



2019 WEBSTER UNIVERSITY
DEPARTMENT OF PUBLIC SAFETY

Annual Security Report

Webster
UNIVERSITY

VIENNA CAMPUS (AUSTRIA)
webster.edu/publicsafety

Quick Reference Campus Resources

Emergency Contacts

Central European EMERGENCY # from mobile phones	112
Police (emergency)	133
Fire (emergency)	122
Ambulance (emergency)	144
Local Police (Polizeiinspektion Tempelgasse)	+43 1 313 10 63 37 (non-emergency)
Webster University Public Safety Office (main campus)	00+1+314-968-7430 (non-emergency)
Sexual Offense Advocate (Vienna)	+43 1 269 92 93-4375 (office line)
	+43 1 269 92 93-4321 (after hours)
Sexual Offense Advocate (main campus)	00+1+314-252-8304 (24 hours a day)

The Webster University Public Safety Office is located in Webster Groves, Missouri; however, department personnel are available by phone to assist students at any of the University's international campuses locate the necessary local resources.

Webster Alert System

This is the University's free mass notification service which is used to alert all students, faculty & staff regarding important information regarding campus crimes, emergencies and other potentially life threatening events at their webster.edu email address. *Users are strongly encouraged to add a personal email address and mobile number to their account by logging into Connections and clicking on the Webster Alerts banner.*



Additional Helpful Contacts

Webster University – Vienna Campus Reception	+43 1 269 9293 0
Vienna Student Counseling Center	+43 1 269 9293 ext. 4375
Mag. Karin Macke (External Psychotherapist)	06991 – 212 80 09
Non-Webster Emergency Psychiatric Hotline	01-313 30
Deputy Title IX Coordinator for students	+43 1 269 9293 ext. 4355
Deputy Title IX Coordinator for employees	+43 1 269 9293 ext. 4309
University Title IX Coordinator (main campus)	00+1+314-246-7780
Student Affairs	+43 1 269 92 93 4355
Dean of Students Office (main campus)	00+1+314-968-6980
Housing & Residential Life	+43 664 512 3431
Financial Aid	+43 1 269 9293 ext. 4311
Financial Aid (main campus)	00+1+314-968-6992
Immigration/Visa Information	+43 1 269 92 93 ext. 4355
Immigration/Visa Information (main campus)	00+1+314-246-7860

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VIENNA CAMPUS 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.

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 Directors of Operation at branch campuses, Student Affairs, Housing and Residential Life, Human Resources, and Title IX. DPS collects statistics from the University's Campus Security Authorities (CSAs),¹ on an ongoing basis throughout the year and follows up with an annual request for confirmation that all reports of crimes received by CSAs have already been reported to DPS. DPS also annually requests crime statistics from local law enforcement agencies which could potentially respond to calls anywhere on this campus' reportable geography.

2016-2018 Crime Statistics

Under the Clery Act, institutions are only directed to disclose statistics for a specific list of criminal offenses, (collectively referred to as Clery Act Crimes²) which were reported to have occurred in certain property controlled by the institution. Specifically, institutions must publish statistics for Clery Act Crimes which occurred on or at any of following locations:

On-Campus: 1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; or 2) any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

On-Campus Student Housing Facilities: any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility. *Note that this is a subcategory of the On-Campus category.*

¹ CSAs include members of DPS, as well as other University employees or volunteers with responsibility for campus security who are not members of DPS; and University officials with significant responsibility for student and campus activities, including but not limited to, student housing, student discipline and campus proceedings. Because official responsibilities and job titles vary significantly on campuses, CSAs are classified by job function, not job title.

² Definitions of the Clery Act Crimes are provided in Appendix A.

Public Property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Non-Campus Buildings or Property: Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. *Note that none of Webster University's officially recognized student organizations own or control any property at this time.*

Clery Act Crimes are grouped into four general categories.

Criminal Offenses: Criminal Homicide (including Murder and Non-negligent Manslaughter, and Manslaughter by Negligence); Sexual Assault (including Rape, Fondling, Incest and Statutory Rape); Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.

Hate Crimes: which includes any of the Criminal Offenses and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by bias.

VAWA Offenses: which includes any incidents of Domestic Violence, Dating Violence and Stalking. (Note that Sexual Assault is also a VAWA Offense but is included in the Criminal Offenses category for Clery Act reporting purposes.)

Arrests and Referrals for Disciplinary Action: which includes separate arrests and referral statistics for violations of weapons laws, drug abuse violations and liquor law violations.

It is also important to note:

- statistics are based on reports of **alleged** criminal offenses – regardless of whether or not the crime has been investigated, or whether a finding of guilt or responsibility has been made; and
- statistics are tabulated based on the date the Clery Act Crime was reported, not the date it allegedly occurred.

CAVEATS: Annual crime statistics 2018 were received from local law enforcement, but the statistics provided by local law enforcement related to a large geographical area, and it was not possible to determine whether any of the reported offenses actually occurred within the campus' Clery Act Geography.

Please note that while the Vienna campus does not currently have any on-campus housing, it did prior to the fall of 2018.

Criminal Offenses Reporting Table 2016-2018 (Vienna Campus):

Offense	Year	Geographic Location			
		On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Murder/Non Negligent Manslaughter	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Manslaughter by Negligence	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Rape	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Fondling	2018	0	0	0	0
	2017	1	1	0	0
	2016	0	0	0	0
Incest	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Statutory Rape	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Robbery	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Aggravated Assault	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Burglary	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Motor Vehicle Theft	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Arson	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0

VAWA Offenses Reporting Table 2016-2018 (Vienna Campus):

Offense	Year	Geographic Location			
		On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Domestic Violence	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Dating Violence	2018	0	0	0	0
	2017	0	0	0	0
	2016	2	2	0	0
Stalking	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0

Arrests and Disciplinary Referrals Reporting Table 2016-2018 (Vienna Campus):

Offense	Year	Geographic Location			
		On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Arrests: Weapons: Carrying, Possessing, Etc.	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, Etc.	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Arrests: Drug Abuse Violations	2018	0	0	0	0
	2017	0	0	0	0
	2016	1	1	0	0
Disciplinary Referrals: Drug Abuse Violations	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Arrests: Liquor Law Violations	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0

Hate Crimes

In addition to the statistics presented in the Reporting Tables on the preceding pages, institutions are required to report the statistics for hate crimes. There were no reported Hate Crimes during 2016, 2017, or 2018.

Unfounded Crimes

Institutions are also required to disclose whether any crime reports were “unfounded” and subsequently withheld from crime statistics during each of the three most recent calendar years. A crime is considered unfounded for Clery Act purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless.

There were no unfounded crimes in 2016, 2017, or 2018.

Webster University’s Daily Crime Log

Up to date information regarding crimes reported on Clery Act Geography is also publicly available year round in a Daily Crime Log maintained by the Director of Operations/Head of European Operations. The Crime Log records, by the date the incident was reported to the Head of the Operations Department certain information on all alleged criminal incidents (not just Clery Act Crimes) which occurred on Clery Act Geography. The Crime Log does not include information unrelated to alleged crimes (e.g., responding to alarms on campus or rendering medical assistance). The most recent 60 days of the Daily Crime Log are available for public inspection at the front desk of the Vienna campus Mon-Thu 8:30am-6pm and Fridays 8:30 am-3pm., except during certain holidays and when the campus is closed. Requests to view entries from more than 60 days ago, will be provided within two business days of the request.

CAMPUS SAFETY POLICIES AND PROCEDURES

This section of the Annual Security Report includes information about Webster University's Department of Public Safety located on the Webster Groves campus, how to report crimes or suspicious activity on this campus, and how the University communicates important safety information to the campus community.

About Webster University's Department of Public Safety

The Webster University Department of Public Safety (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. Director Gerger has led this department since 2015. DPS is a member of the University's Finance and Administration division, and reports to the Vice President and CFO. DPS personnel work collaboratively with local law enforcement and administrators and staff at the University's branch campuses to provide protective and safety services to the campus community. Contract security officers/porters also provide additional security at the front desk/main entrance of this campus at certain times.

Jurisdiction and Enforcement Authority of University Staff Involved in Campus Security

Local law enforcement has jurisdiction over all Webster University owned or controlled property associated with this branch campus; however, Student Affairs staff, Housing and Residential Life staff, and the Facilities Management work together with local law enforcement to enforce University policy, as well as local and federal laws. Only local law enforcement has the power to make arrests on the Webster University property associated with this campus; however, University administrators or staff may assist local law enforcement with making arrests on University property, or with any search or seizure in connection with an arrest related to a crime committed on University property.

There is no written "memorandum of understanding" (MOU) agreements between the University and any local law enforcement agencies regarding the investigation of alleged criminal offenses. However, local staff and DPS work cooperatively with local law enforcement to enhance public safety services and campus security. The University has a number of recognized student organizations, however, none of these organizations own or control any on campus or non-campus buildings or structures.

Facilities Management personnel have primary responsibility for the day to day campus security for all of the facilities on campus, but this department also works collaboratively with local law enforcement and an outside security firm. Contract security officers/porters employed by the outside firm, G4S Security provided additional security at the front desk/main entrance of the academic building during specific afternoon and evening hours when the front desk is not staffed by Facilities personnel.

