

Healing Mountain Sexual Misconduct Policy

In Compliance with Violence Against Women Act 2014, and
Title IX Regulations



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Healing Mountain® Massage School



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Instructions —



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Introduction & Scope of Policy

Healing Mountain does not tolerate:

- **Sexual Discrimination/Harassment**
- **Sexual Inappropriateness in Touch/Massage**
- **Sexually-related Behavior**

With least degree of allowance



Scope of Policy continued...

Students — even with mutual consent — are not to:

- **Date, or**
- **Participate in Intimate Relationships**

Not with:

- **Fellow Classmates**
- **Teachers**
- **School Personnel; including LMTs**
- **Clinic Clientele**

Not On or Off Campus



Scope of Policy continued...

Such behavior is considered:

- **A Dismissible Offense**
- May Also be **Illegal Activity**, which will be **Reported to Police**



Scope of Policy continued...

Anyone who experiences:

- Sexual Harassment, or
- Inappropriate Touch or Massage —

Contact School Officials Immediately

Those who experience:

- Sexual Assault, or
- Rape

1) Contact Local Police first

2) Contact School Officials afterwards



Scope of Policy continued...



School Officials can assist students notify local authorities:

SLC Main Campus —

- | | | |
|---------------------------------------|--------------|--|
| • Jesse Nikola, CEO & President | 801-597-7886 | jesse@healingmountain.edu |
| • Daniel Fisher, Spa Manager | 801-884-3524 | daniel@healingmountain.edu |
| • Jeremy Kellum, Title IX Coordinator | 601-329-9204 | jeremy@healingmountain.edu |

OREM Non-Main Campus —

- | | | |
|---------------------------------------|--------------|--|
| • Brynnley Pyne, Campus Director | 801-210-9440 | brynnley@healingmountain.edu |
| • Grace Lansberry, Spa Manager | 801-609-1162 | grace@healingmountain.edu |
| • Jeremy Kellum, Title IX Coordinator | 601-329-9204 | jeremy@healingmountain.edu |

Scope of Policy continued...

Currently enrolled students will maintain:

- **Appropriate Boundaries**, and
- **Appropriate Relationships** with:
 - **Fellow Classmates**
 - **Teachers**
 - **School Personnel;**
including LMTs
 - **Clinic Clientele**



Sexual Abuse Education Program

This Power Point presentation is part of Healing Mountain's program for the education of sexual offenses.



1) Sexual Misconduct Definitions

Consent —



- Consent must be informed, voluntary, and mutual, and can be withdrawn at any time.
- There is no consent when there is force (expressed or implied) or when coercion, intimidation, threats, or duress are used.
- When a person takes advantage of their position of influence over another, that may be a factor in determining whether consent occurred.
- Silence or absence of resistance does not imply consent.

Definitions continued...

Consent — concluded

- Past consent to sexual activity with another person does not imply ongoing or future consent with that person, or consent to that same sexual activity with another person.
- There is no consent if a person is mentally or physically incapacitated or impaired so that such person cannot understand that fact, nature, or extent of the sexual situation; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious.



Definitions continued...

Crime of Battery —

- A criminal offense involving unlawful physical contact, distinct from assault in that the contact is not necessarily violent.
- Any unwanted touch.
- **Sexual Battery** is a criminal offense involving any unwanted touch of a sexual or perceived sexual nature.



Definitions continued...



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:
 - The length of the relationship
 - The type of relationship
 - The frequency of interaction between the persons involved in the relationship

Definitions continued...



Domestic Violence

- Domestic violence includes *felony or misdemeanor crimes of violence 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
 - Who is cohabitating or has cohabitated with the victim as a spouse/intimate partner, or is similarly situated to a spouse of the victim under domestic or family violence laws of the jurisdiction receiving grant monies, or
 - 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

Definitions continued...



- **NOTE:** *Unless Dating Violence or Domestic Violence involves both parties being students, faculty, or school personnel, Healing Mountain Massage School cannot process formal complaints. Only local law enforcement can do that.*
- *However, the school can fill out an incident report and offer support services to victims of dating or domestic violence.*

Definitions continued...

Gender-Based Harassment—

- Unwelcome conduct of a nonsexual nature based on an individual's actual or perceived sex (gender), including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes.



Definitions continued...

