

THE SOMA INSTITUTE

THE NATIONAL SCHOOL OF CLINICAL MASSAGE THERAPY

Sexual Violence Prevention Policy

The Soma Institute is committed to creating and sustaining an environment conducive to learning and working in which each student has the opportunity to grow, develop, learn, and contribute fully to our collective success.

The Soma Institute prohibits the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking. The Soma Institute does not discriminate on the basis of sex in its educational programs, and sexual harassment and sexual violence are types of sex discrimination. The Soma Institute, and state and federal law prohibit sex-based discrimination.

This policy applies equally to all students and employees regardless of the sex, gender, sexual orientation, gender identity, or gender expression of any of the individuals involved. No officer, employee, or agent of an institution participating in any program under this title shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of this policy.

Definitions

Consent: A freely given agreement to sexual activity. Consent can be withdrawn at any time. Consent cannot be obtained from individuals who are unable to understand the nature of the activity or give consent due to being asleep or unconscious, underage, or due to having a temporary or permanent mental or physical incapacity, including as a result of drug or alcohol use or mental disability.

- A person's lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent.
- A person's manner of dress does not constitute consent.
- A person's consent to past sexual activity does not constitute consent to future sexual activity.
- A person's consent to engage in sexual activity with one person does not constitute consent to engage in physical activity with another.

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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 and where the existence of such a relationship shall be determined based on a consideration of the following factors: length of relationship, type of relationship, and frequency of interaction between the persons involved in this relationship.

Domestic Violence: Violence committed by a current or former spouse or intimate partner, a person with whom the victim shares a child in common, a person who is cohabitating or has cohabitated with the victim, and others as defined by Illinois law.

Hostile Environment Harassment: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to the school's education programs or activities.

Quid Pro Quo Harassment: Faculty or staff conditioning the provision of any aid, benefit, or service of the school on an individual's participation in unwanted sexual conduct.

Sexual Assault: Sexual assault includes the sex offenses of rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape.

Sexual Harassment: Unwelcome conduct of a sexual nature including unwelcome sexual advances, quid pro quo harassment, domestic violence, dating violence, sexual assault, stalking, and hostile environment harassment.

Stalking: A course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

Title IX of the Education Amendment of 1972

The Soma Institute will not allow any student, on the basis of sex, to be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity at the School. The School has adopted a complaint procedure for students who believe they have been subjected to sex discrimination, including sexual harassment. Any student enrolled in the program is eligible to bring a complaint forward.

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The Title IX coordinator coordinates the School’s compliance with Title IX regulations and reporting requirements.

Title IX coordinator

Kathleen O’Neil
55 E. Jackson Blvd. Suite 300
Chicago, IL 60604
(312) 939-2723
koneil@soma.edu

Reporting Procedure

Although The Soma Institute strongly advocates that sexual harassment or sexual violence be reported to The Soma Institute in a timely manner, it is the survivor’s choice to make such a report and the survivor has a right to decline involvement with the police.

The survivor of a sexual assault may choose for the investigation to be pursued through the criminal justice system and the School President or their designate, or only the latter. One of the School’s representatives will guide the survivor through the available options and support the survivor in his or her decision.

Reporting an Incident to Campus Security Authorities

It will be the role of the campus security authority (CSA) to be there for students as someone to whom they can report sexual harassment, look to for guidance if they have been victims of a crime, or ask if they simply need advice as to whether or not they should report an incident. CSAs can assist an individual in contacting law enforcement agencies such as the Chicago Police Department. CSAs are also not responsible for convincing victims of a crime to contact the police if victims do not want the police contacted.

James Cussen VP, Operations and Financial Aid 55 E. Jackson Blvd. Suite 300 Chicago, IL 60604 (312) 878-4638 Jcussen@soma.edu	Tilda Williams Director, Student Records 55 E. Jackson Blvd. Suite 300 Chicago, IL 60604 (312) 878-4639 Twilliams@soma.edu	<u>Chicago Police Department</u> Emergency: 9-1-1 Non-emergency: 3-1-1
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Confidentiality

The Soma Institute will protect the confidentiality of survivors of sexual assaults, domestic violence, dating violence, and stalking to the fullest extent of the law.