Facilities Management personnel are also responsible for opening the campus each day and securing it each night. The Director of Operations, Campus Director, Facilities Management staff, and contract security officers/porters work closely with administrative departments throughout this campus on a dual approach to campus security – which entails both minimizing criminal opportunities whenever

possible, and encouraging members of the campus community to take an active role in their own personal safety and the safety of others.

Reporting Criminal or Suspicious Activity and Emergencies

The University strongly encourages all members of the campus community (as well as visitors) to promptly and accurately report any criminal or suspicious activity and emergencies as outlined below as soon as possible, even if the victim of a crime elects to, or is unable to, make such a report. It is essential that all crimes are reported to using these methods so that the Director of Operations can determine whether a Timely Warning³ needs to be issued to the campus community, and consider whether the incident should be included in the annual crime statistics and/or the Daily Crime Log.

Contacting the University about Criminal Actions, Suspicious Activities or Emergencies

Campus community members should report criminal action, suspicious activity or other emergencies occurring on campus, in off campus housing leased through the University, or on other property owned or controlled by the University to the Facilities & Operations Front Desk by dialing +43 1 2699 293 4300 (or dial 4300 from any IP phone on campus). The Front Desk is staffed Monday through Friday 8:30 am-10:30 pm, Saturdays 1:30 pm-6:30 pm. If a reporting party cannot reach any of the contacts listed above, and the activity is an emergency situation, reporting parties should leave a brief voice message, and immediately contact local law enforcement/first responders by calling 133 (police), 144 (ambulance) or 122 (fire).

The University also strongly encourages individuals to report any crimes which occur off campus, on or in property that is not controlled by the University to the appropriate law enforcement agency. While these crimes are not included in the ASR,⁴ the Director of Operations is always available to assist callers with determining which local law enforcement agency to contact for assistance.

Confidential Reports

The University understands that there are times when a victim of a crime does not want to pursue action within the university system or the criminal justice system; however reporting parties may still want to consider making a confidential report. With a reporting party's permission, any of the contacts listed above file a report without revealing the reporting party's identity. The purpose of a confidential report is to comply with a reporting party's desire to keep the matter confidential, while allowing the University to take the necessary steps to ensure the future safety of the reporting party and campus community. Confidential reports allow the University to determine where there is a pattern of crime

³Timely Warnings are Clery mandated safety alerts that are issued to the campus community under certain circumstances. The University's policies and procedures regarding Timely Warnings are explained in a later section of this Report.

⁴Unless the incident took place on reportable non-campus property as that term is defined by the Department of Education.

with regard to a particular location, method, or assailant, and assess whether a Timely Warning (described in more detail in the Timely Warning section of this document) is needed. These reports are also included in the University's annual crimes statistics.

Important note: confidential reporting to the Director of Operations 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 Director of Operations must share the reporting party's identity with a Title IX Coordinator anytime he or she 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 employees working as 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. However, statistics included in the Annual Security Report never include any identifying information for any of the involved parties, regardless of whether or not the crime was reported confidentially.

University Response to Reports of Crime or Suspicious Activity

Regardless of whether an incident is reported to the Front Desk, the Housing Director, the Head of Student Resource Center, the individual receiving the report will relay that information to the Director of Operations (or designee) who will ensure that DPS at the main campus is aware of the report, and work with DPS (if appropriate) to document the incident.⁵ If the reporting party requests the involvement of the local law enforcement, the Director of Operations can assist reporting parties with this request. Reporting parties should be aware that reports (and any associated investigation) involving students may be referred to the Student Resource Center, Housing and Residential Life, 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.

⁵ The type of response will take into consideration the nature of the report and location of the reporting party.

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 Timely Warnings and Emergency Notifications. The University may also use Webster Alerts to communicate unexpected school closures due to inclement weather or power outages from time to time; however, it is never used to send information regarding advertising or campus activities.

Students, faculty and staff are automatically enrolled in the Webster Alerts system; however, their account initially only lists their webster.edu email address, and they are only signed up to receive alerts for the campus(es) they attend classes at or are employed at. Students, faculty and staff cannot opt out of receiving communications at their webster.edu email address related to certain crimes or emergencies which may affect their campus(es).

The University strongly encourages students, faculty and staff to also add additional contact information such as personal email addresses and mobile numbers to their Webster Alerts account. Individuals are provided an opportunity to add up to three personal email addresses and three mobile numbers to their account. This also allows account holders to add other individuals such as parents or guardians to their account if they wish. Other individuals who are interested in signing up for a Webster Alerts account can request an account by contacting the Director of Public Safety, Rick Gerger at 314-246-8708 or rickgerger06@webster.edu. Instructions for accessing Webster Alerts accounts is provided in new student, faculty and staff orientation materials. Account holders can always edit their current contact information and campus preferences at any time simply by logging onto Connections and clicking on the Webster Alerts banner.

Timely Warning Policies and Procedures

What Are Timely Warnings?

It is the University's policy to issue Timely Warnings to the campus community any time a campus security authority (or local law enforcement agency) receives a report of a Clery Act crime that has occurred on Clery Act geography that, in the judgment of the Director of Operations (or his/her designee)⁶, constitutes a serious or continuing threat to students, faculty or employees. The University's Timely Warnings are known as "Campus Safety Alerts," and these Alerts will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar crimes.

⁶ Note that any of the Campus Director's responsibilities outlined anywhere in the "Timely Warning Policies and Procedures" section of this Report may also be fulfilled by a designee of the Director's choosing.

When Are Timely Warnings Issued?

The Director of Operations evaluates each crime reported to him by the Front Desk, the Housing Director, the Head of Student Resource Center, or another CSA at this campus on a case by case basis to determine whether, based on the facts known at that time, there is an ongoing threat to the campus community. Factors taken into consideration include, but are not limited to: the nature of the crime and the continuing danger to the campus community. Campus Safety Alerts are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- Murder/Non-Negligent Manslaughter;
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger campus community);
- 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);
- 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 Director of Operations) – 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;
- Major incidents of Arson;
- Other Clery Act Crimes as determined necessary by the Director of Operations.

What Is Included in a Timely Warning?

Once the Director of Operations determines that a Campus Safety Alert should be issued to the campus community, he or she will draft the content of the Alert. The Director of Operations has primary responsibility for developing the content of the Campus Safety Alert; however, the Director of Public Safety (or designee) or Chief Communications Officer (or designee) at the Webster Groves campus are also authorized to draft Alerts if necessary.

The content of Campus Safety Alerts varies depending on what information is known at the time and the type of offense involved; however, the following information (if known) is typically included unless it could potentially compromise law enforcement efforts or victim confidentiality:

- Date/time/location of the crime;
- Brief description of the crime;
- Suspect description(s);
- local law enforcement contact information;
- Relevant crime prevention or safety tips.

How Are Timely Warnings Issued?

Campus Safety Alerts are always communicated via blast emails to all email addresses associated with this campus which are registered with Webster Alerts. This will always include every student, faculty, and staff member's webster.edu email address, as well as any additional email addresses which these individuals have added to their Webster Alerts accounts. The University may also choose, on a case by case basis, to supplement the primary methods of issuing Campus Safety Alerts with one or more of the following additional methods of communications: text messages to mobile numbers registered with the Webster Alerts system associated with this campus, posting information to the University's official social media pages, posting information to the University's official website, or posting paper flyers in strategic locations on campus.

The Director of Operations has primary responsibility for issuing the Campus Safety Alerts to the campus community using the methods described above; however, the Director of Public Safety (or designee) or Chief Communications Officer (or designee) at the Webster Groves campus are also authorized to issue Alerts via any of these methods if necessary.

Updates to Timely Warnings

In the event that the Director of Operations determines that an update to the original Campus Safety Alert should be issued, the update will be prepared and issued using the same procedures and methods as the initial Campus Safety Alert.

Campus Safety Advisories

While the Clery Act does not require universities to issue Timely Warnings for non-Clery Act Crimes or crimes which do not occur on Clery Act Geography; the Director of Operations may choose from time to time to issue notices to the campus community of other types of crimes or crimes which occur nearby the University but outside its Clery Act Geography. These notices are known as "Campus Safety Advisories" and they may be issued in a variety of ways to all or a portion of the members of the campus community. The Director of Public Safety (or designee) may from time to time assist the Director of Operations in communicating these voluntary Advisories to the appropriate members of the campus community at times.

Security Awareness & Crime Prevention Programs

Education is another key component of maintaining a secure campus. This campus provides security awareness and crime prevention programming in connection with each new student orientation. Security awareness and crime prevention topics are also incorporated into the new employee onboarding process.

Many of this campus' current crime prevention and security awareness programs were developed and presented by Student Resource Center and Housing staff as well as trained student volunteers under staff supervision at new student orientation which takes place five times per year. Campus administrators and staff also plan to work more closely with Public Safety staff at the main campus in Webster Groves, Missouri during this upcoming year to develop additional programming which will be

communicating through information tabling at larger events to provide campus community members with an opportunity to ask questions or request additional resources. This campus is also looking into ways to incorporate crime prevention information into existing or new campus newsletters and other similar methods of communication.

