

Webster University 2024 Annual Security Report San Antonio Metro Campus

QUICK REFERENCE RESOURCES

Emergency Contacts

- x Emergency 911
- x Castle Hills Police Department (nonemergency) 210-
x Sexual Offense Advocate (main campus)

The Department of Public Safety and Sexual Offense Advocate provides a list of Webster University staff members and their personal email address and mobile number to their account clicking on the Webster Alerts banner.

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

SAN ANTONIO METRO CAMPUS ANNUAL CRIME STATISTICS

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

Preparation of the Annual Crime Statistics

The statistics included in the Annual Security Report are compiled by the Department of Public Safety (DPS) with assistance from a wide range of other University administrative departments, including but not limited to Campus Directors and Assistant Directors at branch campuses,

VAWA Offenses Reporting Table 2021

CAMPUS SAFETY POLICIES AND PROCEDURES

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

Campus Safety

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

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

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

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

University Response to Reports of Crime or Suspicious Activity

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

Likewise, reports involving employees/faculty members may be forwarded to Human Resources and/or a Title IX Coordinator for review and possible disciplinary referral.

Higher Education Opportunity Act Victim Notification

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

Webster Alerts Mass Notification System

Webster University's Webster Alerts system is powered by Rave Alert, a global leader in higher education emergency notification. Webster Alerts are used to notify the campus community about certain crimes and emergencies as described more fully below in the following sections of the Annual Security Report related to Timel

- x Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice, but will be assessed on a case-by- case basis);
- x A string of Burglaries or Motor Vehicle Thefts that occur in reasonably close proximity to one another.
- x Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the Campus Director) - in cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community; however, all cases of sexual assault, including stranger and non stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice;
- x Major incidents of Arson;
- x Other Clery Act Crimes as determined necessary by the Campus Director.

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

[What Is Included in a Timely Warning? a2.6\(C\)-s \(e\)1.4 t3 \(\)-5. n](#)

The Campus Director has primary responsibility for issuing the Campus Safety Alerts to the

EMERGENCY RESPONSE AND EVACUATION POLICIES AND PROCEDURES

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

Immediate Emergency Response Procedures

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

The University's Plan focuses on the following objectives:

- x Establishing the basic organizational and operational roles and procedures to be used in the event of any emergency or crisis situation occurring within or on a campus or site controlled, leased, or owned by Webster University.
- x Articulating clear command and control mechanisms that, when deployed, positions the University to secure and/or commit all appropriate resources toward minimizing the threat of the crisis and protecting lives, property, services and normal operations of the University.
- x Creating a learning centered environment that emphasizes community responsibility through an understanding of key concepts prevention, intervention, and response. By focusing on prevention, we reduce the necessity of intervention and response.

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

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

Evacuation Procedures

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

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

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

Shelter-in-Place Procedures –

What It Means to “Shelter -in-Place”

If an incident occurs and the building or areas surrounding you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to the danger. To “shelter-in-place” you should make a shelter of the building through the use of adjustments to the location can be made even if the shelter is not a room.

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

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

What Is Included in an Emergency Notification?

Once the Campus Director determines that an Emergency Notification should be issued, the Director will draft the content of the Emergency Notification. The Campus Director has primary responsibility for developing the content of the Emergency Notification; however, the Director of Public Safety (or designee) will review and approve the content of the notification. The Director of Public Safety (or designee) will also be responsible for disseminating the notification to the appropriate personnel and agencies.

For example, Public Safety on the Webster Groves campus works collaboratively with other departments to annually test the University's Webster Alerts systems which is used by this and all other branch campuses. The University also conducts annual tabletop exercises involving a different hypothetical emergency or crisis to test its emergency response and evacuation procedures.

