



2023

WEBSTER UNIVERSITY
DEPARTMENT OF PUBLIC SAFETY

Annual Security and Fire Safety Report

Webster
UNIVERSITY

HILL AIR FORCE BASE

Webster University 2023 Annual Security Report Hill AFB Campus

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.*

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

University Title IX Coordinator University Title IX Coordinator	314-246-7780
Other Campus Resources Dean of Students Office	314-968-6980
Academic Resource Center	314-246-7620
Financial Aid Office	314-968-6992
Counseling Services	314-968-7030
Immigration/Visa Information	314-246-7860

Non-

Criminal Offenses Reporting Table 2020-2022 (Hill AFB Campus):

Offense	On-Campus Property			Non-Campus Property			Public Property		
	2020	2021	2022	2020	2021	2022	2020	2021	2022

Murder/Non-

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 2020, 2021, or 2022.

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 2020, 2021, or 2022.

CAMPUS SAFETY POLICIES AND PROCEDURES

This section of the Annual Security Report includes information about Webster University's Department

Facility Maintenance

The

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 using these methods so that the Campus Director can determine whether a Timely Warning

Dating Violence, Domestic Violence or Stalking” for additional detail on how to report these types of offenses confidentially.

The University

Individuals are provided an opportunity to add up to three personal email addresses and three mobile

Campus Safety Advisories

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

Evacuation Procedures

The University's EOP includes general evacuation guidelines; however, any time the University determines that an evacuation is necessary, the specific evacuation procedure would be affected by a myriad of factors, including the type of threat, the occupancy of the other buildings and areas of the campus at the time of the incident, etc. Students, faculty, staff and visitors to the campus community are expected to follow the instructions of any first responders on the scene. These first responders may instruct you to evacuate the building you are inside of, or shelter in place. You may be instructed to shelter in place if circumstances dictate that evacuation outside the building/area is not advisable. These situations include, but are not limited to, 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 dial 911.

1. Remain calm.
2. Do NOT use elevators, use the

When Are Emergency Notifications Issued?

ALCOHOL AND DRUG POLICY & EDUCATION PROGRAMS

The University recognizes that effective Alcohol and Drug

counseling,

POLICIES

- 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 violence¹⁰ 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:

Webster University's Title IX Team

Webster University's Title IX Team is led by the University's designated Title IX Coordinator, Kimberley Bynum-Smith. Ms. Bynum-Smith 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 Title IX Coordinator has ultimate oversight responsibility and works with a Deputy Title IX Coordinator and investigators who assist in fulfilling the Title IX Coordinator's responsibilities. Members of the Title IX Office receive training at least on an annual basis related to carrying out their roles and responsibilities. Contact information for Ms. Bynum-Smith appears be(s)-4.65l.6(e)-9.6(r)-6.4(h)TJJO Tc0 Tw(85 0 Td()Tj-.0

complaint against the perpetrator of the sexual offense and a complaint with Webster University

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

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

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 –

995-5247. More information on the Safe Helpline is available at: <https://www.safehelpline.org/>. Hill AFB also operates its own hotline at 801-777-1985. More information is available at: <http://www.hill.af.mil/Home/Sexual-Assault-Response-Coordinator/>.

Visa & Immigration Assistance – The National Customer Service Center for the U.S. Citizenship and Immigration Service (USCIS) is: 1-800-375-5283. The closest field office is located at: 660 South 200 East, Suite 400 Salt Lake City, UT 84111. More information is available at: <https://www.uscis.gov/>.

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

General Information Regarding Institutional Disciplinary Proceedings Related to 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 Title IX Policy.

Webster is committed to providing prompt, fair, and impartial investigation and resolution of reports of violations under the Title IX 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 Title IX Policy regarding investigation, adjudication, and resolution.