The following topics were addressed in one or more of the safety awareness and crime prevention programs offered during 2018-2019:

- The importance of providing emergency contacts
- The importance of securing personal belongings through the use of available lockers
- The University Student Conduct policy sections related to criminal conduct

Regardless of the specific focus of the programs, the presentations emphasized the need for participants to be responsible for their own security and safety, as campus safety requires collaboration between the University, students, faculty and staff.

Additional crime prevention, security awareness programs and resources (including Active Shooter training) are also available to interested individuals and groups of students, parents, staff and faculty by request. **See Appendix A for a list of Crime Prevention Tips.**

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. 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 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 receive training in the Incident Command System and Responding to Crisis Incidents on campus and undergo refresher training annually. In 2016, key members of the University's EOP participated in the FEMA course, Multi-Hazard Emergency Management for Higher Education.

The University's EOP focuses on the following objectives:

- 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.
- 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.
- 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, severe weather, natural disasters, violent/criminal incidents, and terrorism.

In the event of an emergency on campus, University staff will work collaboratively with local first responders to respond to, and summon the necessary resources, to mitigate, investigate, and document the emergency or dangerous situation. Even under circumstances where the University is not taking the lead in responding to the emergency, it is essential that University staff remain an active part of emergency response so that the Director of Operations 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 from University officials or local law enforcement agencies 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, tornados, 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 notify your Director of Operations or local first responders.

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 securing a safe location near a stairwell, and immediately inform first responders 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 buildings or areas around 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 that danger. To “shelter-in-place” simply means that you should make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

If the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belonging (purse, wallet, access card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest University building quickly. If local police or fire department personnel are on the scene, follow their directions.

How You Will Know to “Shelter-in-Place”

A shelter-in-place notification may come from several sources, your Director of Operations, Housing & Residential Life Staff members, other University employees, or other local first responders.

How to “Shelter-in-Place”

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by University officials or local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
 - An interior room;
 - Above ground level; and
 - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms maybe necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. (University staff will turn off the ventilation as quickly as possible.)
6. Make a list of the people with you and ask someone (Housing staff, faculty, or other staff) to call the list in to local emergency first responders so they know where you are sheltering. If only students are present, one of the students should call in the list.
7. Turn on a radio or TV and listen for further instructions.
8. Make yourself comfortable.

Emergency Notifications Policies & Procedures

What Are Emergency Notifications?

It is the University's policy to immediately notify the campus community (in the form of an Emergency Notification) any time the Director of Operations (or his/her designee)⁷ confirms that there is a significant emergency or dangerous situation which poses an immediate threat to the health or safety of students, faculty or staff occurring on the campus. The Director of Operations is also responsible for determining the appropriate segments or segments of the campus community to receive a notification based on the type of incident involved and its location.

When Are Emergency Notifications Issued?

Any time the Director of Operations is notified about a potential emergency or dangerous situation on the University's Clery Act Geography, the Director of Operations will then reach out to the appropriate University administrators, DPS personnel on the main campus, and local first responders 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 Director of Operations 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 Director of Operations determines that an Emergency Notification should be issued, the Director will draft the content of the Emergency Notification. The Director of Operations has primary responsibility for developing the content of the Emergency Notifications, however, the Director of Public Safety (or designee) and Chief Communications Officer (or designee) at the Webster Groves campus are also authorized to draft Notifications if necessary.

The content of Emergency Notifications varies depending on what information is known at the time and the type of emergency involved, however, the following information (if known) is typically included:

- The nature of the emergency;

⁷ Note that any of the Campus Director's responsibilities outlined anywhere in the "Emergency Notification Policies and Procedures" section of this Report may also be fulfilled by a designee of the Director's choosing.

- The action to be taken (e.g., Evacuate; Seek Storm Shelter; Shelter in Place);
- Additionally, “GO TO” and “AVOID” may be used in the event normal response procedures would place personnel at risk; and
- Where to obtain further information and/or updates on the emergency.

How Are Emergency Notifications Issued?

Emergency Notifications are always communicated via the following methods: blast emails to all addresses⁸ associated with the this campus which are registered with Webster Alerts; text message alerts to any mobile devices associated with this campus which are registered with Webster Alerts; broadcast announcements through all IP phones located on campus; and alerts posted on the University’s official website.⁹

The University may also choose, on a case by case basis, to supplement the primary methods of issuing Emergency Notifications with one or more of the following additional methods of communications: alerts posted to digital signage across campus; information posted on official University social media pages; and desktop alerts to any computers on campus which are connected to the University’s network.

The Director of Operations has primary responsibility for disseminating the Emergency Notifications in the primary and secondary methods described above; however, the Director of Public Safety (or designee) and Chief Communications Officer (or designee) at the Webster Groves campus are also authorized to disseminate Notifications via any of these methods if necessary.

Communicating Emergency Notifications to the Larger Community

The University always provides information regarding any emergency notifications to the larger community by posting information on the University website’s main page (<http://webster.ac.at>). The University may also decide on a case by case basis to utilize its official social media accounts or provide information directly to local or national media.

Follow Up Information Regarding Campus Emergencies

The Director of Operations will stay in close contact with appropriate University administrators, DPS personnel on the Webster Groves campus and local first responders as the situation unfolds, so that the Director can determine when it is appropriate to provide follow up information to the community. Any follow up information will be provided using the same procedures and methods as the initial Emergency Notification.

⁸This will always include every students, faculty, and staff’s webster.edu email address, as well as any additional email addresses these individuals have added to their Webster Alerts accounts.

⁹ Anytime there is an emergency notification posted to the University’s website it will appear in a banner at the top of the page at <http://webster.ac.at>.

Publication & Tests of Emergency Response and Evacuation Procedures

The University publicizes its emergency response and evacuation procedures annually by blast email to all “webster.edu” email addresses, in conjunction with at least one test per calendar year. This same information is also publicly available year round on the DPS website at:

<http://www.webster.edu/public-safety/crisis/>. Additional crisis response materials can also be found on students, faculty, and staff’s Connections home page on the right hand side of the home screen of the Connections home page after you have logged into your account under the “Crisis Response” heading.

The University conducts a variety of tests of its emergency plans and evacuation policies and procedures. Tests include regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution. Drills are relatively small-scale activities that are designed to focus on specific areas or specific sections of this plan which are normally developed and evaluated by internal personnel to help acquire knowledge/skills. Exercises are generally larger in scale and are formal events and are designed to be as close to “real-life” as possible. They are typically not stopped or interrupted to make corrections except for safety concerns or real incidents that could impact the participants. The exercises have a debriefing and a critique at the conclusion. The purpose of exercises is to test the knowledge/skills of the participants.

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

Administrators at this campus may also participate in tabletop exercises involving a different hypothetical emergency or crisis to test its emergency response and evacuation procedures in collaboration with local first responders or Public Safety staff at the Webster Groves main campus.

The Vienna campus holds evacuation drills at least once per calendar year.

After the conclusion of each drill or exercise conducted by the University, the Director of Operations (or his/her designee) documents: a description of the drill/exercise, the date/time of the drill/exercise, and whether it was announced or unannounced.

CAMPUS SECURITY & ACCESS CONTROL

The University understands that preventative security measures, including effective access control is a key component of maintaining a secure campus; however these measures and access controls must be assessed for each facility on a case by case basis. The following sections of the Annual Security Report addresses the general security measures, including access to both non-residential and residential facilities on campus, but is not building specific.

Security Measures

Facilities Management personnel have primary responsibility for the day to day campus security for all of the facilities on campus, but this department also works collaboratively with local law enforcement and an outside security firm. Contract security officers/porters employed by the outside firm, G4S Security provided additional security at the front desk/main entrance of the academic building during specific afternoon and evening hours when the front desk is not staffed by Facilities personnel. Facilities Management staff opens the campus each day and secure it each night. These staff members also manage key and card swipe access to University buildings.

The University focuses on a dual approach to campus security – which entails both minimizing criminal opportunities whenever possible, and encouraging members of the campus community to take an active role in their own personal safety and the safety of others. The University uses the following techniques to maximize campus safety and minimize criminal opportunities:

- **Preventative patrols** Operations Assistants in the Facilities Management department perform building checks two times a day daily except on Sundays and on holidays when the campus is closed. The campus' outside security firm performs external security checks at least once a day on Sundays and on holidays when the campus is closed.
- **Closed circuit television** monitoring and recording is performed at all entrances of the building.
- **Restricted card access entry system** every exterior and interior door on campus including individual residences and offices.
- **Webster University maintains campus facilities and landscaping in a manner that minimizes hazardous and unsafe conditions.** Parking lots and pathways are illuminated with lighting. Members of the University community are also encouraged to report malfunctioning safety equipment or unsafe physical conditions to Facilities Management. These types of hazards are also looked for during the twice daily walkthroughs conducted by Operations Assistants.

- **The Behavioral Intervention** The Head of Student Resource Center and the Director of Counseling work together to address reports of troubling behavior which could potentially lead to security concerns on campus; however, this informal behavioral intervention process is not intended to address immediate threats. This process is used to assess reports of troubling behavior by students, faculty, or staff, and implement interventions that are in the best interest of the University and the individual. Individuals can request assistance with behavioral intervention by either contacting either the Head of the Student Resource Office or Director of Counseling.

Access Control



Webster University's Vienna campus is located in the heart of one of the most beautiful cities in Europe. The campus includes well-equipped classrooms, several computer labs, a cafeteria and offices.