Indecent Exposure —



- Refers to the deliberate exposure in public or in view of the general public or in private to an individual, by a person of a portion or portions of his or her body normally considered private (e.g., female breast, and male & female genitals or buttocks), in circumstances where the exposure is contrary to local laws.
- Indecent exposure is also deemed indecent in nature when behavior includes groping private parts, masturbation or sexual intercourse in view of others.

Definitions continued...

Rape —

- Referred to as **sexual assault**, is an assault by a person involving sexual intercourse with or without sexual penetration of another person without that person's consent.



Definitions continued...

Statutory Rape —

- Generally refers to sex between an adult and a minor past the age of puberty and below the age of 18.
- Sexual activities with a pre-pubescent child, are generically called “child rape,” “child sexual abuse” or “child molestation.”



Definitions continued...

Sexual Abuse —

- Also referred to as ***molestation***, is the forcing of undesired sexual behavior by one person upon another, when that force falls short of being a ***sexual assault***.
- The offender is referred to as a sexual abuser or molester.
- When the victim is younger than the age of consent (varies from state to state, but generally 18), it is referred to as ***child sexual abuse***.



Definitions continued...

Spousal Sexual Abuse —

- This is a form of domestic violence. When abuse involves forced sex, it may constitute rape upon the other spouse, depending on the jurisdiction, and may also constitute as assault.



Definitions continued...

Sexual Assault —

- Actual or attempted assault of a sexual nature on another person with or without that person's consent.
- Although sexual assaults most frequently are by a man on a woman, it may be by a man on a man, woman on a man, or woman on a woman.



Definitions continued...



Sexual Assault — continued...

- While sexual assault is associated with rape, it may also cover assaults that include:
 - **Forced Vaginal, Anal or Oral Penetration**
 - **Forced Sexual Intercourse**
 - **Inappropriate Touching**
 - **Forced Kissing**
 - **Child Molestation**
 - **Sexting**
 - **Sexual Torture of the Victim**

Definitions continued...

Sexual Battery is a criminal offense involving any unwanted touch of a sexual or perceived sexual nature.



Definitions continued...

Sexual Exploitation —

- Occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without the person's consent. Examples include:
 - **Prostituting another person**
 - **Recording video, photo, audio** of another person's sexual activity, intimate body parts or nakedness without their consent

continued...



Definitions continued...



Sexual Exploitation — continued...

- **Distributing video, photo, audio** of another person's sexual activity, intimate body parts or nakedness without their consent
- **Viewing another person's sexual activity**, intimate body parts, or nakedness in a place of expected privacy without their consent, and for purposes of arousing or gratifying sexual desire
- **Human Trafficking** involves the kidnapping and sexual exploitation of vulnerable populations

Definitions continued...



Sexual Harassment —

- Once stereotyped as involving pressure brought by one in authority (e.g., *an employer, teacher, supervisor, etc.*) on someone in an inferior or subordinate position, with the aim of obtaining sexual favors, this harassment is now recognized as “**Quid Pro Quo**” harassment.
- **Unwelcome conduct** — *verbal or physical behavior or any conduct — of a sexual nature, determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school’s education program or activity on or off campus property.*

continued...

Definitions continued...



Sexual Harassment — continued...

- This includes such terms as:

- **Sexual Assault**
- **Dating Violence**
- **Domestic Violence**
- **Stalking**

as defined under other Federal laws including:

- **The Clery Act**
- **Violence Against Women Act**

Definitions continued...



Sodomy (*forcible*) —

- Used today predominantly in law
(*derived from traditional Christian usage*) to describe the act of anal intercourse, oral intercourse, or even bestiality.

Stalking —

- When people pursue and attempt to insert themselves into or control the lives of others. Includes cyber-stalking, which includes stalking online or via text messaging of a sexual nature or 'sexting.'

Definitions continued...



Unwelcome Conduct (*any type of harassment*) —

- This occurs when an individual did not request or invite it and considers the conduct to be undesirable or offensive.

May include:

- Name-calling
 - Graphic or written statements
(*also conveyed over cell phone or internet*)
 - Conduct that may be physically threatening, harmful or humiliating
- **Does not have to include** intent to harm, be directed at a specific target, or involve repeated incidents.

Definitions continued...

Unwelcome Conduct — continued...



- Participation in the conduct or failure to complain does not always mean the conduct was welcome.
- The fact that an individual may have welcomed some conduct does not necessarily mean that an individual welcomed other conduct.
- The fact that an individual requested or invited conduct on one occasion does not mean it is welcomed on a subsequent occasion.

