes hazardous conditions. Individuals providing day to day safety for extended campuses look for malfunctioning lights and other unsafe physical conditions while on patrol and report any issues to property management for correction.

Accessibility Committee

The University conducts an ongoing risk analysis and management process that works toward identifying safety issues and concerns from an Americans with Disabilities Act perspective and to bring forth recommend solutions to these problems. They also work hand in hand with the community, insurers, code officials, and government representatives who assist the University in providing solutions to safety issues. Creating and maintaining an accessible campus benefits all members of the campus community. Students, faculty and staff at the extended campuses who need assistance with accessibility issues can contact WUDPS which will communicate any requests or concerns to the Accessibility Committee.

Behavior Intervention Team

In an effort to address mental health issues that students, faculty and staff may need assistance with, Webster University has established a Behavioral Intervention Team (BIT). The BIT is responsible for assessing reports of
troubling behavior on the part of students, faculty, or staff, and implementing interventions that are in the best interest of the University and the individual. Additional information on the BIT and how to request assistance from the BIT is available at http://www.webster.edu/bit/. Students, faculty, or staff at the extended campuses who need assistance with behavioral intervention can contact WUDPS which will communicate any requests or concerns to the BIT.

**Reporting Crime or Suspicious Activity on Campus**

Webster University strongly encourages members of the campus community to accurately and promptly report all crimes or suspicious activity that occur within the jurisdiction of the extended campus to the administration of the extended campus and WUDPS, in addition to local law enforcement. Prompt and thorough reporting allows the extended campus administration and WUDPS’ Director of Public Safety to determine whether it is necessary to issue a campus wide timely warning (see more detailed information on timely warnings in a later section of the ASR), and allows WUDPS to determine whether the offense needs to be included in the statistics for that calendar year’s ASR.

At times, an individual who experiences a crime may choose not to (or may be unable to) report a crime. In those circumstances, the University asks that other members of the community report any crimes they witness or become aware of to the extended campus’ administration and to WUDPS.

Students, faculty, staff, and visitors are also encouraged to report any crimes which occur off campus to the appropriate law enforcement agency. Please contact your extended campus administration or WUDPS for assistance with determining which law enforcement agency has jurisdiction over a crime committed off campus. Students, faculty and staff are also encouraged to promptly report any suspicious activity or persons both on and off campus as a method of crime prevention.

In response to a call from a student, faculty or staff member at Memphis NAS, the base’s Military Police will either dispatch an officer or ask the reporting party to visit the Military Police’s headquarters on base to file an incident report.

In addition to the use of the telephone system, the University community can also contact the individuals providing day to day protective and safety services at their extended campus or WUDPS in Webster Groves, MO in person or in writing. The individuals providing day to day protective and safety services at their extended campus and WUDPS will investigate all reported incidents regardless of how the incident was reported.

Whenever an incident report involves a student, the extended campus administration and/or WUDPS forwards the report to the Dean of Students Office for review and possible referral to the Office of Student Judicial Services.

Additional information obtained during the investigation will also be forwarded to the Office of Student Judicial Services.

**Reporting Crime Confidentially**

Webster University understands that there are times when individuals who experience crime do not want to pursue action within the university system or the criminal justice system. Under those circumstances, the
University still encourages confidential reporting. WUDPS and the individuals providing day to day protective and safety services at the extended campuses recognize individuals’ rights to make a report without their identity.

Confidential reporting allows the reporting party to remain anonymous, but also helps ensure the future safety of the reporting party and others in the community. Confidential reporting allows the University to keep an accurate record of the number of incidents involving students, employees and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger.

Reports which were designated as confidential are still included in the ASR statistics; however, the statistics never include any identifying information for any of the involved parties regardless of whether the report was made confidentially.

Pastoral and Professional Counselors

Students at the extended campuses have access to individuals on the Webster Groves home campus acting as “Pastoral Counselors” or “Professional Counselors.” These counselors are not required to report crimes for inclusion into the annual disclosure of crime statistics when they are acting in these specific roles.

However, University counseling staff is familiar with the procedure individuals can use to make confidential reports WUDPS outlined above.

Crime Prevention Tips

While Webster University and WUDPS makes every effort to provide a safe campus, students, faculty, and staff must also do their part to help us maintain a safe environment. To this end, Webster University encourages all individuals who attend, work or visit the campus and satellite campuses to follow basic personal and property crime prevention procedures for yourself and for those around you. Please review the following tips on preventing crime and keeping yourself and your property safe and secure.

Tips for Securing Valuables in an Office

- Always lock your office, even when you are away for a few minutes.
- If you have valuables stored in your office, do not leave them overnight.
- Never leave purses or other valuable unattended. Take them with you or lock them in a secure cabinet.
- Keep your desk and files locked when you are away.
- Never store money in your desk drawers or file cabinets
- Report all losses to the your extended campus administration or WUDPS immediately.

Personal Safety Tips

- When walking alone after dark, walk on well-lighted, well-traveled walkways and plan your route ahead of time. Avoid places where attackers might hide (spaces between parked cars, overgrown shrubs, and dark passageways) and areas where you might get cornered. Remember that it is best to walk facing traffic.
- If anyone follows you while you are walking alone, look confident and let him or her know you are aware of their presence. Don’t be polite or engage in conversation. If they continue to follow you, cross the
street and/or change directions. If this doesn’t work, walk toward other people or occupied buildings and stay away from places where you might get cornered.

- If you are trapped in your car and afraid for your safety, honk your horn in quick short bursts. This will attract people’s attention.
- Make sure that all of the car doors are locked whenever you leave your vehicle.
- When returning to your car, have your keys ready so you can enter your car quickly and be aware of your surroundings. If you have to look into a purse or a pocket to find them, it takes extra time and you lose sight of what is around you, which could allow someone to sneak up on you.

**Preventing Thefts from Vehicles**

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

**Preventing Bicycle Theft**

- Keep bicycles locked any time they are unattended. Be sure the lock or cable goes through the front wheel, rear wheel and the frame, and secure it to a fixed object.
- Anyone who parks a bicycle on campus needs to register it at the Public Safety Office. Registration is free, but you must provide the serial number and a description of your bicycle for registration. Your serial number will help if your bicycle is ever lost or stolen on campus. Please remember that all bicycles are required to be parked at designated bicycle racks and may not be secured to trees or other landscaping, stair and walkway railings, or other building structures. Securing a bicycle to a prohibited item may result in the cutting/removal of the security device and the confiscation of the bicycle.

**Who to Contact about an Emergency on Campus**

All members of the Webster University community are strongly encouraged to notify the extended campus administration or WUDPS as soon as possible whenever they become aware of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or on-going threat to the health and safety of students and/or employees on campus.
Responsible First Responders for Emergencies on Campus

The extended campus administration is responsible for summoning the necessary resources, to respond, mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation.

Even if the emergency is being handled by local law enforcement or emergency responders, the extended campus administration and WUDPS have a responsibility to respond to such incidents to determine if the situation poses a threat to the community which necessitates an Emergency Notification or Timely Warning.

Emergency Management Plan

The University has developed an Emergency Management Plan identifying the members of the University who are involved in crisis response, outlining incident priorities, communications, performance expectations, evacuation guidelines, and which includes local contingency and continuity plans.

The extended campus administration leads the University’s efforts to develop and implement the Emergency Management Plan for each extended site; however, WUDPS works with the extended campus administration to develop emergency response plans, contingency plans and continuity of operations plans for their staff and areas of responsibility as appendices to and under the umbrella of the Emergency Management Plan.

Extended campus administration and other University personnel have received training in the Incident Command System and Responding to Crisis Incidents on campus and undergo refresher training annually.

Emergency Crisis Communications Procedures

The University has also developed a comprehensive plan to handle Emergency Crisis Communications which outlines the steps and approaches that Global Marketing and Communications will take while working cooperatively with WUDPS, the Provost and other University administrations. See http://www.webster.edu/gmc/emergency-and-crisis-communications/ for more information on the University’s Crisis Communications procedures.

Emergency Notifications

The University’s Emergency Management Plan includes a procedure for alerting the extended campus community to a significant ongoing emergency or dangerous situation which the University has determined poses an immediate threat to the health and safety of to the members of the community. This type of alert is mandated by the Clery Act and is known as an “Emergency Notification.”

Emergency Notifications are issued whenever the extended campus administration (in conjunction with WUDPS, Webster University Administrators, local first responders and/or the National Weather Service) determines that there is an ongoing emergency or dangerous situation which poses an immediate threat to the health or safety of either some or all members of the extended campus community. Examples of situation which may result in an
Emergency Notification include, but are not limited to: serious inclement weather such as a tornado, a serious spill of hazardous materials, or an active shooter on campus.

Whenever the extended campus administration and WUDPS determines that an emergency notification is necessary as outlined above, Webster University will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Information Included in an Emergency Notification

The extended campus’s Director has the primary responsibility for making the decision to issue an Emergency Notification, but should collaborate with the Director of Public Safety if time allows. The extended campus director and WUDPS may collaborate with Global Marketing and Communications or other key administrative offices on campus to determine the content of the message. The Emergency Notifications typically include the following information:

- Brief description of the emergency and area of campus which is affected;
- Information that will promote safety and potentially aid in the prevention of injury resulting from the emergency;
- Estimate (if possible) of duration of the emergency;
- Emergency responder or other useful contact information; and
- Other information as deemed appropriate.

Methods Used to Distribute Emergency Notifications

Once the extended campus Director determines that an Emergency Notification should be issued, the Chief Communications Officer (CCO) or her designee will draft an Emergency Notification, and distribute it by blast email to students, faculty, staff and any other members of campus who have “webster.edu” email address.

The University may (but is not required to) also choose to distribute the Emergency Notification by one or more of the following additional methods. These secondary methods of communication may be targeted to a specific building or segment of the campus community depending on the nature of the emergency, as determined by the extended campus director or his/her designee.

- Text messages via the Webster Alert System (a voluntary emergency communication system described in more detail below);
- Email messages via the Webster Alert System (the Webster Alert System allows students, staff, faculty, parents, and other members of the general public to request emergency communications be delivered to the email address of their choosing);

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5 In the event that an extended campus does not have an acting director for a short period of time, an alternate member of the extended campus administration will be appointed the designee for making the decision to issue an Emergency Notification as outlined in this section of the ASR.
• Broadcasting a message or delivering voicemail messages to members of campus through the University IP telephone system if available at that specific extended campus;
• Posting information about the incident on the University’s main page for the extended campus http://www.webster.edu/memphis/ and the WUDPS home page http://www.webster.edu/public-safety;
• Circulating and posting paper flyers throughout campus;
• It is also possible that the University may choose to use face to face communication as an additional method of communicating an Emergency Notification.

At times, the University may wish to provide students, faculty and staff with updates to the original Emergency Notification. Any update must be initiated by the extended campus director or his/her designee, in collaboration with the Director of Public Safety if time allows, and will be drafted and transmitted by the CCO or her designee.

The CCO may also assemble a communication task force which would handle disseminating emergency information to the larger community, if necessary. See http://www.webster.edu/gmc/emergency-and-crisis-communications/ for more information on the University’s Crisis Communications procedures.

Additional information on the University’s process for authorizing, drafting and distributing Emergency Notifications can be found in Appendix C.

Timely Warnings

Webster University’s Emergency Management Plan also includes procedures for alerting the campus community to certain crimes which have already occurred in a timely manner in order to aid in the prevention of similar crimes. The Clery Act refers to this type of alert as a “Timely Warning.”

Timely Warnings are issued whenever a crime is reported or observed, that, in the judgment of extended campus director or his/her designee constitutes an ongoing or continuing threat. Timely Warnings are only issued for crimes which are reported to individuals providing day to day protective and safety services, WUDPS or local law enforcement, and generally distributed in response to reports of the following crimes: murder/non-negligent manslaughter, major incidents of arson, and robbery. Cases of aggravated assault and sex offenses are generally considered on a case-by-case basis as the underlying facts of the case may indicate that the crime was an isolated incident and there is no on-going threat to other Webster University campus members. (E.g., an aggravated assault involving roommates over a long-standing disagreement or sexual assault that is also an instance of domestic violence.)

The University may choose not to issue a Timely Warning for a crime which would typically result in an alert to the campus community if:

• The extended campus Director and the Director of Public Safety or his designee determines there is no serious or continuing threat to the safety of Webster University students and employees;
• The subject has already been apprehended and the threat of imminent danger to members of the Webster University community has been mitigated by the apprehension; or
• A report was not made to administration for the extended campus or if administration for the extended campus was not notified of the crime in a manner that would allow it to post a “timely” warning for the community (e.g. a report that was filed more than 7 days after the date of the alleged incident). This type of situation will be evaluated on a case-by-case basis.
The Clery Act does not require universities to issue Timely Warnings for other categories of crimes, but the extended campus director or his/her designee may choose to distribute Timely Warnings for other categories of crimes from time to time as a form of crime prevention. In addition, the Clery Act does not require universities to issue Timely Warnings for crimes which occur off campus (in locations not owned or controlled by the University). However, in some instances, the extended campus director or his/her designee may choose to issue a Timely Warning in connection with a nearby off campus crime which he believes poses a serious or ongoing threat.

Timely Warnings are distributed as soon as pertinent information is available in order to aid in the prevention of similar occurrences.

Information Included in a Timely Warning

The decision to issue a Timely Warning is made by the extended campus Director and the Director of Public Safety or his designee, and the contents of the Timely Warning are typically drafted by the CCO or her designee. Timely Warnings never include the names of victims, and typically include the following information, unless issuing any of this information would risk compromising law enforcement efforts:

- Date and time or approximate timeframe of the incident;
- Brief description of the incident;
- Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips);
- Suspect description(s) when deemed appropriate and if there is sufficient detail;
- Police agency contact information; and
- Other information as deemed appropriate.

Methods Used to Distribute Timely Warnings

Once the extended campus Director and the Director of Public Safety or his designee determine that a Timely Warning should be issued, the CCO or her designee will draft a Timely Warning and distribute it by blast email to students, faculty, staff and any other members of campus who have “webster.edu” email address.

The University may (but is not required to) also choose to distribute the Timely Warning by one or more of the following additional methods.

- Text messages via the Webster Alert System (a voluntary emergency communication system described in more detail below);
- Email messages via the Webster Alert System (the Webster Alert System allows students, staff, faculty, parents, and other members of the general public to request emergency communications be delivered to the email address of their choosing);
- Broadcasting a message or delivering voicemail messages to members of campus through the University IP telephone system;
- Posting information about the incident on the University’s main page for the extended campus http://www.webster.edu/memphis/ and the WUDPS home page http://www.webster.edu/public-safety;
- Circulating and posting paper flyers throughout campus; and
• It is also possible that the University may choose to use face to face communication as an additional method of communicating an Emergency Notification.

At times, the University may wish to provide students, faculty and staff with updates to the original Timely Warning. Any update must be initiated by the extended campus director and the Director of Public Safety or his designee, and will be drafted and transmitted by the CCO or her designee.

**Additional information on the University's process for authorizing, drafting and distributing Timely Warning can be found in Appendix C.**

### Webster Alerts

Webster Alerts is a voluntary, free campus alert service that allows students, faculty and staff to keep up-to-date on the latest campus information. The system is powered by e2Campus and is used as an optional secondary method of communicating Emergency Notifications and Timely Warnings. The Webster Alerts system is also occasionally used to communicate non-emergency, weather-related school closing information.

**Students, faculty and staff are not automatically signed up for Webster Alerts, but are strongly encouraged to do so.** Instructions for setting up an account with Webster Alerts is provided with students’ orientation materials and is included in new faculty and staff orientation meetings. Reminders to sign up with Webster Alerts is also sent out to all students, faculty and staff 3-4 times a year by the Informational Technology department. You can sign up for Webster Alerts at any time simply by visiting [http://www.webster.edu/technology/services/webster-alerts/](http://www.webster.edu/technology/services/webster-alerts/) and clicking on the “Create a New Account” button.

Registration with Webster Alerts is also open to parents and members of the general public. Parents and members of the general public can also find information regarding any emergency situation on campus by visiting the following sites: the Webster University homepage for the extended campus [http://www.webster.edu/memphis/](http://www.webster.edu/memphis/), the WUDPS website ([http://www.webster.edu/public-safety](http://www.webster.edu/public-safety)), Webster University’s Facebook page, Webster University’s Twitter feed and media distribution.

### Testing the Emergency Management Plan

The University conducts at least one tabletop exercise each year with its crisis response team. Each year’s tabletop exercise involves a different hypothetical emergency or crisis. Participants in the tabletop exercise include members of many different departments from across the University.

The University’s email blast system, IP telephone system and Webster Alerts are each tested at least once a year by WUDPS in conjunction with the Information Technology Department.

Webster University has designed its tests of its Emergency Management Plan and Emergency Notification systems to assess and evaluate the emergency plans and capabilities of the institution. The University conducts these tests both announced and unannounced.
Where to Access Information about the Emergency Management Plan

The University’s emergency response and evacuation procedures are publicly available on the WUDPS website, http://www.webster.edu/public-safety/crisis/. These emergency response and evacuation procedures, as well as other crisis response materials can also be found on your Connections home page(a University intranet available to students, faculty and staff) on the right hand side of the home screen of the Connections home page after you have logged into your account. You may also request a paper copy be mailed to you by WUDPS by calling 314-968-7430.

