

Effective August 19, 2024

The purpose of Webster University's Title IX Policy on Sexual Harassment (" ") is to prohibit sexual harassment, as that term is defined under the terms of this Policy and the Department of Education's regulations construing Title IX of the Education Amendments Act of 1972 (" ").¹

from occurring in the programs and

the relevant policy(ies).

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

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

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

C.

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

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

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

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

This Policy requires the University to keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational

Rights and Privacy Act (“ ”) or U.S. Department of Education regulations published pursuant to FERPA (34 CFR part 99), as otherwise required by applicable law, or as needed to carry out the purposes of the Title IX Regulations, including the conduct of any investigation, hearing, or judicial proceeding arising from the Title IX Regulations. Of course, where the University is required by applicable law to disclose information in

2. Consent can be accurately gauged only through direct communication about the decision to engage

indicates that the complainant is the person filing the formal complaint.

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

1. Incapacitation resulting in the physical and/or mental inability to make informed, rational judgments precludes a person

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

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

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

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

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

B.

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

2.

verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the ohy

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

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

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

4. *Scope of the University's Responsibility to Respond.* For purposes of this Policy, the phrase "education program or activity" includes locations, events, or circumstances over which the University exercises substantial control over both the respondent and the context in which the sexual harassment occurs, including any building owned or controlled by a student organization that is officially recognized by the University. The phrase "education program or activity" also encompasses conduct occurring on the University's computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of, the University.

D.

Policy), alleging sexual harassment against a respondent and requesting that the University investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be a student or employee of the University or an individual otherwise participating in or attempting to participate in an education program or activity or employment at the University.

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

1. the severity and pervasiveness of the alleged sexual harassment;
2. any pattern of alleged misconduct attributed to the Respondent (e.g., serial predation);
3. the risk of serious harm to any student, employee or other individual associated with the University;
4. whether the complainant’s allegations involved violence, threats, use of weapons, or similar factors;
5. whether the complainant’s allegations have prompted the involvement of law enforcement and/or criminal proceedings; and/or
6. any other factor, whose consideration is permitted by applicable law, that directly or indirectly implicates the University’s interests in providing a safe and productive learning environment.

F.

1. ~~Application of Title IX to the University's Educational Programs and Activities~~

conducted in accordance with the following procedures. Such procedures will also be followed for reports of sexual assault, dating violence, domestic violence, or stalking that fall outside the scope of Title IX.

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

It is the responsibility of the University, not the parties, to gather relevant information, to the extent reasonably possible. The investigator will conduct a fair and reliable fact-gathering based on the allegations in the Formal Complaint. The investigator will be responsible for interviewing the Complainant and the Respondent, interviewing potential witnesses; collecting relevant documentation and physical evidence, including

involve allegations with competing plausible narratives and no eyewitnesses. Such situations will be evaluated by objectively evaluating the relevant evidence, regardless of whether that available, relevant evidence consists of the parties' own statements, statements of witnesses, or other evidence. This does not mean that corroborating evidence is required, but the availability of corroborating evidence may bolster a party's position in support of or in opposition to a formal complaint.

4.

12. *Preparation of an Investigation Report.*

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

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

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

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

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

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

11. *Professional Decorum.* All parties and witnesses shall maintain

of such supportive measures available to complainants and respondents is set forth in this Policy's definition of the term "supportive measures." Furthermore, such remedies may include disciplinary sanctions, punitive measures and measures that burden the respondent. Sanctions for a violation of this Policy by a student may include, but is not limited to: no-contact orders; educational training; expulsion; suspension; disciplinary probation; mandated counseling assessment which may include anger management course(s), alcohol and/or drug education program(s), and other requirements based upon the counseling assessment; restrictions on campus privileges including restrictions on campus housing or participation in student activities; community service; and/or other educational sanctions. Sanctions for a violation of this policy by an employee may include, but is not limited to: leave with pay, leave without pay, termination, change in job responsibilities or duties, relocation of assignment, mandated counseling or anger management assessment,

at one of the University's global campuses should be aware that they are subject to the laws of the country in which they are located concerning what conduct constitutes sexual assault or a sexual

314-968-7030 (office)
314-649-8474 (mobile)

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

3. The Sexual Offense Advocate may provide support to the party who has made a report to the Sexual Offense Advocate during all proceedings carried out under University auspices. The Sexual Offense Advocate, in consultation with the party who has made a report to the Sexual Offense Advocate, may designate an alternate to act as representative in the event the Sexual Offense Advocate is unable to perform the duties due to illness or other professional conflicts.

4. Please note that the Sexual Offense Advocate's role is separate from the administrative functions associated with the Title IX grievance procedure and grievance process.

When any incident of sexual offense occurs to a member of the University community—even if off-campus, the University strongly encourages reporting to the Sexual Offense Advocate and/or the Office of Public Safety even if such incident does not constitute sexual harassment as defined in this Policy. When contacted first, Public Safety will automatically contact the Sexual Offense Advocate.

The Sexual Offense Advocate as well as Public Safety are trained to provide assistance in making decisions about pursuing medical attention, counseling/support services, filing campus disciplinary procedures, preserving evidence, and filing criminal and/or civil charges.

It is especially important that someone experiencing sexual assault or some other form of sexual offense preserves any evidence that may assist in establishing the facts of the alleged offense that occurred so authorities and relevant administrators may appropriately investigate the report. Such evidence may include, but is not necessarily limited to, physical evidence or electronic or written communications. Parties may also obtain a confidential forensic examination by a Sexual Assault Nurse Examiner at St. Mary's Health Center, 6420 Clayton Rd, Richmond Heights, MO 63117, 314-768-8360. The YWCA also provides a Rape Crisis Hotline 314-531-7273, which can provide support and resources about sexual assault and forensic exams.

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

C. Behaviors defined above such as sexual assault, dating violence, domestic violence and stalking constitute potential criminal acts that could be grounds for criminal and/or civil action. Reporting parties of sexual offenses have the right to file a criminal report against a respondent simultaneously with a report

The University encourages individuals experiencing sexual misconduct (even if such conduct does not qualify as sexual harassment as defined in this Policy) to make a formal report to the appropriate local law enforcement authorities for the purpose of filing a criminal report and/or seeking and enforcing a no contact, restraining or similar Court Order and has the right to be assisted by the University in exercising this option.

In cases where individuals are interested in pursuing criminal and/or civil charges, it is especially important to work with law enforcement so that statements can be taken and evidence can be collected immediately. If a party experienced sexual intrusion or sexual penetration, one is encouraged to seek medical attention immediately. A medical examination can identify any internal traumas e pcat pte

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 inci

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

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

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

<https://www.moneygeek.com/financial-planning/resources/financial-help-women-abusive-relationships/>

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

<https://www.annuity.org/financial-literacy/women/>

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

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

<https://www.immigrationhelp.org/>

The Sexual Offense Advocate can be reached 24 hours a day, seven days a week by mobile phone at 314-649-8474, through Public Safety at 314-968-6911 or 314-968-7430, or during office hours

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

<https://safeconnections.org/>

2165 Hampton Ave., St. Louis, MO 63139

314-646-7500

Safe Connections reduces the impact and incidence of relationship violence and sexual

470 E. Lockwood Ave.
St. Louis, MO 63119
314-968-7030 (office)
314-649-8474 (mobile)

527 Garden Avenue
(Next to Entrance to Garden Ave. Garage)
St. Louis, MO 63119
314-968-7430
314-968-6911 (emergency)

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

Chief Human Resources Officer
470 E. Lockwood Ave.
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314-968-6960 (office)
618-560-4019 (mobile)
charlesburton@webster.edu