The University's facilities are generally open to the public during normal business hours Monday through Saturday although all visitors are required to sign in at the front desk where they will be issued identification cards. Certain spaces within buildings may be restricted by key card access even when the building itself is open to the public.

Facility Management in cooperation with the IT department is responsible for coordinating the issuance of the necessary key cards for students, faculty and staff, and authorized visitors. After-hours access to specific spaces such as offices, classrooms, studios, etc. must be approved by the appropriate faculty or staff. Once approval is granted for after-hours access, Facility Management will arrange for access for these individuals.

ALCOHOL AND DRUG POLICY & EDUCATION PROGRAMS

The University recognizes that an effective Alcohol and Drug policy and education programs are another important aspect of campus safety for students, staff and faculty. The University's full Drug and Alcohol Policy is available at: http://www.webster.edu/student-handbook/drug_alcohol_policy.html. Select portions of the University's Drug and Alcohol Policy and the associated education programs are explained in this section of the Annual Security Report.

University Alcohol Policy

The 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. Campus administration works collaboratively with the Dean of Students Office and other personnel at the main campus in Webster Groves, Missouri to enforce these laws, and maintain standards governing the allowable use of alcohol on campus and at campus events, and in on campus student housing facilities.

When on campus, students who are 18 years of age or older¹⁰ may consume alcoholic beverages only at University sanctioned events. Students living in off-campus housing arranged by the University may only consume alcoholic beverages in accordance with the Housing and Residential Life policy described below. The University prohibits drinking games on campus, whether at events or in off-campus residential facilities. While off-campus, students are expected to uphold the policies of the Student Code of Conduct. Behavior occurring off-campus that is that is detrimental to the University or members of the campus community is governed by this Code. Webster reserves the right to take actions that address the violations through educational intervention or sanctions.

The following only applies to the Housing and Residential Life¹¹ Department's alcohol policy which states that individuals who are of legal age to possess and consume alcohol may have alcohol in their assigned residential space for personal consumption. Alcohol may only be consumed by individuals of legal age, 18 years of age or older. Individuals who are not 18 years of age or older may not possess or consume alcohol. With the exception of a roommate, alcohol may not be in the presence of individuals under 18 years of age. Individuals on campus are not permitted to provide alcohol to individuals under 18 years of age. Disruptive behavior related to the consumption of alcohol is not permitted even if the alcohol is consumed off campus. Given the health concerns related to the over-consumption and rapid consumption of alcohol individuals may not possess excessive amounts of alcohol on campus and/or possess or use devices intended for the rapid consumption of alcohol in on campus student housing facilities. This includes, but is not limited to, kegs, beer bong, and beer pong. Collections of alcohol containers are not permitted on campus. Additionally, alcohol may not be consumed in a public spaces including, but not limited to, hallways, lounges, parking lots, or any patios/balconies.

¹⁰ The legal drinking age in Austria is 18 years old.

¹¹ While the University does sublease certain housing units to students, none of this housing is within 1 mile of campus.

Students, faculty or staff in violation of the University's Alcohol Policy are referred to Student Affairs (students) or Human Resources (faculty/staff) and may be referred to local law enforcement if they are in violation of applicable alcohol laws.

University Drug Policy

The possession, use and sale of illegal drugs is prohibited on the University campus and illegal under both state and federal law. Campus administration works collaboratively with the Dean of Students Office and other personnel at the main campus in Webster Groves, Missouri to enforce these laws. Students, faculty or staff in violation of the University's Drug Policy will be referred to Student Affairs (students) or Human Resources (faculty/staff) and may be referred to local law enforcement if they are in violation of applicable drug laws.

Drug and Alcohol-Abuse Education Programs

Oversight for the University's Alcohol and other Drug Education and Prevention (AOD) program is formally housed within the Department of Counseling/Life Development at the main campus in Webster Groves, Missouri. Dr. Patrick Stack, Director of Counseling/Life Development at the Webster Groves campus is a Certified Reciprocal Advanced Alcohol Drug Counselors (CRAADC). 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 at this campus are coordinated through the collective efforts of the Student Resource Center and Residential Life. The goal is to support and promote healthy choices that promote a healthy learning environment.

Specifically, the University's 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:

- Residential Life staff is trained on alcohol/drug issues and conducts educational workshops for residents, and staff highlights drug and alcohol policy in their orientation session.
- Counseling/Life Development is available to assist students with alcohol/drug issues. Professional counselors provide treatment for substance abuse. Specifically, Counseling staff engage the University community by providing annual alcohol/drug training for resident assistant staff, including awareness of resources on campus and how to respond to alcohol/drug emergencies.
- The Head of Student Resource Center partners with other departments to assist with programming efforts as needed.
- The effects of alcohol and/or drug usage are addressed within the University's sexual misconduct prevention programming maintained and administered by the Dean of Students office.
- The Office of Human Resources is required to communicate with all employees regarding drug/alcohol abuse in the workplace.

- The effects of alcohol and drug usage are addressed within the University's sexual misconduct prevention programming.
- Issues related to alcohol and drug usage are included in the training provided to individuals serving on the University Conduct Board.

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 Sexual Assault, Harassment, and Other Sexual Offenses

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 the University makes 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's Policy on Sexual Assault, Harassment, and Other Sexual Offenses (referred to hereinafter as the "Sexual Misconduct Policy") describes the University's programs to prevent dating violence, domestic violence, sexual assault, and stalking. The full policy is available at: <http://www.webster.edu/human-resources/policies/sexual-harassment-policy.html>. This Policy prohibits (among other conduct) the crimes of domestic violence, dating violence, sexual assault, and stalking.

The definitions of the offenses of sexual assault, dating violence, domestic violence, and stalking used in reporting Clery Act crimes in the annual statistics appear below.¹² These definitions of dating violence, domestic violence, and stalking come from the Violence Against Women Act (VAWA), and the definition of sexual assault comes from the FBI's UCR program and which can be found in Appendix A of 34 CFR Part 668.

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. 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. For the purposes of this definition:

¹² Appendix C provides local law definitions for these crimes. These definitions are not used to classify crimes in the included annual statistics; however, they are provided for education and awareness purposes.

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

Domestic violence: A Felony or misdemeanor crime of violence¹³ committed –

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; 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 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:

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

For the purposes of this definition:

- 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.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- 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.”

¹³ The 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.

- **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.
- **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.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

While all sexual assaults reported to a Campus Security Authority are included in the annual crime statistics and Daily Crime Log without regard to the issue of consent, the definition of consent (both in regard to the Sexual Misconduct Policy and local law) is an essential component of the Sexual Misconduct Policy and the University's primary and ongoing prevention and awareness programs.

The University's Sexual Misconduct Policy defines Sexual Consent as the "positive, unambiguous, and voluntary agreement to engage in specific sexual activity throughout a sexual encounter."

The Sexual Misconduct Policy expands on this definition by explaining that,

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."

The Sexual Misconduct Policy uses the University's definition of consent provided above; however, the local law definition is provided in Appendix C for education and awareness purposes. The University's definition of consent is used to identify potential misconduct from a sexual assault perspective in connection with disciplinary procedures.

Webster University's Title IX Team

Webster University's Title IX Team is led by the University's designated Interim Title IX Coordinator, Kimberley Pert. Ms. Pert 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 reports of alleged policy violations and identifying and addressing any pattern or systemic problems that arise during the review of such reports of alleged policy violations.

The Interim Title IX Coordinator has ultimate oversight responsibility; however, she reserves the right to engage additional trained Deputy Title IX Coordinators on an ad-hoc basis as necessary. In the event a Deputy Title IX Coordinator is assigned to a specific case, he or she is referred to as 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 information for Ms. Pert appears below.

Designated Title IX Coordinator
Kimberley Pert
Interim University Title IX Coordinator
470 E. Lockwood Ave.
St. Louis, MO 63119
314-246-7780
pertk61@webster.edu

VIENNA CAMPUS

Deputy Title IX Coordinator for Employees Reporting Sexual Offenses

Mag. Nora Binder
Director of Finance, Controlling and HR
Office: +43 1 269 9293 Ext. 4309
Nora.Binder@webster.ac.at

Deputy Title IX Coordinator for Students Reporting Sexual Offenses

Kathryn Witkowski
Student Resource Officer
Office: +43 1 269 9293 Ext 4355
Kathryn.Witkowski@webster.ac.at

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

Reporting Sexual Assault, Dating Violence, Domestic Violence or Stalking

The University offers individuals a number of reporting options which are outlined below; however, the University strongly encourages reporting to the Sexual Offense Advocate. The Sexual Offense Advocate is 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 Sexual Offense Advocate may work with the appropriate administrators to issue a temporary ban from or restricted access to campus for that person. Regardless of which reporting option an individual ultimately chooses, he or she, at his or her discretion, may choose anyone he or she would prefer to serve as a support person at all times.

Confidential 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.** Reports of sexual assault, dating violence, domestic violence or stalking made to the Sexual Offense Advocate which meet the definition of a Clery Act Crime and which occur within the University's Clery Act Geography are still included in the University's Daily Crime Log and annual crime statistics, but neither the Log nor the statistics ever include any personal-identifying information. Sexual assaults reported to the Sexual Offense Advocate which meet the definition of a Clery Act Crime and which occur within the University's Clery Act Geography may also result in a Timely Warning (Campus Safety Alert); however, Timely Warnings never include information that identifies the reporting party.

