

**POLICY AND PROCEDURES FOR  
ALLEGATIONS OF SEX DISCRIMINATION, SEX-BASED HARASSMENT, AND  
RETALIATION**

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I



## II. Scope

This Policy addresses Lincoln’s responsibilities with sex discrimination, sex-based harassment, and retaliation as defined by the 2024 Title IX regulations and as set forth below. The Policy applies to Prohibited Conduct, defined below, that is alleged to have occurred on or after August 1, 2024. The Policy does not specifically address any applicable state laws on sex discrimination or sex-based harassment, including sexual harassment.

This Policy covers all education programs and activities and locations of Lincoln and conduct that is subject to Lincoln’s disciplinary authority. This may include but is not limited to Lincoln-sponsored events that occur off-campus; all campuses and/or satellite sites; off-campus incidents that have an on-campus impact or affect mem0.1547001 (ur ( )-10 (r)5 (e)5 ( a-4.1 )TJ0)1 (ifTc 0 Tw (L)1 (i)-2

1. *Quid Pro Quo Harassment* - This occurs when an employee, agent, or authorized person conditions (either explicitly or impliedly) the provision of an aid, benefit, or service they are authorized to provide under Lincoln's education program or activity, on another individual's participation in unwelcome sexual conduct.
2. *Hostile Environment* - Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe *or*

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 or physical incapacity.

- iv. *Fondling* is the touching of the private body 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 or physical incapacity.
- v. *Incest* is defined as nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- vi. *Statutory Rape* is defined as nonforcible sexual intercourse with a person who is under the statutory age of consent.

**b. Dating Violence** - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The

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grievance procedures, and in any other actions taken by Lincoln. Retaliation can be committed by or against any individual or group of individuals, including a Respondent or Complainant or their friends, relatives, or other affiliated individuals. Retaliation is still prohibited even when there is a finding of no responsibility for the allegation.

**D. Related Definitions**

*Consent* is an affirmative decision to engage in mutually agreed upon sexual activity and is given by clear words or actions. Consent may not be inferred from someone's manner of dress, silence, passivity or lack of resistance alone. Furthermore, consent to one form of sexual activity







- Employees with administrative leadership responsibilities, including supervisors and managers;
- Faculty members and other employees with teaching responsibilities; and
- Employees with advising responsibilities.

This specifically includes but is not limited to the Title IX Coordinator, the Campus President, the Education Department Manager, and Lincoln employees in a supervisory or management position or faculty role, among other Lincoln employees.

All other employees who have information about conduct that reasonably may constitute Prohibited Conduct under this Policy, must either: (i) immediately notify the Title IX Coordinator, or (ii) provide the reporting individual with the Title IX Coordinator’s contact information and information about how to make a complaint of Prohibited Conduct with Lincoln.

Employees can be disciplined, up to and including termination, if they engage in Prohibited Conduct; fail to notify the Title IX Coordinator; or fail to provide appropriate information to any person who provides them with information about conduct that reasonably may constitute Prohibited Conduct under this Policy. All employees have a responsibility to prevent Prohibited Conduct and cooperate in the grievance procedures of this Policy.

**B. Alcohol and/or Drug Use Amnesty for Students**

The health and safety of every student at Lincoln is of utmost importance. Lincoln recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that Prohibited Conduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Lincoln strongly encourages students to report Prohibited Conduct to Lincoln officials. A bystander, reporting individual, or potential Complainant acting in good faith that discloses Prohibited Conduct to Lincoln officials or law enforcement will not be subject to Lincoln's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the alleged Prohibited Conduct.

**C. Confidentiality and Privacy**

At the beginning of the process, Lincoln will inform the Complainant(s) and Respondent(s) about confidentiality standards and privacy concerns. Lincoln

extent required by law and to the extent possible given Lincoln's obligations under the law and under this Policy. The identity of the parties and any witnesses, as well as information about the

Both the Complainant and Respondent may submit a written request to the Academic Dean/Director of Education to seek a modification or reversal of the Title IX Coordinator's decision to provide, deny, modify, or terminate an applicable supportive measure that directly affects him or her, and shall be allowed to submit evidence in support of his or her request. The Academic Dean/Director of Education will issue a determination if the Title IX Coordinator's decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures within five (5) business days of the receipt of such a request.