Definitions concluded

Voyeurism —

- Occurs when an individual gains sexual pleasure from watching others in a state of undress or nakedness, or are engaged in a sexual activity. (also includes sexual exploitation)



2) What Is A Hostile Environment?

- A hostile environment exists when *harassment* is sufficiently serious to deny or limit the individual's ability to participate in or benefit from educational programs and/or business activities.
- It can be created by anyone involved in said programs or activities (e.g., *administrators, faculty, students, staff, and campus visitors*).
- The school considers the conduct in question from both a subjective and objective perspective in determining when harassment has created a hostile environment.



Hostile Environment continued...

- To determine if a hostile environment exists for a person, the school considers a variety of factors related to:
 - Persistence
 - Severity
 - Pervasiveness
- This includes:
 - Type, Frequency, and Duration of Conduct
 - Identity & Relationships of Persons Involved
 - Number of Individuals Involved
 - Location & Context in which Conduct Occurred
 - Degree Conduct Affected Person(s) Involved



3) Sanctions/Protective Measures

- Healing Mountain gladly admits students and hires employees regardless of:
 - **Race**
 - **Religion**
 - **Nationality**
 - **Gender**
 - **Gender Identity**
 - **Sexual Orientation**
 - **Ethnic Origin**



Possible Sanctions continued...

- Students, faculty, staff and clientele have a right to be free from discrimination/harassment. Sanctions imposed by the school may include, but are not limited to:
 - Written Warning
 - Mandatory Counseling
 - Mandatory Education and Training
 - No Contact or Restraining Order
 - Changes in Academic or Clinic Arrangements
 - Revocation of Certain Campus Privileges
 - School Suspension
 - School Dismissal



Possible Sanctions concluded

Healing Mountain has flexibility in the type and range of sanctions to impose on the perpetrator depending on the severity of the incident, but has a process in place to ensure that sanctions imposed are consistent with sanctions imposed in past incidents of similar conduct and are not imposed unequally based on gender or gender identity.



Protective Measures



- Measures the school may utilize to protect complainant:
 - An order of protection, no contact order, restraining order or similar lawful order from the institution
 - Changes to the working, academic or clinic situations
 - Provide increased monitoring, supervision or security at locations or activities where the misconduct occurred
 - Provide an escort to ensure the complainant can move safely between classes and activities while on campus
 - Ensure the complainant and perpetrator do not share classes or activities
 - Provide resources for comprehensive, holistic, victim services including medical, counseling as well as academic support services like tutoring, or arranging the complainant with extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty imposed by the school

Protective Measures concluded

When determining what protective measures to establish, Healing Mountain will consider a number of factors including:

- Specific needs and requests expressed by the complainant
- The age of the students involved
- The severity or pervasiveness of the conduct, and
- Continuing effects on the complainant, such as whether the complainant and alleged perpetrator share the same cohort, clinic shift or class time, and whether other judicial measures have been taken to protect the complainant (i.e., *civil protection orders*).



Cautionary Note

Note: *On very rare occasion, massage school's may experience sexual predatory behavior among the student population. This type of behavior is not only grounds for dismissal, but legal action from local authorities.*

*Just because you are learning to touch others, **does not give you the right to touch without first receiving permission!****



**(verbal AND written permission for clients first and every time)*

How to Avoid Potential Abuse



- Some **signs of an unhealthy relationship** *include having a partner who puts you down or lies frequently; tries to control, threaten, or intimidate you; gets angry when you want to talk about the relationship; or generally doesn't want to communicate or listen.* Unhealthy relationships can quickly turn violent if you miss the signs and don't draw the line with a potentially abusive individual. While you can never completely protect yourself from sexual assault and other violent crimes, you can take steps to reduce your risk of being victimized. Walking in groups, trusting your instincts, avoiding dangerous situations, avoiding excessive drinking: these are some tips to help minimize your risk. But safety is also a community responsibility. For instance, if you're walking to your car alone, ask someone else in your class that is parked in the lot to walk with you. At Healing Mountain, *it's not just about how to be safe, it's also about how to work together to keep the campus community safe.*

Safe & Positive Intervention



- **Bystanders** are individuals who observe violence or witness conditions that perpetuate violence. They are not directly involved, but have the choice to intervene, speak up, or do something about it. They are someone who is present and thus potentially in a position to discourage, prevent, or interrupt an incident. *Bystander intervention occurs when one or more people step-in to try to stop a harmful event.*
- The important thing is to speak up and express your concerns by mail, phone or email 24 hours a day 7 days a week. However, if the situation is unsafe, it's best not to intervene alone. Call 911 or find others to help. When someone witnesses a situation and does not take action, that inaction affects both the attacker and the person being attacked. Inaction also sends a message to other bystanders; it helps create a climate of apathy and acceptance. If we want to stop sexual violence, we have an obligation to ourselves, our friends, and our community to maintain a healthy and safe environment.