Evacuation Guidelines

The Emergency Management Plan includes general evacuation guidelines. Any time the University determines that an evacuation is necessary, the specific evacuation procedure would be affected by a myriad of factors, including the type of threat, the occupancy of the other buildings and areas of the campus at the time of the incident, etc. Therefore, while the University does have general evacuation guidelines, it is not possible to share specific information about a multi-building or area evacuation in advance.

Students, faculty, staff and other members of the campus community are expected to follow the instructions of any first responders on the scene. If you are told to evacuate the building you are inside of, classrooms and/or office complexes on campus have evacuation maps posted within that identifies: 1) the route to take to reach safety outside the building; or 2) the route to take to reach a safe area within the building in which you can “shelter in place.” All students, staff, faculty and visitors to campus are encouraged to take a moment to identify these routes at the areas on campus they frequent.

Sheltering in place simply means that you should remain in the building; however you will likely be directed to an interior room until you are advised that it is safe to come out. Examples of situations when you might be told to shelter-in-place include incidents which cause buildings or areas around you to become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances.

Reminders for Evacuating Safely

If you are told to evacuate your building or to move to a different area of the building to shelter in place, you should always take your personal belongings with you (purse, wallet, access cards, etc.). Whenever you are using the evacuation procedures for your specific building remember to close your door, proceed to the nearest exit, and always use the stairs instead of the elevators. Once you have evacuated, seek shelter at the nearest University building quickly. Remember to follow the instructions of any police, public safety, fire department personnel or other first responders on the scene.

Student Handbook and Code of Conduct

Webster University is committed to maintaining a safe environment in which all members of the community respect one another’s rights as they pursue their academic and personal goals. There are, however, certain
behaviors, which are inconsistent with the mission and goals of the University. It is Webster’s policy to investigate promptly and seek the equitable resolution of all alleged violations of this code. Complete descriptions of all prohibited behavior and policies applicable to students at extended campus can be found at http://www.webster.edu/student-handbook/extended.html.

Drug and Alcohol Policy

Webster University expects its students to observe all federal, state and local laws, including those related to the possession, use, sale and consumption of alcoholic beverages. Individuals responsible for day to day safety at the extended campuses enforce Tennessee underage drinking laws. Persons under the age of 21 are prohibited from possessing or consuming alcoholic beverages. Students who are 21 years of age or older may consume alcoholic beverages only at sanctioned events. The University prohibits drinking games on campus.

The possession, use or sale of illegal drugs/narcotics is prohibited on the University campus and is illegal under both Tennessee and federal law. Individuals responsible for day to day safety at the extended campuses enforce Tennessee and Federal drug laws. Violators are subject to arrest and prosecution under Tennessee and federal law.

Substance Abuse Education Programs are conducted out of the Counseling and Life Development Department which operates an office of Alcohol, Tobacco and Other Drug (ATOD) Education and Prevention and educates students about the effects of drug use, misuse and abuse. The ATOD office which is located in the Health Services Building at 540 Garden Avenue is staffed by two full-time Missouri Certified Advanced Substance Abuse Counselors who can provide local Tennessee resources upon request. Webster University complies with the Drug Free Schools and Communities Act, and information about drug or alcohol abuse education programs is available at http://www.webster.edu/student-handbook/drug_alcohol_policy.html.

Students in violation of the University’s Drug and Alcohol Policy will be referred to the Dean of Students and possibly local law enforcement.

Sex Offense Policy

Webster University’s programs and procedures related to sex offenses are more fully explained in the University’s “Policy on Sexual Assault, Harassment, and Other Sexual Offenses” (the “Policy”). Please visit http://www.webster.edu/student-handbook/sexual-offense.html to view the most up to date Policy. Appendix E contains the Policy which in effect on the date that this Report was published. Please note that if there are any discrepancies between this Report and the Policy, the Policy will control.

Webster University’s Policy prohibits the crimes of sexual assault, domestic violence, dating violence, and stalking (collectively referred to throughout this report as “sex offenses’”). Appendix A provides the definitions of these crimes that are used for classifying crimes for inclusion into the annual statistics; however, Appendix D provides Tennessee law definitions for these crimes.

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6 A full list of all offenses prohibited by the Policy can be found by reviewing Appendix E.
General Outline of Procedures the University Follows in Response to a Reported Sex Offense

- Depending on when reported (immediate vs delayed report), Webster University will provide the reporting party with access to medical care;
- Webster University will assess immediate safety needs of the reporting party;
- Webster University will assist the reporting party with contacting local law enforcement, if requested, AND reporting party is provided with contact information for local law enforcement;
- Webster University will provide reporting party with referrals to on and off campus mental health providers and other services;
- Webster University will assess need to implement interim or long-term protective measures, such as housing changes in class schedule, “No Contact” directive between the reporting and responding party.

Title IX Team

The University’s designated Title IX Coordinator is Betsy M. Schmutz, Associate Vice President and Chief Human Resources Officer. The Title IX Coordinator is the person Webster University has designated to ensure Webster complies with Title IX. The Title IX Coordinator’s duties include overseeing all Title IX complaints and identifying and addressing any pattern or systemic problems that arise during the review of such complaints.

The Title IX Coordinator has ultimate oversight responsibility, and works with Deputy Title IX Coordinators who assist in fulfilling the Title IX Coordinator’s responsibilities. The Deputy Title IX Coordinator assigned to a specific case is referred to the “Lead” Title IX Coordinator for that case.

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

Contact for employees reporting sexual offenses

Betsy Schmutz, AVP and Chief Human Resources Officer
Title IX Coordinator
Human Resources Office, Loretto Hall 32, Webster Groves Main Campus
314-968-6960
schmutz@webster.edu

Contact for students reporting sexual offenses

Maureen Stroer, Student Affairs Coordinator
Title IX Deputy Coordinator
Student Affairs Office, University Center, Webster Groves Main Campus
314-968-6980
mstroer@webster.edu
Educational Awareness Programs and Campaigns Related to Sexual Offenses

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

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

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

The University places a strong emphasis on prevention and education programs and communications as effective ways to minimize sexual assault, harassment and other sexual offenses; to inform students and employees of key definitions of all types of sexual misconduct, the importance and meaning of consent in sexual relations and the role that incapacity plays in these offenses; strategies to stay safe, and bystander education. Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees.

Primary Prevention and Awareness Programs

Primary prevention and awareness programs (PPAP) were not offered to all incoming students at extended campuses in 2014. The University did not offer a PPAP to all new employees in 2014.
Ongoing Prevention and Awareness Campaigns

Webster University engages in ongoing prevention and awareness campaigns (OPAC) which are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the University. The University utilizes a number of strategies and activities specifically designated to educate the community regarding sexual assault issues and to promote awareness of rape, acquaintance rape, and other sex offense prevention strategies at the Webster Groves home campus. Similar presentations or education materials are always available remotely to any students, staff or faculty at an extended campus by contacting the Sexual Offense Advocate.

Student groups at the Webster Groves home campus also engaged in case study discussions to highlight university policy and procedure in addressing sexual violence and discussion of consent. Similar presentations or education materials are always available remotely to any students, staff or faculty at an extended campus by contacting the Dean of Students Office at 314-968-6980/800-981-9804.

All individuals employed at US campus locations as of September 2014 were required to participate in the Webster University Professional Development Program: Sexual Assault, Harassment and Other Sexual Offenses as a form of ongoing prevention and awareness during the fall of 2014. Nine hundred twenty-one employees completed the course prior to year-end. The program covered the key elements of Title IX, the Clery Act, the Violence Against Women Act and Campus SaVE and Title VII and how they apply on a university campus. It addressed employee rights and responsibilities as well as the identity of who the university considers to be “responsible parties” and their specific roles and responsibilities along with reference to the university’s policy against sexual misconduct. In addition, faculty and staff classified as CSAs also participated in additional online training throughout 2014 which addressed issues of sexual assault, dating violence, domestic violence and stalking.

Who to Contact if a Sex Offense Occurs

Webster University has comprehensive procedures in place to assist any members of the campus community who report incidents of sexual assault (rape, fondling, incest, or statutory rape), domestic violence, dating violence, or stalking.

Confidential Support

A person who is the reporting party of a sexual offense, or who witnesses a sexual offense, is encouraged to make a report to the Sexual Offense Advocate as an initial matter. Any report to the Sexual Offense Advocate will be kept completely confidential. 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; however, the Sexual Offense Advocate can also advise reporting parties regarding their options in making a report to a Title IX Coordinator and/or local law enforcement.

The Sexual Offense Advocate can be reached at 314-968-7030 (during office hours in Counseling and Life Development Office). After hours, she can be reached by calling either 314-422-4651 (emergency after hours mobile) or 314-968-6911 (WUDPS emergency number).
The Sexual Offense Advocate is available to assist campus community members at extended campuses with the following areas of concern:

- Crisis intervention and support techniques. She also provides emotional, medical, and/or judicial support either directly or through on- or off-campus referral.
- Information about individuals’ rights under the Sex Offense Policy. She also 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.
- Support during any University proceeding. The Sexual Offense Advocate, in consultation with the reporting party, 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.

After an incident of sexual assault and/or domestic violence, and after the Sexual Offense Advocate and/or local law enforcement has been contacted, individuals should go to a safe place and consider seeking medical attention as soon as possible. The DoD Safe Helpline can be reached 24 Hours by calling 877-995-5247. The DoD also has additional information available at http://www.cnic.navy.mil/ffr/family_readiness/fleet_and_family_support_program/sexual_assault_prevention_and_response/report_a_sexual_assault.html. The base operates a 24 hour hotline at 901-270-2040.

Reporting a Sex Offense to the University

Individuals who wish to report incidents of sexual assault, domestic violence, dating violence, or stalking, may contact the Sexual Offense Advocate, WUDPS, or a Title IX coordinator. Students who wish to speak directly with a Title IX Coordinator should contact Maureen Stroer, Student Affairs Coordinator, 314-968-6980 or Ted Hoef, AVP for Student Affairs and Dean of Students, 314-968-6980. Faculty or staff who wish to speak directly with a Title IX Coordinator should contact Betsy Schmutz, AVP and Chief Human Resources Officer, 314-968-6960.

Individuals who wish to report incident(s) to local law enforcement can contact either WUDPS or the Sexual Offense Advocate for assistance in notifying the appropriate jurisdiction. The base’s Military Police can be reached at 803-895-3669.

The University strictly prohibits retaliation against a party who reports a sexual offense, or for assisting another in reporting a sexual offense or filing a complaint. Retaliation is a clear violation of University policy, and applicable law, and is a serious offense that may result in separate disciplinary action.

Note that Webster University never requires reporting parties to participate in any investigation or disciplinary proceeding.

If a party makes a report of domestic violence, dating violence, sexual assault or stalking to the University, the University will provide the reporting party with a written explanation of the reporting party’s rights and options.

Be aware that whenever WUDPS receives a report of domestic violence, dating violence, sexual assault and/or stalking, WUDPS will contact the Sexual Offense Advocate and the incident will also be reported to the Title IX Coordinator for investigation regardless of whether the reporting party chooses to participate in a university disciplinary proceeding or pursue criminal charges. The only way in which an individual can report a sexual offense
with complete confidentiality is to contact the Sexual Offense Advocate or another professional or pastoral counselor at the University.

Individuals are assured that personally identifiable information is never included in the WUDPS Daily Crime Log or in any other publicly available document. WUDPS also never shares any personal identifiable information about the victim with anyone other than those investigating/adjudicating the complaint or delivering resources or support services to the complainant. The University maintains confidentiality of any accommodations or protective measures provided to the reporting party to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Amnesty from University Drug and Alcohol Policy in Connection with Reporting a Sex Offense

In an effort to encourage reports of sex offenses, individuals who report sexual misconduct, either as a complainant or a third party witness, will not be subject to disciplinary action by the University for his/her/their own personal consumption of alcohol or drugs at or near the time of the incident, provided any such violations did not and do not place the health or safety of any other person at risk. The University may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs. The amnesty policy applies to the University's student conduct process.

Preservation of Evidence in Connection with Sex Offenses

In order to preserve evidence, prior to a medical exam, victims of sexual assault are advised not to bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours. However, individuals who have already engaged in any of these activities, can still choose to have an exam performed. In the event that an individual chooses not to participate in forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted diseases.

Parties wishing to report incidents of sexual assault, domestic violence, stalking, and/or dating violence 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 an investigation or campus judicial proceeding.

Counseling, Health and Other Services Available on Base

The DoD Safe Helpline can be reached 24 Hours by calling 877-995-5247. The DoD also has additional information available at http://www.cnic.navy.mil/ffr/family_readiness/fleet_and_family_support_program/sexual_assault_prevention_and_response/report_a_sexual_assault.html. The base operates a 24 hour hotline at 901-270-2040.
Off Campus Resources (Surrounding Civilian Community)\(^7\)


Rights of Parties Reporting Incidents of Sexual Offenses

Whenever a student, faculty or staff member reports an incidence of dating violence, domestic violence, sexual assault or stalking, regardless of whether the offense occurred on campus or off campus, the University will provide the student, faculty or staff member with a written explanation of his or her rights and options.

One of these options is an order of protection which is an order issued by a Tennessee court which restrains a person from abusing, stalking or harassing another person. An order of protection carries criminal penalties for violation and is valid in other states. Tennessee’s statute on orders of protection can be found at T.C.A. 36-3-601 et seq. Visit [https://www.tncourts.gov/programs/self-help-center/forms/order-protection-forms](https://www.tncourts.gov/programs/self-help-center/forms/order-protection-forms) and [http://www.tndagc.org/dv.htm](http://www.tndagc.org/dv.htm) for more information on Orders of Protection.

WUDPS also suggests that individuals with orders of protection meet with their extended campus administration to develop a Safety Action Plan – a plan intended to reduce the risk of harm while on campus or coming and going from campus. This plan may include, but in not limited to, escorts and special parking arrangements.

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

For more on victims’ rights in Tennessee, see Article 1, section 35 of the Constitution of Tennessee [http://www.tndagc.com/vr.htm](http://www.tndagc.com/vr.htm).

Modification of Academic Situations

Webster University will provide written notification to parties reporting sex offenses that they have the right to request that the University modify their academic situation; and the University is obligated to comply with any reasonable requests following an alleged sex offense. Title IX Coordinators and their designees may also decide to implement certain interim interventions and protective measure pending an investigation or hearing on an alleged sex offense. Protective measures imposed by Title IX Coordinators or their designees may be temporary pending the results of an investigation or may become permanent as determined by Webster University.

\(^7\) Written information regarding off campus services available to victims will be provided to any party who reports a sex offense.
Working in conjunction with the Sexual Offense Advocate, the Associate Vice President and Chief Human Resources Officer and the Associate Vice President for Student Affairs and Dean of Students, there is the option of making interim remedies/options available to the reporting party of sexual assaults and offenses before the report is resolved, or in special circumstances even if the reporting party chooses not to file a complaint. These options include modifications to: academic schedules, 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 if the reporting party chooses to file a formal report. No contact measures may also be implemented. Any interim remedies imposed should avoid any lasting negative effects on the responding party before any findings of responsibility are made as much as is possible in the circumstances presented.

**Disciplinary Process Related to Allegations of Sex Offenses**

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

Webster University’s disciplinary process is consistent with the University’s policy, transparent to the accuser and accused and will include a prompt, fair, and impartial investigation and resolution process. The University’s proceedings are:

A) Completed within reasonably prompt timeframes designated by an institution’s policy, including a process that allows for the extension of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay;

B) Conducted in a manner that—
   1. Is consistent with the institution's policies and transparent to the accuser and accused;
   2. Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
   3. Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
   C) Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

The University’s proceedings are conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of the reporting party and promotes accountability.

The University’s proceedings also provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor (i.e., any individual who provides the accuser or accused support, guidance, or advice) of their choice.

**Time Frame for Resolution of Reported Sex Offenses**

The University seeks to resolve all reports within a timely manner. All time frames expressed in this policy are meant to be guidelines rather than rigid requirements. Extenuating circumstances may arise that require the extension of
time frames, especially due to the geographic spread of the University’s campuses in various states, countries, and
time zones. Extenuating circumstances may include the complexity and scope of the allegations, the number of
witnesses involved, the availability of the parties or witnesses, any intervening school break or vacation, or other
unforeseen circumstances. The University intends to complete a typical investigation within sixty (60) days following
receipt of the complaint. Further, both the reporting party and responding party will be updated throughout the
investigative process, including with timely notice of meetings where either or both the reporting party and the
responding party may be present.

In general, a reporting party and responding party can expect that the process will proceed according to the time
frames provided in this policy. In the event that the investigation and resolution exceed this time frame, the
University will attempt to notify all parties of the reason(s) for the delay and the expected adjustment in time frames.
Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and
fundamental fairness with promptness. However, due to the geographic spread of the University’s campuses, it may
be difficult to complete the process within the time frames provided in this policy depending on the circumstances.