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 for the Vienna campus can be reached during the office hours at +43 1 269 92 93-4375. Outside these hours please contact the sexual offense advocate on the main campus who is available 24 hours a day at 00+1+314-252-8304.**

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 Deputy Title IX Coordinators 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 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 Advocate's role is separate from the administrative functions associated with the Hearing Board or other hearing procedures.

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 local law enforcement authorities.

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.

Reports to Local Law Enforcement

As noted above, the Sexual Offense Advocate can assist reporting parties with notifying local law enforcement agencies. Alternatively, reporting parties also have the option of reporting incidents directly to local law enforcement authorities themselves. Local police can be reached in cases of emergency by dialing 133.

Sexual assault, dating violence, domestic violence and stalking also constitute potential criminal acts that could be grounds for criminal and/or civil action. Reporting parties have the right to file a criminal complaint against the perpetrator of the sexual offense and a report with Webster University simultaneously.

Reports to a Title IX Coordinator or Deputy 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. Individuals also have the option to make reports directly to a 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 the Sexual Misconduct Policy. Additionally, such reports will be handled consistent with the University's Sexual Misconduct Policy regarding investigation, adjudication, and resolution.

Important Information Regarding Confidentiality

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 as explained above in the sections describing the different responsibilities of the University Sexual Offense Advocate, and the Title IX Coordinators. Any University official who is approached about a reported offense prohibited by the Sexual Misconduct Policy should make these limits clear before the reporting party discloses any facts to that official.

There are only two types of University employees who are not required to forward these types of reports to a Title IX Coordinator: 1) the Sexual Offense Advocate,¹⁴ 2) a Professional or Pastoral Counselor¹⁵ who is who is employed by the University in that capacity and is acting in that role at the time the disclosure is made.

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 will be included in the University's Daily Crime Log, and the annual crime statistics, and may result in a Timely Warning (Campus Safety Alert). However, the Daily Crime Log, annual crime statistics, and Timely Warnings never include any personally identifying information¹⁶ 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

¹⁴ As explained previously, reports of sexual assault, dating violence, domestic violence or stalking made to the Sexual Offense Advocate which meet the definition of a Clery Act Crime and which allegedly occur on Clery Act Geography are still included in the University's annual crime statistics, but these statistics never include any personal-identifying information. Sexual assaults reported to the Sexual Offense Advocate may also result in a Timely Warning (Campus Safety Alert); however, Timely Warnings never include information that identifies the reporting party.

¹⁵ Note that disclosures to a professional or pastoral counselor at the University, who is acting in that role at the time the information is received, will not be included in the University's Daily Crime Log or annual crime statistics, and will not result in a Timely Warning (Campus Safety Alert) unless the reporting party gives his or her permission for the counselor to forward information about the incident to another employee or department at the University such as the Sexual Offense Advocate, a Title IX Coordinator, or the Department of Public Safety.

¹⁶ 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)).

forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted diseases.¹⁷

Individuals who wish to obtain a confidential forensic examination by a Sexual Assault Nurse Examiner should contact the Sexual Offense Advocate for assistance with a referral. Any of the other individuals or departments listed above can also assist reporting parties with referrals to an appropriate medical provider.

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. The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order. Such evidence may include, but is not necessarily limited to, physical evidence or electronic or written communications.

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 offense occurred within the past 96 hours) prior to a medical exam. However, individuals who have already engaged in any of these activities, can still choose to have an exam performed.

Preserving Other Forms of Evidence

In cases where individuals believe they may be interested in pursuing criminal and/or civil charges, it is also important to work with local law enforcement agencies so that statements can be taken and evidence can be collected immediately. Reporting parties are also encouraged to save evidence such as letters, notes, emails, records of phone calls, videos, photos, texts, social media postings (Facebook, Twitter, etc.), computer screenshots, voicemails, or any other form of evidence that may be helpful to a criminal investigation or campus judicial proceeding.

Amnesty from University Drug and Alcohol Policy

In an effort to encourage reports of sex offenses, individuals who report 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 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.

¹⁷ 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."

University Response to Reports of Sexual Assault, Dating Violence, Domestic Violence or Stalking

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's Sexual Misconduct Policy includes a number of different options for reporting sexual assaults, incidents of dating violence, domestic violence or stalking. While the University takes reporting parties' confidentiality very seriously, it is important for reporting parties to recognize that the level of confidentiality their report will receive under law varies depending on who they make their report to. **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.**

As explained above, the University also strongly encourages reporting parties to notify local law enforcement authorities (and can assist in doing so); however, it is important to know that regardless of who the incident is reported to, reporting parties¹⁸ always have the right to decline to notify local law enforcement authorities. Similarly, the University never requires reporting parties to participate in any investigation or disciplinary proceeding.

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.

Any time a student or employee reports to the University that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee with a written explanation of the student or employee's rights and options, including:

- the procedures affected individuals should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how the institution will protect the confidentiality of reporting parties and other necessary parties;
- a statement that the institution will provide written notification to students and employees about support services within the institution and in the community;
- a statement regarding the institution's provisions about options for, available assistance in, and how to request interim protective measures; and
- an explanation of the procedures for institutional disciplinary action.

Anytime a reporting party is referred to the Title IX team, the lead Title IX Coordinator for that case will also provide the reporting party with the same written explanation of rights and options.

¹⁸ The only exception is in cases involving a minor, as the University must notify law enforcement pursuant to the law in certain jurisdictions.

Orders of Protection

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. Contact a Title IX Coordinator or Sexual Offense Advocate for questions or assistance with obtaining an order of protection in Vienna.

Members of the Webster University community who receive a lawful order of protection should provide a copy to the Director of Operations or the applicable Deputy Title IX Coordinator on this campus. The University also suggests that individuals with orders of protection meet with the applicable Deputy Title IX Coordinator 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 is not limited to, escorts and special parking arrangements.

In addition to orders of protection issued by the courts, Webster University may impose a university-based no contact directive. A university-based no contact directive prohibits 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. Members of the Title IX Team, the Student Affairs, or other duly appointed University Official may issue a no contact directive.

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.

Interim Protective Measures Available to Reporting Parties

The University provides written notification to reporting parties about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The institution will provide such protective measures if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Whenever an individual reports a sexual assault, incident of dating violence, domestic violence or stalking, the written explanation of the reporting party's rights and options provided by the University will include information regarding how to request changes to academic, living, transportation and working situations or protective measures; and the University is obligated to comply with any reasonable requests following a report of an alleged sexual assault, incident of domestic violence, dating violence or stalking. 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.

Working in conjunction with the Sexual Offense Advocate, the Title IX team has ability to make interim protective measures available to reporting parties and responding parties involved in reports 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 of whether the reporting party chooses to file a formal report. No contact measures may also be implemented.

Any interim protective measures imposed should avoid any lasting negative effects on the any party before any findings of responsibility are made as much as is possible in the circumstances presented.

The University maintains the confidentiality of any protective measures provided to any involved party to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures. The Lead Title IX Coordinator for each case reviews options and interim protective measures with the reporting party, and in doing so explains that he or she will limit the information shared with University employees in other campus departments involved in certain accommodations/protective measures (e.g., Housing and Residential Life, Academic Affairs, Human Resources, etc.) The Title IX Coordinator provides the most minimal amount of information possible in order to effect the accommodation/protective measure, and never communicates the reason for the requested accommodation/protective measure to anyone outside of the Title IX Team.

On Campus Resources Available to Parties Reporting Sexual Assault, Dating Violence, Domestic Violence or Stalking

Whenever an individual reports a sexual assault, incident of dating violence, domestic violence or stalking, the written explanation of the reporting party's rights and options provided by the University will include information on the following resources:

Counseling & Mental Health Services - In addition to the variety of assistance provided to reporting parties by the University's Sexual Offense Advocate, After an initial appointment with the Student Counseling Center, you will be advised whether we can offer you student counseling on-site, whether you see a clinical psychologist on site, or whether we recommend you obtain services from external psychotherapist, Mag. Karin Macke.

Although the Student Counseling Center is the first point of contact, if you feel this is not appropriate for your situation, you may make an appointment with Mag. Macke directly via email or phone.

Mag. Macke's services are also free for all students, staff, and faculty members
Mag. Karin Macke Hietzinger Hauptstraße 34b/2
A-1130 Vienna
(Near the Hietzing station of the U4 subway line) Phone: 06991 – 212 80 09
Email: karin.macke@webster.ac.at

Health Services - The University does not offer reporting parties legal assistance on campus, but the student services coordinator + 43 1 269 92 93 4331 can assist with referrals to a full range of health services.

Victim Advocacy Services – As explained above, the University’s Sexual Offense Advocate can assist reporting parties with a full range of advocacy services.

Legal Assistance – The University does not offer reporting parties legal assistance on campus, but the University’s Sexual Offense Advocate can assist with legal referrals.

Visa & Immigration Assistance – Visa and Immigration assistance is provided by the Admissions Department.

Student Financial Aid – Nora Gyöerfi, Finance Officer can be reached at +43 1 269 92 93 4344 or by email at nora.gyoeferi@webster.ac.at.