4) How to Report and Confidentially Disclose Violence

Healing Mountain encourages victims of sexual violence to talk to somebody about what happened so victims can get the support they need, and so the school can respond appropriately. **Different people have different abilities** to maintain confidentiality.



This policy is intended to make students aware of the various reporting and **confidential disclosure options** available to them — so they can make informed choices about where to turn should they become a victim of sexual violence.

Privileged Communication

- Professional, licensed counselors and pastors (*priests, bishops, lay clergy, etc.*) who provide mental and/or spiritual health counseling to the community are not required to report any information about the incident to the Title IX Coordinator.
- This is called
Privileged Communication



Privileged Communication . . .

- If a victim has access to their own clergy or licensed counselor, the school encourages victims to use them.
- If the victim has no such access readily available, the school can put the victim in contact with a qualified volunteer.



Confidential Communication

- **Confidential Communication** is when others talk to a victim in confidence and *generally* only report to the school that an incident occurred; without revealing any personal identifying information.
- Disclosures to these people will not trigger a school investigation into an incident against the victim's wishes.



Confidential Communication . . .

- Salt Lake Campus




Victim Advocate = Dea Giokas @ 801-215-9849

- Orem Campus

Victim Advocate = Sapphire Hodges @ 801-382-8202

- While victim advocates are required to report that an incident has occurred to the Title IX Coordinator for purposes of tracking campus safety to the US Dept. of Education, no personally identifying information is divulged to officials.

Confidential Communication . . .

- **NOTE:** A victim who speaks to a licensed counselor, clergy, or advocate must understand that, if the victim wants to maintain confidentiality, the school will be unable to conduct an investigation into the particular incident or pursue disciplinary action. 
- **ALSO NOTE:** If a Chief of Campus Security determines that the alleged perpetrator(s) pose a serious, imminent or immediate threat to the school and/or local community, they may be called upon to issue a timely warning to said community. Any such warning should not include any information that identifies the victim.

Responsible Employees

- **Responsible Employees** are those required to report all details of an incident (*including the identities of both the victim and alleged perpetrator*) to the Title IX Coordinator.
- A report to these employees constitutes an official report to the school, and generally obligates the school to investigate the incident and take appropriate steps to address the situation under Title IX guidelines.

NOTE: To the extent possible, information reported to a Responsible Employee will be shared only with people responsible for handling the school's response to the report.



Responsible Employees . . .

- The school's **Responsible Employees** for reporting crimes and/or victimization are listed below:



SLC Main Campus —

- | | | |
|---------------------------------------|--------------|--|
| • Jesse Nikola, Campus Director | 801-597-7886 | jeremy@healingmountain.edu |
| • Daniel Fisher, Spa Manager | 801-884-3524 | daniel@healingmountain.edu |
| • Jeremy Kellum, Title IX Coordinator | 601-329-9204 | jeremy@healingmountain.edu |

OREM Non-Main Campus —

- | | | |
|---------------------------------------|--------------|--|
| • Brynnley Pyne, Campus Director | 801-210-9440 | brynnley@healingmountain.edu |
| • Grace Lansberry, Spa Manager | 801-609-1162 | grace@healingmountain.edu |
| • Jeremy Kellum, Title IX Coordinator | 601-329-9204 | jeremy@healingmountain.edu |

Responsible Employees . . .

- **Responsible Employees** have the authority to redress sexual violence, and have the duty to report such incidents or other misconduct.
- When a **victim** tells a Responsible Employee about an incident of sexual violence, the victim has the right to expect the school to take immediate action and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.



Responsible Employees . . .

- A **Responsible Employee** must report all relevant details about the alleged sexual violence shared by the victim or others to the **Title IX Coordinator**. The school will need to determine what happened — including the names of the victim & alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.