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

Hearing Boards

The University has two separate hearing boards that may be convened to hear complaints regarding violations of
this policy: the Sexual Offense Hearing Board and the Administrative Hearing Board for Sexual Offenses. Members
of these two boards receive training on this policy and their roles and responsibilities as hearing board members at
least on an annual basis.

Sexual Offense Hearing Board

The Sexual Offense Hearing Board hears cases in which the reporting party and responding party are both students
or in which the responding party is a student.

The Sexual Offense Hearing Board responsible for any given case consists of a Hearing Officer and six individuals
chosen from members of Webster’s students, faculty, administration and staff in consultation with the Associate
Vice President and Dean of Students and the Associate Vice President and Chief Human Resources Officer.
When a hearing is called, the Associate Vice President and Dean of Students or designee, will convene a meeting of
potential Hearing Board members to review the Policy on Sexual Assault, Harassment and Other Sexual Offenses
and its related procedures.

The Hearing Board is responsible for hearing cases of alleged violations of this policy and and/or appeals of
decisions from the Administrative Process or the Hearing Board Process and determining and administering
disciplinary actions up to and including expulsion from the University.

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**Administrative Hearing Board for Sexual Offenses**

The Administrative Hearing Board for Sexual Offenses hears cases in which the reporting party and responding party are both employees or in which the responding party is an employee.

The Administrative Hearing Board for Sexual Offenses responsible for any given case consists of a chair and four other individuals chosen from members of Webster’s Administrative and Academic leadership team. Members appointed will not have been involved in the initial complaint or its appeal.

When a hearing is called, the Chief Human Resources Officer will convene a meeting of Hearing Board members to review the Policy on Sexual Assault, Harassment and Other Sexual Offenses and its related procedures. The Hearing Board is responsible for hearing cases of alleged violations of this policy and/or appeals of decisions reached during the Administrative Process or the Hearing Board Process Complaint Procedure and recommending disciplinary actions up to and including termination from the University. Consideration of sanctions and disciplinary actions will be made in conjunction with other University policies related to employment matters.

**Fundamental Assumptions Regarding the University’s Disciplinary Proceedings**

- Both parties will be notified regarding procedures used in the hearings. Information can also be provided regarding legal options; however, it is recommended that legal advice be obtained from a competent attorney.

- Each party may have a support person or process advisor of their choosing present at the hearing (e.g., student, parent, faculty, staff, attorney); however this person may not speak on his/her behalf. If the party wishes to have an attorney present, the party must provide two business days’ notice to the Title IX Coordinator or designee.

- No reference to past consensual sexual relations of the reporting party or the responding party may be introduced at any time during the proceedings.

- The fact that the responding party and/or the reporting party may have been under the influence of alcohol or other drugs or subject to some other sort of mental dysfunction does not excuse or justify the commission of any sexual offense as defined herein, and may not be used as a defense.

- Both parties have the right to a copy of all written witness, reporting party, and responding party statements regarding the complaint (or meaningful summaries of the complaint if Section X.C. regarding the reporting party’s confidentiality is being maintained).

- Both parties have the right to testify either in writing or verbally.

- The reporting party and the responding party may request to have witnesses testify. Such requests are granted at the discretion of the Hearing Officer/Chair. Witnesses must be identified in writing to the Hearing Office/Chair at least 48 hours prior to the hearing. The Hearing Officer will inform both parties within 24 hours of the hearing of the witnesses who may appear at the hearing. Testimony of witnesses
that demonstrates a pattern, habit, or routine of sexual misconduct similar to that which is alleged is considered relevant and may be heard as part of the impact statement, only in determining the sanction for a person found responsible for a sexual offense.

• The reporting party and the responding party each have the opportunity to present an impact statement to the administrator or Hearing Officer following a decision of responsibility, but prior to the imposition of sanctions.

• A hearing may only be invoked when both parties are members of the Webster University community. In the event that both parties were members of the Webster University community at the time of the alleged incident and one of the parties is no longer a member of the community, the appropriate administrator will determine the proper means of resolution in consultation with the Dean of Students and Chief Human Resources Officer.

Standard of Evidence

In determining whether a violation of the Sex Offense Policy has occurred, the University will apply a preponderance of evidence standard. The “preponderance” standard is met if the proposition is more likely to be true than not true.

The responding party must not be presumed “guilty” (or “responsible”). Instead, guilt, or responsibility, must be established by a “preponderance of the evidence.” (e.g., “more likely than not”) standard. The Hearing Board’s decision in this regard requires a conscientious and rational judgment on the whole record. “Preponderance” means more than half. If, for example, the hearing board concludes that the evidence – considered overall – weighs equally on both sides, the preponderance standard has not been met and the charges have not been proven.

Notification to the Reporting and Responding Party of the Results of Any Proceeding

The written notification of the result of any initial, interim, and/or final decision of a disciplinary proceeding will be conveyed in writing, simultaneously to the reporting and responding parties within 24 hours of the completion of the hearing. This notification will include:

• any sanctions imposed by the University;
• the rationale for the result;
• the University’s procedures for appealing the result of the proceeding, if such procedures are available for that particular proceeding;
• any change to the result of the proceeding; and
• when such results become final.

If the alleged victim is deceased as the result of such crime or offense, the next of kin shall be treated as reporting party for purposes of this section of the Report.

See Appendix E for additional detail on the University’s disciplinary proceedings and procedures including:

• the steps in each proceeding;
• the anticipated timelines for each proceeding;
• the decision-making process for each proceeding;
• how to file a disciplinary complaint; and
• how the University determines which type of proceeding to use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault, or stalking.

Sanctions for Violations of Sexual Offense Policy

For students, sexual assault, domestic violence, dating violence, and stalking are violations of the Student Conduct Code. Employees who violate this policy will be subject to discipline, up to and including termination of employment. Sexual assault, domestic violence, dating violence, and stalking are criminal acts which also may subject the perpetrator to criminal and civil penalties under federal and state law.

In determining sanctions, Lead Title IX Coordinators, administrators and the Hearing Boards will consider the nature and seriousness of the offense. Sanctions are determined by the administrator or the Hearing Board and implemented by the appropriate administrator. Sanctions include: written reprimand, mandatory educational and/or counseling programs, restriction of campus access, disciplinary probation, suspension, or termination (in the case of employees), or expulsion (in the case of students).

Sex Offender Registration

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

In Tennessee, convicted sex offenders must register with the Tennessee Bureau of Investigation. People wishing to access this information can do so by going to following website: https://www.tn.gov/tbi/section/tennessee-sex-offender-registry.

Risk Reduction

Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. The following are some strategies of risk reduction which were taken from materials created by the Rape, Abuse, & Incest National Network, www.rainn.org:

• Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
• Try to avoid isolated areas. It is more difficult to get help if no one is around.
• Walk with purpose. Even if you don’t know where you are going, act like you do.
• Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
• Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
• Make sure your cell phone is with you and charged and that you have cab money.
• Don’t allow yourself to be isolated with someone you don’t trust or someone you don’t know.
• **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.

• **When you go to a social gathering, go with a group of friends.** Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.

• **Trust your instincts.** If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).

• **Don’t leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you’ve left your drink alone, just get a new one.

• **Don’t accept drinks from people you don’t know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don’t drink from the punch bowls or other large, common open containers.

• **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they’ve had, or is acting out of character, get him or her to a safe place immediately.

• If you suspect you or a friend has been drugged, contact law enforcement immediately.

• Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

• If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - **Be true to yourself.** Don’t feel obligated to do anything you don’t want to do. “I don’t want to” is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - **Have a code word with your friends or family** so that if you don’t feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - **Lie.** If you don’t want to hurt the person’s feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

• **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

• **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

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**Bystander Intervention**

Bystanders play a critical role in the prevention of sexual and relationship violence. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.
The University encourages students, staff and faculty to engage in safe and positive options to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual misconduct, or stalking. All members of the University community are encouraged to report suspected sexual offenses, and in no case should intervene directly in a situation without assistance from the administration or authorities if doing so risks harm to the bystander or victim. Bystander intervention should be carried out only where safe and positive results are warranted. In all cases, bystanders should report any observed sexual offense. Employees are also required to comply with the reporting requirements for responsible employees under Title IX.

See below for tips on bystander intervention:

- Watch out for your friends and fellow students, faculty and staff. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on or try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.
APPENDIX A – Definitions of Offenses Used to Classify Offenses in Annual Crime Statistics

**Murder/Non-Negligent Manslaughter:** the willful (non-negligent) killing of one human being by another. Deaths caused by negligence attempts to kill, assaults to kill, suicide, accidental deaths, and justifiable homicide are excluded. *Definition from the Uniform Crime Report (UCR/NIBRS).*

**Negligent Manslaughter:** the killing of another person through gross negligence. *Definition from UCR/NIBRS.*

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

**Aggravated Assault:** an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed. *Definition from UCR/NIBRS.*

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

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

**Arson:** the willful or malicious burning or attempt to burn, with or without intent to defraud a dwelling house, public housing, motor vehicle or aircraft, or personal property of another kind. *Definition from UCR/NIBRS.*

**Weapon Law Violations:** the violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned. *Definition from UCR/NIBRS.*

**Drug Abuse Violations:** violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include: opium, or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine). *Definition from UCR/NIBRS.*

**Liquor Law Violations:** the violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition. *Definition from UCR/NIBRS.*

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

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

- **Fondling:** 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 where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental capacity. *Definition from VAWA.*

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

- **Statutory Rape:** sexual intercourse with a person who is under the statutory age of consent. *Definition from VAWA.*

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

1. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
2. For the purposes of this definition:
   a. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
   b. Dating violence does not include acts covered under the definition of domestic violence. *Definition from VAWA.*

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

1. Fear for her, his, or others’ safety; or
2. Suffer substantial emotional distress.

For the purposes of this definition:

1. Course of conduct means two or more acts, including but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
2. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
3. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. *Definition from VAWA.*

**Domestic violence:** A Felony or misdemeanor crime of violence committed –
1. By a current or former spouse or intimate partner of the victim;
2. By a person with whom the victim shares a child in common;
3. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
4. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
5. By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Hate crimes:** Any of the above offenses and any other crime involving bodily injury reported to local police agencies or to a campus security authority that manifest evidence that the victim was intentionally selected because of the perpetrators bias or the perpetrator(s) perceived the person to be in one of the protected group categories. There are six types of bias categories. (Race, Gender, Religion, Sexual Orientation, Ethnicity/national origin and Disability). *Source: Federal Register, April 29, 1994, Vol. 59, No. 82; Federal Register, November 1, 1999, Vol. 64, No. 210*

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

**Gender:** A preformed negative opinion or attitude toward a group of persons because those persons are either male or female. Gender bias is a Clery Act specific term that is not found in the FBI Hate Crime Data Collection Guidelines

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

**Sexual Orientation:** A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex, e.g., gays, lesbians, heterosexuals.

**Ethnicity/National Origin:** A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions, e.g., Arabs, Hispanics.

**Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairment/challenges whether such a disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.
Hate Crimes include any offense in the following two groups:

<table>
<thead>
<tr>
<th><strong>Group A</strong></th>
<th><strong>Group B</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder and Non-Negligent Manslaughter</td>
<td>Larceny-Theft</td>
</tr>
<tr>
<td>Forcible Sex Offenses</td>
<td>Simple Assault</td>
</tr>
<tr>
<td>Non-Forcible Sex Offenses</td>
<td>Intimidation</td>
</tr>
<tr>
<td>Robbery</td>
<td>Destruction/damage/vandalism of property</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td></td>
</tr>
<tr>
<td>Burglary</td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Theft</td>
<td></td>
</tr>
<tr>
<td>Arson</td>
<td></td>
</tr>
</tbody>
</table>

**Larceny:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. *Definition from UCR/NIBRS.*

**Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness. *Definition from UCR/NIBRS.*

**Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening word and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack. *Definition from UCR/NIBRS.*

**Vandalism:** To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law. *Definition from UCR/NIBRS.*
## APPENDIX B – Comprehensive Crime Statistics for Memphis NAS (2012-2014)

* Webster University does not offer any residential facilities for students at this extended campus.

<table>
<thead>
<tr>
<th>Offense (Reported by Hierarchy)</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-Campus</th>
<th>Public Property</th>
<th>Total # for Year</th>
<th>Residential Facilities *</th>
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<tbody>
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<td>Murder/Non Negligent Manslaughter</td>
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<td>Year</td>
<td>On Campus</td>
<td>Non-Campus</td>
<td>Public Property</td>
<td>Total # for Year</td>
<td>Residential Facilities *</td>
</tr>
<tr>
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</tr>
</tbody>
</table>

There were no hate crimes to report for 2014.\(^8\)

There were no crimes withheld from this ASR because they were determined to be unfounded.\(^9\)

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\(^8\) The Clery Act also requires universities to include statistics on hate crimes. Certain offenses (murder, non-negligent manslaughter; forcible rape; aggravated assault, simple assault, intimidation; arson; and destruction, damage or vandalism of property) may also be classified as hate crimes if they manifest evidence the victim was intentionally selected because of the perpetrator’s bias regarding the victim’s perceived: race, gender, religion, sexual orientation, ethnicity/national origin and/or disability. Source: Federal Register, April 29, 1994, Vol. 59, No. 82; Federal Register, November 1, 1999, Vol. 64, No. 210

\(^9\) If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is considered “unfounded,” and the Department of Education does not require universities to include unfounded crimes in their ASR.
## APPENDIX C – Emergency Notifications and Timely Warnings

<table>
<thead>
<tr>
<th>Communication System</th>
<th>University Official Responsible for Initiating a Timely Warning or Emergency Notification (collectively an &quot;Emergency Communication&quot;)</th>
<th>University Official with Primary Responsibility for Drafting an Emergency Communication</th>
<th>University Official with Primary Responsibility for Distributing an Emergency Communication</th>
<th>Additional University Officials Authorized to Draft an Emergency Communication</th>
<th>Additional University Officials Authorized to Distribute an Emergency Communication</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blast Email (all campus)</td>
<td>Director of Extended Campus</td>
<td>CCO or her Designee in Global Marketing &amp; Comm.</td>
<td>CCO or her Designee in Global Marketing &amp; Comm.</td>
<td>Designee of Director of Extended Campus</td>
<td>Designee of Director of Extended Campus</td>
</tr>
<tr>
<td>Webster Alerts Text Messages</td>
<td>Director of Extended Campus</td>
<td>CCO or her Designee in Global Marketing &amp; Comm.</td>
<td>CCO or her Designee in Global Marketing &amp; Comm.</td>
<td>Director of Public Safety or his Designee in WUDPS</td>
<td>Designee of Director of Extended Campus</td>
</tr>
<tr>
<td>Broadcast or Voicemail Messages</td>
<td>Director of Extended Campus</td>
<td>CCO or her Designee in Global Marketing &amp; Comm.</td>
<td>Director of Extended Campus</td>
<td>CCO or her Designee in Global Marketing &amp; Comm.</td>
<td>Designee of Director of Extended Campus</td>
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<tr>
<td></td>
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<td>Director of Public Safety</td>
</tr>
<tr>
<td>Flyers</td>
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<td>External Communication to Community</td>
<td>Director of Extended Campus</td>
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<td>CCO or her Designee in Global Marketing &amp; Comm.</td>
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<td>N/A</td>
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</tbody>
</table>
Appendix D – Definitions of Sexual Offenses under Tennessee Law

**Sexual Offense** - The commission of any act that constitutes the criminal offense of:

(a) Aggravated rape, under § 39-13-502;
(b) Rape, under § 39-13-503;
(c) Aggravated sexual battery, under § 39-13-504;
(d) Sexual battery, under § 39-13-505;
(e) Statutory rape, under § 39-13-506;
(f) Aggravated prostitution, under § 39-13-516;
(g) Sexual exploitation of a minor, under § 39-17-1003;
(h) Aggravated sexual exploitation of a minor, under § 39-17-1005;
(i) Incest, under § 39-15-302;
(j) False imprisonment of a minor, under § 39-13-302;
(k) Kidnapping of a minor, under § 39-13-303;
(l) Aggravated kidnapping of a minor, under § 39-13-304

39-15-302. Incest

(a) A person commits incest who engages in sexual penetration with a person, knowing the person to be, without regard to legitimacy:
   (1) The person’s natural parent, child, grandparent, grandchild, uncle, aunt, nephew, niece, stepparent, stepchild, adoptive parent, adoptive child; or
   (2) The person’s brother or sister of the whole or half-blood or by adoption

39-13-504. Aggravated sexual battery

(a) Aggravated sexual battery is unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances:
   (1) Force or coercion is used to accomplish the act and the defendant is armed with a weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a weapon;
   (2) The defendant causes bodily injury to the victim;
   (3) The defendant is aided or abetted by one (1) or more other persons; and
   (A) Force or coercion is used to accomplish the act; or
   (B) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or
   (4) The victim is less than thirteen (13) years of age.

39-13-507. Aggravated Spousal Rape

(a) A person does not commit an offense under this part if the victim is the legal spouse of the perpetrator except as provided in subsections (b) and (c).
(c) (1) “Aggravated spousal rape” is the unlawful sexual penetration of one spouse by the other where the defendant:
   (A) Knowingly engaged in conduct that was especially cruel, vile and inhumane to the victim during commission of the offense; and either;
(B) Causes serious bodily injury to the victim; or
(C) Is armed with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it
to be a weapon.
(2) Aggravated spousal rape is a Class B felony.