Additional Services – Reporting parties can always contact the University’s Sexual Offense Advocate or a Title IX Coordinator for assistance with other related services which are not included here.

Community Resources Available to Parties Reporting Sexual Assault, Dating Violence, Domestic Violence or Stalking

Whenever an individual reports a sexual assault, incident of dating violence, domestic violence or stalking, the written explanation of the reporting party’s rights and options provided by the University will include information on the following off campus resources:

Counseling, Mental Health, Health, Victim Advocacy & Legal Services – The following local organizations can assist reporting parties with counseling, mental health, victim advocacy and legal services referrals:

Women:

Frauenhelpline
0800 222 555

Men:

Mannernotruf
0800 246 247

The U.S. Embassy is located at Boltzmanngasse 16, 1090 Vienna, Austria. The Embassy can be reached by phone at +43 1 31339-0 during emergencies.

Visa & Immigration Assistance – MA 35 Einwanderung und Staatsbürgerschaft, Dresdner Strasse 93, 1200 Vienna, phone +43 1 40003535.

Student Financial Aid - The Department of Education's Federal Student Aid office's website is: <https://fafsa.ed.gov/>. They can be reached by phone at 1-800-433-3243.

General Information Regarding Institutional Disciplinary Proceedings Related to Reports of Sexual Assault, Dating Violence, Domestic Violence or Stalking

As explained below, the University offers reporting parties the option of either an Administrative or Hearing Board Process. However, the information in this section applies to all University disciplinary proceedings resulting from a reports of sexual assault, dating violence, domestic violence or stalking.

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 Sexual Misconduct Policy.

Webster is committed to providing prompt, fair, and impartial investigation and resolution of reports of violations under the Sexual Misconduct Policy. The University's disciplinary process is consistent with the University's policy, transparent to the reporting party and responding party and will include a prompt, fair, and impartial investigation and resolution process. All reports received by the Title IX Coordinator are handled consistent with the Sexual Misconduct Policy regarding investigation, adjudication, and resolution.

The Sexual Misconduct Policy states that 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. The University's proceedings also provide the reporting party and the responding party with the same opportunities to have an advisor of his/her choice present during any institutional disciplinary proceeding. This includes the right to be accompanied by an advisor (i.e., any individual who provides the reporting party or responding party support, guidance, or advice) to any related meeting or proceeding. The University will not limit the choice of or presence of an advisor for either the reporting or responding party in any meeting or institutional disciplinary proceeding; however advisors may not speak on behalf of either the reporting or responding party. In addition, if either the reporting or responding party wishes to have an attorney present, he/she must provide two business days' notice to the Title IX Coordinator or designee. These restrictions are communicated to all reporting and responding parties in their initial meeting with a Title IX Coordinator.

The Sexual Misconduct Policy also makes clear that 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. In addition, 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.

Timeframe for Disciplinary Proceedings

The University's proceedings are completed within reasonably prompt timeframes and includes a process that allows for the extension of timeframes for good cause with written notice to the reporting party and the responding party of the delay and the reason for the delay. The University's Sexual Misconduct Policy specifically states:

The University seeks to resolve all reports within a timely manner. All time frames expressed in [the Sexual Misconduct 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 report. 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 [the Sexual Misconduct 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.

The University's proceedings are also conducted in a manner that includes timely notice of meetings at which the reporting party or responding party, or both, may be present. Specifically, the University's

Sexual Misconduct Policy states, “... 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.” The proceedings will also provide timely and equal access to the reporting party, the responding party, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings. Specifically, the Sexual Misconduct Policy states, “Both parties have the right to a copy of all written witness, reporting party, and responding party statements regarding the report (with names and identifying information of other students/individuals redacted to the extent required by federal privacy laws and consistent with this policy).”

Officials Conducting Disciplinary Proceedings

The University also has two separate hearing boards that may be convened to hear reports regarding violations of this policy: the Sexual Offense Hearing Board and the Administrative Hearing Board for Sexual Offenses. The University’s Sexual Misconduct Policy states that 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. Sexual Offense Hearing Board members who have a previous relationship with the Reporting Party or Responding Party or who may otherwise be unable to remain impartial while serving on the board are provided an opportunity to recuse themselves and an alternative board member will assume their position. Additionally, both the Reporting Party and Responding Party may request a particular board member be replaced if the individual believes the board member will not remain impartial throughout the hearing process. This request is subject to approval by the chairperson of the Sexual Offense Hearing Board. All of the officials involved in conducting the disciplinary process receive, at a minimum, 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.

Notifications to Reporting and Responding Parties

The Sexual Misconduct 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

Each type of disciplinary proceeding described above uses 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 responsible. Instead 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.

Sanctions

According to the University's Sexual Misconduct Policy:

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 included in later sections of this Report.

Protective Measures

In addition to interim remedies, the University may put in place as protective measures for reporting parties before a report is resolved, the University also offers reporting parties the opportunity to request additional protective measures in connection with the University's conduct proceeding itself. For instance, reporting parties have a choice between an administrative resolution process and a hearing board process. The administrative resolution does not require the reporting party to interact with the responding party in person. Protective measures such as remote participation or a privacy shield are available to reporting parties who choose to participate in the hearing board process.

The University also frequently institutes protective measures in addition to imposing sanctions when a responding party is found responsible. As noted above in connection with interim protective measures, these types of protective measures may include but are not limited to: the modification of academic schedules, campus housing, student leadership, working situations, or no contact orders. The University may also choose to provide a reporting party with academic support or make special arrangements for withdrawing or dropping classes without penalty, if requested and reasonably available.

University Disciplinary Processes

This section of the Report provides information from the University's Sexual Misconduct Policy regarding the available Administrative and Hearing Board Processes. It is important to note that the decision whether to pursue the Administrative Process or Hearing Board Processes described below is at the sole

discretion of the reporting party. These processes and the process for an appeal associated with these processes are outlined below.

The final disciplinary process described in this section is titled the “Expedited Process for Suspension or Dismissal of Students or Employees.” The Expedited Process is only used 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. This process and the process for an appeal of this process is also outlined below.

WEBSTER UNIVERSITY ADMINISTRATIVE PROCESS

The following Administrative Process will be followed for all reports of sexual assault, sexual harassment or other sexual misconduct filed pursuant to this Policy regardless of whether the reports involve students and/or employees:¹⁹

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 meeting will also discuss the reporting party’s option to proceed under the Administrative Process (as described in this section of the Report) or choose the Hearing Board Process (as described in a later section of this Report). The reporting party will also be informed that she/he may proceed or 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 report, 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 filing of the report.
3. The Sexual Offense Advocate, 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 report. 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 report, unless extenuating circumstances prevent a review of the report within this time frame. In this event, the review will occur as soon as possible.

¹⁹ Note that while the initial administrative process is the same for all reports regardless of whether those reports involve students and/or employees, the appeals process differs depending on whether the responding party is a student or employee. Both of these appeals processes are provided below.

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 report. The Sexual Offense Advocate and/or Title IX Coordinator will make this referral within two days of receipt of the reporting party's written report, 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 report.

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 report 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 report 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. The Lead Title IX Coordinator will also invite the responding party to submit a written statement, which will describe the responding party's statement of relevant

events, provide facts relevant any encounters with the reporting party, and identify witnesses with information relating to the allegations. The responding party is to be informed that the written statement will be shared with the reporting party.

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 report, and:
 - a. shares the written report (with names and identifying information of other students/individuals redacted to the extent required by federal privacy laws and consistent with this policy) with the responding party,
 - b. explains the process,
 - c. provides a written copy of the policy;
 - d. asks for a supplemental written response within 72 hours (which can include any documents or additional witness information supporting the responding party's response to the report); 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 report, including but not limited to emails and text messages relating to the report. In the meetings with the reporting party and responding party, the Lead Title IX Coordinator or designee will request that each party submit written questions he/she believes should be asked of various witnesses to better uncover relevant facts for the investigation. The Lead Title IX Coordinator or designee will generally try to include all relevant questions, but may, in his/her discretion, ask, alter, or omit any or all submitted questions. 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(s) 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 report.

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. Grounds for filing an appeal are limited to:

- Procedural error(s)
- New evidence
- Excessive or too lenient sanctions
- The decision was arbitrary, capricious, and against the manifest weight of the evidence.

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
- The decision was arbitrary, capricious, and against the manifest weight of the evidence.

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 report 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 PROCESSES GENERALLY

The University has two separate hearing boards that may be convened to hear reports 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.

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 report 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 Report 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 ALL 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 report (with names and identifying information of other students/individuals redacted to the extent required by federal privacy laws and consistent with this policy).

- 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.

SPECIFIC PROCESSES FOR EACH WEBSTER UNIVERSITY HEARING BOARD

As previously, the decision to pursue the Administrative Process described above, or the Hearing Board Processes described below, is at the sole discretion of the reporting party. This section provides information regarding the Sexual Offense Hearing Board Process (which is used when both parties are students or the responding party is a student), and the Administrative Hearing Board Process (which is used when both parties are employees or the responding party is an employee).

