

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

- I. Purpose**
- II. Scope**
- III. Prohibited Conduct**
  - A. Sex Discrimination
  - B. Sex-Based Harassment
    - 1. Quid Pro Quo Harassment
    - 2. Hostile environment
    - 3. Other Specific Offenses
      - a. Sexual Assault
      - b. Dating Violence
      - c. Domestic Violence
      - d. Stalking
  - C. Retaliation
  - D. Related Definitions
- IV. Title IX Coordinator**
- V. Reporting Prohibited Conduct**
  - A.

## **I. Purpose**

To set forth the policy and grievance procedures of Lincoln Technical Institute, Inc., Lincoln College of Technology, and Lincoln Culinary Institute (collectively “Lincoln”) with respect to alleged conduct involving students that meets the definition of sex-discrimination, sex-based harassment (including sexual harassment), and retaliation under the 2024 revised regulations implementing Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, issued by the U.S. Department of Education (“2024 Title IX Regulations”).

Lincoln is committed to maintaining an educational and work environment free from discrimination and harassment based on age, race, color, sex, gender, pregnancy or related conditions, sexual orientation, religion or creed, national or ethnic origin, disability, or any other category or characteristic protected by federal, state, or local laws

## **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 members of the Lincoln community regardless of whether such members are on or off campus; and off-campus and/or online speech or conduct, such as social networking sites, which causes a substantial disruption to Lincoln's operations and/or mission, or affects students. Lincoln will address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the education program or activity or outside the United States.

This Policy applies to all employees, applicants, students, and where specifically referenced certain non-employees, such as agents or other persons authorized by Lincoln. All Lincoln students and employees are expected to comply with this Policy.

Specialized grievance procedures apply to allegations of sex-based harassment when the Complainant(s) and/or Respondent(s) is a student, as detailed in the Policy.

Lincoln will make the Policy available on Lincoln website. Misconduct outside the scope of this Policy may be addressed as appropriate by other Lincoln policies. Lincoln retains the right to revise this Policy in light of any changes to applicable law.

## **III. Prohibited Conduct**

The following conduct is prohibited under this Policy:

- A. Sex Discrimination** - Sex discrimination refers to discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, gender expression, and transgender status.
- B. Sex-Based Harassment** - Sex-based harassment is a form of sex discrimination and includes sexual harassment. Sex-based harassment is any of the three types of conduct on the basis of sex:

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



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

When notified of conduct that reasonably may constitute Prohibited Conduct under this Policy, the Title IX Coordinator will notify the Complainant or, if the Complainant is unknown, the individual who reported the conduct, of the available grievance and the informal resolution process if available and appropriate.

In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator (I (I)13 (X)-8 ( C)-

individual Complainant, if any, to ensure that Prohibited Conduct does not continue or recur within  
one month of the date of the final determination. (d) This section shall not apply to any complaint filed by a



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

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 investigation, will only be shared with those involved in the complaint process to the extent possible.

The Complainant may request that the Title IX Coordinator not share their name (or other identifiable information) with the Respondent, or that the Title IX Coordinator take no action in response to a report or complaint. While absolute confidentiality cannot be promised, Lincoln will treat the concerns of the Complainant with sensitivity and respect. A Complainant will be informed that a request for confidentiality may limit Lincoln's ability to respond.

## **VI. Supportive Measures**

Lincoln will offer non-punitive and non-disciplinary supportive measures without fee or charge, as appropriate, and to the extent reasonably available to the Complainant and/or to the Respondent upon receipt of a report or complaint alleging sex-based harassment involving students under this Policy. Supportive measures are individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to: (1) restore or preserve that party's access to the recipient's education program or activity, including measures that are designed to protect the safety of the parties or the recipient's educational environment; or (2) provide support during Lincoln's grievance procedures, including specialized grievance procedures, or during the informal resolution process.

Supportive measures may include but are not limited to:

1. academic support services and accommodations, including the ability to reschedule exams and assignments, transfer course sections, or withdraw from courses without penalty;
2. assistance in connecting to community-based counseling services;
3. assistance in connecting to community-based medical services;
4. assistance with obtaining personal protective orders;
5. mutual restrictions on communication or contact between the parties; or
6. a combination of any of these measures.