University Disciplinary Processes

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

COMPLAINT, INVESTIGATION AND GRIEVANCE PROCEDURES

A. Governing Procedures. Reports and formal complaints of sex discrimination, including sexual harassment, occurring against a person in the United States will be handled in a manner consistent with the procedures set forth in this Section VII of this Policy. These procedures provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX Regulations. Furthermore, this Policy provides for a grievance process for the handling of formal complaints, as required by the Title IX Regulations:

B. Definitions. Terms used frequently in these procedures and elsewhere within this Policy are defined as follows:

- (1) *Actual knowledge.* The term "actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the University's Title IX Coordinator or to the University's Chief Human Resources Officer. No employee or official of the University other than the Title IX Coordinator Kimberly Bynum-Smith (200 Hazel, Office #5, St. Louis, MO 63119; Telephone: 314-246- 7780; Email: kimberlyBynumsmith@webster.edu) and the University's Chief Human Resources Officer Cheryl Fritz (470 E. Lockwood Ave., St. Louis, MO 63119; Telephone: 314-246-7055; Email: cherylfritz49@webster.edu) shall have authority to institute corrective measures under this Policy on behalf of the University.
- (2) *Complainant.* The term "complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- (3) *Consent.* The term "consent" means one Un fl

(4)

respondent.

(3) *Prompt Efforts to Contact the Complainant.* Upon actual knowledge of sexual harassment, the Title IX Coordinator will contact the complainant promptly (i) to discuss the availability of supportive measures, (ii) to consider the complainant's wishes with respect to supportive measures, (iii) to inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and (iv) to explain to the complainant the process for filing a formal complaint.

(4) S

learning environment.

F. Responding to a Formal Complaint.

(1) *Application of Grievance Process.* In response to a formal complaint, the University will follow the grievance process set forth in this Policy. This grievance process is designed to treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a grievance process that complies with the Title IX Regulations before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

(2)

(iii) Presumption of No Responsibility. Formal complaints will be handled with a presumption that the respondent is not responsible for alleged sexual harassment until a determination regarding responsibility is made at the conclusion of the grievance process. The presumption of non-responsibility does not mean that a respondent, complainant or witness is considered presumptively truthful, untruthful, credible or not credible. An investigator is free to develop an understanding of, and to take into account, each party's interests and the "stakes" at issue for each party, yet what is at stake, by itself, shall not reflect on the party's truthfulness.

(iv) Respect for Legal Privilege. The University will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

(v) Time Frames for Conclusion of the Grievance Process. The University endeavors to complete the grievance process for a formal complaint within 90 days from the date on which a complainant files, or the Title IX Coordinator signs, the formal complaint through the date on which a decision-maker issues a decision in such case. (vi) Delays. The University intends to adhere to the time frames set forth in this Policy whenever possible; however, the University reserves the right to extend the grievance process time frames for good cause and, when exercising that right, will provide written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include scheduled and unscheduled breaks and campus closures and may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

(vi) Burdens of Proof and of Gathering Evidence. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the University and not on the parties.

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

(viii) Equal Opportunity to Present and Inspect Evidence. The University's investigation and adjudication of the allegations must be based on an objective evaluation of the relevant evidence available in a particular case; however, the type and extent of evidence available will differ based on the facts of each allegation of sexual harassment. The investigator shall provide an equal opportunity for the parties to present witnesses, including fact and expert

witnesses, and other inculpatory and exculpatory evidence. Furthermore, both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

(ix) Time to Review Evidence Considered by the Investigator. Prior to completion of the investigative report, the investigator shall send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least

discretion to consolidate related formal complaints as permitted by the Title IX Regulations.

(4) *Informal Resolution.* If a formal complaint is filed, the parties may voluntarily agree to engage in

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

(ix) Transcripts. The University will provide the parties an opportunity to inspect and review a transcript (or, at the University's

- The University's procedures and

(v) Written Decision. Following the briefing period, the appeal officer serving as the chair of the appeal panel shall issue a written decision describing the result of the appeal and the rationale for the result. Such written decision shall be provided simultaneously to the parties by the Title IX Coordinator.