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

Drug and Alcohol-Abuse Education Programs

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

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

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

Counseling/Life Development

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

Counseling /Life Development provides an online self-evaluation for alcohol that can be accessed

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

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

Policy on Sex Discrimination, Including Sexual Harassment

Webster University is committed to maintaining a safe learning and working environment that is free from sexual harassment and sexual assault. This policy applies to all members of the University community, including students, faculty, staff, and visitors. The policy is designed to provide a clear understanding of the University's expectations and the consequences of violations. It also outlines the reporting procedures and the support services available to those who experience or witness such incidents.

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

Domestic violence: A Felony or misdemeanor crime of violence¹⁰ committed –

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

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

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

For the purposes of this definition:

- x 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.
- x Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- x Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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

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

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

- a. an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or
- b. any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

- x Fondling: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- x Incest: Sexual intercourse between persons who are related to each other within the

The Title IX Coordinator has ultimate oversight responsibility and works with a Deputy Title IX Coordinator and investigators who assist in fulfilling the Title IX Coordinator's responsibilities. Members of the Title IX Office receive training at least ~~an~~ annual basis related to carrying out their roles and responsibilities. Contact information for Ms. Bynum-

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

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

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

The Sexual Offense Advocate may serve as the reporting party's support person during all proceedings carried out under University policies 4 (d)-2.8 (i)-2.(c)-0.6 (5)-1.9 (s96D6-5.2.4 (l)-3.34>6(e)1.DC

criminal complaint against the perpetrator of the sexual offense and a complaint with Webster University simultaneously; however, reporting parties also always have the right to decline to notify law enforcement.

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

Reports to a Title IX Coordinator or Chief Human Resources Officer

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

Important Information Regarding Confidentiality

This Policy requires the University to keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed

As required by law, disclosures to any other Webster University employee of a sexual assault, incident of dating violence, domestic violence or stalking will be forwarded to a Title IX Coordinator, and in the event that the incident meets the definition of a Clery Act Crime and allegedly took place on the University's Clery Act Geography associated with this campus will be included in this campus' annual crime statistics and may result in a Timely Warning (Campus Safety Act). However, the annual crime statistics and Timely Warnings never include any personally identifying information¹³ about the reporting party.

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

Seeking Prompt Medical Attention

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

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

Preserving Evidence

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

Preserving Physical Evidence through a Forensic Exam

Any individual who believes he or she may wish to pursue legal charges are advised not to bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted (if the

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

¹⁴ Under the Violence Against Women and Department of Justice Reauthorization Act of 2005, starting in 2009, states must certify that they do not "require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both."

regardless of who the incident is reported to, reporting parties⁴⁵ always have the right to decline to

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

Students or staff also have the right to request that their campus directory information on file be

North US Highway 281, Suite A, San Antonio, TX 78258. More information is available at:
<https://www.uscis.gov/>.

Student Financial Aid - The Department of Education's Federal Student Aid office's website is:
<https://studentaid.gov/>. They can be reached by phone at-800-433-5.8 (v)-0.6 (a02 0.3r)2.7 (t)2.65o3j 0.001 Tc

Officials Conducting Disciplinary Proceedings

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

Notifications to Reporting and Responding Parties

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

Standard of Evidence

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

Sanctions

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

University Disciplinary Processes

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

II. SEX DISCRIMINATION, INCLUDING SEXUAL HARASSMENT

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

- cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. See 34 U.S.C. § 12291(a)(8); or
- d) "Stalking" refers to engaging in a course of conduct directed at a specific person that would cause a reasonable person to
- (1) fear for their safety or the safety of others; or
 - (2) suffer substantial emotional distress. See 34 U.S.C. § 12291(a)(30).
- C. Inquiries about Title IX Requirements. Inquiries about the application of this Policy, Title IX and the Title IX Regulations may be referred to the University's Title IX Coordinator:
Kimberley BynumSmith
Director, Office for Civil Rights Compliance and Title IX Coordinator
200 Hazel, 2nd Floor, St. Louis, MO 63119
314-246-7780
kimberleybynumsmith@webster.edu
- D. Interaction with Other University Policies. This Policy addresses sex discrimination. There are other University policies (e.g., the Student Code of Conduct, the Human Resources Grievance Policy, and the Equal Employment Opportunity Commission [EEOC] policy) that address different forms of discrimination and harassment. If the Title IX Coordinator receives a report about misconduct that is not sex discrimination and is therefore not covered by this Policy, the Title IX Coordinator will not adjudicate that complaint. The conduct may be