39-2-608. Assault with intent to commit or attempt to commit rape or sexual battery

(a) Assault with intent to commit or attempt to commit rape is a felony punishable by imprisonment in the
penitentiary; for not less than two (2) nor more than ten (10) years
(b) Assault with intent to commit or attempt to commit sexual battery is a felony punishable by imprisonment in
the penitentiary for not more than three (3) years.

39-13-503. Rape

(a) Rape is unlawful sexual penetration of a victim by the defendant or of the defendant by a victim accompanied
by any of the following circumstances:
(1) Force or coercion is used to accomplish the act;
(2) The sexual penetration is accomplished without the consent of the victim and the defendant knows or has
reason to know at the time of the penetration that the victim did not consent;
(3) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or
physically helpless; or
(4) The sexual penetration is accomplished by fraud.


(a) Aggravated rape is unlawful sexual penetration of a victim by the defendant or the defendant by a victim
accompanied by any of the following circumstances:
(1) Force or coercion is used to accomplish the act and the defendant is armed with a weapon or any article used or
fashioned in a manner to lead the victim to reasonably believe it to be a weapon;
(2) The defendant causes bodily injury to the victim;
(3) The defendant is aided or abetted by one (1) or more other persons; and
(A) Force or coercion is used to accomplish the act; or
(B) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or
physically helpless.

39-13-506. Statutory Rape

(a) Mitigated statutory rape is the unlawful sexual penetration of a victim by the defendant or of the defendant by
the victim when the victim is at least fifteen (15) but less than eighteen (18) years of age and the defendant is at
least four (4) but not more than five (5) years older than the victim.
(b) Statutory rape is the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim
when:
(1) The victim is at least thirteen (13) but less than fifteen
(15) years of age and the defendant is at least four (4) years but less than ten (10) years older than the victim; or
(2) The victim is at least fifteen (15) but less than eighteen (18) years of age and the defendant is more than five (5)
but less than ten (10) years older than the victim.
Aggravated statutory rape is the unlawful sexual penetration of a victim by the defendant, or of the defendant by the victim when the victim is at least thirteen (13) but less than eighteen (18) years of age and the defendant is at least ten (10) years older than the victim.

(d)  
(1) Mitigated statutory rape is a Class E felony.
(2) Statutory rape is a Class E felony.
(3) Aggravated statutory rape is a Class D felony.

39-13-532. Statutory rape by an authority figure

(a) Statutory rape by an authority figure is the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when:
(1) The victim is at least thirteen (13) but less than eighteen (18) years of age;
(2) The defendant is at least four (4) years older than the victim; and
(3) The defendant was, at the time of the offense, in a position of trust, or had supervisory or disciplinary power over the victim by virtue of the defendant’s legal, professional, or occupational status and used the position of trust or power to accomplish the sexual penetration; or
(4) The defendant had, at the time of the offense, parental or custodial authority over the victim and used the authority to accomplish the sexual penetration.

39-13-507. Aggravated Spousal Rape

(a) A person does not commit an offense under this part if the victim is the legal spouse of the perpetrator except as provided in subsections (b) and (c).

(c) (1) “Aggravated spousal rape” is the unlawful sexual penetration of one spouse by the other where the defendant:
(A) Knowingly engaged in conduct that was especially cruel, vile and inhumane to the victim during commission of the offense; and either;
(B) Causes serious bodily injury to the victim; or
(C) Is armed with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon.

39-3703 Criminal sexual conduct -- first degree

A person is guilty of criminal sexual conduct in the first degree if that person engages in sexual penetration with another person and if any of the following circumstances exists:
(1) The victim is twelve (12) years of age or under.
(2) The victim is at least thirteen (13) but less than sixteen (16) years of age and either the actor is related to the victim by blood, or affinity to the third degree, or the actor is in a position of custodial or official authority over the victim and used this authority to coerce the victim to submit. The actor under this subsection must be at least three (3) years older than the victim.
(3) The actor uses a weapon or any article used or fashioned in a manner calculated to lead the victim reasonably to believe it to be a weapon to force or coerce the victim to engage in sexual penetration.
(4) The actor causes personal injury to the victim and force or coercion is used to accomplish sexual penetration. Force or coercion includes but is not limited to any of the following circumstances:
(a) When the actor overcomes the victim through the actual application of physical force or physical violence.
(b) When the actor coerces the victim to submit by threatening to use force or violence on the victim, and the victim reasonably believes that the actor has the present ability to execute these threats.
(c) When the actor coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim reasonably believes that the actor has the ability to execute this threat. As used in this subdivision, "to retaliate" includes but is not limited to threats of physical punishment, kidnapping, or extortion.
(d) When the actor, through concealment, or by the element of surprise, is able to overcome the victim. Concealment includes the situation in which the actor pretend to be the victim’s spouse and the victim reasonably believes the actor to be the spouse.
(5) The actor causes personal injury to the victim, and the actor knows or should, as a reasonable person, know that the victim is mentally defective, mentally incapacitated, or physically helpless.

39-3704. Criminal Sexual conduct- Second degree

(A) A person is guilty of criminal sexual conduct in the second degree if that person engages in sexual contact with another person, and if any of the following circumstances exists:
(1) The victim is under thirteen (13) years of age.
(2) The victim is at least thirteen (13) but less than sixteen (16) years of age, and either the actor is related by blood or affinity to the third degree to the victim, or the actor is in a position of custodial or official authority over the victim and the actor used this authority to coerce the victim to submit. The actor under this section must be at least three (3) years older than the victim.
(3) The actor uses a weapon or any article used or fashioned in a manner calculated to lead a person reasonably to believe it to be a weapon, to force or coerce the victim to engage in sexual contact.
(4) The actor causes personal injury to the victim and force or coercion is used to accomplish the sexual contact: Force or coercion includes but is not limited to any of the circumstances listed in 39-3703 (A)(4), (a) through (d).
(5) The actor causes personal injury to the victim and the actor knows or should, as a reasonable person, know that the victim is mentally defective, mentally incapacitated or physically helpless.
(B) Second degree criminal sexual conduct is a felony punishable by imprisonment in the penitentiary for a period not less than two (2) years nor more than fifteen (15) years.
Provided, however, if the victim of the offense dies or is seriously injured as the result of an assault committed by the defendant either directly before, after or during the offense and the defendant is convicted of a violation of this section only, such defendant shall be ineligible for probation as provided in 40-2901, parole as provided in 40-3612, work release, trusteeship, furlough, or any other program or method whereby the offender’s term of imprisonment in the penitentiary may be reduced or enjoys the privilege of supervised or unsupervised release into the community.

39-3705. Criminal sexual conduct- Third degree

(A) A person is guilty of criminal sexual conduct in the third degree, if that person engages in sexual penetration with another person and if any of the following circumstances exists:
(1) The victim is at least thirteen (13) years of age and under sixteen (16) years of age, and the actor under this section is a least three (3) years older than the victim.
(2) Force or coercion is used to accomplish the sexual penetration. Force or coercion includes but is not limited to any of the circumstances listed in 39-3703 (A)(4), (a) through (d).
(3) The actor knows or should as a reasonable person, know that the victim is mentally effective, mentally incapacitated, or physically helpless.
(4) When the act or engages in sexual penetration on the pretext of performing a medical examination or treatment for the purpose of achieving sexual penetration.
(B) Third degree criminal sexual conduct is a felony punishable by imprisonment in the penitentiary for a period not less than two (2) years nor more than ten (10) years.
Provided, however, if the victim of the offense dies or is seriously injured as the result of an assault committed by the defendant either directly before, after or during the offense and the defendant is convicted of a violation of this section only, such defendant shall be ineligible for probation as provided in 40-2901, parole as provided in 40-3612, work release, trusteeship, furlough, or any other program or method whereby the offender’s term of imprisonment in the penitentiary may be reduced into the community.

**DOMESTIC VIOLENCE- Tenn. Code Ann. §36-3-601, §39-13-11**

**Domestic Violence (Assault)** in Tennessee is an assault against a victim who is a family or household member including:

- a current or former spouse of the offender
- person with whom the offender resides or previously resided
- person who the offender is dating or previously dated or someone with whom the offender has or previously had a sexual relationship
- someone with whom the offender is related by blood or adoption
- those in gay/lesbian relationships
- a person with whom the offender is or was related by marriage, and
- an adult or minor child of the offender or a family or household member.

**STALKING §39-17-315**

As used in this section, unless the context otherwise requires:

1. “Course of conduct” means a pattern of conduct composed of a series of two (2) or more separate non-continuous acts evidencing a continuity of purpose;

2. “Emotional distress” means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling;

3. “Harassment” means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable person to suffer emotional distress, and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose;

4. “Stalking” means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested;

5. “Unconsented contact” means any contact with another person that is initiated or continued without that person’s consent, or in disregard of that person’s expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following:

   A. Following or appearing within the sight of that person;
(B) Approaching or confronting that person in a public place or on private property;

(C) Appearing at that person’s workplace or residence;

(D) Entering onto or remaining on property owned, leased, or occupied by that person;

(E) Contacting that person by telephone;

(F) Sending mail or electronic communications to that person; or

(G) Placing an object on, or delivering an object to, property owned, leased, or occupied by that person; and

(6) “Victim” means an individual who is the target of a willful course of conduct involving repeated or continuing harassment.

(b)(1) A person commits an offense who intentionally engages in stalking.

**AGGRAVATED STALKING**

(c)(1) A person commits aggravated stalking who commits the offense of stalking as prohibited by subsection (b), and:

(A) In the course and furtherance of stalking, displays a deadly weapon;

(B) The victim of the offense was less than eighteen (18) years of age at any time during the person’s course of conduct, and the person is five (5) or more years older than the victim;

(C) Has previously been convicted of stalking within seven (7) years of the instant offense;

(D) Makes a credible threat to the victim, the victim's child, sibling, spouse, parent or dependents with the intent to place any such person in reasonable fear of death or bodily injury; or

(E) At the time of the offense, was prohibited from making contact with the victim under a restraining order or injunction for protection, an order of protection, or any other court-imposed prohibition of conduct toward the victim or the victim's property, and the person knowingly violates the injunction, order or court-imposed prohibition.

**ESPECIALLY AGGRAVATED STALKING**

(d) (1) A person commits especially aggravated stalking who:

(A) Commits the offense of stalking or aggravated stalking, and has previously been convicted of stalking or aggravated stalking involving the same victim of the instant offense; or

(B) Commits the offense of aggravated stalking, and intentionally or recklessly causes serious bodily injury to the victim of the offense or to the victim's child, sibling, spouse, parent or dependent.
(C) Notwithstanding any other provision of law, if the court grants probation to a person convicted of stalking, aggravated stalking or especially aggravated stalking, the court may keep the person on probation for a period not to exceed the maximum punishment for the appropriate classification of offense. Regardless of whether a term of probation is ordered, the court may, in addition to any other punishment otherwise authorized by law, order the defendant to do the following:

(1) Refrain from stalking any individual during the term of probation;

(2) Refrain from having any contact with the victim of the offense or the victim’s child, sibling, spouse, parent or dependent;

(3) Be evaluated to determine the need for psychiatric, psychological, or social counseling, and, if determined appropriate by the court, to receive psychiatric, psychological or social counseling at the defendant’s own expense;

(4) If, as the result of such treatment or otherwise, the defendant is required to take medication, order that the defendant submit to drug testing or some other method by which the court can monitor whether the defendant is taking the required medication; and

(5) Submit to the use of an electronic tracking device, with the cost of the device and monitoring the defendant’s whereabouts, to be paid by the defendant.

(f) In a prosecution for a violation of this section, evidence that the defendant continued to engage in a course of conduct involving repeated unconsented contact with the victim after having been requested by the victim to discontinue the conduct or a different form of unconsented contact, and to refrain from any further unconsented contact with the victim, is prima facie evidence that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

(g)(1) If a person is convicted of aggravated or especially aggravated stalking, or another felony offense arising out of a charge based on this section, the court may order an independent professional mental health assessment of the defendant’s need for mental health treatment. The court may waive the assessment, if an adequate assessment was conducted prior to the conviction.

(2) If the assessment indicates that the defendant is in need of and amenable to mental health treatment, the court may include in the sentence a requirement that the offender undergo treatment, and that the drug intake of the defendant be monitored in the manner best suited to the particular situation. Monitoring may include periodic determinations as to whether the defendant is ingesting any illegal controlled substances, as well as determinations as to whether the defendant is complying with any required or recommended course of treatment that includes the taking of medications.

(3) The court shall order the offender to pay the costs of assessment under this subsection (g), unless the offender is indigent under § 40-14-202.

(h) Any person who reasonably believes they are a victim of an offense under this section, regardless of whether the alleged perpetrator has been arrested, charged or convicted of a stalking-related offense, shall be entitled to seek and obtain an order of protection in the same manner, and under the same circumstances, as is provided for victims of domestic abuse by the provisions of title 36, chapter 3, part 6.

(i) When a person is charged and arrested for the offense of stalking, aggravated stalking or especially aggravated
stalking, the arresting law enforcement officer shall inform the victim that the person arrested may be eligible to post bail for the offense and to be released until the date of trial for the offense.

(j) If a law enforcement officer or district attorney general believes that the life of a possible victim of stalking is in immediate danger, unless and until sufficient evidence can be processed linking a particular person to the offense, the district attorney general may petition the judge of a court of record having criminal jurisdiction in that district to enter an order expediting the processing of any evidence in a particular stalking case. If, after hearing the petition, the court is of the opinion that the life of the victim may be in immediate danger if the alleged perpetrator is not apprehended, the court may enter such an order, directed to the Tennessee bureau of investigation, or any other agency or laboratory that may be in the process of analyzing evidence for that particular investigation.

(k)(1) For purposes of determining if a course of conduct amounting to stalking is a single offense or multiple offenses, the occurrence of any of the following events breaks the continuous course of conduct, with respect to the same victim, that constitutes the offense:

(A) The defendant is arrested and charged with stalking, aggravated stalking or especially aggravated stalking;

(B) The defendant is found by a court of competent jurisdiction to have violated an order of protection issued to prohibit the defendant from engaging in the conduct of stalking; or

(C) The defendant is convicted of the offense of stalking, aggravated stalking or especially aggravated stalking.

(2) If a continuing course of conduct amounting to stalking engaged in by a defendant against the same victim is broken by any of the events set out in subdivision (k)(1), any such conduct that occurs after that event commences a new and separate offense.
Appendix E - University Policy on Sexual Assault, Harassment and Other Sexual Offenses

Please note that the following version of the Policy was in effect on the date that this Report was published. Please visit http://www.webster.edu/human-resources/policies/sexual-harassment-policy.html to view the most up to date version of the Policy.

POLICY ON SEXUAL ASSAULT, HARASSMENT AND OTHER SEXUAL OFFENSES
Revised Effective September 15, 2015

I. PURPOSE

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

While we make every effort to educate the community to prevent sexual assault, harassment, and other sexual offenses from occurring, we are also committed to providing support to those affected when this behavior does occur. The University has made special resources available to help members of the University community who experience sexual offenses. These resources are described in this policy.

This policy also provides the campus community with the appropriate process for reporting and redressing individual complaints related to sexual harassment, sexual assault, domestic violence, dating violence, stalking and other sexual offenses that occur to members of our community. Because of the sensitive nature of sexual offenses and the use of the same policy for all constituents, this procedure is slightly different than the procedure for hearing complaints of other alleged policy violations.

II. POLICY SCOPE

This policy applies to all full-time and part-time students and employees of the University. This world-wide policy includes all University campuses, all locations where University-sponsored events and activities occur and all on-line, skype, and social media activity initiated by a student or employee of the University that may impact others in our University community.

III. POLICY STATEMENT

Webster University strongly prohibits sexual assault, sexual harassment, dating violence, domestic violence, stalking, sexual violence, and other sexual offenses described by this policy, as well as state and federal law. The University will promptly and effectively respond to reports of sexual offenses and harassment and will take appropriate action to prevent, correct, and if necessary discipline behavior that violates this policy.
The University strictly prohibits threats, intimidation, and retaliation against a student, administrator, faculty, staff or other employee for reporting a sexual offense described in this Policy, bringing a complaint of harassment or discrimination, or for assisting another in reporting a sexual offense or filing a complaint. Retaliation is a clear violation of University policy, and applicable law, and is a serious offense that may result in separate disciplinary action.

IV. DEFINITIONS

A. **Complicity** is any act that knowingly aids, facilitates, promotes or encourages the commission of Prohibited Conduct by another person.

B. **Consent** refers to positive, unambiguous, and voluntary agreement. See Section VI.

C. **Dating Violence** is violence by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Whether there was such a relationship is determined based on the reporting party’s statement and with consideration of the length, type, and frequency of interaction. Dating violence includes but is not limited to, sexual or physical abuse or the threat of such abuse, but does not include acts covered under the definition of domestic violence.