Sexual Offense Hearing Board Process

The following Hearing Board Process Procedure is followed for all reports of sexual misconduct filed pursuant to the Sexual Misconduct 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. The meeting will also discuss the reporting party's option to proceed under the Administrative Process (as described above) or choose the Hearing Board Process (as described in this section).
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 report, 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 report.
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 report. 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 report, unless extenuating circumstances prevent a review of the report 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 report. 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 report, 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.

6. 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 report.
7. 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 report 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.
8. The Lead Title IX Coordinator or designee will next inform the responding party of the report 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.²⁰ of the Sexual Misconduct Policy 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. The Lead Title IX Coordinator will also invite the responding party to submit a written statement, which will describe the responding party's statement of relevant events, provide facts relevant any encounters with the reporting party, and identify witnesses with information relating to the allegations. The responding party is to be informed that the written statement will be shared with the reporting party.
9. 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:

²⁰ Section X.C. of the Sexual Misconduct Policy discusses the confidentiality of reports made to responsible employees as that term is defined under the Policy. Please review that section of the Sexual Misconduct Policy or contact a Title IX Coordinator for additional information about this important issue.

- a. shares the written report (with names and identifying information of other students/individuals redacted to the extent required by federal privacy laws) with the responding party,
 - b. explains the process,
 - c. provides a written copy of the policy;
 - d. asks for a supplemental written response within 72 hours (which can include any documents or additional witness information supporting the responding party's response to the report); 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.
10. 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 report, including but not limited to emails and text messages relating to the report. In the meetings with the reporting party and responding party, the Lead Title IX Coordinator or designee will request that each party submit written questions he/she believes should be asked of various witnesses to better uncover relevant facts for the investigation. The Lead Title IX Coordinator or designee will generally try to include all relevant questions, but may, in his/her discretion, ask, alter, or omit any or all submitted questions. 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.
11. The Lead Title IX Coordinator or designee will meet again with reporting party.
12. The Lead Title IX Coordinator or designee will share the responding party's written response(s) with the reporting party and discusses any additional information the reporting party provides.
13. 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.
14. 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.

15. A Sexual Offense Hearing Officer will conduct the hearing.
16. The reporting party will be offered the opportunity to make an impact statement.
17. The responding party will be offered the opportunity to make an impact statement.
18. The members of the Hearing Board will be given the opportunity to question the reporting party, the responding party and any witnesses.
19. 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.
20. 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.
21. 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 report.

APPEAL of a determination reached during the Sexual Offense Hearing Board Process:

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 report procedure. Grounds for filing an appeal are limited to:

- Procedural error(s)
- New evidence
- Excessive or too lenient sanctions
- The decision was arbitrary, capricious, and against the manifest weight of the evidence

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.

Administrative Hearing Board Process

The following Hearing Board Process will be followed for all reports of sexual misconduct filed pursuant to the Sexual Misconduct 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 report, 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 report.
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 report.
 - 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 report.
6. After receiving the report, 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 report 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 report 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.²¹ 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 report (with names and identifying information of other students/individuals redacted to the extent required by federal privacy laws and consistent with this policy) with the responding party,
 - b. explains the process,
 - c. provides a written copy of the policy;

²¹ Section X.C. of the Sexual Misconduct Policy discusses the confidentiality of reports made to responsible employees as that term is defined under the Policy. Please review that section of the Sexual Misconduct Policy or contact a Title IX Coordinator for additional information about this important issue.

- d. asks for written response within 72 hours (which can include any documents or witness information supporting the responding party's response to the report); 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 report, including but not limited to emails and text messages relating to the report.
 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 Administrative Hearing Board Process:

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 report procedure. Grounds for filing an appeal are limited to:

- Procedural error(s)
- New evidence
- Excessive or too lenient sanctions
- The decision was arbitrary, capricious, and against the manifest weight of the evidence

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.

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 report 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 report 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 (if possible, this should be done at least 24 hours prior to the hearing).

The use of these questions is at the discretion of the Hearing Board. As the parties and witnesses testify, either the reporting party or the responding party may propose additional questions of the other party or witnesses by submitting questions to the panel in writing during the proceedings.

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. The Hearing Officer/Chair is encouraged to include all relevant questions, but may, in his/her discretion, ask, alter, or omit any or all submitted questions.

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.

REQUIREMENTS FOR FILING AN APPEAL

As explained above, each separate disciplinary process (i.e., the Administrative Process, and both Hearing Board Processes) has its own specific process for appeal. The following section provides information regarding the requirements for filing an appeal which apply to each of these disciplinary processes.

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

Grounds for filing an appeal are limited to:

- Procedural error(s)
- New evidence

- Excessive or too lenient sanctions
- The decision was arbitrary, capricious, and against the manifest weight of the evidence.

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.

Finally, if the appeal claims that the decision was arbitrary, capricious, and against the manifest weight of the evidence, the appeal must point to the key evidence that demonstrates this point. Please note that appeals on this basis are not for purposes of rehashing the Administrative or Hearing Board Process, and because each process will often rely on credibility determinations and weighing of countervailing evidence, appeals on these grounds will be sustained only in exceptional circumstances.

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.

EXPEDITED PROCESS FOR SUSPENSION OR DISMISSAL OF STUDENTS OR EMPLOYEES

In the most serious, “high risk”²² 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.

²² Examples of these “high risk” cases include: violent crimes against a person; behavior resulting in felony charges or convictions; threats or harassment of such an egregious nature that campus safety is affected; or any behavior that strongly suggests the responding party may be a serious threat to the health and safety of students, faculty, or staff.

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.

Policy Regarding Educational Programs and Campaigns to Prevent Dating Violence Domestic Violence, Stalking and Sexual Assault

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 are 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.

Bystander Intervention

The University takes care to educate students, staff and faculty about safe and positive options to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual misconduct, or stalking. This is commonly referred to as bystander intervention. 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 recognizes the importance of educating the campus community how to safely engage in bystander intervention.

All students, 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.

Appendix E contains some suggested techniques for effectively engaging in bystander intervention. Additional training and information on bystander information is provided in all Primary Prevention and Awareness Programs and a number of the Ongoing Prevention and Awareness Campaigns.

Risk Reduction

Education on risk reduction is another important piece of education and awareness related to dating violence, domestic violence, sexual assault and stalking. In this context, risk reduction refers to 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. Information on risk reduction is included in all Primary Prevention and Awareness Programs and a number of the Ongoing Prevention and Awareness Campaigns. The University's suggested risk reduction strategies are based on the needs of the campus community and never encourage victim blaming.

Primary Prevention and Awareness Programs

All new incoming students to all of Webster's campuses are currently required to complete an online sexual misconduct awareness and prevention course developed in house by the University's Title IX team, and administered through the World Classroom online system. The online course reviews Webster University community expectations, directs students to campus support and prevention resources, provides contact information for the University Sexual Offense Advocate and Title IX Coordinators, and provides Bystander Intervention techniques.

All new incoming faculty and staff identified as responsible employees under Title IX at all of Webster's campuses are currently required to complete the Webster Professional Development Series online course on Sexual Assault, Harassment and Other Sexual Offenses also developed in house. This online course covers the key elements of the following federal statutes: Title IX, the Clery Act, the Violence Against Women Act and Campus SaVE and Title VII. It also addresses employee rights and responsibilities as well as identifies who the University considers to be responsible employees and their specific roles and responsibilities along with reference to the university's policy against sexual misconduct.

The University's primary prevention and awareness programs include the following components:

- A statement that the University prohibits the crimes of domestic violence, dating violence, sexual assault and stalking;
- The VAWA definitions of domestic violence, dating violence, sexual assault and stalking;
- Applicable local law definitions of domestic violence, sexual assault and stalking;²³
- The applicable local definition of consent (if defined in that jurisdiction);
- The University's definition of consent and the purposes for which that definition is used
- Descriptions of safe and positive options for bystander intervention;
- Information on risk reduction;
- A statement of policy regarding the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking, and of procedures that the institution will follow when one of these crimes is reported; and the procedural requirements for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, and stalking.

Ongoing Prevention and Awareness Campaigns

Webster University engages in ongoing prevention and awareness campaigns which focus on programming, initiatives, and strategies that 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 institution. 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.

²³ Some of these terms are not defined in certain jurisdictions.

At the main campus in Webster Groves, Missouri, in addition to the frequent presentations and tables held throughout the year, the University annually promotes ongoing prevention and awareness through the use of posters, flyers, brochures, videos, and campus activities, particularly during the month of April which was Sexual Assault Awareness Month. Additional presentations or education materials at the main campus or the Vienna campus are always available to any student group or University department by contacting a Sexual Offense Advocate.

Additional presentations or education materials are always available to any student group or University department by contacting the Sexual Offense Advocate or a Title IX Coordinator.

In addition, many faculty, staff members and volunteers are classified as Campus Security Authorities and participate online and/or in person Clery Act training which also addressed issues addresses sexual assault, dating violence, domestic violence and stalking.

Sex Offender Registry

Austria does not maintain a sex offender registry.

APPENDIX A – Clery Act Crime Definitions

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

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

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.”

- **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.
- **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.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

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.

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.

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.

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).

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, etc.

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. 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. For the purposes of this definition:

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

Domestic violence: A Felony or misdemeanor crime of violence²⁴ committed –

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; 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 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:

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

For the purposes of this definition:

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

Weapons: Carrying, Possessing, Etc.: This classification encompasses weapons offenses that are regulatory in nature.