Policy does not constitute retaliation prohibited under this Policy; provided, however, that a determination regarding responsibility for violation of this Policy, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

D.

person is mentally or physically incapacitated when that person lacks the ability to make or act on considered decisions to engage in sexual activity. A person commits Sexual Assault and violates this Policy by engaging in sexual contact with someone who the person knows, or reasonably should know, is incapacitated.

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

used in this Policy. Incapacitation may be caused by a permanent or temporary physical or mental impairment. Incapacitation may also result from the consumption of alcohol or drugs.

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

A person violates this Policy if the person has sexual contact with someone who the person knows or should know is incapacitated

the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The University may, however, initiate an educational discussion or pursue other educational remedies regarding the use of alcohol or other drugs. This amnesty policy applies to the University's student conduct process as well as related policies applicable to students, faculty and staff.

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

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

1. Prompt Response. When the University has actual knowledge of sexual harassment in an education program or activity of the University against the person in the United States, the University will respond promptly, reasonably and with deliberate attention.
2. Equitable Treatment. The University's response will treat complainants and respondents equitably by offering supportive measures to the complainant and by following the grievance process outlined in this Policy .4 (r)2..fv(s)-ue thstdeetphpp ap atei sTto(i)0.5 (t)24.4 (s).6 (e)4

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- a) the severity and pervasiveness of the alleged sexual harassment;
- b) any pattern of alleged misconduct attributed to the Respondent (e.g., serial predation);
- c) the risk of serious harm to any student, employee or other individual associated with the University;
- d) whether the complainant's allegations involved violence, threats, use of weapons, or similar factors;
- e) whether the complainant's allegations have prompted the involvement of law enforcement and/or criminal proceedings; and/or
- f) any other factor, whose consideration is permitted by applicable law, that directly or indirectly implicates the University's interests in providing a safe and productive 9.443(o)-0.9 (r)]TJ 0

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example, a question cannot be excluded on the basis of relevance solely because it may be unduly prejudicial, concern prior bad acts, or constitute character evidence; however, questions that badger a witness or are unfairly repetitious may be deemed irrelevant. Questions concerning the complainant's sexual history are not relevant unless offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

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g) Requests for Separation At the request of either party, the decisionmaker must

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

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

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

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

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

b) Notice of Appeal. A party may appeal a decisionmaker's decision based on one or

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

- G. Emergency Removal. Notwithstanding any other provision of this Policy that may suggest otherwise, the University may choose to remove a respondent from any University education program or activity on an emergency basis if, based on an individualized safety and risk analysis, the University determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies such removal. When the University exercises its right to implement an emergency removal, the University will notify the respondent of that decision and provide the respondent with an opportunity to challenge the decision immediately following the removal.
- H. Administrative Leave. Notwithstanding any other provision of this Policy that may suggest otherwise, the University may choose to place a nonstudent employee respondent on administrative leave during the pendency of a grievance process under this Policy. Furthermore, nothing in this Policy is intended to, or shall be construed to, modify the nature of any employment relationship with the University.

VII. VIOLATIONS OF LAW

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

1. Federal: Title IX and the Title IX Regulations

VIII. OFFICE FOR CIVIL RIGHTS COMPLIANCE STAFF

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

The Title IX Coordinator has ultimate oversight responsibility and works with An investigator who assist in fulfilling the Title IX Coordinator's responsibilities. The University may designate additional investigators or assistants to aid the Title IX Office in the event of a significant volume of reports of sexual harassment, in response to a recusal of one or more members of the Office for Civil Rights Compliance with respect to a particular matter, or in any other circumstance that the University deems appropriate.