The Title IX Coordinator will coordinate supportive measures and appropriately address reasonable concerns about the party's safety or the safety of others. Both parties will be informed in writing of the applicable supportive measures available to them no later than issuance of notice that an investigation will be conducted. Lincoln may, as appropriate, choose to extend, modify, or terminate supportive measures at the conclusion of the grievance procedures or at the conclusion of the informal resolution process. A party may seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.



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 regulations, Lincoln has also established specialized requirements for complaints of alleged sex-based harassment involving a student Complainant or student Respondent. These specialized requirements are denoted in textboxes within this section.

When Complainant(s) and/or Respondent(s) have dual roles as student-employees, Lincoln will make a fact-specific determination and inform the parties of the applicable grievance process in writing. In making this determination, Lincoln will consider the student-employee's primary relationship to Lincoln and whether the alleged conduct occurred as part of educational- or employment-related work.

### **A. Basic Requirements**

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. Major stages of the grievance process will be completed according to reasonably prompt timeframes, which Lincoln estimates as follows:

Complaint evaluations will be completed within ten (10) business days of the date in which Lincoln received the report of alleged conduct;

Appeals of an emergency removal, administrative leave, or complaint dismissal will be completed within five (5) business days of the date in which Lincoln receives the written request for such appeal.

Investigations will be completed within sixty (60) business days of the date in which Lincoln received the report of alleged conduct;

Determinations will be completed within fourteen (14) business days of the date in which the investigation report and evidence is submitted to the decisionmaker;

Appeals of the determination will be completed within fourteen (14) business days after receipt of the written request for an Appeal Officer.

Informal resolution, if applicable, will be completed within thirty (30) business days.

The time frames for each major stage of the grievance process are subject to reasonable extensions of time for good cause, which Lincoln will determine on a case-by-case basis. Lincoln will send the parties written notice of any causes or reasons for the delay.

5. Lincoln will take reasonable steps to protect the privacy of the parties and witnesses during the grievance process. These reasonable steps will not restrict the parties' ability to obtain and present evidence (such as speaking to witnesses, consult with their family members, or Advisors) or otherwise prepare for or participate in the grievance process.
6. Lincoln will objectively evaluate all inculpatory and exculpatory evidence that is relevant and not otherwise impermissible in the grievance process. Lincoln will exclude evidence, and questions seeking evidence, that are not relevant and that is impermissible regardless of relevance.

Relevant evidence means related to the allegations of Prohibited Conduct under investigation. Evidence is relevant when it may aid a decisionmaker in determining whether the alleged Prohibited Conduct occurred. Questions are relevant when they seek evidence that may aid in showing whether the alleged Prohibited Conduct occurred.

Impermissible evidence refers to:

- a. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the recipient obtains that party's or witness's voluntary, written consent for use in the recipient's grievance procedures; and
  - b. Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.
7. Lincoln will not conduct credibility determinations based on a person's status as a Complainant, Respondent, or witness.
  8. Lincoln will use consistent principles for the applicability of the grievance process under this Policy and Lincoln's Equal Employment Opportunity and Discrimination, Harassment, and Retaliation Prevention Policy.

## **B. Complaint Evaluation**

Upon receipt of a report or complaint, the Title IX Coordinator will promptly contact the Complainant for an intake meeting to discuss the availability of supportive measures under this Policy, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a report and explain to the Complainant the process for submitting a complaint. If the potential Complainant is unknown, the Title IX Coordinator will make reasonable efforts to identify the potential Complainant and reach out to that person. During the intake meeting, the Title IX Coordinator will seek to get a basic understanding of the reported conduct so that the Title IX Coordinator can appropriately assess key facts to determine how to proceed. Follow-up intake meetings will be held as deemed necessary by the Title IX Coordinator.

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

will notify the Complainant and Respondent, if known to Lincoln, in order to proceed to investigation of any alleged violation of this Policy. Lincoln will provide sufficient time to review the written notice and prepare a response.

Alleged Prohibited Conduct will provide the following information to the Complainant, where known:

1. The facts under this Policy and the informal resolution process.

2. The information available at the time to allow the parties to respond to the factual information includes the identities of the parties involved in the incident, the act alleged to constitute Prohibited Conduct under this Policy, and the date and time(s), and factual allegation(s) of the alleged incident(s), to the extent available to Lincoln.