Lincoln will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the education program or activity, and subject to the following exceptions: (i) when Lincoln has obtained prior written consent to the disclosure from the applicable party; (ii) when the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the party; (iii) to carry out this Policy, including action taken to address conduct that reasonably may constitute sex discrimination under Title IX; (iv) as required by Federal law, regulations, or the terms and conditions of a Federal award, including a grant award or other funding agreement; or (v) to the extent such disclosures do not otherwise conflict with Title IX and are permitted or required under federal, state or local law, such as the Family Educational Rights and Privacy Act, at 20 U.S.C. § 1232g with implementing regulations at 34 CFR Part 99. The Title IX Coordinator may consult, as appropriate, with designated officials or offices to provide support to students with disabilities to determine how to comply with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, in the implementation of supportive measures.

On an emergency basis, Lincoln may remove a student Respondent from Lincoln's education program or activity, which includes but is not limited to denied access to the campus, facilities, events, classes, research laboratories, student housing or dining facilities, and/or all other activities or privileges for which the student Respondent might otherwise be eligible. Alternative coursework or research options may be offered by the Title IX Coordinator to ensure as minimal impact as possible to the Respondent and Complainant. Prior to such removal, Lincoln will undertake an individualized safety and risk analysis and determine that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of Prohibited Conduct justifies removal. Lincoln will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

In the event that a Respondent employee is accused of a violation, which also constitutes grounds for immediate dismissal as defined pursuant to other employee policies, processes, and procedures, Lincoln may place the employee on administrative leave paid or unpaid, from employment responsibilities pending the grievance process of this Policy. In the event that a Respondent employee is accused of a violation that does not constitute grounds for immediate dismissal under

other employee policies, processes, and procedures, but the continued presence of the employee is disruptive to the work environment, the Title IX Coordinator may recommend that the employee be placed on administrative leave pending resolution of the matter. During such leave, an employee may be denied access to Lincoln's campus, facilities, or events. At the discretion of the Title IX Coordinator, alternative work options may be pursued to ensure as minimal an impact as possible on the Respondent employee and Complainant or potential Complainant.

Lincoln will provide the Respondent with written notice of an opportunity to appeal the decision to remove a student Respondent on an emergency basis or place an employee Respondent on administrative leave. The written appeal request should state the reasons why the Respondent believes the removal or administrative leave should be overturned. The appeal request must be received by the Academic Dean/Director of Education within five (5) business days of the written notification. The Academic Dean/Director of Education will review the appeal to determine whether the decision was supported. The Academic Dean/Director of Education appeal determination shall be sent to the Respondent within five (5) business days of receipt of the initial appeal request. The appeal determination by the Academic Dean/Director of Education is final.

Lincoln will promptly address any violation of the emergency removal or administrative leave. Lincoln will take immediate and responsive action to enforce any violation of an emergency removal or administrative leave.

## **VII. Grievance Procedures**

Lincoln will promptly and equitably resolve complaints of alleged Prohibited Conduct in accordance with the grievance procedures set forth in this section of the Policy. Consistent with the requirements of the Title IX reg 6-3 (ro)-14 (ce) 14 (s)(X) i/ Tw [(e)4 5 -1.32 (ce)w6 ( s)-4 (n)TJ0 Tc 0 Tw 35

2. Individuals implementing the grievance procedures will be free of any conflict of interest or bias for or against Complainants or Respondents, either generally or individually.
3. The Respondent is presumed not responsible for the alleged conduct until a determination is made at the conclusion of the grievance procedures.
- 4.

Relevant evidence means

The Title IX Coordinator will also meet with the Respondent separately to discuss the complaint and the process.