Chief of Campus Security



Although rare, there are times when the school may not be able to honor a victim's request for confidentiality in order to provide a safe, nondiscriminatory environment for all students.

Healing Mountain has designated the **Chief of Campus Security** to evaluate requests for confidentiality once a responsible employee has given notice of alleged sexual violence. These are:

SLC Main Campus

- Jeremy Kellum, Chief of Campus Security 601-329-9204 jeremy@healingmountain.edu
- Jeremy Kellum, Title IX Coordinator 601-329-9204 jeremy@healingmountain.edu

OREM Non-Main Campus —

- Brynnley Pyne, Chief of Campus Security 801-210-9440 brynnley@healingmountain.edu
- Jeremy Kellum, Title IX Coordinator 601-329-9204 jeremy@healingmountain.edu

5) How a Request for Confidentiality is Weighed and Responded to

If a victim discloses an incident to a **responsible employee** but wishes to *maintain confidentiality* OR *requests that no investigation into a particular incident be conducted or disciplinary action taken, ... Healing Mountain must weigh that request against its' obligation to provide a safe, non-discriminatory environment for all students, including the victim.*



If the school honors the request, a victim must understand the school's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

For More Information on Victim Rights...

Please, click on the following link, or copy & paste it in browser:

<https://attorneygeneral.utah.gov/wp-content/uploads/2017/09/Victims-Rights.pdf>




Other Sexual Assault Victim Resources:


- Free 24/7 **Utah Rape & Sexual Assault Crisis Line** = **1-888-421-1100**
- Free 24/7 **Utah Domestic Violence Link Line** = **1-800-897-5465**
- Free 24/7 **National Sexual Assault Hotline** = **1-800-656-4673**
- <https://health.utah.gov/vipp/pdf/RapeSexualAssault/Rape%20Program%20Contact.pdf>
- Utah Coalition Against Sexual Assault: <https://www.ucasa.org/resources>
- <https://www.breakthecycle.org/warning-signs>
- Resource for teen dating violence: <https://www.teendvmonth.org/resources/>
- Other resources for victims, families and educators: <https://www.nsvrc.org>

Request Confidentiality continued...

When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, the **Chief of Campus Security** will consider a range of factors, including the following:

- Increased risk the alleged perpetrator will commit additional acts of sexual or other violence, such as: 
 - whether there have been other sexual violence complaints about the same alleged perpetrator
 - whether the alleged perpetrator has a history or arrests or records from a prior school indicating a history of violence
 - whether the alleged perpetrator threatened further sexual or other violence against the victim or others

Request Confidentiality continued...

- Whether the sexual violence was committed by multiple perpetrators 
- Whether the sexual violence was perpetrated with a weapon
- Whether the victim is a minor
- Whether the school possesses other means to obtain evidence of the sexual violence (*e.g., security cameras or personal, physical evidence*)
- Whether the victim's report reveals a pattern of perpetration (*e.g., illicit use of drugs or alcohol*) at a given location or by a particular group

Request Confidentiality continued...

The presence of one or more of these factors could lead the school to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the school will likely respect the victim's request for confidentiality.



Request Confidentiality continued...

If the school determines that it cannot maintain a victim's confidentiality, *it will inform the victim prior to starting an investigation* and will — to the extent possible — only share information with people responsible for handling the school's response.

The school will remain very mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. **Retaliation against the victim**, whether by students or school employees, ***will not be tolerated.***



Request Confidentiality continued...

Upon request, the school will also:



- 1) Assist the victim in accessing other available victim advocacy, academic support, counseling, and legal assistance both on and off campus
- 2) Provide other security and support, which could include issuing a no-contact order, helping arrange a change of course schedules (*including for the alleged perpetrator pending the outcome of an investigation*) or adjustments of tests, and
- 3) Inform the victim of the right to report a crime to campus or local law enforcement — and provide the victim with assistance if the victim wishes to do so

School's Continuing Obligation

Because the school is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (*including non-identifying reports*) will also prompt the school to consider broader remedial action — such as:

- Increased monitoring, supervision or security at locations where reported sexual violence occurred
- Increasing education & prevention efforts, including to targeted population groups
- Conducting climate assessment/victimization surveys, and
- Revisiting school policies and practices



Anonymous Reporting



Although the school encourages victims to talk to someone, *it requests individuals leave sealed notes addressed to the Responsible Employees for Anonymous Reporting.*

Using emails or texts by the victim or others to report sexual violence to school officials provides Personal Identifying Information (PII), which may in turn serve as a notice to the school for purposes of triggering an investigation.