Members of the University community are free to express their views on any academic subject regardless of whether those viewpoints are provocative or controversial. In contrast, however, sexual harassment and retaliation prohibited by this Policy do not constitute the exercise of academic freedom. The University will consider academic freedom and free expression in the investigation of any report of sexual harassment or retaliation that involves an individual's alleged speech or other communication and will take care to distinguish between viewpoint criticisms and academic discourse, which will not constitute sexual harassment, and offensive comments that are directed at an individual based on the individual's sex, gender, or other legally protected characteristics or status, which could constitute sexual harassment.

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counselors and advocates may maintain a party's confidentiality ~~vis~~-vis the University, they may have legal reporting or other obligations under federal or state law, or laws in the country in which the incident occurred.

3. Confidential counselors and advocates will still assist the party in receiving other necessary protection and support, such as party advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules.
4. A party who at first requests confidentiality may later decide to file a report with the University or report the incident to local law enforcement, and thus have the incident fully investigated. These counselors and advocates will provide the party with ~~the~~ assistance if the party wishes to do so.
5. Some employees are required to report all the details of an incident (including the identities of both the individual who claims to have experienced sexual harassment and the person who is accused of perpetrating sexual harassment) to the Title IX Coordinator or the Chief Human Resources Officer. Please note that reports to persons other than the Title IX Coordinator and the University's Chief Human Resources Officer, such as a Deputy Title IX Coordinator, will not confer "actual knowledge" of sexual harassment on the University for

Sexual Offense Support Groups

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

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

Employee Resources

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

- ComPsych's Website: <https://www.compsych.com/>
- Guidance Resources' Website: <https://www.guidanceresources.com/>
- Hotline: 800-311-4327

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

Bystander Intervention

The University takes care to educate students, staff a224 TD [(v)-2.fak0rs ate se anes t-0.oye o ptins to

APPENDIX C – CLERY ACT CRIME DEFINITIONS

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

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

Sexual Assault: Anllier:

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

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

Ethnicity: A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language,

APPENDIX D – CRIME PREVENTION TIPS

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

Tips for Securing Valuables in an Office

- x Always lock your office, even when you are away for a few minutes.
- x If you have valuables stored in your office, do not leave them overnight.
- x

APPENDIX E – TEXAS STATE STATUTES

Tex. Penal Code Sec. 21.01. Definitions. [Sexual Offenses]

In this chapter:

- (1) "Deviate sexual intercourse" means:
 - (A) any contact between any part of the genitals of one person and the mouth or anus of another person; or
 - (B) the penetration of the genitals or the anus of another person with an object.
- (2) "Sexual contact" means, except as provided by Section 21.11 or 21.12, any touching of the anus, breast, or any part of the genitals of another person with intent to arouse or gratify the sexual desire of any person.
- (3) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.
- (4) "Spouse" means a person to whom a person is legally married under Subtitle A, Title 1, Family Code, or a comparable law of another jurisdiction.

Tex. Penal Code Sec. 22.01. Assault. [Domestic Violence addressed in (b)(2)]

- (a) A person commits an offense if the person:
 - (1) intentionally, knowingly, or recklessly causes bodily injury to another, including the person's spouse;
 - (2) intentionally or knowingly threatens another with imminent bodily injury, including the person's spouse; or
 - (3) intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative.
- (b) An offense under Subsection (a)(1) is a Class A misdemeanor, except that the offense is a felony of the third degree if the offense is committed against:
 - (1) a person the actor knows is a public servant while the public servant is lawfully discharging an official duty, or in retaliation or on account of an exercise of official power or performance of an official duty as a public servant;
 - (2) a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code, if:
 - (A) it is shown on the trial of the offense that the defendant has been previously convicted of an offense was committed
 - (i) against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code; or
 - (ii) under:
 - (a) this chapter 19, or Section 20.03, 20.04, 21.11, or 25.01
 - (b) section 25.07, if applicable violation was based on the commission of family violence as described by subsection (a) (1) of that section; or
 - (c) Section 25.072, if any of the applicable violations were based on the commission of family violence as describe by 25.07 (a) (1); or
 - (B) the offense is committed by intentionally, knowingly, or recklessly impeding the normal breathing or circulation of the blood of the person by applying pressure to the person's throat or neck or by blocking the person's nose or mouth;