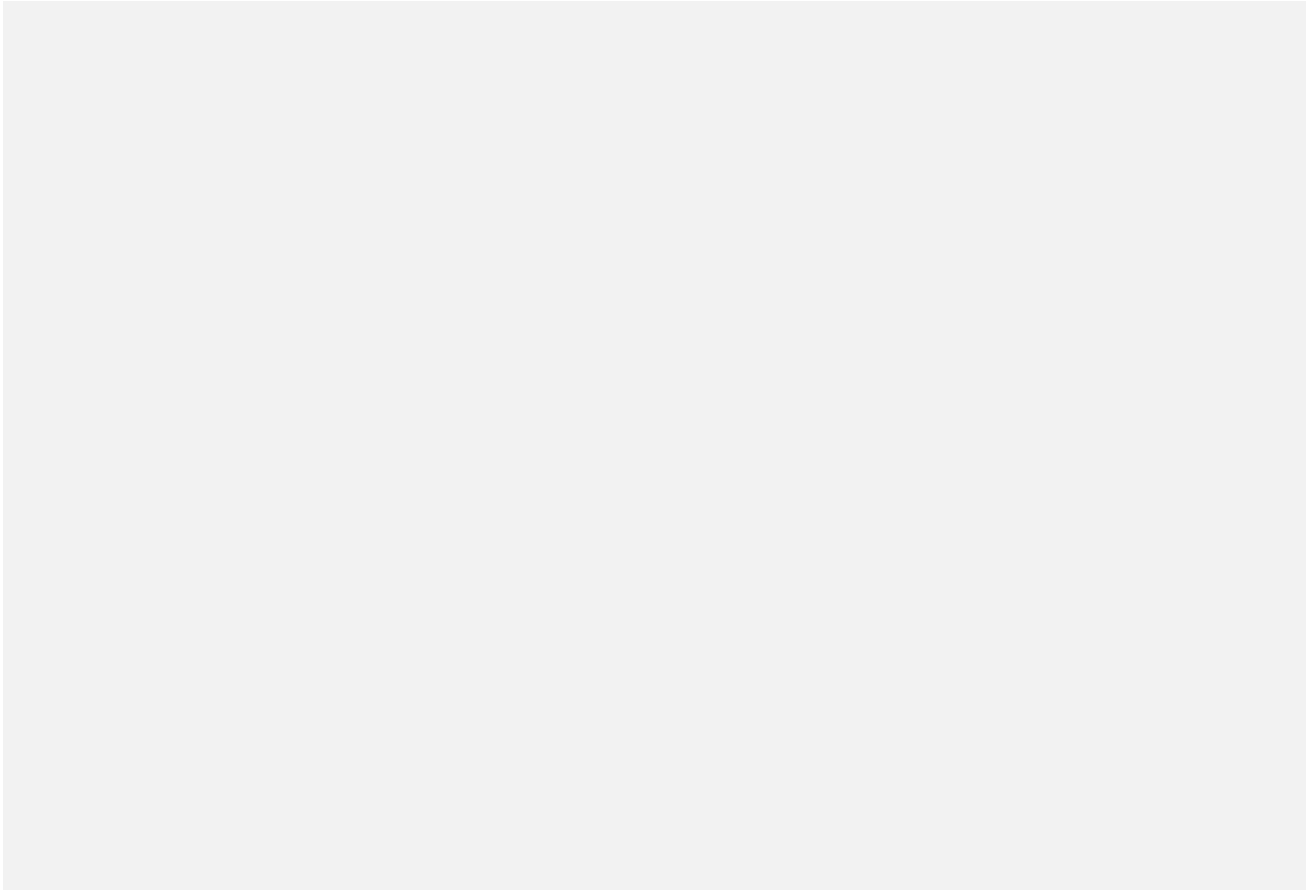
To the extent Lincoln has reasonable concerns for the safety of any person as a result of providing written notice, Lincoln may reasonably delay providing written notice of the allegations (and forgo any related written notice of a subsequent dismissal of the complaint) in order to address the safety concern appropriately. Reasonable concerns will be based on an individualized safety and risk analysis and not on mere speculation or stereotypes.

#### **D. Investigation**

Lincoln will respond promptly and effectively to reports or complaints of Prohibited Conduct. Lincoln will provide an adequate, reliable, and impartial investigation of the alleged Prohibited Conduct. The investigation will include the following steps:

- a. Lincoln will ensure that the burden is on Lincoln (not the parties) to conduct an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred;
- b. The Title IX Coordinator or designee will conduct the investigation;
- c. Lincoln will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible;
- d. Lincoln will provide a process that enables the Title IX Coordinator or designee to question the parties and witnesses to adequately assess credibility to the extent that credibility is in dispute and relevant to evaluating the alleged conduct.
- e. The Lincoln will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance;
- f. Lincoln will provide each party with an equal opportunity to access the evidence that is relevant and not otherwise impermissible to the allegations of Prohibited Conduct, and issue to the parties a written investigative report that accurately summarizes this evidence;
- g. Lincoln will provide the parties with a reasonable opportunity to review and respond to the evidence and/or the investigative report prior to the determination whether Prohibited Conduct occurred; and
- h. Lincoln will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance process, which does not include authorized disclosures of information and evidence for purposes of administrative proceedings or litigation related to the complaint of Prohibited Conduct.

**For sex-based harassment complaints *involving a student Complainant or student Respondent*, the following provisions apply:**



Lincoln places a hold on the records of any student Respondent pending an investigation.