D. **Discrimination** is any unlawful distinction, preference or detriment to an individual as compared to others that is based on an individual’s protected status and that is sufficiently serious to unreasonably interfere with or limit:

   - An employee’s or applicant for employment’s access to employment or conditions and benefits of employment (e.g., hiring, advancement, assignment);

   - A student’s or admission applicant’s ability to participate in, access, or benefit from educational programs, services, or activities (e.g., admission, academic standing, grades, assignment, campus housing);

   - An authorized volunteer’s ability to participate in a volunteer activity; or

   - A guest’s or visitor’s ability to participate in, access, or benefit from the University’s programs.

E. **Domestic Violence** is conduct including violent misdemeanor and felony offenses committed by: the reporting party’s current or former spouse or intimate partner; current for former cohabitant; a person with whom the victim shares a child in common; persons similarly situated to a spouse of the victim under domestic violence or family law; or any other person against an adult or youth victim who is protected under domestic or family violence law.

F. **Fondling** is the intentional touching of the private body parts of another person for the purpose of sexual gratification, without that person’s clear, knowing, and voluntary consent.

G. **Gender Discrimination** refers to situations in which an employer treats an individual or group of individual employees differently, based on their gender identity, gender expression, or sexual orientation.
H. **Gender Expression.** Gender expression refers to all of the external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, grooming, mannerisms, speech patterns and social interactions.

I. **Gender-Based Harassment** Gender-based harassment is verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on gender, gender stereotyping, sexual orientation, gender identity, or gender expression that interferes with or limits a person’s ability to participate in or benefit from the University’s employment or educational activities and opportunities. For example, persistently ridiculing a person based on a perceived lack of stereotypical masculinity.

J. **Gender Identity** refers to a person’s innate, deeply felt psychological identification as a man, woman, or some other gender which may or may not correspond to the sex assigned to them at birth.

K. **Harassment** is a type of discrimination that occurs when verbal, physical, electronic or other conduct based on an individual’s protected status interferes with that individual’s (a) educational environment (e.g., admission, academic standing, grades, assignment); (b) work environment (e.g., hiring, advancement, assignment); (c) participation in a University program or activity (e.g., campus housing); or (d) receipt of legitimately-requested services (e.g., disability or religious accommodations), thereby creating a hostile work environment.

L. **Incapacitation** refers to a person’s physical and/or mental inability to make informed, rational judgments that voids an individual’s ability to give consent. See Section VI below.

M. **Interpersonal Violence** includes physical, sexual, emotional, economic or psychological actions or threats of actions related to this Policy that a reasonable person in similar circumstances and with similar identities would find intimidating, frightening, terrorizing, or threatening. Such behaviors may include threats of violence to one’s self, one’s family member, or one’s pet.

N. **Retaliation** is acts or words taken against an individual because of the individual’s participation in a protected activity that would discourage a reasonable person from engaging in protected activity. Protected activity includes an individual’s good faith: (i) participation in the reporting, investigation or resolution of an alleged violation of this Policy; (ii) opposition to policies, practices, or actions that the individual reasonably believes are in violation of the Policy; or (iii) requests for accommodations on the basis of religion or disability. Retaliation may include intimidation, threats, coercion, or adverse employment or educational actions. Retaliation may be found even when an underlying report made in good faith was not substantiated. Retaliation may be committed by the Responding Party, the Reporting Party or any other individual or group of individuals.

O. **Seductive Behavior** describes a pattern of unwelcome behaviors such as touching that may or may not be precipitated by an interest in sexual activity, but create a hostile or intimidating environment.

P. **Sexual Assault** occurs when one person engages in rape, fondling, incest, or statutory rape of another, without that person’s clear, knowing, and voluntary consent. Sexual assault
includes penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Q. **Sexual Exploitation** includes any conduct in which an individual takes advantage of another without his/her consent for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to:

- Causing the prostitution of another person;
- Non-consensual recording or photographing of private sexual activity and/or an individual’s intimate parts (including genitalia, groin, breasts or buttocks);
- Non-consensual distribution of recordings, photos, or other images of an individual’s sexual activity and/or intimate parts (including genitalia, groin, breasts or buttocks);
- Allowing third parties to observe private sexual activity from a hidden location, (e.g., a closet).

R. **Sexual Harassment** is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature, which constitutes sexual harassment when 1) submission to such conduct is made either explicitly or implicitly a term or a condition of an individual’s employment or education, or 2) submission to or rejection of such conduct is used as a basis for employment or academic decisions affecting that individual, or 3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance, or of creating an intimidating or hostile educational or employment environment.

It is often difficult to define exactly what constitutes an intimidating or hostile environment because individuals have different perceptions regarding sexual behavior. To determine whether a hostile environment has been created, the University will consider the conduct in question from both a subjective and objective perspective. Specifically, the University will evaluate the conduct from the perspective of a reasonable person in the reporting party’s position, considering all the circumstances. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly when the conduct is physical. Conduct creates a hostile environment if the conduct is sufficiently serious that it interferes with or limits the reporting party’s ability to participate in or benefit from a University program or to perform his or her work. Examples of sexual harassment include, but are not limited to:

- Verbal abuse or hostile behavior such as insulting, teasing, mocking, degrading or ridiculing another person or group;
- Unwelcome or inappropriate physical contact, comments, questions, advances, jokes, epithets or demands;
• Physical assault or stalking;
• Displays of electronic transmissions of derogatory, demeaning or hostile materials;
• Unwillingness to train, evaluate, assist or work with a student or employee; or
• Engaging in behavior that is invasive or disruptive to a Webster University student or employee for the purpose of initiating a sexual or romantic relationship with that person.

S. **Sexual Orientation** refers to a person’s physical and/or emotional attraction to the same and/or opposite gender. A person’s sexual orientation is distinct from a person’s gender identity and expression.

T. **Sexual Solicitations by Promise of Reward** include requests for sexual favors, and other verbal or physical contact of a sexual nature when: 1) submission to such conduct is made either explicitly or implicitly a term or a condition of an individual’s employment or education, or 2) submission to or rejection of such conduct is used as a basis for employment or academic decisions affecting that individual, or 3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance, or of creating an intimidating or hostile educational or employment environment.

U. **Sexual Violence** refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (e.g., due to the individual’s age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). Sexual violence and sexual assault often refer to similar kinds of conduct. A number of different acts fall into the category of sexual violence including rape, sexual battery, sexual abuse, sexual coercion, dating violence, and domestic violence.

V. **Stalking** is a course of conduct (two or more acts) directed at a specific person that would cause a reasonable person to fear for her, his, or others’ safety, or to suffer substantial emotional distress. Stalking may take many forms, including where the individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

V. **PROHIBITED CONDUCT.**

The University will take disciplinary action against an individual found to have engaged in discrimination, harassment, sexual violence, or other sexual misconduct. The type and severity of disciplinary action taken will depend upon the specific violation(s) and the specific circumstances of each case. A person may be found responsible for violating more than one section of this Policy.

A. **Discrimination.** The University prohibits discrimination on the bases of sex and gender (see also Webster University’s EEO policies).
1. **Sex Based Discrimination.** A person violates Section V.A(1) of this Policy if he or she discriminates against an individual based on sex or sexual orientation.

2. **Gender Based Discrimination.** A person violates Section V.A(2) of this Policy if he or she discriminates against an individual based on gender or gender identity.

B. **Harassment.** The University prohibits sexual and gender based harassment.

1. **Sexual Harassment** A person violates Section V.B(1) of this Policy if he or she makes unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature that are 1) made either explicitly or implicitly as term or a condition of an individual’s employment or education, or 2) used as a basis for employment or academic decisions affecting that individual, or 3) unreasonably interferes with an individual’s work or academic performance, or creates an intimidating or hostile educational or employment environment.

2. **Gender-Based Harassment.** A person will be found responsible for Section V.B(2) of this Policy if he or she engages in aggressive, intimidating, or hostile conduct based on gender, gender stereotyping, sexual orientation, gender identity, or gender expression that interferes with or limits a person’s ability to participate in or benefit from the University’s employment or educational activities and opportunities.

C. **Sexual Violence, Unwanted Sexual Contact, and Sexual Offenses.** The University prohibits all forms of sexual violence and sexual offenses.

1. **Sexual Assault.** A person who intentionally engages in certain forms of sexual contact or conduct with another or forces the victim to touch another without that person’s clear, knowing, and voluntary consent violates Section V.C(1) of this Policy.

   a. **Level 1.** A person who attempts or succeeds at sexual penetration of any kind or where a person causes the other person to penetrate him/her without the other person’s consent violates Section V.C(1)(a) and is responsible for First Degree Sexual Assault under this Policy. Examples of Level 1 Sexual Assault include vaginal, oral or anal penetration by fingers, genitals, or objects.

   b. **Level 2.** A person who attempts or succeeds at the fondling of another without that person’s consent or forces the person to touch, directly or through clothing, another person’s private body parts without the consent of the victim violates Section V.C(1)(b) and is responsible for Level 2 Sexual Assault under this Policy.

   c. **Level 3.** A person violates Section V.C(1)(c) of this Policy if he or she threatens to use sexual force against another person and is responsible for Level 3 Sexual Assault under this Policy.

2. **Unwanted Sexual Contact.** A person who engages in unwanted (but not fondling) sexual contact or conduct with another without that person’s clear, knowing, and voluntary consent violates Section V.C(2) of this Policy.
a. **Level 1.** A person who attempts or succeeds at the intentional kissing of another without that person’s consent violates Section V.C(2)(a) and is responsible for Level 1 Unwanted Sexual Contact under this Policy.

b. **Level 2.** A person who attempts or succeeds at the intentional unwelcome touching (but not fondling) of another without that person’s consent violates Section V.C(2)(b) and is responsible for Level 2 Unwanted Sexual Contact under this Policy.

3. **Interpersonal Violence.** A person violates Section V.C(3) of this Policy if he or she commits interpersonal violence, intimate partner violence, dating violence, domestic violence, or relationship violence.

D. **Other Sexual Misconduct.** The University prohibits all forms of sexual misconduct.

1. **Sexual Exploitation.** A person violates Section V.D(1) of this Policy if he or she takes sexual advantage of another without his/her consent for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited.

2. **Sexual Solicitations by Promise of Reward.** A person violates Section V.D(2) of this Policy if he or she offers or implies an employment or education related reward or harm (as defined above) in exchange for sexual favors or submission to sexual conduct.

3. **Stalking.** A person violates Section V.D(3) of this Policy if he or she stalks another as defined above.

4. **Seductive Behavior.** A person violates Section V.D(4) of this Policy if he or she engages in seductive behavior as defined above.

E. **Complicity.** A person violates Section V.E of this Policy if he or she knowingly aids, facilitates, promotes or encourages the commission of Prohibited Conduct by another person.

F. **Retaliation.** A person violates Section V.F of this Policy if he or she retaliates against another for that person’s (1) participation in reporting, investigating, or resolving an alleged violation of this Policy; or (2) opposition to policies, practices, or actions that the individual reasonably believes are in violation of the Policy.

VI. **CONSENT**

**Sexual Consent**

Sexual activity requires consent, which is defined as positive, unambiguous, and voluntary agreement to engage in specific sexual activity throughout a sexual encounter. Consent cannot be inferred from the absence of a “no,”; clear “yes,” verbal or otherwise, is necessary. 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 a sexual encounter and can be revoked at any time.
Consent cannot be obtained by threat, coercion, or force. Agreement under such circumstances does not constitute consent.

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. Engaging in sexual activity with a person whom you know -- or reasonably should know -- to be incapacitated constitutes sexual misconduct and is a violation of this policy.

**Guidance Regarding Sexual Consent**

Consent can only be accurately gauged through direct communication about the decision to engage in sexual activity. Presumptions based upon contextual factors (such as clothing, alcohol consumption, or dancing) are unwarranted, and 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 serves as the basis for positive sexual experiences shaped by mutual willingness and respect.

**Incapacitation**

Incapacitation is defined as the physical and/or mental inability to make informed, rational judgments that voids an individual’s ability to give consent. Incapacitation may be caused by a permanent or temporary physical or mental impairment. Incapacitation may also result from the consumption of alcohol or the use of 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 act. In such case, the person cannot consent.

A person violates this policy if he or she has sexual contact with someone he or she knows or should know is mentally incapacitated or has reached the degree of intoxication that results in incapacitation. The test of whether an individual should know about another’s incapacitation is whether a reasonable, sober person would know about the incapacitation.

A responding party student or employee cannot rebut a sexual misconduct charge merely by arguing that he or she was drunk or otherwise impaired and, as a result did not know that the other person was incapacitated.

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.

**VII. VIOLATIONS OF LAW**

Behavior that violates the Webster University Policy on Sexual Assault, Harassment and Other Sexual Offenses may also violate the laws of the city, state or country where the incident occurred and subject the perpetrator to criminal prosecution by the presiding authority. The University will comply with laws of these various jurisdictions.

2. **State**: Sex offenses are defined by laws of individual states which are referenced (a hyperlink to state laws for each for each of the University’s domestic campuses can be found at [http://www.webster.edu/human-resources/policies/sexual-harassment-policy.html](http://www.webster.edu/human-resources/policies/sexual-harassment-policy.html)).

3. **Global Campuses**: Students studying and employees working at one of the University’s global campuses should be aware that they are subject to the laws of that country with regard to what constitutes sexual assault or a sexual offense.

**NOTE**: Some countries and states have less stringent laws than others concerning sexual misconduct. Engaging in any sexual offense described in this policy will result in disciplinary action, even if the conduct at issue occurred in a country, state or municipality where such conduct was not prohibited by law.

### VIII. UNIVERSITY TITLE IX COORDINATOR, DEPUTY TITLE IX COORDINATORS, AND “LEAD” TITLE IX COORDINATORS

#### A. The Title IX Team

The Title IX Coordinator is the person Webster University has designated to ensure Webster complies with Title IX. The Title IX Coordinator’s duties include overseeing all Title IX complaints and identifying and addressing any pattern or systemic problems that arise during the review of such complaints.

The Title IX Coordinator has ultimate oversight responsibility, and works with Deputy Title IX Coordinators who assist in fulfilling the Title IX Coordinator’s responsibilities. The Deputy Title IX Coordinator assigned to a specific case is referred to the “Lead” Title IX Coordinator for that case.

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

#### B. Webster’s designated Title IX Coordinator and the Title IX Coordinator for Employees Reporting Sexual Offenses:

**Betsy M. Schmutz**, Associate Vice President and Chief Human Resources Officer

University Title IX Coordinator

Webster University

470 E. Lockwood Ave.

St. Louis, MO 63119

314-968-6960

schmutz@webster.edu

#### C. Webster’s Deputy Title IX Coordinators for Students Reporting Sexual Offenses:
Maureen Stroer, Student Affairs Coordinator  
Deputy Title IX Coordinator for Student Sexual Misconduct Cases  
470 E. Lockwood Ave.  
St. Louis, MO 63119  
314-968-6980  
mstroer@webster.edu

Ted F. Hoef, Associate Vice President for Student Affairs and Dean of Students  
Deputy Title IX Coordinator for Student Sexual Misconduct Cases  
Webster University  
470 E. Lockwood Ave.  
St. Louis, MO 63119  
314-968-6980  
hoeftl@webster.edu

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

D. Other Reporting Contacts

Sexual Offense Advocate (24/7)  
470 E. Lockwood Avenue  
St. Louis, MO 63119  
314-968-7030 (office)  
314-422-4651 (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)

IX. REPORTING A SEXUAL OFFENSE

A. Reports to the Sexual Offense Advocate

A person who is the reporting party of a sexual offense, or who witnesses a sexual offense, is encouraged to make a report to the Sexual Offense Advocate. Individuals are encouraged to first report any issues to the Sexual Offense Advocate as such initial reports will be kept completely confidential as the Sexual Offense Advocate is not required to report any information about an incident to the Title IX Coordinator without a reporting party’s permission. 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- or off-campus referral.

- The Sexual Offense Advocate informs the person of all rights under this policy and provides procedural information and support as needed. The Advocate also works with Public Safety Officers when necessary to advise the person regarding options available for filing civil and/or criminal charges related to the offense. Those who believe they have experienced a sexual offense may also report the offense directly to Campus Public Safety or to the appropriate Title IX Coordinator or Deputy Title IX Coordinators as indicated above.

- The Sexual Offense Advocate may serve as the reporting party's support person during all proceedings carried out under University auspices. The Sexual Offense Advocate, in consultation with the reporting party, may designate an alternate to act as representative in the event the Sexual Offense Advocate is unable to perform the duties due to illness or other professional conflicts. The Advocate's role is separate from the administrative functions associated with the Hearing Board or other 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 alleged perpetrator poses a perceived threat to the campus community, the Advocate and Office of Public Safety may work with the appropriate administrators to issue a temporary ban from or restricted access to campus for that person.

It is especially important that a reporting party preserve any evidence that may assist in proving the alleged offense occurred so that authorities and relevant administrators may ultimately take appropriate action against the responding party. Such evidence may include, but is not necessarily limited to, physical evidence or electronic or written communications. Individuals 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.**

The Sexual Offense Advocate will strongly recommend that all individuals confidentially reporting sexual offenses 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 this Policy regarding investigation, adjudication, and resolution.
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 complaint against the perpetrator of the sexual offense and a complaint with Webster University simultaneously.