- (i) This chapter, chapter 19 or section 20.03, 20.04, 21.11, or 25.11;
- (ii) Section 25.07, if applicable violations were based on the commission of family violence as described by section 25.07(a) (1); and
- (3) the offense is committed by intentionally, knowingly, or recklessly impeding the normal breathing or circulation of the blood of the person by applying pressure to the person's throat or neck or by blocking the person's nose or mouth.
- x (b-4) Notwithstanding subsection (b), an offense under Subsection (a) is a felony of the third degree if it is shown on the trial.
- (c) An offense under Subsection (a)(2) or (3) is a Class C misdemeanor, except that the offense is:
 - (1) a Class A misdemeanor if the offense is committed under Subsection (a)(3) against an elderly individual or disabled individual, as those terms are defined by Section 22.04;
 - (2) a Class B misdemeanor if the offense is committed by a person who is not a sports

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- (11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code;
 - (12) the actor is a health care services provider who, in the course of performing an assisted reproduction procedure on the other person, uses human reproductive material from a donor knowing that the other person has not expressly consented to the use of material from that donor;
 - (13) the actor is a coach or tutor who causes the other person to submit or participate by using the actor's power or influence to exploit the other person's dependency on the actor; or
 - (14) the actor is a caregiver hired to assist the other person with activities of daily life and causes the other person to submit or participate by exploiting the other person's dependency on the actor.
- (c) In this section:
- (1) "Child" means a person younger than 17 years of age.
 - (2) "Spouse" means a person who is legally married to another.
 - (3) "Health care services provider" means:
 - (A) a physician licensed under Subtitle B, Title 3, Occupations Code;
 - (B) a chiropractor licensed under Chapter 201, Occupations Code;
 - (C) a physical therapist licensed under Chapter 453, Occupations Code;
 - (D) a physician assistant licensed under Chapter 204, Occupations Code; or
 - (E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code.
 - (4) "Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a:
 - (A) licensed social worker as defined by Section 505.002, Occupations Code;
 - (B) chemical dependency counselor as defined by Section 504.001, Occupations Code;
 - (C) licensed professional counselor as defined by Section 503.002, Occupations Code;
 - (D) licensed marriage and family therapist as defined by Section 502.002, Occupations Code;
 - (E) member of the clergy;
 - (F) psychologist offering psychological services as defined by Section 501.003, Occupations Code; or
 - (G) special officer for mental health assignment certified under Section 1701.404, Occupations Code.
 - (5) "Employee of a facility" means a person who is an employee of a facility defined by Section 250.001, Health and Safety Code, or any other person who provides services for a facility for compensation, including a contract laborer.
 - (6) "Assisted reproduction" and "donor" have the meanings assigned by Section 160.102, Family Code.
 - (7) "Human reproductive material" means:
 - (A) a human spermatozoon or ovum; or
 - (B) a human organism at any stage of development from fertilized ovum to embryo.
- (d) It is a defense to prosecution under Subsection (a)(2) that the conduct consisted of medical care for the child and did not include any contact between the anus or sexual organ of the child and the mouth, anus, or sexual organ of the actor or a third party.
- (e) It is an affirmative defense to prosecution under Subsection (a)(2):

- (1) that the actor was the spouse of the child at the time of the offense; or
- (2) that:
 - (A) the actor was not more than three years older than the victim and at the time of the offense:
 - (i) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or
 - (ii) was not a person who under Chapter 62, Code of Criminal Procedure, had a reportable conviction or adjudication for an offense under this section; and
 - (B) the victim:
 - (i) was a child of 14 years of age or older; and

