Sexual Misconduct and Title IX Policy

The Soma Institute is committed to creating and sustaining a safe 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 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 Soma Institute strictly prohibits the following:

- **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.

- **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.

- **Sex Discrimination**

  Adverse treatment based on sex, gender identity, pregnancy, or sexual orientation.

- **Sexual Harassment**

  Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity.

- **Sexual Assault**

  Includes:

  - Fondling
  - Incest
  - Rape
  - Sexual assault with an object
  - Sodomy
  - Statutory rape
  - Unwanted sexual contact

- **Stalking**

  A pattern of conduct directed at a specific person that would cause a reasonable person fear for safety or substantial emotional distress.

This policy is adopted to comply with Title IX of the Education Amendments of 1972, The Illinois Preventing Sexual Violence in Higher Education Act, and other applicable federal and state laws governing sex discrimination and sexual misconduct. The policy applies equally to all applicants, students, and employees regardless of the sex, gender, sexual orientation, gender identity, or gender expression of any of the individuals involved. This policy applies to conduct that occurs on campus, during school programs or activities, during externship activities, and off campus when the conduct affects the educational environment. No officer, employee, or agent of The Soma Institute shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of this policy.

The School provides prevention and awareness training to faculty, staff, and students.

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 sexual activity with another.

Title IX Coordinator

The Soma Institute has designated a Title IX Coordinator responsible for oversight of compliance.

Kathleen O'Neil
(312) 939-2723
koneil@soma.edu
Office location: 18 S. Michigan Ave. Suite 230, Chicago, IL 60603
122 S. Michigan Ave.
Chicago, IL 60603

Responsibilities include:

- receiving reports of sexual misconduct
- coordinating investigations
- maintaining compliance with federal and state law.

Questions regarding Title IX or related regulation also may be directed to the Department of Education's Office for Civil Rights, 400 Maryland Avenue, SW, Washington DC 20202 or (800) 421–3481.

Confidentiality

The Soma Institute will protect the confidentiality of complainants of sexual misconduct to the fullest extent of the law.

Personal identifiable information will be treated as confidential and only shared with persons with a specific need to know to investigate the complaint or deliver 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 complainant of available campus and community-based services and resources, and inform the complainant of the School's responsibilities regarding orders of protection and no-contact orders.

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President@soma.edu
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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.

Reporting Procedure

Any member of The Soma Institute community 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. Upon receipt of a report of sexual harassment or sexual misconduct, the Title IX coordinator will promptly provide 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 complainant of their right to file criminal charges as well as the availability of medical, counseling, and support services.

The Soma Institute strongly encourages that sexual harassment or sexual misconduct be reported to The Soma Institute in a timely manner. A complainant 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. If a complainant would like to report to law enforcement the Chicago Police Department can be reached by phone at 9-1-1 (emergency) or 3-1-1 (non-emergency).

A student who, in good faith, reports an alleged violation of the Sexual Misconduct and Title IX 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.

Supportive Measures

The School also offers supportive measures to preserve equal access to the program, such as a change in academic schedule or working conditions, if reasonably available. These measures are free, non-punitive, and available to either party. Supportive measures are available **whether or not a formal complaint is filed**.

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 will honor all lawful orders of protection, no contact orders, and restraining orders brought to them by students or employees.

Preservation of Evidence

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 complainant 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 they change 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 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

Grievance Procedure and Resolution

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.

A complainant must file a written formal complaint with the Title IX coordinator. Additionally, the Title IX Coordinator, having received actual knowledge of a policy violation, may at their discretion sign a formal complaint and initiate the grievance process. Complaintants and respondents will be treated equitably throughout the grievance process. There is no presumption that the respondent is responsible and no determination regarding responsibility is made until the end of the process. The Title IX Coordinator will send a written Notice of Charges to the complainant and the respondent. The Notice shall:

- Identify the charges,
- An option for administrative resolution, if applicable,
- Explain the investigation process, including the right to review evidence prior to any hearings,

- Inform both parties they may have an advisor of their choice. This advisor may accompany their respective party at any meeting or proceeding related to the investigation or complaint,
- Identify the Hearing Officer. 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.

At any time prior to a determination, with the voluntary written consent of all parties, the charges may be resolved administratively. An administrative resolution is one which does not involve use of a hearing. At any time prior to agreeing to a resolution, either party may withdraw from the agreement to administrative resolution and resume the formal grievance process. Administrative resolution is not available in cases of employee-on-student sexual harassment.

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.

Any complaint received will be investigated promptly. The burden of proof and burden of gathering evidence sufficient to reach a determination is the responsibility of the School. During investigation of any charge, the Investigator may seek to interview anyone, including the accused, whom may have knowledge of the matter. The Investigator will not seek disclosure of information protected under a legally recognized privilege, unless such privilege has been waived. 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. At the conclusion of the investigation, an investigation report and opportunity to inspect evidence will be provided to each party and their advisors. Each party will have ten (10) days to review the evidence and respond to the report in writing before the investigation report is finalized. The final investigation report will be provided no less the ten (10) days before a hearing is conducted.