Webster University encourages reporting parties of sexual misconduct to make a formal report to the appropriate local law enforcement authorities for the purpose of filing a criminal complaint and/or seeking and enforcing a no contact, restraining or similar Court Order and has the right to be assisted by the University in exercising this option. Visit http://www.webster.edu/public-safety/non-emergency-numbers.html for contact information for law enforcement offices near Webster University’s domestic campuses.

In cases where individuals are interested in pursuing criminal and/or civil charges, it is especially important to work with these officers so that statements can be taken and evidence can be collected immediately. If a person 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 reporting party 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.

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 Campus 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. Bystander Intervention

Students and employees are encouraged to engage in safe and positive options to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual misconduct, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. All students are encouraged to report suspected sexual offenses as detailed above, and in no case should intervene directly in a situation without assistance from the administration or authorities if doing so risks harm to the bystander or victim. Bystander intervention should be carried out only where safe and positive results
are warranted. In all cases, bystanders should report any observed sexual offense. Employees are also required to comply with the reporting requirements for responsible employees.

X. CONFIDENTIALITY OF INFORMATION

Webster University will make every effort reasonably possible to preserve the privacy of an individual who makes a report under this policy and to protect the confidentiality of the information reported consistent with applicable legal requirements. The degree to which confidentiality can be protected, however, depends upon the University’s legal duty to respond to the information reported and the professional role of the person being consulted. The professional being consulted should make these limits clear before an individual reporting under this policy discloses any facts to the professional.

As required by law, disclosures to any Webster University employee of a sexual offense are tabulated for statistical purposes without personal-identifying information. The University must report annually the number of occurrences on-campus of forcible sex offenses (forcible rape, forcible sodomy, sexual assault with an object, forcible fondling) and non-forcible offenses (incest and statutory rape).

Reporting and Confidentially Disclosing Sexual Assault and Other Sexual Offenses: Know Your Options

Webster University encourages reporting parties of sexual assault and offenses to talk to somebody about what happened – so reporting parties can get the support they need, and so Webster University can respond appropriately.

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

- Some are required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.”
- Some employees are required to report all the details of an incident (including the identities of both the reporting party and responding party) to the Title IX Coordinator or a Deputy Title IX Coordinator. A report to these employees (called “responsible employees”) constitutes a report to the University – and generally obligates Webster University to investigate the incident and take appropriate steps to address the situation.

A. Privileged and Confidential Communications - Reporting to Professional and Pastoral Counselors

1. 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 a reporting party’s permission.

2. Following is the contact information for these individuals:
3. Gladys Smith, Assistant Director of Counseling, Sexual Offense Advocate
   314-968-7030 or mobile: (314) 422-4651 (24 hours)
   gmsmith@webster.edu

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

5. 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.

6. A reporting party who speaks to a professional or non-professional counselor or advocate of the Office of Counseling must understand that, if the reporting party does not permit the professional or non-professional counselor to report the incident to a Title IX Coordinator, Webster University will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator.

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

8. A reporting party who at first requests confidentiality may later decide to file a complaint 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 reporting party with assistance if the reporting party wishes to do so.

NOTE: While these professional counselors and advocates may maintain a reporting 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.

ALSO NOTE: If Webster University determines that the alleged perpetrator(s) pose a serious and immediate threat to the Webster University community, the Office of Public Safety may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the reporting party.

B. Off-campus counselors, advocates and health care providers

   a) Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with Webster University unless the reporting party requests the disclosure and signs a consent or waiver form.

   b) NOTE: While off-campus counselors and advocates may maintain a reporting 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.

C. Reporting to “Responsible Employees”
1. A “responsible employee” is a University employee who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty.

2. The following employees (or categories of employees) are the University’s responsible employees for purposes of this policy:

   a) Any member of the University's administrative and academic leadership
   b) Student Affairs staff, except licensed counselors
   c) Coaches and athletic department staff
   d) Resident Assistants (RAs), Orientation Leaders (OLs), and Connection Leaders
   e) Supervisors of student employees
   f) Public Safety officers
   g) Extended campus directors and extended campus staff
   h) All Faculty – full-time and adjunct
   i) Academic advisors and student support services staff

3. When a reporting party tells a responsible employee about an incident of sexual violence, the reporting party has the right to expect Webster University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

4. A responsible employee must report to the Title IX Coordinator or a Deputy Title IX Coordinator all relevant details about the alleged sexual violence shared by the reporting party and that Webster University will need to determine what happened – including the names of the reporting party and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

5. To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the University’s response to the report. A responsible employee should not share information with law enforcement without the reporting party’s consent, or unless the reporting party has also reported the incident to law enforcement.

6. A “responsible employee” includes any employee who:

   a) has the authority to take action to redress the harassment;
   b) has the duty to report to appropriate school officials sexual assault, sexual harassment or any other sexual offenses by students or employees; or
   c) who a student could reasonably believe has the authority or responsibility to take action.

7. Using this lens, employees with supervisory and leadership responsibilities on campus are considered “responsible employees.” This may include, for example, faculty, coaches, administrators, resident advisors (RAs) and other student employees with a responsibility for student welfare. The University requires that all “responsible employees” share a report of misconduct with the appropriate Title IX Coordinator or Deputy Title IX Coordinator. The appropriate Title IX Coordinator, or designee under the direction of a Title IX Coordinator, will conduct an initial assessment of the conduct, the reporting party’s expressed preferences, if
any, as to course of action, and the necessity for any interim remedies or accommodations to protect the safety of the reporting party or the community.

8. Before a reporting party reveals any information to a “responsible employee,” the “responsible employee” should ensure that the reporting party understands the employee’s reporting obligations – and, if the reporting party wishes to maintain confidentiality, direct the reporting party to confidential resources.

9. If the reporting party wants to tell the responsible employee what happened but also maintain confidentiality, the responsible employee should tell the reporting party that Webster University will consider the request, but cannot guarantee that Webster University will be able to honor it. The “responsible employee” is required, by law, to report the incident to the Title IX Coordinator or a Deputy Title IX Coordinator. In reporting the details of the incident to the Title IX Coordinator or a Deputy Title IX Coordinator, the responsible employee will also inform the Coordinator of the reporting party’s request for confidentiality.

10. Responsible employees will not pressure a reporting party to request confidentiality, but will honor and support the reporting party’s wishes, including for Webster University to fully investigate an incident. By the same token, responsible employees will not pressure a reporting party to make a full report if the reporting party is not ready to. However, even without a full report from the reporting party, responsible employees still have an obligation to inform a Title IX Coordinator or Deputy Title IX Coordinator of what they know.

D. Take Back the Night and Other Public Awareness Events

Public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs” or other forums in which students or employees disclose incidents of sexual violence, are not considered notice to Webster University of sexual violence for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts. Webster University will provide information at these events about students’ and employees’ Title IX rights, requirements of the Violence Against Women Act, and other educational and victims’ rights information related to sexual assault and other sexual offenses.

E. Requesting Confidentiality from the University: How Webster University Will Weigh and the Request and Respond

If a reporting party discloses an incident to a responsible employee, but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, Webster University must weigh that request against the University’s obligation to provide a safe, non-discriminatory environment for all students and employees, including the reporting party.

If Webster University honors the request for confidentiality, a reporting party must understand that the University’s ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited. There are times when Webster University may not be able to honor a reporting party’s request in order to provide a safe, non-discriminatory environment for all students and employees.

Webster University has designated its Title IX Coordinator and Deputy Title IX Coordinators to perform initial evaluations of requests for confidentiality once a responsible employee is on notice of alleged sexual violence. The
Deputy Title IX Coordinator evaluating a request for confidentiality will then make a recommendation to the Associate Vice President and Chief Human Resources Officer or the Associate Vice President for Student Affairs and Dean of Students. The Associate Vice President and Chief Human Resources Officer and the Associate Vice President for Student Affairs and Dean of Students will consider a range of factors in evaluating requests for confidentiality, including but not necessarily limited to the following:

- The increased risk that the alleged perpetrator will commit additional acts of sexual or other violence;
- whether there have been other sexual misconduct complaints about the same responding party;
- whether the responding party has a history of arrests or records from a prior college or university indicating a history of sexual misconduct;
- whether the responding party threatened further sexual offenses or other violence against the reporting party or others;
- whether the sexual misconduct was committed by multiple perpetrators;
- whether the sexual misconduct was perpetrated with a weapon;
- whether the reporting party is a minor;
- whether Webster University possesses other means to obtain relevant evidence of the sexual misconduct (e.g., security cameras or personnel, physical evidence); and
- whether the reporting party’s report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group;
- whether there is any other evidence suggesting predatory behavior by the responding party;
- whether there is a likelihood of ongoing contact between the responding party individual and reporting party;
- whether there is a possibility of the responding party individual exerting ongoing undue influence on the reporting party (e.g. domestic violence situations);
- whether there is a need for ongoing protection of the reporting party and any significant risk of retaliation.

The University will weigh the above factors in deciding whether to investigate and, if appropriate, pursue disciplinary action. If the factors indicate no increased risk to other students, faculty, and staff or to the reporting party, Webster University will likely respect the reporting party’s request for confidentiality.

If, for example, the University has credible information that the alleged perpetrator has committed one or more prior rapes, the balance of factors would compel the University to investigate the allegation and, if appropriate, pursue disciplinary action.

If Webster University determines that it cannot maintain a reporting party’s confidentiality, Webster University will inform the reporting party prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University’s investigation and response.

Webster University will remain ever mindful of the reporting party’s well-being, and will take ongoing steps to protect the reporting party from retaliation or harm, and work with the reporting party to create a safety plan.
Retaliation against the reporting party, whether by students or University employees, will not be tolerated. Webster University will also:

- assist the reporting party in accessing other available advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus (see portion of policy identifying these);

- provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and

- inform the reporting party of the right to report a crime to campus or local law enforcement and provide the reporting party with assistance if the reporting party wishes to do so.

Webster University may not require a reporting party to participate in any investigation or disciplinary proceeding.

Because Webster University is under a continuing obligation to address the issue of sexual assaults, sexual violence and sexual offenses campus-wide, reports of sexual offenses (including non-identifying reports) will also prompt Webster University to consider broader remedial action — such as increased monitoring, supervision or security at locations where the reported sexual offenses occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/surveys; and/or revisiting its policies and practices.

If Webster University determines that it can respect a reporting party’s request for confidentiality, Webster University will also take immediate action as necessary to protect and assist the reporting party.

XI. INTERIM REMEDIES AVAILABLE TO REPORTING PARTIES OF SEXUAL ASSAULT, SEXUAL HARASSMENT AND OTHER SEXUAL OFFENSES

Working in conjunction with the Sexual Offense Advocate, the Associate Vice President and Chief Human Resources Officer and the Associate Vice President for Student Affairs and Dean of Students, there is the option of making interim remedies/options available to the reporting party of sexual assaults and offenses before the report is resolved, or in special circumstances even if the reporting party chooses not to file a complaint. These options 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 if the reporting party chooses to file a formal report. No contact measures may also be implemented. Any interim remedies imposed should avoid any lasting negative effects on the responding party before any findings of responsibility are made as much as is possible in the circumstances presented.

XII. 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 his/her/their own conduct, which may violate other University policies and codes of conduct.

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

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

XIII. POLICY ENFORCEMENT, INVESTIGATION, COMPLAINT AND ADJUDICATION PROCEDURES

Webster is committed to providing prompt, fair, and impartial investigation and resolution of complaints of violations under this policy. The University offers both an Administrative Process and a Hearing Board Process in reporting sexual assault, harassment or other sexual offenses. The decision on which of these two procedures to follow is at the sole discretion of the reporting party. These Procedures and their related Appeal Procedures are located in Appendix A – Administrative Process, and Appendix B – Hearing Board Process. In all cases, Title IX Coordinators, administrators and the Hearing Board members will avoid participating in any matters where a conflict of interest or material bias for or against the reporting party or the responding party is present.

XIV. SANCTIONS

In determining sanctions, Lead Title IX Coordinators, administrators and the Hearing Boards will consider the nature and seriousness of the offense. Sanctions are determined by the administrator or the Hearing Board and implemented by the appropriate administrator. Sanctions include: written reprimand, mandatory educational and/or counseling programs, restriction of campus access, disciplinary probation, suspension, or termination (in the case of employees), or expulsion (in the case of students).

Administrators and/or the Hearing Board will also consider environmental remedies beyond sanctions for the responding party.

Either the reporting party or the responding party may appeal the decision of the administrator to the Hearing Board or the decision of the Hearing Board to the Provost. The Procedures for Appeals are addressed in Appendix A – Administrative Process and Appendix B – Hearing Board Process.
XV. TIME FRAME FOR RESOLUTION
The University seeks to resolve all reports within a timely manner. All time frames expressed in this policy are meant to be guidelines rather than rigid requirements. Extenuating circumstances may arise that require the extension of time frames, especially due to the geographic spread of the University’s campuses in various states, countries, and time zones. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, any intervening school break or vacation, or other unforeseen circumstances. The University intends to complete a typical investigation within sixty (60) days following receipt of the complaint. Further, both the reporting party and responding party will be updated throughout the investigative process, including with timely notice of meetings where either or both the reporting party and the responding party may be present.

In general, a reporting party and responding party can expect that the process will proceed according to the time frames provided in this policy. In the event that the investigation and resolution exceed this time frame, the University will attempt to notify all parties of the reason(s) for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness. However, due to the geographic spread of the University’s campuses, it may be difficult to complete the process within the time frames provided in this policy depending on the circumstances.

In all cases of allegations of violations of this Policy, the reporting party and responding party will receive simultaneous notification, in writing, of: (1) any result of a disciplinary proceeding; (2) procedures for the reporting party and responding party to appeal the result of the disciplinary proceeding; (3) any change in the result of a disciplinary proceeding; and (4) when the results of any disciplinary proceeding become final.

XVI. FALSE REPORTS
The University will not tolerate intentional false reporting of incidents. Webster University takes the accuracy of information very seriously as a charge of sexual assault, harassment, and other sexual offenses may have severe consequences. A good-faith complaint that results in a finding of not responsible is not considered a false or fabricated accusation of sexual misconduct. However, when a reporting party or third party witness is found to have fabricated allegations or given false information with malicious intent or in bad faith, the reporting party or third party witness may be subject to disciplinary action. It is a violation of the Code of Student Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.
APPENDIX A to the Sexual Offense Policy

ADMINISTRATIVE PROCESS FOR STUDENTS AND EMPLOYEES

The following Administrative Process will be followed for all complaints of sexual assault, sexual harassment or other sexual misconduct filed pursuant to this Policy regardless of whether the complaints involve students and/or employees:

1. The reporting party has the option of meeting with a Sexual Offense Advocate or a Title IX Coordinator or Deputy Title IX Coordinator to discuss options available under this policy. During this meeting, the Sexual Offense Advocate or Title IX Coordinator will give the reporting party a copy of this policy, review it, discuss interim remedies, and he or she will make the reporting party aware of his or her option to report the alleged sexual offense(s) to the police and assist if the reporting party desires. The reporting party will also be informed that she/he may decline to notify local authorities.

2. A written statement must be completed by the reporting party. The written statement will describe the reporting party’s allegations, the facts relevant to the complaint, the name(s) of the responding party, and it will identify witnesses with information relating to the allegations. Absent extenuating circumstances, the University will obtain a written statement within ten (10) days of the Title IX Coordinator or Deputy Title IX Coordinator learning of a reporting party’s complaint.

3. The Sexual Offense Advocate’s, Title IX Coordinator or Deputy Title IX Coordinator will promptly review the reporting party’s written statement to ensure a complete understanding of the nature of the complaint. This review will occur within one business day of the Sexual Offense Advocate’s, Title IX Coordinator’s or Deputy Title IX Coordinator’s receipt of the reporting party’s complaint, unless extenuating circumstances prevent a review of the complaint within this time frame. In this event, the review will occur as soon as possible.

4. If a Sexual Offense Advocate or a Deputy Title IX Coordinator receives reporting party’s written statement, she or he will promptly inform the University Title IX Coordinator that a report has been received. The Title IX Coordinator will be informed within one working day of the Sexual Offense Advocate’s or Deputy Title IX Coordinator’s receipt of the reporting party’s written statement, unless extenuating circumstances prevent him or her from communicating this information within this timeframe. In this event, the Title IX Coordinator is to be informed as soon as possible.

5. The Sexual Offense Advocate and/or a Title IX Coordinator will refer the reporting party to the appropriate Title IX Coordinator (the “Lead Title IX Coordinator” for the case), who will be responsible for oversight of the investigation and resolution of the complaint. The Sexual Offense Advocate and/or Title IX Coordinator will make this referral within two days of receipt of the reporting party’s written complaint, unless extenuating circumstances prevent him or her from completing the referral within this timeframe. In this event, the referral is to be made as soon as possible.