- (B) against a person the actor knows is a public servant while the public servant is lawfully discharging an official duty, or in retaliation or on account of an exercise of official power or performance of an official duty as a public servant;
 - (C) in retaliation against or on account of the service of another as a witness, prospective witness, informant, or person who has reported the occurrence of a crime;
 - (D) against a person the actor know is a process server while the person is performing a duty as a process server; or
 - (E) against a person the actor knows is a security officer while the officer is performing a duty as a security officer; or
- (3)

- (i) causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode;
 - (ii) by acts or words places the victim in fear that any person will become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person;
 - (iii) by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person;
 - (iv) uses or exhibits a deadly weapon in the course of the same criminal episode;
 - (v) acts in concert with another who engages in conduct described by Subdivision (1) directed toward the same victim and occurring during the course of the same criminal episode; or
 - (vi) with the intent of facilitating the commission of the offense, administers or provides to the victim of the offense any substance capable of impairing the victim's ability to appraise the nature of the act or to resist the act;
 - (B) the victim is younger than 14 years of age, regardless of whether the person knows the age of the victim at the time of the offense; or
 - (C) the victim is an elderly individual or a disabled individual.
- (b) In this section:
- (1) "Child" has the meaning assigned by Section 22.011(c).
 - (2) "Elderly individual" has the meaning assigned by Section 22.04(c).
 - (3) "Disabled individual" means a person older than 13 years of age who by reason of age or physical or mental disease, defect, or injury is substantially unable to protect the person's self from harm or to provide food, shelter, or medical care for the person's self.
- (c) An aggravated sexual assault under this section is without the consent of the other person if the aggravated sexual assault occurs under the same circumstances listed in Section 22.011(b).
- (d) The defense provided by Section 22.011(d) applies to this section.
- (e) An offense under this section is a felony of the first degree.
- (f) The minimum term of imprisonment for an offense under this section is increased to 25 years if:
- (1) the victim of the offense is younger than six years of age at the time the offense is committed; or
 - (2) the victim of the offense is younger than 14 years of age at the time the offense is committed and the actor commits the offense in a manner described by Subsection(a)(2)(A).

Tex. Penal Code Sec. 25.02. Prohibited Sexual Conduct. [Incest]

- (a) A person commits an offense if the person engages in sexual intercourse or deviate sexual intercourse with another person the actor knows to be, without regard to legitimacy:
- (1) the actor's ancestor or descendant by blood or adoption;
 - (2) the actor's current or former stepchild or stepparent;
 - (3) the actor's parent's brother or sister of the whole or half blood;
 - (4) the actor's brother or sister of the whole or half blood or by adoption;
 - (5) the children of the actor's brother or sister of the whole or half blood or by adoption; or
 - (6) the son or daughter of the actor's aunt or uncle of the whole or half blood or by adoption.
- (b) For purposes of this section:

- (1) "Deviate sexual intercourse" means any contact between the genitals of one person and the mouth or anus of another person with intent to arouse or gratify the sexual desire of any person.
- (2) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.
- (c) An offense under this section is a felony of the third degree, unless the offense is committed under Subsection (a)(1), in which event the offense is a felony of the second degree.

Tex. Penal Code Sec. 25.11. Continuous Violence Against the Family.

- (a) A person commits an offense if, during a period that is 12 months or less in duration, the person two or more times engages in conduct that constitutes an offense under Section 22.01 (a)(1) against another person or persons whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code.
- (b) If the jury is the trier of fact, members of the jury are not required to agree unanimously on the specific conduct in which the defendant engaged that constituted an offense under Section 22.01 (a)(1) against the person or persons described by Subsection (a), the exact date when that conduct occurred, or the county in which each instance of the conduct occurred. The jury must agree unanimously that the defendant, during a period that is 12 months or less in duration, two or more times engaged in conduct that constituted an offense under Section 22.01 (a)(1) against the person or persons described by Subsection (a).
- (c) A defendant may not be convicted in the same criminal action of another offense the victim of which is an alleged victim of the offense under Subsection (a) and an element of which is any conduct that is alleged as an element of the offense under Subsection (a) unless the other offense:
 - (1) is charged in the alternative;
 - (2) occurred outside the period in which the offense alleged under Subsection (a) was committed; or
 - (3) is considered by the trier of fact to be a lesser included offense of the offense alleged under Subsection (a).
- (d) A defendant may not be charged with more than one count under Subsection (a) if all of the specific conduct that is alleged to have been engaged in is alleged to have been committed against a single victim or members of the same household, as defined by Section 71.005, Family Code.
- (e)