²⁴The 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.

Drug Abuse Violations: the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

Liquor Law Violations: the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

Hate crimes: a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

The Department of Education directs institutions to report statistics for hate crimes in connection with the following offenses: Murder and Non-negligent Manslaughter; Sexual Assault; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; Arson. These definitions are provided above.

Institutions must also report statistics for hate crimes in connection with the following offenses which are not otherwise included in the annual crime statistics:

- **Larceny:** the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. (Larceny and theft mean the same thing in the UCR.) Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.
- **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.
- **Intimidation:** to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/Damage/Vandalism of Property:** to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Types of Bias reportable under the Clery Act:

- **Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.
- **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 the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.
- **Sexual Orientation:** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.
- **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, common culture (often including a shared religion) and/or ideology that stresses common ancestry.
- **National Origin:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
- **Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

APPENDIX B – 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. 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 valuables 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 Director of Operations immediately.

Tips for Securing Valuables in Residences

- Conspicuously mark items of value with a unique identifier making the items more difficult to sell and making it easier for law enforcement officials to return lost or stolen property.

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.

APPENDIX C – Applicable Austrian Law

Section 177 Sexual Coercion; Rape

(1) Whoever coerces another person:

1. with force;
2. by a threat of imminent danger to life or limb; or
3. by exploiting a situation in which the victim is unprotected and at the mercy of the perpetrator's influence,

to suffer the commission of sexual acts of the perpetrator or a third person on himself or to commit them on the perpetrator or a third person, shall be punished with imprisonment for not less than one year.

(2) In especially serious cases the punishment shall be imprisonment for not less than two years. An especially serious case exists, as a rule, if:

1. the perpetrator completes an act of sexual intercourse with the victim or commits similar sexual acts on the victim, or allows them to be committed on himself by the victim, which especially degrade the latter, especially if they are combined with penetration of the body (rape); or
2. the act is committed jointly by more than one person.

(3) Imprisonment for not less than three years shall be imposed, if the perpetrator:

1. carries a weapon or another dangerous tool;
2. otherwise carries a tool or means in order to prevent or overcome the resistance of another person through force or threat of force; or
3. places the victim by the act in danger of serious health damage.

(4) Imprisonment for not less than five years shall be imposed, if:

1. the perpetrator uses a weapon or another dangerous tool during the act; or
2. the perpetrator: a) seriously physically maltreats the victim through the act; or b) places the victim in danger of death through the act.

(5) In less serious cases under subsection (1), imprisonment from six months to five years shall be imposed, in less serious cases under subsections (3) and (4), imprisonment from one year to ten years.

Section 179 Sexual Abuse of Persons Incapable of Resisting

(1) Whoever abuses another person who is incapable of resisting:

1. because of a mental or emotional illness or disability, including an addiction or because of a profound consciousness disorder; or

2. physically,

in that he, by exploiting the incapability of resisting, commits sexual acts on the person, or allows them to be committed on himself by the person, shall be punished with imprisonment from six months to ten years.

(2) Whoever abuses a person incapable of resisting (subsection (1)), in that he induces the person, by exploiting the incapability of resisting, to commit sexual acts on a third person, or to allow them to be committed on the person by a third person, shall be similarly punished.

(3) An attempt shall be punishable.

(4) Imprisonment for no less than one year shall be imposed, if:

1. the perpetrator completes an act of sexual intercourse or similar sexual acts with the victim, which are combined with a penetration of the body, or allows them to be committed on himself by the victim;

2. the act is committed jointly by more than one person; or

3. by the act the perpetrator places the victim in danger of serious health damage or substantial impairment of his physical or emotional development.

(5) In less serious cases under subsections (1), 2 and 4, imprisonment from three months to five years shall be imposed.

(6) Sections 176a subsection (4), and 176b shall apply correspondingly.

Section 176 Sexual Abuse of Children

(1) Whoever commits sexual acts on a person under fourteen years of age (a child), or allows them to be committed on himself by the child, shall be punished with imprisonment from six months to ten years, and in less serious cases with imprisonment for not more than five years or a fine.

(2) Whoever induces a child to commit sexual acts on a third person, or to have them committed on the child by a third person, shall be similarly punished.

(3) Whoever:

1. commits sexual acts in front of a child;
2. induces the child to commit sexual acts on his own body; or
3. exerts influence on a child by showing him pornographic illustrations or images, by playing him audio recording media with pornographic content or by corresponding speech,

shall be punished with imprisonment for not more than five years or a fine.

(4) An attempt shall be punishable; this shall not apply for acts under subsection (3), number 3.

Section 176a Serious Sexual Abuse of Children

(1) The sexual abuse of children shall be punished with imprisonment for no less than one year in cases under Section 176 subsections (1) and (2), if:

1. a person over eighteen years of age completes an act of sexual intercourse or similar sexual acts with the child, which are combined with a penetration of the body, or allows them to be committed on himself by the child;
2. the act is committed jointly by more than one person;
3. the perpetrator by the act places the child in danger of serious health damage or substantial impairment of his physical or emotional development; or
4. the perpetrator has undergone a final judgment of conviction for such a crime within the previous five years.

(2) Whoever, in cases under Section 176 subsections (1) to (4), acts as a perpetrator or other participant with the intent of making the act the object of a pornographic writing (Section 11 subsection (3)), which is to be disseminated pursuant to Section 184 subsections (3) or (4), shall be punished with imprisonment for not less than two years.

(3) In less serious cases under subsection (1), imprisonment from three months to five years shall be imposed, in less serious cases under subsection (2), imprisonment from one year to ten years.

(4) Whoever, in cases under Section 176 subsections (1) and (2):

1. by the act seriously physically maltreats the child; or

2. by the act places the child in danger of death,

shall be punished with imprisonment for not less than five years.

(5) The time in which the perpetrator is in custody in an institution pursuant to order of a public authority shall not be credited to the term indicated in subsection (1), number

4. An act as to which judgment was rendered abroad shall be deemed equivalent in cases under subsection (1), number 4, to an act as to which judgment was rendered domestically, if under German criminal law it would have been such an act under Section 176 subsections (1) or (2).

Section 173 Sexual Intercourse between Relatives [Incest]

(1) Whoever completes an act of sexual intercourse with a consanguine descendant shall be punished with imprisonment for not more than three years or a fine.

(2) Whoever completes an act of sexual intercourse with a consanguine relative in an ascending line shall be punished with imprisonment for not more than two years or a fine; this shall also apply if the relationship as a relative has ceased to exist. Consanguine siblings who complete an act of sexual intercourse with each other shall be similarly punished.

(3) Descendants and siblings shall not be punished pursuant to this provision if they were not yet eighteen years of age at the time of the act.

APPENDIX D – Bystander Intervention Tips

The University encourages the campus community to recognize that we all have an opportunity to make a difference and reduce the incidents of sexual misconduct on our campus, by learning how to intervene when we witness a situation that makes us uncomfortable, or we know is wrong. One method of bystander intervention is referred to as the “3 D’s - Distract, Delegate, and Direct.” Information about how to engage in this method appears below. **IMPORTANT REMINDER:** You should always assess whether you can safely intervene before engaging in any of the techniques described below.

Distract. This technique involves causing some form of distraction that will interrupt the flow of what is happening. Once you identify a high risk situation you can attempt to distract either of the two individuals.

Examples:

- Ask one of the people to help you find a lost item.
- Interrupt to ask for directions.
- Spill a drink.
- Start talking to the couple and don’t leave, so isolation cannot happen.
- An easy technique you can use is to invite the targeted individual to go outside for some fresh air. Once he or she is away from the other person, check in and ask if she or he needs help.

Delegate. When a bystander doesn’t feel safe to approach the situation alone, she or he can involve others.

Examples:

- Group intervention. There are power in numbers. If you don’t feel comfortable going by yourself, ask a group to go with you. Say to one’s friends, I am concerned for that person. Can you find their friends and get them to check on the situation, while I stay here and watch?
- Ask a bouncer at a bar to look into the situation
- Ask the host to intervene. For example, I am worried for that girl, who is so drunk. Could you let that guy know that upstairs is off limits?

Direct. With the direct approach, you confront either the potential target or the person who you think is potentially about to commit a sexual assault.

Examples:

- Say to the couple, “we are finding her friends and they will take her home.”
- Say to the targeted individual, “I am not letting a stranger take you home.”
- Say to the possible perpetrator, “Hey, you can’t take them upstairs; it’s not a good idea.”

Please contact Kimberley Pert, University Interim Title IX Coordinator (314-246-7780; pertk61@webster.edu) with any questions about the material provided in this Appendix or about bystander intervention generally.

APPENDIX E – Fire Safety Tips

If your clothes are on fire, stop, drop, and roll to extinguish fire.

If you are trapped in a room:

- Place cloth material around the bottom of the door to prevent smoke from entering.
- Close as many doors as possible between you and the fire.
- Do not break glass unless necessary. Outside smoke may enter.
- Signal from a window if possible.

If you are caught in smoke:

- Drop to your hands and knees, and crawl.
- Hold your breath as long as possible.
- Breathe shallowly through your nose and use clothing as a filter.

If you are forced to advance through flames:

- Hold your breath.
- Move quickly.
- Cover your head and hair.
- Lower your head and close your eyes often.