(vi) Finality. A determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of the appeal, if an appeal is filed, or on the eleventh (11th) calendar day following the University's provision of the written determination to the parties (if no appeal is filed by either party during the 10-day period for filing an appeal).

(7) Remedies. If a finding of responsibility for violating this Policy is made, the remedies imposed may include supportive measures, the range of such supportive measures available to complainants and respondents is set forth in this Policy's definition of the term "supportive measures." Furthermore, such remedies may include disciplinary sanctions, punitive measures and measures that burden the respondent. The range of possible disciplinary sanctions and remedies that the University may impose following any determination of responsibility runs from supportive measures to expulsion, in the case of a student, and termination, in the case of an employee. The Title IX Coordinator is responsible for effective implementation of any remedies imposed under this Policy.

G. Emergency Removal. Notwithstanding any other provision of this Policy that may suggest otherwise, the University may choose to remove a respondent from any University education program or activity on an emergency basis if, based on an individualized safety and risk analysis, the University determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies such removal. When the University exercises its right to implement an emergency removal, the University will notify the respondent of that decision and provide the respondent with an opportunity to challenge the decision immediately following the removal.

H. Administrative Leave. Notwithstanding any other provision of this Policy that may suggest otherwise, the University may choose to place a non-

Procedural Guidelines for Administrative and Student Conduct Hearings (Student Conduct Process)
The Student Conduct

comment on any written statements or other evidence presented, and to respond to questions.

No member of the Student Conduct Board or the Hearing Officer should be either a witness for or against the student or a person previously engaged in formulating the charge or in presenting the material relating to the case. Alternate members will be appointed in cases in which Board members have a perceived conflict of interest with the principals of the case.

The presiding officer rules on all objections, questions, and procedural points, subject to being overruled by majority vote of the Board. He or she also determines the sequence of testimony,

The student must file the appeal through the Office of Student Affairs within 10 calendar days of receiving written notification of the decision. (An extension of this deadline may be requested in writing to the Dean of Students to accommodate periods of University recess or for other extenuating circumstances.) The Dean of Students then forwards the request to the appropriate Hearing Officer or the University Student Conduct Board.

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: Student's name, ID#, local address, phone number, reason for appeal (see 7 a. above), 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 student believes the sanction was excessive, the student should take great care to note why they believe the sanction was excessive and should suggest a more reasonable sanction.

The appropriate Hearing

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 through Safe Colleges. The online course reviews Webster University community expectations, directs students to campus support and prevention resources, provides contact information for the Title IX Coordinator, and provides Bystander Intervention techniques.

All Webster University employees receive online training and are aware of their obligation to report sexual harassment on campus to the Title IX Coordinator. This online course covers the key elements of the following federal statutes: Title IX, the Clery Act, the Violence Against Women Act and Campus

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 with a dangerous weapon, or an attempt to do so with the apparent intent to inflict serious injury or death.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a

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

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 attitude toward a person or persons because of their or his or her religious beliefs, practices, or affiliations.

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. The University encourages everyone who attends, works or visits one of its campuses to follow basic personal and property crime prevention procedures.

Tips for Securing Valuables in an Office

- Always lock your office, even when you are away for a few

APPENDIX C – UTAH STATE STATUTES

76-5-406. Sexual offenses against the victim without consent of victim -- Circumstances.

(1) As used in this section:

(a) "Health professional" means an individual who is licensed or who holds the individual out to be licensed, or who otherwise provides professional physical or mental health services, diagnosis, treatment, or counseling, including an athletic trainer, physician, osteopathic physician, physician assistant, nurse, dentist, physical therapist, chiropractor, mental health therapist, social service worker, clinical social worker, certified social worker, marriage and family therapist, professional counselor, psychiatrist, psychologist, psychiatric mental health nurse specialist, or substance abuse counselor.

(b) "Religious counselor" means a minister, priest, rabbi, bishop, or other recognized member of the clergy.

(c) "To retaliate" includes threats of physical force, kidnapping, or extortion.