- (b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:
 - (1) the length of the relationship;
 - (2) the nature of the relationship; and
 - (3) the frequency and type of interaction between the persons involved in the relationship.
- (c) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b).

Tex. Human Resources Code Sec. 51.002. Definitions. [Family Violence Centers]

- (a) In this chapter:
 - (1) "Dating relationship" has meaning assigned by Section 71.0021 (b) Family Code
 - x (1-a) "Dating Violence" means an act, other than a defensive measure to protect oneself, by an individual against another individual whom the actor has or has had a dating relationship and that is:
 - (A) Intended to result in physical harm, bodily injury, assault or sexual assault;
 - (B) A threat that reasonably places an individual in fear of eminent physical harm, bodily injury, assault or sexual assault, or
 - (C) Intended to inflict emotional harm including an act of emotional abuse.
 - x (1-b) "Family" has the meaning assigned by Section 71.003, Family Code.
 - (2) "Family violence" means
 - (A) an act by a member of a family or household against another member of the family or household that:
 - (i) is intended to result in physical harm, bodily injury, or assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, or assault, but does not include defensive measures to protect oneself; or
 - (ii) intended to inflict emotional harm, including an act of emotional abuse.
 - (B) Dating violence.
 - (3) "Family violence center" includes a family violence shelter center and a family violence nonresidential center.
 - (4) "Family violence nonresidential center" means a program that:
 - (A) is operated by a public or private nonprofit organization; and
 - (B) provides comprehensive nonresidential services to victims of family violence.
 - (5) "Family violence shelter center" means a program that:
 - (A) is operated by a public or private nonprofit organization; and
 - (B) provides comprehensive residential and nonresidential services to victims of family violence.
 - (6) "Family violence special project" means a project that:
 - (A) is operated by a public or private nonprofit organization; and
 - (B) provides at least one specialized family violence service.
 - (7) "Household" has the meaning assigned by Section 71.005, Family Code.
 - (8) "Member of a household" has the meaning assigned by Section 71.006, Family Code.
 - x (8-a) "Victim of family violence" means:
 - (A) an adult member of a family or household who is subjected to an act of family violence;
 - or

(B) a member of the household of the adult described by Paragraph (A), other than the

- (5) makes a telephone call and intentionally fails to hang up or disengage the connection;
- (6) knowingly permits a telephone under the person's control to be used by another to commit an offense under this section;
- (7) sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another; or
- (8) publishes on an Internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern.

Text of subdivision as added by Acts 2023, 88th Leg., R.S., Ch. 839 (H.B. 2715), Sec. 7

- (9) tracks or monitors the personal property or motor vehicle of another person, without

- (e) For purposes of Subsection (a)(9), it is presumed that a person did not give effective consent to the actor's conduct if:
- (1) an application for a protective or restraining order against or with respect to the actor has been filed by or on behalf of the person under Subchapter, [Chapter 7B](#), Code of Criminal Procedure, Article [17.292](#), Code of Criminal Procedure, Section [6.504](#), Family Code, or Subtitle B, Title 4, Family Code, or an order has been issued against or with respect to the actor under one of those provisions; or
 - (2) the person is married to the actor and a petition for dissolution of marriage has been filed, or the person was previously married to the actor and the marriage has been dissolved.

Tex. Penal Code Sec. 42.072. Stalking.

- (c) For purposes of this section, a trier of fact may find that different types of conduct described by Subsection (a), if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct.
- (d) In this section:
 - (1)