When the reporting party and responding party are both students, the Lead Title IX Coordinator is a Deputy Title IX Coordinator assigned to the Dean of Students Office. When the reporting party and responding party are both employees, the Lead Title IX Coordinator is the Title IX
Coordinator or a Deputy Title IX Coordinator assigned to the Human Resources Office. When the reporting party and responding party include both a student and an employee, a Title IX Coordinator from the Dean of Students Office and Human Resources Office will be jointly responsible for oversight, investigation and resolution of the complaint.

6. After receiving the written statement, the Lead Title IX Coordinator or designee will meet with the reporting party within ten working days and:
   a. Clarify his/her statement,
   b. ask what the reporting party would like to achieve as an outcome,
   c. reiterate that the reporting party may simultaneously pursue a complaint via the University’s procedures and a criminal complaint with the appropriate police department,
   d. explain the University’s investigative and adjudicative process, and
   e. provide the reporting party with a copy of this policy.

7. The Lead Title IX Coordinator or designee will next inform the responding party of the complaint in writing and in person (or by phone) and will instruct the responding party that he/she is to have no contact with reporting party (unless the reporting party’s identity can be maintained as confidential pursuant to Section X.C. above while still providing the responding party a meaningful and fair defense). The Lead Title IX Coordinator will also schedule a meeting with the responding party and invite him or her to bring an advisor to the meeting.

8. The Lead Title IX Coordinator or designee then meets with the responding party, ideally within five working days of informing the responding party of the complaint, and:
   a. shares the written complaint (or meaningful summary of the complaint if Section X.C. regarding the reporting party’s confidentiality is being maintained) with the responding party,
   b. explains the process,
   c. provides a written copy of the policy;
   d. asks for written response within 72 hours (which can include any documents or witness information supporting the responding party’s response to the complaint); and
   e. again informs the responding party that they are to have no contact with the reporting party and that violation of this instruction can result in discipline.

9. The Lead Title IX Coordinator or designee (or in the case of an employee, a Human Resources representative designated by the Title IX Coordinator) interviews any potential witnesses and will review any documents concerning the complaint, including but not limited to emails and text messages relating to the complaint. In most situations, the Lead Title IX Coordinator or designee will attempt to complete all necessary interviews within thirty (30) working days of receipt of the written statement.

10. The Lead Title IX Coordinator or designee will meet again with the reporting party.

11. The Lead Title IX Coordinator will share the responding party’s written response with the reporting party and discusses any additional information the reporting party provides.
12. The Lead Title IX Coordinator will make a recommendation on the case using the preponderance of the evidence (more likely than not) standard and he or she will make a recommendation to the appropriate administrator for action, including the imposition of sanctions and/or environmental remedies. The determination as to who is the appropriate administrator is based on the concrete circumstances of each individual case. The administrator may not be an individual who has had prior involvement in the case.

13. The administrator must then accept or modify the Lead Title IX Coordinator’s recommendation. When evaluating the evidence used to support the Lead Title IX Coordinator’s recommendation, the administrator must also use the preponderance of the evidence (more likely than not) standard.

14. The administrator, absent any extenuating circumstances, will communicate a final decision to the Lead Title IX Coordinator within five working days of receipt of the Lead Title IX Coordinator’s recommendations.

15. Absent extenuating circumstances, the Lead Title IX Coordinator will communicate the decision, in writing, to the reporting party and then the responding party, in separate meetings, within 1 working day of the administrator’s decision.

16. The Lead Title IX Coordinator will make the reporting party and the responding party aware of the appeal process and the requirement that written appeals are due to the Lead Title IX Coordinator for that matter within 10 calendar days of the date of the written decision. The University intends to complete a typical investigation and Administrative Process within sixty (60) days following receipt of the complaint.

**Appeal of a determination and/or sanctions reached during the Administrative Process if both parties are students or if the responding party is a student**

Either party may file a written appeal with the Lead Title IX Coordinator within 10 calendar days of receipt of the determination from the Administrative Process.

Upon receipt of a written appeal from either party:

1. The Lead Title IX Coordinator will contact one of the Sexual Offense Hearing Board hearing officers.

2. The Lead Title IX Coordinator will present to the Hearing Board officer a written summary of the case along with the appeal letter(s) and letters describing the initial finding(s) and sanction(s).

3. The Sexual Offense Hearing Board hearing officer has 10 working days to decide on the legitimacy of the appeal, with the following possible outcomes:
   
   a. Find that there are no grounds for an appeal and uphold the decision of the administrator, or
   b. Hold a meeting of the Sexual Offense Hearing Board to review the appeal and make a decision on the appeal
4. The act of filing an appeal usually postpones the action required by the initial decision until the appeal process is completed, unless the Lead Title IX Coordinator determines that postponement of the sanction may result in a serious threat to the University community.

5. At the conclusion of the Administrative Process and appeal process, the Hearing Board officer will provide a determination report to the Lead Title IX Coordinator, including sanctions, who will then communicate it, in writing, to both/all parties in separate meetings simultaneously.

The decision(s) rendered through this appeal procedure are final.

**APPEAL of a determination and/or sanctions reached during the Administrative Process if both parties are employees or if the responding party is an employee**

Either party may file a written appeal with the Lead Title IX Coordinator within 10 calendar days of receipt of the written determination from the Administrative Process. Grounds for filing an appeal are limited to:

- Procedural error(s)
- New evidence
- Excessive or too lenient sanctions

Upon receipt of a written appeal from either party:

1. The Lead Title IX Coordinator contacts the Chief Human Resources Officer who will convene a 5-member Administrative Hearing Board for Sexual Offenses comprised of appropriate members of the University leadership team. This may include deans of academic units or designated administrators from administrative units. A dean or administrator who has been involved in the complaint in any way will not sit on the Hearing Board for a given case.

2. The Administrative Hearing Board for Sexual Offenses meets within 10 working days of being convened. Their first order of business is to appoint a chair.

3. The Lead Title IX Coordinator provides the Hearing Board members with a written summary of the case, copy of the initial decision(s)/sanction(s), and a copy of the written appeal.

4. The Administrative Hearing Board for Sexual Offenses meets and reviews all reports and documentation submitted and renders decision to the Lead Title IX Coordinator for the case.

5. The act of filing an appeal usually postpones the action required by the initial decision until the appeal process is completed, unless the Lead Title IX Coordinator determines that postponement of the sanction may result in a serious threat to the University community.

6. At the conclusion of the Administrative Process and appeal process, the Hearing Board chair will provide a written determination report to the Lead Title IX Coordinator, including sanctions, who will then communicate it, in writing, to both/all parties in separate meetings simultaneously.

The decision(s) rendered through this appeal procedure are final.
HEARING BOARD PROCESS The decision to pursue the Administrative Process described previously or to follow the Hearing Board Process described below is at the sole discretion of the reporting party.

Hearing Board Process when Both Parties are Students or the Responding party is a Student

The following Hearing Board Process Procedure will be followed for all complaints of sexual misconduct filed pursuant to this policy when both parties are students or the responding party is a student:

1. The reporting party has the option of meeting with a Sexual Offense Advocate or a Title IX Coordinator to discuss options available under this Policy. During this meeting, the Sexual Offense Advocate or Title IX Coordinator will make the reporting party aware of this policy and interim remedies and he or she will make the reporting party aware of his or her option to report the alleged sexual offense(s) to the police.

2. A written statement must be completed by the reporting party. The written statement will describe the reporting party’s allegations, the facts relevant to the complaint, and it will identify witnesses with information relating to the allegations. Absent extenuating circumstances, the University will obtain a written statement within ten (10) days of the Title IX Coordinator or Deputy Title IX Coordinator learning of a reporting party’s complaint.

3. The Sexual Offense Advocate or Title IX Coordinator/Deputy Coordinator will promptly review the reporting party’s written statement to ensure a complete understanding of the nature of the complaint. This review will occur within one business day of the Sexual Offense Advocate, Title IX Coordinator/Deputy Coordinator’s receipt of the reporting party’s complaint, unless extenuating circumstances prevent a review of the complaint within this time frame. In this event, the review will occur as soon as possible.

4. If a Sexual Offense Advocate or a Deputy Title IX Coordinator receives reporting party’s written statement, he or she will promptly inform the Title IX Coordinator that a report has been received. The Title IX Coordinator will be informed within one working day of the Sexual Offense Advocate or Deputy Title IX Coordinator’s receipt of the reporting party’s written statement, unless extenuating circumstances prevent him or her from communicating this information within this timeframe. In this event, the Title IX Coordinator is to be informed as soon as possible.

5. The Sexual Offense Advocate and/or Title IX Coordinator will refer the reporting party to a Lead Title IX Coordinator, who will be responsible for oversight of the investigation and resolution of the complaint. The Sexual Offense Advocate and/or Title IX Coordinator will make this referral within two working days of receipt of the reporting party’s written complaint, unless extenuating circumstances prevent him or her from completing the referral within this timeframe. In this event, the referral is to be made as soon as possible.

   a. When the reporting party and responding party are students, the Lead Title IX Coordinator is a Deputy Title IX Coordinator assigned to the Dean of Students Office. When the reporting party and responding party are employees, the Lead Title IX Coordinator is the Title IX Coordinator or a
Deputy Title IX Coordinator assigned to the Human Resources Office. When the reporting party and responding party include both a student and employee, Title IX Coordinators from the Dean of Students Office and Human Resources Office will be jointly responsible for oversight, investigation, and resolution of the complaint.

6. After receiving the written statement, the Lead Title IX Coordinator or designee will meet with the reporting party within ten working days and:
   
   a. Clarify his/her statement,
   b. ask what the reporting party would like to achieve as an outcome,
   c. reiterate that the reporting party may simultaneously pursue a complaint via the University’s procedures and a criminal complaint with the appropriate police department,
   d. explain the University’s investigative and adjudicative process, and
   e. provide the reporting party with a copy of this policy.

7. The Lead Title IX Coordinator or designee will next inform the responding party of the complaint in writing and in person (or by phone) and will instruct the responding party that he/she is to have no contact with reporting party (unless the reporting party’s identity can be maintained as confidential pursuant to Section X.C. above while still providing the responding party a meaningful and fair defense). The Lead Title IX Coordinator will also schedule a meeting with the responding party and invite him or her to bring an advisor to the meeting.

8. The Lead Title IX Coordinator or designee will endeavor to meet with the responding party within five working days or as soon thereafter as possible, and no later than ten working days absent extenuating circumstances. At that time, the Lead Title IX Coordinator or designee:
   
   a. shares the written complaint (or meaningful summary of the complaint if Section X.C. regarding the reporting party’s confidentiality is being maintained) with the responding party,
   b. explains the process,
   c. provides a written copy of the policy;
   d. asks for written response within 72 hours (which can include any documents or witness information supporting the responding party’s response to the complaint); and
   e. again informs the responding party that they are to have no contact with the reporting party and that violation of this instruction can result in discipline.

9. The Lead Title IX Coordinator or designee (or in the case of an employee, a Human Resources representative designated by the Title IX Coordinator) interviews any potential witnesses and reviews any documents concerning the complaint, including but not limited to emails and text messages relating to the complaint. In most situations, the Lead Title IX Coordinator or designee will attempt to complete all necessary interviews within thirty (30) working days of receipt of the responding party’s written statement.

10. The Lead Title IX Coordinator or designee will meet again with reporting party.

11. The Lead Title IX Coordinator or designee will share the responding party’s written response with reporting party and discusses any additional information the reporting party provides.
12. The Lead Title IX Coordinator or designee will work with the Sexual Offense Hearing officer to schedule a hearing. Because of the small size of some campuses and the wide geographic boundaries of the University, it is possible that hearings for personnel at extended and/or international campus locations may be held via conference call, skype, video teleconferencing or other means of technology.

13. The Lead Title IX Coordinator or designee will inform the reporting party and responding party of the Sexual Offense Hearing Board meeting and the protocols that will be used during the hearing and will notify named witnesses of the same. The Lead Title IX Coordinator or designee will also provide a summary of investigation to be presented to the Hearing Board, and allow for questions by the Hearing Board regarding the investigation.

14. A Sexual Offense Hearing Officer will conduct the hearing.

15. The reporting party will be offered the opportunity to make an impact statement.

16. The responding party will be offered the opportunity to make an impact statement.

17. The members of the Hearing Board will be given the opportunity to question the reporting party, the responding party and any witnesses.

18. The Sexual Offense Hearing Board will make a decision on the case using the preponderance of the evidence standard (i.e. more likely than not standard) and determine sanctions and/or environmental remedies and inform the Lead Title IX Coordinator assigned to the case, in writing, of the same.

19. The Lead Title IX Coordinator or designee, absent any extenuating circumstances, will communicate the decision in writing to the reporting party and then the responding party, in separate meetings, within 1 working day of the decision of the Hearing Board.

20. The Lead Title IX Coordinator or designee will provide a letter to the responding party and reporting party that outlines the decision and resolution, makes them aware of the appeal process and informs them that appeals are due within 10 calendar days of the date of the letter. The University intends to complete a typical investigation and Hearing Board Process within sixty (60) days following receipt of the complaint.

**APPEAL of a determination reached during the Hearing Board Process Complaint Procedure when both parties are students or the responding party is a student**

Either party may file a written appeal with the Lead Title IX Coordinator within 10 calendar days of receipt of the written determination from the hearing board process complaint procedure. Grounds for filing an appeal are limited to:

- Procedural error(s)
- New evidence
- Excessive or too lenient sanctions

If either party files a written appeal within 10 calendar days of the determination:
1. The Lead Title IX Coordinator will contact the Provost, Senior Vice President and Chief Operating Officer and will present a written summary of the case, the earlier decision, and the appeal letter(s).

2. The Provost, Senior Vice President and Chief Operating Officer has 10 working days to decide on the appeal, with the following possible outcomes:
   a. Find that there are no grounds for an appeal and uphold the decision of the Sexual Offense Hearing Board
   b. Refer the case to a hearing before an alternate Sexual Offense Hearing Board

3. The act of filing an appeal usually postpones the action required by the initial decision until the appeal process is completed, unless the administrator determines that postponement of the sanction may result in a serious threat to the University community.

4. The Provost, Senior Vice President and Chief Operating Officer must provide a report to the Title IX Coordinator describing his/her decision.

5. The Lead Title IX Coordinator will report the decision, in writing, to the involved parties simultaneously.

The decision of the Provost, Senior Vice President and Chief Operating Officer or the alternate Sexual Offense Hearing Board is final.

Hearing Board Process when Both Parties are Employees or the Responding party is an Employee

The following Hearing Board Process Complaint Procedure will be followed for all complaints of sexual misconduct filed pursuant to this policy when both parties are employees or the responding party is an employee:

1. The reporting party has the option of meeting with a Sexual Offense Advocate or a Title IX Coordinator to discuss options available under this Policy. During this meeting, the Sexual Offense Advocate or Title IX Coordinator will make the reporting party aware of this policy and interim remedies and he or she will make the reporting party aware of his or her option to report the alleged sexual offense(s) to the police.

2. A written statement must be completed by the reporting party. The written statement will describe the reporting party’s allegations, the facts relevant to the complaint, and it will identify witnesses with information relating to the allegations. A written statement is required even if the reporting party chooses not to participate in a preliminary meeting with a Sexual Offense Advocate or a Title IX Coordinator in the manner set forth in paragraph 1 above.

3. The Sexual Offense Advocate or Title IX Coordinator/Deputy Coordinator will review the reporting party’s written statement to ensure a complete understanding of the nature of the complaint.

4. If a Sexual Offense Advocate or a Deputy Title IX Coordinator receives reporting party’s written statement, he or she will promptly inform the Title IX Coordinator that a report has been received.
5. The Sexual Offense Advocate and/or Title IX Coordinator will refer the reporting party to a Lead Title IX Coordinator, who will be responsible for oversight of the investigation and resolution of the complaint.
   a. When the reporting party and responding party are students, the Lead Title IX Coordinator is a Deputy Title IX Coordinator assigned to the Dean of Students Office. When the reporting party and responding party are employees, the Lead Title IX Coordinator is the Title IX Coordinator or a Deputy Title IX Coordinator assigned to the Human Resources Office. When the reporting party and responding party include both a student and employee, Title IX Coordinators from the Dean of Students Office and Human Resources Office will be jointly responsible for oversight, investigation, and resolution of the complaint.

6. After receiving the complaint, the Lead Title IX Coordinator or designee will meet with the reporting party and:
   a. Clarify his/her statement,
   b. ask what the reporting party would like to achieve as an outcome, and
   c. reiterate that the reporting party may simultaneously pursue a complaint via the University’s procedures and a criminal complaint with the appropriate police department,
   d. explain the University’s investigative and adjudicative process, and
   e. provide the reporting party with a copy of this policy.

7. The Lead Title IX Coordinator or designee will next inform the responding party of the complaint in writing and in person (or by phone) and will instruct the responding party that he/she is to have no contact with the reporting party (unless the reporting party’s identity can be maintained as confidential pursuant to Section X.C. above while still providing the responding party a meaningful and fair defense). The Lead Title IX Coordinator will also schedule a meeting with the responding party and invite him or her to bring an advisor to the meeting.

8. The Lead Title IX Coordinator or designee then meets with the responding party and:
   a. shares the written complaint (or meaningful summary of the complaint if Section X.C. regarding the reporting party’s confidentiality is being maintained) with the responding party,
   b. explains the process,
   c. provides a written copy of the policy;
   d. asks for written response within 72 hours (which can include any documents or witness information supporting the responding party’s response to the complaint); and
   e. again informs the responding party that they are to have no contact with the reporting party and that violation of this instruction can result in discipline.