3. The nature of the violation is prohibited.

4. The fact that the parties are entitled to an equal opportunity to access the evidence otherwise impermissible evidence or an investigative report that accurately reflects the evidence (and the parties' equal opportunity to request access to the evidence otherwise impermissible evidence if provided an investigative report).

**For all complaints involving a student Complainant or student Respondent, the following shall also include:**

1. The fact that the Respondent is presumed not responsible for the alleged incident until a determination is made at the conclusion of the grievance procedure. Prior to the determination, the parties will have an opportunity to review and not otherwise impermissible evidence to a trained, impartial hearing officer.

2. The fact that the parties may have an advisor of their choice to serve in the role of advisor during the hearing, and that the advisor may be, but is not required to be, a Lincoln employee.

3. The fact that Lincoln prohibits knowingly making false statements or knowingly providing false information during the grievance procedure.



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:**

- i. Lincoln will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate;
- j. Lincoln will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the Advisor. Lincoln may establish restrictions regarding the extent to which the Advisor may participate in the grievance procedures, and any such restrictions will apply equally to the parties.
- k. Lincoln will provide the parties with the same opportunities, if any, to have persons other than the Advisor of the parties' choice present during the investigations or related meetings;
- l. Lincoln will decide whether the parties may present expert witnesses during the investigation, and this decision will apply equally to the parties;
- m. Lincoln will provide each party and the party's Advisor with an equal opportunity to access and review the evidence or, where applicable, investigative report in advance of the live hearing;
- n. If Lincoln provides access to an investigative report, upon request of either party, Lincoln will provide the parties with an equal opportunity to access and review the relevant evidence;
- o. Lincoln will provide the parties with a reasonable opportunity to review and respond to the evidence or the investigation report prior to the determination of whether sex-based harassment occurred.

If Lincoln is made aware that there is a concurrent criminal investigation, the investigator will inform any law enforcement agency that Lincoln's own investigation is in progress. The Investigator will ascertain the status of the criminal investigation and determine the extent to which any evidence collected by law enforcement may be available to Lincoln in its investigation.

At the request of law enforcement, Lincoln may agree to temporarily defer part or all of its own investigation and subsequent grievance procedures, as applicable, until after the initial evidence-gathering phase of the law enforcement investigation is complete. The Investigator will communicate with the parties consistent with the law enforcement request and Lincoln's legal obligations regarding the grievance procedures and implementation of supportive measures.

Should an employee Respondent resign while an investigation is pending, the records of the employee will reflect that status and Lincoln's response to any future inquiries regarding employment references for that individual may also reflect that the employee resigned while an investigation was pending. Lincoln may complete the investigation in these instances based on the information available.

Should a student Respondent decide to voluntarily withdraw and/or not participate in the investigation and/or hearing, the process may nonetheless proceed in their absence to completion.

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)

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

*For Employees:*

- f* Warning
- f* Performance improvement plan
- f* Required training or education
- f* Loss of annual pay increase
- f* Suspension with or without pay
- f* 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 to, mediation, counseling, and/or any other means of resolving a complaint other than a formal resolution process. The informal resolution process attempts to resolve the issue with the Complainant and Respondent by mutual agreement. If an informal resolution process is used, Lincoln strives to resolve the matter through that process within 30 business days.

Informal resolution is not appropriate for all alleged violations of this Policy and the Title IX Coordinator retains the discretion to determine which cases are appropriate for informal resolution. Lincoln may decline to offer informal resolution when Lincoln determines that the alleged conduct would present a future risk of harm to others.

Lincoln will inform the parties in writing of the offer of informal resolution, along with their rights and responsibilities in the informal resolution process. Participation in the informal resolution process is voluntary, and Lincoln will not require the parties to participate in an informal resolution process. Both parties must voluntarily consent to the informal resolution process. Lincoln does not require the parties to waive the right to an investigation and determination of a complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right. Both a Complainant and a Respondent can request to end this type of resolution and pursue an investigation at any time.

Lincoln must obtain the parties' voluntary, written consent to the informal resolution process. Lincoln will provide the parties with written notice disclosing:





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, i(sesinatve( t)-2 ( (f)3a(e)4 (c)4i(t)-2 (l)-2 (i)-2 (t)-2(na)4 (t)-2(vi)-6(, )TJ0 T-w 11.10 -