(2) An act of sexual intercourse, rape, attempted rape, rape of a child, attempted rape of a child, object rape, attempted object rape, object rape of a child, attempted object rape of a child, forcible sodomy, attempted forcible sodomy, sodomy on a child, attempted sodomy on a child, forcible sexual abuse, attempted forcible sexual abuse, sexual abuse of a child, attempted sexual abuse of a child, aggravated sexual abuse of a child, attempted aggravated sexual abuse of a child, or simple sexual abuse is without consent of the victim under any of the following circumstances:

(a) the victim expresses lack of consent through words or conduct;

(b) the actor overcomes the victim through the actual application of physical force or violence;

(c) the actor is able to overcome the victim through concealment or by the element of surprise;

(d)(i) the actor coerces the victim to submit by threatening to retaliate in the immediate future against the victim or any other person, and the victim perceives at

(k) the victim is 14 years of age or older, but younger than 18 years of age, and the actor is more than three years older than the victim and entices or coerces the victim to submit or participate, under circumstances not amounting to the force or threat required under Subsection (2)(b) or (d); or

(l) the actor is a health professional or religious counselor, the act is committed under the guise of providing professional diagnosis, counseling, or treatment, and at the time of the act the victim reasonably believed that the act was for medically or professionally appropriate diagnosis, counseling, or treatment to the extent that resistance by the victim could not reasonably be expected to have been manifested.

(3)

- (ii) causes the penetration, however slight, of the genital or anal opening of the individual by:
 - (A) a foreign object;
 - (B) a substance;
 - (C) an instrument;
 - (D) a device; or
 - (E) a part of the human body other than the mouth or genitals; and
 - (iii) (A) intends to cause substantial emotional or bodily pain to the individual; or
(B) intends to arouse or gratify the sexual desire of any individual; and
 - (b) the individual described in Subsection (2)(a)(i) is 14 years old or older.
- (3) A violation of Subsection (2) is a first degree

sodomy the defendant was previously convicted of a grievous sexual offense.

(4) If, when imposing a sentence under Subsection (3)(b), a court finds that a lesser term than the term described in Subsection (3)(b) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:

(a) 10 years and which may be for life; or

(b) six years and which may be for life.

(5) The provisions of Subsection (4) do not apply when a defendant is sentenced under Subsection (3)(a) or (c).

(6) Imprisonment under Subsection (3)(b), (3)(c), or (4) is mandatory in accordance with Section 76-3-406.

76-5-402.1. Rape of a child – Penalties.

(1) Terms defined in Section 76-1-101.5 apply to this section.

(2)

(a) An actor commits rape of a child if the actor has sexual intercourse with an individual who is younger than 14 years old.

(b) Any touching, however slight, is sufficient to constitute the relevant element of a violation of Subsection (2)(a).

(3) A violation of Subsection (2)

76-5-402.3. Object rape of a child -- Penalty.

(1) Terms defined in Section 76-1-101.5 apply to this section.

(2)

(a) An actor commits object rape of a child if:

(i) the actor causes the penetration or touching, however slight, of the genital or anal opening of the individual by, except as provided in Subsection (2)(b):

- (A) a foreign object;
- (B) a substance;
- (C) an instrument; or
- (D) a device;

(ii) the actor:

- (A) intends to cause substantial emotional or bodily pain to the individual; or
- (B) intends to arouse or gratify the sexual desire of any individual; and

(iii) the individual described in Subsection (2)(a)(i) is younger than 14 years old.

(b) Subsection (2)(a) does not include penetration or touching by a part of the human body.

(3)

(a) A violation of Subsection (2) is a first degree felony punishable by a term of imprisonment of:

(i) except as provided in Subsections (3)(a)(ii) and (4), not less than 25 years and which may be for life;

or

(ii) life without parole,

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76-5-403.1. Sodomy on a child – Penalties.