Personal identifiable information about the survivor will be treated as confidential and only shared with persons with a specific need to know who are investigating the complaint or delivering resources or support services to the complainant.

If a student wishes to contact the School President in a confidential manner, they may. In this context the School President will provide information regarding possible next steps and possible outcomes, notify the survivor of available campus and community-based services and resources, and inform the survivor of the School's responsibilities regarding orders of protection and no-contact orders.

Joan Hannant, President
55 E. Jackson Blvd. Suite 300
Chicago, IL 60604
(312) 878-4641
President@soma.edu

Faculty and staff, with the exception of the designated confidential advisor, are required to promptly report all complaints of discrimination, harassment or retaliation they receive (including formal and informal complaints, as well as reports made by students other than the target of the conduct).

The information that must be disclosed includes:

- the name of the person who reported the information to the employee,
- the name of the alleged affected individual, if different than the individual reporting,
- the name of the alleged perpetrator (if known),
- the names of others involved, and
- any relevant facts that have been provided, such as date, time, and location.

Any student may file a report. Reports can be made electronically by email, by phone, or in person. Reports by third parties and bystanders are accepted. Reports from an anonymous source will be accepted, however, the School's ability to take responsive action may be limited.

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School Response

The School President or their designate who will have received training on the issues related to sexual harassment and sexual violence and how to conduct an investigation and hearing process that protects the safety of survivors and promotes accountability will meet with you.

Any complainant of sexual harassment or sexual violence will receive a full copy of The Soma Institute's "Victims' Rights in Cases of Sexual Assault, Domestic Violence, Dating Violence, or Stalking." This document has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, or stalking. These procedures inform the survivor of their right to file criminal charges as well as the availability of medical, counseling, and support services.

We also offer additional remedies to prevent contact between a complainant and an accused party, such as a change in academic schedule, and working conditions, if reasonably available. The policy also addresses possible sanctions and interim and/or long-term protective measures that The Soma Institute may impose following a report through the final determination of our disciplinary process. The School will honor all lawful orders of protection, no contact orders, and restraining orders brought to them by students or employees.

Should it be necessary to speak to a law enforcement officer and you wish the officer to be one of the same gender as you, the request will be accommodated. The School President or their designate will help in arranging hospital and/or counselling services or other assistance.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining orders of protection related to the incident more difficult. If a survivor chooses not to make a complaint regarding an incident, they nevertheless should consider speaking with a law enforcement agency to preserve evidence in the event the survivor changes their mind at a later date.

Physical evidence is crucial in helping to prosecute assailants in cases of rape or sexual violence. Physical evidence must be collected in a timely manner by a certified medical

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facility. Prior to a medical/legal exam a survivor of rape or assault should not bathe, change clothes, douche, use toilet (if possible), smoke, or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours or so that the evidence may be preserved.

A survivor of sexual assault can receive a forensic medical exam, often at no cost, at the following locations near campus:

Northwestern Memorial Hospital 250 E. Erie St. Chicago IL 60611 (312) 926-2000	John H. Stroger, Jr. Hospital 1901 W. Ogden Ave. Chicago, IL 60612 Adult Emergency Department: 312-864-1300
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A student who, in good faith, reports an alleged violation of the Sexual Violence Prevention Policy will not be subject to disciplinary action for violation of the School's Rules of Student conduct revealed in the course of such a report, unless it is determined the violation was egregious.

Harassment, intimidation, threats, coercion, discrimination or retaliation in any other form is strictly prohibited against anyone for making a good faith complaint of conduct violating this policy or against individuals that participate in the complaint resolution procedure. Individuals who engage in retaliatory conduct will be subject to disciplinary action.