If the conduct alleged in the formal complaint would not constitute sexual harassment as defined by Federal Title IX regulations even if proved, did not occur in the recipient's education program or activity, or did not occur against a person in the United States, the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX will be dismissed. However, such a dismissal does not preclude action under the Sexual Misconduct Policy or other applicable provisions of the code of conduct. The Soma Institute will also dismiss a complaint if the complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint, the respondent is no longer enrolled or employed by the recipient, or specific circumstances prevent The School from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. If a complaint is dismissed The Title IX coordinator will promptly send written notice of the dismissal and reason(s) for it to both parties.

Hearings

The Hearing Officer 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 procedures.

Title IX Sexual Harassment is defined in regulations published by the U.S. Department of Education. Charges that allege violations of Title IX of the Education Amendments of 1972 will be subject to the following hearing procedures:

The Hearing Officer will conduct a live hearing at which each party's advisor will be permitted to question and cross-examine relevant witnesses and the other party. The Hearing Officer will determine the relevance of a question or cross-examination before a complainant, respondent, or witness answers. Any decision to exclude a question as not relevant will be explained. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless they are offered to prove that someone other than the respondent committed the alleged conduct or concern specific prior sexual behavior with the respondent to prove consent. If a party does not have an advisor the School will arrange, at no cost, for an advisor to conduct cross-examination on behalf of that party.

At the request of either party, the school will provide for the complainant and the respondent to be in separate rooms but able to see and hear the party or witness answering questions. A recording of the hearing will be made available to both parties.

The Hearing Officer, who will not have served as the Title IX coordinator or the Investigator, will apply the preponderance of evidence standard. At the conclusion of the hearing, the Hearing Officer will make a final written report that identifies the allegations, describes the procedural steps of the grievance process, findings of fact supporting the determination, and states the decision for each charge, including any sanctions to be imposed, and the reasons therefore, within seven (7) days to both the complainant and the respondent simultaneously. This report will also detail appeal procedures.

In the event that an alleged violation of the Sexual Misconduct policy is not subject to Federal Title IX regulations the following hearing procedures in accordance with the Illinois Preventing Sexual Violence in Higher Education Act will be followed:

The hearing shall be private. A hearing may be conducted in the absence of the accused and accuser, if either or both fail to appear. 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. Admission of any person to the hearing shall be at the discretion of the Hearing Officer. A student's prior or ongoing disciplinary notations will be reviewed during the hearing process. Both parties will have the opportunity to present evidence and witnesses. The complainant and respondent may not cross-examine each other, but may, and the discretion of the Hearing Officer, suggest questions to be posed. The School shall make a written record summarizing all Hearing 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.

Both parties are permitted to have an advisor of their choice. The adviser may be a student or an individual from outside of the school. The complainant and the respondent, however, are responsible for presenting their own cases. The advisers may not present information, question witnesses or the Hearing Officer, or make statements or arguments during the hearing. The adviser 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 adviser 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 adviser. If the advisor violates the rules or engages in behavior or advocacy that harasses, abuses, or intimidates either party, a witness, or the Hearing Officer, the advisor may be prohibited from further participation.

Neither the complainant nor the respondent 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. At any time during the proceedings, including during the deliberations, the Hearing Officer has the discretion to ask for additional information from any person.

At the conclusion of the hearing, the Hearing Officer will make a final written report that identifies the allegations, describes the procedural steps of the grievance process, findings of fact supporting the determination, and states the decision, including any recommended sanctions, and the reasons therefore within seven (7) days to both the complainant and the respondent. The Hearing Officer will utilize the preponderance of evidence standard.

Regardless of the applicable hearing style, either the complainant or the respondent may appeal the Hearing Officer's decision within seven (7) days of receiving notice of the decision. An appeal must be made in writing, submitted to the Title IX coordinator, 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, the Title IX coordinator, Investigator, or Hearing Officer had a conflict of interest or bias for or against the complainant or respondent, 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, describing the result of the appeal and the rationale for the result, in writing within seven (7) days of the conclusion of the review.

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.
- 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.

Recordkeeping

The Soma Institute will retain all records relating to sexual misconduct or Title IX complaints, investigations, hearings, appeals, and imposed sanctions or remedies, and administrative resolutions for a minimum of seven (7) years. Additionally, training materials are publicly available and are maintained for seven (7) years.

Community Resources

Illinois Coalition Against Sexual Assault (ICASA)
(217) 753-4117
www.icasa.org
24-hour crisis intervention services, counseling and advocacy assistance.
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.