6) How Healing Mountain Processes Complaints



(1) Ask the person if they have completed the school's **Sexual Misconduct Policy** — Power Point Presentation or pages 5-11 of **Campus Security Report** — which was published, discussed and posted as part of student orientation.

If they do not possess a copy of the policy, print it out for them, and take time to review it with them.

(2) Ask the person if they wish the information to remain '**Privileged**' or '**Confidential**'; explaining the differences between the two.

Processing Complaints continued...

If **Privileged** — refer them to a licensed professional counselor or non-denominational clergy if they prefer.

If **Confidential** — refer them to the **Victim Advocate** for collecting and filling out a Non-Identifying Incident Report.

*(All “personal identifying information” will be left off the report to make certain the victim remains anonymous — unless the school **Chief of Campus Security** determines confidentiality cannot be maintained. **NOTE:** Please, read and explain Section VI, Item 5 of the Campus Security Report to the person.)*



Processing Complaints continued...

If **NO Privileged** communication is requested, refer them to either a designated “responsible employee” or the **Title IX Coordinator** who will inform the victim of the right to report a crime to campus or local law enforcement — and provide the victim with assistance if the victim wishes to do so.

An **Incident Report** will need to be filled out in a timely manner.

Before the victim or others reveal any information to a **Responsible Employee**, that employee should ensure that the victim understands the employee’s reporting obligations — and, if the victim wants to maintain confidentiality, direct the victim to confidential resources.



Processing Complaints continued...

NOTE: *A victim who speaks to a licensed counselor, clergy or victim advocate must understand that, if the victim wants to maintain confidentiality, the school will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator(s).*

ALSO NOTE: *If the Chief of Campus Security determines the alleged perpetrator(s) pose a serious and immediate threat to the school and/or local community, they may be called upon to issue a timely warning to said community. Any such warning should not include any information that identifies the victim.*



Processing Complaints continued...

(3) If the victim wants to tell the **Responsible Employee** what happened but also wishes to maintain confidentiality, the employee should tell the victim that the school will consider the request, BUT cannot guarantee it will be able to honor the request.

In reporting the details of the incident to the **Title IX Coordinator**, the Responsible Employee will also inform the Coordinator of the victim's request for confidentiality.



NOTE: Responsible employees must not and will not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including for the school to fully investigate an incident. By the same token, responsible employees will not pressure a victim to make a full report if the victim is not ready to do so.

Processing Complaints continued...

(4) When a victim tells a responsible employee about an incident of sexual violence, the victim has the right to expect the school to take immediate and appropriate steps to investigate what happened, and to resolve the matter promptly and equitably.

A responsible employee must report to the **Title IX Coordinator** all relevant details about the alleged sexual violence shared by the victim. The school will need to determine what happened — including: *the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including date, time, and specific location of the alleged incident.*



Processing Complaints continued...

To the extent possible, information reported to a responsible employee will be shared **only** with people responsible for handling the school's response to the report.

NOTE: A responsible employee should not share information with law enforcement without the victim's consent, or unless the victim has also reported the incident to law enforcement.



Processing Complaints continued...

(5) After a complaint has been reported to a designated responsible person or Title IX Coordinator, and an Incident Report as has been filled out and submitted to the Chief of Campus Security, the school administration will notify the victim as expeditiously as possible, may seek further clarification on the matter, and set up a deadline to report back to them.

NOTE: *Please, understand some investigations may require several meetings at different levels involving people with different schedules — so a report back may take from several days to a week or more; especially if local law enforcement is involved.*



Processing Complaints continued...

(6) After a formal complaint has been investigated, an adjudicative hearing will be scheduled. *Written statements of the **incident** must be submitted as well as **evidence**, and **questions** prior to the hearing.* The complainant/victim and respondent will choose an advisor to represent them at the hearing. After the hearing, a decision based on all information will be handed down.

(7) In lieu of an adjudicative hearing, if both parties request it, an informal resolution mediation may occur.