Complaint Resolution Procedure

The student disciplinary process is not a criminal proceeding. Student disciplinary proceedings can take place before, during, or after criminal and civil proceedings relating to the same incident.

Confidentiality will be maintained throughout the investigatory process to the extent possible while allowing The Soma Institute to conduct an appropriate investigation and take corrective action or legal action, as The Soma Institute determines is necessary or prudent.

After receiving notification, the President shall promptly obtain whatever information is necessary from those persons involved in the incident in order to understand the nature of

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the incident and to determine whether any immediate action is needed relating to the health or safety of the person or persons involved, as well as the health or safety of other students, faculty, or staff.

The President shall then cause an investigation to be made of the charges. Any complaint received will be investigated promptly. At any time during this investigation, the President, with the written consent of all parties, may determine that the charges may be resolved administratively. An administrative disposition is one which does not involve use of a hearing. During any investigation of any charge, the President may seek to interview anyone, including the accused, whom the President believes may have knowledge of the matter. Any student who agrees to provide information must provide truthful information. If a student provides information that is not truthful, that conduct may be the basis for a complaint and disciplinary action.

Pending action on the charges, the status of a student should not be altered, or their right to be present on the premises or attend classes suspended, except for reasons relating to their physical or emotional safety, the physical or emotional safety of the accuser, the well-being of members of the School community, or preservation of School property.

If the President determines that the alleged misconduct requires the institution of disciplinary proceedings, the Title IX coordinator shall send a written Notice of Charges to the accuser and the accused. The Notice shall identify the charges and state the date, time, and place for the hearing, and identify the hearing officers.

Either party may request a hearing officer substitution if the participation of the scheduled officer poses a conflict of interest.

Within seven (7) days after receipt of the Notice of Charges, the accused shall respond in writing if they wish to oppose the charge. The student's written response shall also state whether the student intends to bring an adviser to the hearing and if so, the adviser's occupation and his or her relationship to the student. If the student fails to respond, the President will decide on an appropriate resolution based on all information available to her.

The Hearing Committee will consist of the President and an administration or faculty designee, both of whom will have received a minimum of 8-10 hours of annual training on issues related to sexual harassment and The Soma Institute's disciplinary and hearing

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procedures. A hearing may be conducted in the absence of the accused and accuser, if either or both fail to appear.

Admission of any person to the hearing shall be at the discretion of the President. A student's prior or ongoing disciplinary notations will be reviewed during the hearing process. The hearing shall be private.

Information at the hearing shall be presented only at the discretion of the President. The accused and accuser may not cross-examine each other, but may, at the discretion of the Hearing Committee, suggest questions to be posed. The Hearing Committee's determination shall be made on the basis of whether it is more likely than not that the accused student violated the Rules of Conduct or other School policies, rules, or regulations.

Both parties are permitted to have an advisor of their choice. The advisor may be a student or an individual from outside of the school. The accuser and the accused, however, are responsible for presenting their own cases. The accuser and the accused may consult with their advisors before, during, and after the hearing, but the advisors may not present information, question witnesses or the President or administration designee, or make statements or arguments during the hearing. The advisor may only be present in the hearing at such times that the person they are advising is permitted to be present. Given the limited role of an advisor and the compelling interest of the School in concluding the matter expeditiously, the work of a hearing will not, as a general practice, be delayed due to the unavailability of an advisor. The advisor must comply with the hearing procedures. If the advisor violates the rules or engages in behavior or advocacy that harasses, abuses, or intimidates either party, a witness, or the President or administration designee, the advisor may be prohibited from further participation.

During the hearing, neither the accused nor the accuser shall be compelled to testify in the presence of the other. If either party invokes this right, the School will provide a procedure by which each party can hear the other party's testimony.

No recommendation for the imposition of disciplinary penalties shall be based solely upon the failure of the accused to answer the charges or to appear at the hearing. During the Hearing Committee's deliberations, the only persons who shall be present shall be

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members of the Hearing Committee, and any advisers to the Hearing Committee if invited by the Hearing Committee.