- (1) Terms defined in Section 76-1-101.5 apply to this section.
- (2)
 - (a) A actor commits sodomy o.4(i)

- (ii) the actor intends to:
 - (A) cause substantial emotional or bodily pain to any individual; or
 - (B) arouse or gratify the sexual desire of any individual; and
 - (iii) the individual described in Subsection (2)(a)(i)(A), (B), or (C) is 14 years old or older.
- (b) Any

intent to arouse or gratify the sexual desire of any individual:

- (A) touches the anus, buttocks, pubic area, or any part of the genitals of the minor;
- (B) touches the breast of a female

(B) touches the breast of

- (4) The offenses referred to in Subsection (2) are:
- (a) rape, in violation of Section 76-5-402;
 - (b) rape of a child, in violation of Section 76-5-402.1;
 - (c) object rape, in violation of Section 76-5-402.2;
 - (d) object rape of a child, in violation of Section 76-5-402.3;
 - (e) forcible sodomy, in violation of Section 76-5-403;
 - (f) sodomy on a child, in violation of Section 76-5-403.1;
 - (g) sexual abuse

(v) providing the actor's sperm or human egg that is used to conduct in vitro fertilization, or any other means of fertilization, with the human egg or sperm of a person who is a related person.

(c) This Subsection (2) does not prohibit providing a fertilized human egg if the provider of the fertilizing sperm is not a related person regarding the person providing the egg.

(3) Incest is a third degree felony.

(4) A provider under this section is not a donor under Section 78B-15-702.

77-36-1. Definitions.

- (q) child abuse, as described in Section 76-5-114;
- (r) threatening use of a dangerous weapon, as described in Section 76-10-506;
- (s) threatening violence, as described in Section 76-5-107;
- (t) tampering with a witness, as described in

(5)

(a) "Cohabitant" means an emancipated individual under Section 15-2-1 or an individual who is 16 years old or older who:

- (i) is or was a spouse of the other party;
- (ii) is or was living as if a spouse of the other party;
- (iii) is related by blood or marriage to the other party as the individual's parent, grandparent, sibling, or any other individual related to the individual by consanguinity or affinity to the second degree;
- (iv) has or had one or more children in common with the other party;
- (v) is the biological parent of the other party's unborn child;
- (vi) resides or has resided in the same residence as the other party; or
- (vii) is or was in a consensual sexual relationship with the other party.

(b) "Cohabitant" does not include:

- (i) the relationship of natural parent, adoptive parent, or step-parent to a minor; or
- (ii) the relationship between natural, adoptive, step, or foster siblings who are under 18 years old.

(6) "Consanguinity" means the same as that term is defined in Section 76-1-101.5.

(7) "Criminal protective order" means an order issued under Part 8, Criminal Protective Orders.

(8) "Criminal stalking injunction" means a stalking injunction issued under Part 9, Criminal Stalking Injunctions.

(9) "Court clerk" means a district court clerk.

(10)

(a) "Dating partner" means an individual who:

(i)

(A) is an emancipated individual under Section 15-2-1 or Title 80, Chapter 7, Emancipation; or

(B) is 18 years old or older; and

(ii) is, or has been, in a dating relationship with the other party.

(b) "Dating partner" does not include an intimate partner.

(11)

(a) "Dating relationship" means a social relationship of a romantic or intimate nature, or a relationship which has romance or intimacy as a goal by one or both parties, regardless of whether the relationship involves sexual intimacy.

- (ii) it is not necessary that all, or a particular number, of the factors described in Subsection (11)(c)(i) are found to support the existence of a dating relationship.
- (12) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- (13) "Ex parte civil protective order" means an order issued without notice to the respondent under:
 - (a) Part 2, Child Protective Orders;
 - (b) Part 4, Dating

(A) "Emotional distress" means significant mental or psychological suffering, whether or not

victim of the stalking was also a victim of the previous felony offenses; or
(vi) has been previously convicted of an offense under Subsection (3)(b)(iv) or (v).
(4) In a prosecution under this section, it is not a defense that the actor:
(a) was not given actual notice that the course of conduct was unwanted; or
(b) did not intend to cause the victim fear or other emotional distress.

APPENDIX D – BYSTANDER INTERVENTION TIPS

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