**E. Hearing**

1.







notify the other party in writing that an appeal has been filed. Lincoln will provide both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

An appeal of the decision may be considered if one of the following grounds is present:

- Procedural Error: A procedural error occurred that affected the outcome, including the findings and/or sanctions or discipline. A description of the error and its impact on the outcome of the case must be included in the written appeal. Minor or harmless deviations from the process will not invalidate the proceedings.
- New Evidence: New evidence that was not reasonably available at the time that the determination of responsibility was made and that could affect the outcome, including the findings and/or sanctions. Information that was known to the Complainant or Respondent during the investigation, but which he or she chose not to present, is not new evidence. A summary of this new evidence and its potential impact on the investigation findings and/or sanctions must be included in the written appeal.
- Conflict of Interest or Bias: The Title IX Coordinator, Investigator(s), or the Hearing Officer had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

Once an appeal request is received, a decision will be issued on eligibility for appeal usually within five (5) business days. If the process is extended beyond five (5) days, the Academic Dean/Director of Education will inform the parties of the extension of time to complete the appeal and the reason(s) for the extension. If the grounds for an appeal are not met, the request for an appeal will be denied and the parties will be simultaneously informed in writing. Regardless of whether all parties request an appeal, the Complainant and Respondent will be informed in writing, and permitted to participate in the appeal and to respond to the information provided by the other party.

The role of the Appeal Officer regarding appeals is limited. Appeals are not intended to be a full rehearing of the complaint and are confined to a review of the statements submitted by the parties and the investigative and hearing record for the grounds stated above, including but not limited to evidence presented at the hearing and documentation pertinent to the grounds for appeal.

Lincoln strives to complete the appeals process within fourteenth (14) business days after receipt of the written request for an appeal. If the grounds for an appeal are not met, the request for an appeal will be denied and the parties will be simultaneously informed in writing. The Appeal Officer will simultaneously notify both parties in writing of that outcome, including the result of the appeal and the rationale for the result. The decision shall be final.

## **H. Sanctions, Other Disciplinary Actions, and Remedies**

For purposes of this policy,

- Sanctions and disciplinary actions are consequences imposed on a Respondent by Lincoln following a determination that the Respondent has violated this Policy. As described below, violations of this Policy are subject to the full range of institutional discipline, up to and including suspension or termination from Lincoln, removal from Lincoln events and premises, and referrals to authorities for criminal prosecution, as appropriate.
- Remedies are measures provided, as appropriate, to a Complainant or any other person Lincoln identifies as having had their equal access to the recipient's education program or activity limited or denied by the Prohibited Conduct. These measures are provided to restore or preserve that person's access to Lincolnthe.esmo (s)-1 (e)4 (i)-2 (pi)-2l(i)-2 (na)4 (l)-2(m)-24 (c)

Removal from specific courses or activities  
Disciplinary probation  
Suspension  
Expulsion  
Transcript notation

*For Employees:*

Warning  
Performance improvement plan  
Required training or education  
Loss of annual pay increase  
Suspension with or without pay  
Termination

**I. Informal Resolution**

At any time prior to the issuance of a determining related to alleged Prohibited Conduct, Lincoln may offer informal resolution to the parties as alternative procedures to the grievance procedures, subject to Lincoln's discretion and applicable federal, state, and local laws. Informal resolution is a voluntary, structured interaction between or among the parties that is designed to reach an effective resolution to a Complaint. These informal procedures may include, but are not limited





A Complainant or potential Complainant and the Respondent have the opportunity to object to the participation of any Lincoln official or employee involved in the grievance procedures (including the Title IX Coordinator, investigator, hearing officer, or individual(s) designated to facilitate Lincoln's informal resolution process) on the grounds of bias or conflict of interest. The investigation or proceeding will be temporarily suspended, and the Title IX Coordinator or another appropriate official who is not the subject of the objection will evaluate whether the objection is substantiated. The parties will be notified in writing of the findings within five (5) business days. If Lincoln employee or official is found to have a bias or conflict of interest against either party, Lincoln employee or official will be removed from the matter and (when necessary) replaced. The investigation or proceeding will resume immediately upon a finding of no bias or conflicts, or upon the replacement of Lincoln employee or official, whichever occurs first.

### **VIII. Records Retention**

Lincoln will maintain for seven years or the extent they are required by law:

- Records documenting the informal resolution process or the grievance process under this