The accused, the accuser, and their advisers, if any, shall not be present during deliberations. At any time during the proceedings, including during the deliberations, the Hearing Committee has the discretion to ask for additional information from any person, including persons who have previously appeared before the Hearing Committee and persons who have not appeared. The Hearing Committee shall make a final written report of its decision, including any recommended sanctions, and the reasons therefore. The President shall notify, within seven (7) days, both the accuser and the accused of the decision and implement the sanctions, if any.

Appeals

Either the accuser or the accused may appeal the Hearing Committee's decision within seven (7) days of receiving notice of the decision. An appeal must be made in writing, must be submitted to the President, and must state the basis for the appeal. Appeals are only permitted to proceed if the written notice of the appeal indicates that there was a procedural error, is new information that would substantially change the outcome of the finding, or the sanction is disproportionate with the violation. If there are grounds for appeal, a member of administration not previously involved in the complaint resolution procedure will review the findings and imposed sanction. Both parties shall receive the appeal decision in writing within seven (7) days of the conclusion of the review.

The President shall make a written record summarizing all Hearing Committee proceedings; on occasion, at the School's discretion, audio recordings may be used. All minutes and audio recordings are confidential and remain in the custody of the President.

Sanctions

Sanctions will be imposed if the School finds that it is more likely than not that any student, faculty or staff engaged in conduct in violation with this policy. These sanctions are defined below:

- Admonishment: An oral reprimand to the offender.
- Warning: A written reprimand to the offender.

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- **Disciplinary Probation:** A probationary status for a specified period of time, during which the offender must demonstrate behavior acceptable to the School. Additional restrictions or conditions may be imposed. Violations of the terms of the Disciplinary Probation, or any other violations of School policy, rules, or regulations during the period of probation may result in suspension or expulsion from the School.
- **Loss of Privileges:** Denial of specified privileges for a designated period of time.
- **Suspension:** Exclusion for a period of time from one or more classes, School premises and/or other privileges or activities as set forth in the notice of suspension. Notice of a Suspension may appear on the student's academic transcript for up to two years after the date the Suspension is concluded.
- **Expulsion:** Permanent separation of the student from the School and termination of student status and exclusion from School premises, privileges, and activities. An expulsion will be recorded on the student's permanent academic transcript. Any refund due under the refund policy will be issued within 30 calendar days of the date of expulsion. If the expelled student owes money to the School, it must be paid within 30 calendar days of the date of the expulsion.
- **Employment Termination:** Permanent separation of the employee from the School and termination of employee status and exclusion from School premises, privileges, and activities.

Community Resources

Illinois Coalition Against Sexual Assault (ICASA)

(217) 753-4117

www.icasa.org

24-hour crisis intervention services, counseling and advocacy assistance.

55 East Jackson Boulevard • Suite 300 • Chicago • Illinois 60604-4110

Telephone 312.939.2723 • Facsimile 312.939.0171

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State of Illinois Domestic Violence Hotline

1-877-TO END DV (1-877-863-6338)

TTY: 1-877-863-6339

Confidential referrals and resources covering services available throughout the State. Calls can be taken in over 150 languages thanks to the AT&T Language Line.

U.S. National Domestic Violence Hotline

1-800-799-7233

TTY: 1-800-787-3224

Confidential and anonymous support by phone.

U.S. National Teen Dating Abuse Hotline

1-866-331-9474

TTY: 1-866-8453

www.Loveisrespect.org

Confidential and anonymous support for teens and young adults.

Connections for Abused Women and their Children

(773) 278-4566

www.cawc.org

Located in Chicago

WINGS

24-hour Crisis Hotline: (847) 221-5680

www.wingsprogram.com

WINGS is dedicated to providing an escape route for victims of domestic abuse. They operate two emergency shelters- one in the northwest suburbs and one on the southwest side of Chicago. Their safe house has capacity to house up to 85 people each night, with a maximum stay length of 120 days. WINGS also provides counseling and planning services.

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