9. The Lead Title IX Coordinator or designee (or in the case of an employee, a Human Resources representative designated by the Title IX Coordinator) interviews any potential witnesses and reviews any documents concerning the complaint, including but not limited to emails and text messages relating to the complaint.

10. The Lead Title IX Coordinator or designee will meet again with the reporting party.

11. The Lead Title IX Coordinator or designee will share the responding party’s written response with reporting party and discusses any additional information the reporting party provides.
12. The Lead Title IX Coordinator or designee will work with the Administrative Hearing Board to schedule a hearing. Because of the small size of some campuses and the wide geographic boundaries of the University, it is possible that hearings for personnel at extended and/or international campus locations may be held via conference call, skype, video teleconferencing or other means of technology.

13. The Lead Title IX Coordinator or designee will inform the reporting party and responding party of the Administrative Hearing Board for Sexual Offenses meeting and the protocols that will be used during the hearing and will notify named witnesses of the same.

14. A Hearing Board chair will conduct the hearing.

15. The reporting party will be offered the opportunity to make an impact statement.

16. The responding party will be offered the opportunity to make an impact statement.

17. The members of the Hearing Board will be given the opportunity to question the reporting party, the responding party and any witnesses.

18. The Hearing Board will make a decision on the case using the preponderance of the evidence standard (i.e. more likely than not standard) and determine sanctions and/or environmental remedies and inform the Lead Title IX Coordinator assigned to the case, in writing, of the same.

19. The Lead Title IX Coordinator or designee will communicate the decision in writing to the reporting party and then the responding party, in separate meetings, within one working day of the hearing.

20. The Lead Title IX Coordinator or designee will provide a letter to the responding party and reporting party that outlines the decision and resolution, makes them aware of the appeal process and informs them that appeals are due within 10 calendar days.

**Appeal of a determination reached during the Hearing Board Process Complaint Procedure when both parties are employees or the responding party is an employee**

Either party may file a written appeal with the Lead Title IX Coordinator within 10 calendar days of receipt of the written determination from the hearing board process complaint procedure. Grounds for filing an appeal are limited to:

- Procedural error(s)
- New evidence
- Excessive or too lenient sanctions

If either party files a written appeal within 10 calendar days of the determination:

1. The Lead Title IX Coordinator will contact the Provost, Senior Vice President and Chief Operating Officer and will present a written summary of the case, the earlier decision, and the appeal letter(s).

2. The Provost, Senior Vice President and Chief Operating Officer has 10 working days to decide on the appeal, with the following possible outcomes:
a. Find that there are no grounds for an appeal and uphold the decision of the Hearing Board
b. Refer the case to a hearing before an alternate Sexual Offense Hearing Board

3. The act of filing an appeal usually postpones the action required by the initial decision until the appeal process is completed, unless the administrator determines that postponement of the sanction may result in a serious threat to the University community.

4. The Provost, Senior Vice President and Chief Operating Officer must provide a report to the Title IX Coordinator describing his/her decision.

5. The Lead Title IX Coordinator will report the decision, in writing, to the involved parties simultaneously.

*The decision of the Provost, Senior Vice President and Chief Operating Officer or the alternate Administrative Hearing Board for Sexual Offenses is final.*
APPENDIX C to the Sexual Offense Policy

FUNDAMENTAL ASSUMPTIONS REGARDING THE RESPECTIVE PARTIES TO A HEARING IN THE HEARING BOARD PROCESS

• Both parties will be notified regarding procedures used in the hearings. Information can also be provided regarding legal options; however, it is recommended that legal advice be obtained from a competent attorney.

• Each party may have a support person or process advisor of their choosing present at the hearing (e.g., student, parent, faculty, staff, attorney); however this person may not speak on his/her behalf. If the party wishes to have an attorney present, the party must provide two business days’ notice to the Title IX Coordinator or designee.

• No reference to past consensual sexual relations of the reporting party or the responding party may be introduced at any time during the proceedings.

• The fact that the responding party and/or the reporting party may have been under the influence of alcohol or other drugs or subject to some other sort of mental dysfunction does not excuse or justify the commission of any sexual offense as defined herein, and may not be used as a defense.

• Both parties have the right to a copy of all written witness, reporting party, and responding party statements regarding the complaint (or meaningful summaries of the complaint if Section X.C. regarding the reporting party’s confidentiality is being maintained).

• Both parties have the right to testify either in writing or verbally.

• The reporting party and the responding party may request to have witnesses testify. Such requests are granted at the discretion of the Hearing Officer/Chair. Witnesses must be identified in writing to the Hearing Office/Chair at least 48 hours prior to the hearing. The Hearing Officer will inform both parties within 24 hours of the hearing of the witnesses who may appear at the hearing. Testimony of witnesses that demonstrates a pattern, habit, or routine of sexual misconduct similar to that which is alleged is considered relevant and may be heard as part of the impact statement, only in determining the sanction for a person found responsible for a sexual offense.

• The reporting party and the responding party each have the opportunity to present an impact statement to the administrator or Hearing Officer following a decision of responsibility, but prior to the imposition of sanctions.

• A hearing may only be invoked when both parties are members of the Webster University community. In the event that both parties were members of the Webster University community at the time of the alleged incident and one of the parties is no longer a member of the community, the appropriate administrator will determine the proper means of resolution in consultation with the Dean of Students and Chief Human Resources Officer.
HEARING BOARDS

The University has two separate hearing boards that may be convened to hear complaints regarding violations of this policy: the Sexual Offense Hearing Board and the Administrative Hearing Board for Sexual Offenses. Members of these two boards receive training on this policy and their roles and responsibilities as hearing board members at least on an annual basis.

Sexual Offense Hearing Board

The Sexual Offense Hearing Board hears cases in which the reporting party and responding party are both students or in which the responding party is a student.

The Sexual Offense Hearing Board responsible for any given case consists of a Hearing Officer and six individuals chosen from members of Webster’s students, faculty, administration and staff in consultation with the Associate Vice President and Dean of Students and the Associate Vice President and Chief Human Resources Officer.

When a hearing is called, the Associate Vice President and Dean of Students or designee, will convene a meeting of potential Hearing Board members to review the Policy on Sexual Assault, Harassment and Other Sexual Offenses and its related procedures.

The Hearing Board is responsible for hearing cases of alleged violations of this policy and/or appeals of decisions from the Administrative Process or the Hearing Board Process and determining and administering disciplinary actions up to and including expulsion from the University.

Administrative Hearing Board for Sexual Offenses

The Administrative Hearing Board for Sexual Offenses hears cases in which the reporting party and responding party are both employees or in which the responding party is an employee.

The Administrative Hearing Board for Sexual Offenses responsible for any given case consists of a chair and four other individuals chosen from members of Webster’s Administrative and Academic leadership team. Members appointed will not have been involved in the initial complaint or its appeal.

When a hearing is called, the Chief Human Resources Officer will convene a meeting of Hearing Board members to review the Policy on Sexual Assault, Harassment and Other Sexual Offenses and its related procedures.

The Hearing Board is responsible for hearing cases of alleged violations of this policy and/or appeals of decisions reached during the Administrative Process or the Hearing Board Process Complaint Procedure and recommending disciplinary actions up to and including termination from the University. Consideration of sanctions and disciplinary actions will be made in conjunction with other University policies related to employment matters.
APPENDIX D to the Sexual Offense Policy

DESCRIPTION OF THE HEARING IN THE HEARING BOARD PROCESS
FOR STUDENTS AND EMPLOYEES

This section applies to both the Sexual Offense Hearing Board and the Administrative Hearing Board for Sexual Offenses.

The Hearing Officer/Chair schedules a hearing within 10 working days after the complaint has been referred to him/her. The respective parties are notified of the time, place, and procedures of the hearing by the Hearing Officer/Chair. The Hearing Officer/Chair presides over the hearing.

The reporting party presents the complaint and provides any further information, evidence, or corroborating testimony pertinent to the incident. Members of the Hearing Board may then ask questions of the reporting party.

The responding party responds to the accusation providing any further information, evidence, or corroborating testimony pertinent to the incident. Members of the Hearing Board may then ask questions of the responding party.

At the discretion of the Hearing Officer/Chair, witnesses who have been previously identified to the Hearing Officer/Chair may be called to offer testimony. Members of the Hearing Board may ask questions of witnesses following their testimony.

Either the reporting party or the responding party may submit a list of suggested questions to the Hearing Officer/Chair at least 24 hours prior to the hearing. The use of these questions is at the discretion of the Hearing Board.

Questions from the parties must be relayed through the Hearing Officer/Chair. There will be no direct questions from the responding party to the reporting party, or vice versa. All questions will be directed to the Hearing Officer/Chair who will relay the question to the other party, at his/her discretion.

Generally, even if screened or testifying from a separate location, witnesses, including the reporting party and the responding party, should be visible to the hearing board while testifying.

Evidence may consist of testimony, physical evidence, prior statements concerning the incident in question, or any other evidence that the Hearing Board wishes to consider. The reliability and weight given to such evidence is within the discretion of the Hearing Board.

Either party may request a five to ten (5–10) minute recess at any time during the hearing. Requests are granted at the discretion of the Hearing Officer/Chair.

In determining whether a violation of the Policy on Sexual Assault, Harassment and Other Sexual Offenses has occurred, the Hearing Board will apply a preponderance of evidence standard. The “preponderance” standard is met if the proposition is more likely to be true than not true.

The responding party must not be presumed “guilty” (or “responsible”). Instead, guilt, or responsibility, must be established by a “preponderance of the evidence.” (e.g., “more likely than not”) standard. The Hearing Board’s
decision in this regard requires a conscientious and rational judgment on the whole record. “Preponderance” means more than half. If, for example, the hearing board concludes that the evidence – considered overall – weighs equally on both sides, the preponderance standard has not been met and the charges have not been proven.

Hearings are confidential and closed to all but the principals of the case. At the discretion of the Hearing Officer/Chair, a transcript may be kept in audio taped or written form. The tape and transcript are the property of the University. Students and/or employees are not permitted to tape or otherwise record the proceedings. Transcripts will be kept by the appropriate administrator and may be reviewed but not copied or removed from the administrator’s office.

Based on a majority vote of the Hearing Board, the Hearing Officer/Chair issues the opinion as to whether a Policy violation occurred. In the event of a tie, the Hearing Officer/Chair will cast the deciding vote.

The written notification of the Board’s decision is made by the Hearing Officer/Chair to the Lead Title IX Coordinator, who will convey the decision, in writing, to the parties within 24 hours of the completion of the hearing. The Hearing Board also determines disciplinary action (if any) to be taken. Disciplinary actions shall be implemented and monitored by the appropriate administrator and, in the event of disciplinary action against any University employee, the disciplinary action will be administered in accordance with other University policies related to employment.

A record of the final decision will be placed in the responding party’s disciplinary and/or personnel file.
APPENDIX E to the Sexual Offense Policy

REQUIREMENTS FOR FILING AN APPEAL
Applies to the Administrative Process and the Hearing Board Process Complaint Procedure

The appeal must be written, addressed to the Lead Title IX Coordinator assigned to the original complaint, and delivered to that individual no more than 10 calendar days after written notification of the decision from the initial complaint.

Grounds for filing an appeal are limited to:

- Procedural error(s)
- New evidence
- Excessive or too lenient sanctions

The individual seeking the appeal must indicate, in writing, the specific bases or reasons for his or her appeal. The appeal statement should include the following: Name, ID#, address, phone number, email address, reason for appeal, and appropriate information regarding why the appeal should be granted. The letter should be of sufficient detail to stand on its own without accompanying testimony to permit the evaluation of the merit of the grounds for appeal. For example, if there were procedural errors, the errors should be identified and it should be noted what effect those errors had on the outcome of the case. If there is new evidence, the nature of that evidence and the potential effect on the outcome of the case should be noted. If the sanction is perceived to be excessive or too lenient, one should note why he or she believes the sanction was excessive or too lenient and should suggest what he or she believes to be a more reasonable sanction.

The Provost, Senior Vice President and Chief Operating Officer or Hearing Officer/Chair shall consider the written statement of appeal and, within 10 working days, recommend action to be taken.

The individuals involved will receive written notification of the decision from the Lead Title IX Coordinator for the case. If the result of the appeal is an order for a rehearing, the hearing procedures described herein shall apply.
APPENDIX F to the Sexual Offense Policy

EXPEDITED PROCESS FOR SUSPENSION OR DISMISSAL OF STUDENTS OR EMPLOYEES

In the most serious, “high risk” cases, in which the responding party student or employee may pose a serious threat to the health and safety of students and/or employees, the following process may be enacted, in consultation with the Associate Vice President and Dean of Students (related to responding party students) or in consultation with the Associate Vice President and Chief Human Resources Officer (related to responding party employees). Steps 1-3 can take place within a single day.

1. The responding party student or employee is informed of the charges against him/her via email, letter, or phone call.

2. The responding party student or employee has the opportunity to respond to these charges via email, letter, or phone call but must respond within no more than 72 hours or it will be deemed that no response is being made.

3. The responding party student or employee will have the opportunity to submit questions to be answered by his/her accuser(s).

4. The Associate Vice President and Dean of Students, or his/her designee, in consultation with University leadership, determines if the responding party student is responsible for a violation of the Policy on Sexual Assault, Harassment, or Other Sexual Offenses.

5. The Chief Human Resources Officer or designee, in consultation with appropriate administrative/academic leadership, determines if the responding party employee is responsible for a violation of the Policy on Sexual Assault, Harassment and Other Sexual Offenses.

6. In consultation with appropriate members of leadership, and with consideration of other University policies, a decision is rendered on the appropriate decision/action to be taken.

7. The responding party is notified of the decision in writing.

8. The responding party student or employee has ten calendar days in which to forward a written appeal to the Associate Vice President and Dean of Students (for students), or the Associate Vice President and Chief Human Resources Officer (for employees). Any such appeal must set out the specific reasons supporting the appeal, including any contested finding of facts which are set out in the initial determination of sanctions. The written appeal will be reviewed by the appropriate body, or the Sexual Offense Hearing Board or the Administrative Hearing Board for Sexual Offenses.

Due to the seriousness of this kind of case, all requirements for advance notification are hereby waived.

*Examples of these “high risk” cases include:

- violent crimes against a person,
behavior resulting in felony charges or convictions (equivalent to Class A, B, or C felonies in Missouri). Click here for references to the laws in other states where Webster has campuses and for reporting requirements if the reporting party is a minor.

• threats or harassment of such an egregious nature that campus safety is affected

• any behavior that strongly suggests the responding party may be a serious threat to the health and safety of students, faculty, or staff.
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.

The Sexual Offense Advocate
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 314 968-6911or 314 968-7430, or during office hours in the Counseling and Life
Development Office at 314-968-7030.

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

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

Community Resources
There are a number of resources in the St. Louis community for those who have experienced a sexual offense. Such
resources include: ALIVE, The Men’s Center of St. Louis, and the Women’s Self-Help Center.

Visit http://www.webster.edu/human-resources/policies/sexual-harassment-policy.html for a hyperlink to similar
resources for the University’s domestic campuses. The Sexual Offense Advocate can assist in locating additional
resources.

PREVENTION AND EDUCATION:
The University places a strong emphasis on prevention and education programs and communications as effective
ways to minimize sexual assault, harassment and other sexual offenses; to inform students and employees of key
definitions of all types of sexual misconduct, the importance and meaning of consent in sexual relations and the role
that incapacity plays in these offenses; strategies to stay safe, and bystander education. On-line training for
employees also includes roles as responsible employees and campus security authorities, and responsibilities under
Title IX, The Clery Act, The Violence Against Women Act and Title VII.
APPENDIX H to the Sexual Offense Policy

CONTACT INFORMATION FOR POLICY VIOLATIONS RELATED TO SEXUAL ASSAULT, HARASSMENT AND OTHER SEXUAL OFFENSES

Sexual Offense Advocate (24/7)
470 E. Lockwood Ave.
St. Louis, MO 63119
314-968-7030 (office)
314 422-4651 (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)

Webster’s Deputy Title IX Coordinators for Students Reporting Sexual Offenses

Maureen Stroer, Student Affairs Coordinator
Title IX Deputy Coordinator for Student Sexual Misconduct Cases
470 E. Lockwood Ave.
St. Louis, MO 63119
314-968-6980
mstroer@webster.edu

Ted F. Hoef, Associate Vice President for Student Affairs
Dean of Students
Title IX Deputy Coordinator for Student Sexual Misconduct Cases
Webster University
470 E. Lockwood Ave.
St. Louis, MO 63119
314-968-6980
hoeftl@webster.edu

Webster’s Title IX Coordinator for Employees Reporting Sexual Offenses

Betsy M. Schmutz, Associate Vice President
Chief Human Resources Officer
University Title IX Coordinator
Webster University
470 E. Lockwood Ave.
St. Louis, MO 63119
314-968-6960
schmutz@webster.edu

Approved by the Administrative Council
September 1, 2015