NOTE: *While there is no guidance from the DOE to what a “timely manner” or a “prompt time frame” mean, an adjudicative hearing may take longer than the investigative phase.*



7) Sexual Counseling/Assistance

We encourage students who are having difficulties in these areas to seek help. Below are some listings for various help lines:

BOTH CAMPUSES:

Rape Crisis & Recovery Center.....	801-467-7282
Rape & Sexual Assault Hotline.....	888-421-1100
Intermountain Specialized Abuse Treatment Center....	801-268-4454
Sex & Marital Therapy Clinic.....	801-581-5741
Suicide Prevention Crisis Center.....	801-261-1442



LGBTQ Resources:

The Trevor Project Helpline..... 866-488-7386

FORGE forge-forward.org..... 414-559-2123

The Northwest Network..... 206-586-7777

Additional Resources www.211ut.org



Sex Offender Registry

In accordance with the Violent Crime Control and Law Enforcement Act of 1994 (42 USC §14071(j)), concerning registered Sex offenders, Healing Mountain Massage School is required by the US Department of Education to advise its campus community (students, faculty and staff) where this information may be obtained. For those wishing to check on sex offenders in the area, they may go to the internet at:

www.communitynotification.com/cap_office_disclaimer.php?office=54438



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End of Training Presentation

Students: email randy@healingmountain.edu for **VAWA** training certificate of completion.



End of Student Training Program



Employees proceed to Re-Cap Training

Re-Cap for School Employees



All Employees —

If and when a student or other employee comes to you to report an incident of sexual harassment or sexual violence...

- Ask them before hand if they wish this communication to be privileged or kept confidential. If they do not understand the terms, obtain them a copy of this and explain the differences.
- If **privileged**, ask them if they need the school to make an appointment with a clergy or professional counselor. If so, refer them to the **Campus Director** to obtain such a referral.

continued...

Re-Cap continued...



All Employees —

- If **Confidential**, direct them to the **Victim Advocate** for the campus. This presentation and the Campus Security Report lists their name, cell number, and email address.
- If they prefer to report an incident, direct them to a **Responsible Employee** from the list in this presentation or in the Campus Security Report.

continued...

Re-Cap continued...

All Employees —



NOTE: *While all school employees are responsible to follow protocol regarding referring possible victim of sexual harassment or sexual violence to the proper administrators, only a **Responsible Employee**, or **Title IX Coordinator** are authorized to investigate, file reports, and resolve issues of sexual harassment/violence.*

Re-Cap continued...



Responsible Employees —

If and when a student or other employee comes to you to report an incident of sexual harassment or sexual violence...

- Ask them before hand if they wish this communication to be privileged or kept confidential. If they do not understand the terms, obtain them a copy and explain the differences.
- If **privileged**, ask them if they need the school to make an appointment with a clergy or professional counselor. If so, refer them to a clergy or professional counselor.

continued...

Re-Cap continued...

Responsible Employees —



- If **Confidential**, direct them to the **Victim Advocate** for the campus. This presentation and the Campus Security Report lists their name, cell number, and email address.
- If they prefer to report an incident, direct them to the **Title IX Coordinator** to investigate, file reports, and resolve issues of sexual harassment/violence.

continued...

Re-Cap continued...



Title IX Coordinator —

If and when a student or other employee comes to you to report an incident of sexual harassment or sexual violence...

- Ask them before hand if they wish this communication to be privileged or kept confidential. If they do not understand the terms, obtain them a copy and explain the differences.
- If **privileged**, ask them if they need the school to make an appointment with a clergy or professional counselor. If so, refer them to a clergy or professional counselor.

continued...

Re-Cap continued...



Title IX Coordinator —

- If **Confidential**, direct them to the **Victim Advocate** for the campus. This presentation and the Campus Security Report lists their name, cell number, and email address.
- If they prefer to report an incident, it is your primary responsibility to investigate, file reports, and resolve issues of sexual harassment/violence in an expeditious manner (*usually within two week deadline*) and file reports in an expeditious manner to local and/or state authorities.

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End of Training Presentation

Employees: email randy@healingmountain.edu for **VAWA** certificate of completion.



End of Employee Training Program



**Please, Proceed to list of
Title IX Coordinator Training**

Title IX Training Resources List

- **Clery Center** —
<https://clerycenter.org?>
- **Christopher DeLuca, JD** —
DL Training Solutions, LLC
513-401-8977 info@dtrainsolutions.com
<http://regionspccs.com>
- **Office of Civil Rights** —
<https://www.hhs.gov/>
- **Max Knowledge** —
<https://www.maxknowledge.com>

End of Training Program