# TITLE IX POLICY

## TITLE IX POLICY STATEMENT

Lincoln Technical Institute, Inc. and Lincoln College of Technology (collectively "Lincoln") is committed to maintaining a educational and work environment free from discrimination and harassment based on age, race, color, sex, gender, sexual orientation, religion or creed, national or ethnic origin, or disability. Lincoln, in accordance with Title IX of the Education Amendments of 1972 and 34 C.F.R. Part 106, does not discriminate on the basis of sex, including in admissions and employment, nor will it permit or tolerate sex discrimination or sexual harassment against a student, employee, or other member of the Lincoln community.

All students and employees are expected to comply with this Policy. Any inquiries regarding Title IX or Lincoln's Title IX Policy and Procedures can be directed to the Title IX Coordinator as provided below, the Office for Civil Rights, at the U.S. Department of Education, at www.ed.gov, or both.

This Policy has been developed to ensure Lincoln's compliance with Title IX, including the 2020 Title IX regulations issued by the U.S. Department of Education. This Policy does not specifically address any applicable state laws on sexual harassment. Lincoln retains the right to revise this Policy in light of any changes to applicable law. This Policy and included procedures applies to sexual harassment that occurred on or after August 14, 2020.

## TITLE IX POLICY AND PROCEDURES

### I. When This Policy Applies

#### A. Notice

Lincoln will respond to a report of sexual harassment or allegations of sexual harassment that are received either by Lincoln's Title IX Coordinator or by any Lincoln official who has authority to institute corrective measures on behalf of Lincoln. These officials include the Campus President and Education Department Manager. A report may include an oral report, an online report, or a written complaint. Lincoln's response will not be deliberately indifferent and will treat the parties equitably by offering supportive measures to a complainant and by following the investigation and resolution process described in this Policy before imposing any disciplinary sanctions or other measures against a respondent.

#### B. Sexual Harassment Defined

For purposes of this Title IX Policy, sexual harassment is defined broadly to include any of three types of misconduct on the basis of sex:

any instance of quid pro quo harassment by an employee, i.e., where the

The following definitions apply under this Policy:

"Consent" is an affirmative decision to engage in mutually agreed upon sexual

nonpunitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment. Supportive measures, among other things, may include:

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

A complainant may, but is not required to, file a formal complaint that will initiate Lincoln's complaint resolution process, including an investigation. The complainant's wishes will be respected regarding whether Lincoln investigates and whether their name is revealed, unless the Title IX Coordinator determines that signing a formal complaint to initiate an

applicable state laws, including providing training on issues of relevance;
not use, rely on, or seek disclosure of information protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege;
not access or use any party's medical, psychological, or similar treatment records unless Lincoln first obtains the party's voluntary, written consent to do so;
not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no "gag orders"); and
keep confidential the identity of complainants, respondents, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding.

**B.**

of the complaint resolution process.
A description of Lincoln's complaint resolution process, including the rights and responsibilities of the parties during the investigation, hearing, and appeal process.
Notice that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
Notice that during the investigation and hearing, the parties may inspect and review evidence that is directly related to the allegations raised in a formal complaint;
Notice that knowingly making false statements or knowingly submitting false information during the grievance process is a violation of the Policy.

If Lincoln decides to investigate allegations about the complainant or respondent that are not included in the notice initially provided, notice will be provided of the additional allegations to the parties. Lincoln may, in its discretion, consolidate multiple formal complaints where the allegations arise out of the same facts. If the allegations in a formal complaint are not within the scope of this Policy because they do not meet the Title IX definition of sexual harassment, or because the alleged activities did not occur in Lincoln's education program or activity against a person in the United States, then Lincoln must dismiss the formal complaint for purposes of Title IX. In such case, Lincoln will promptly send written notice of the decision to dismiss the complaint and the reasons for such decision to both parties. Even if the formal complaint is dismissed, however, Lincoln still may address the allegations as potential violations of Lincoln's Student Conduct Policy/Employee Code of Conduct.

## C. Investigations

The Title IX Coordinator will designate one or more individuals to investigate the formal complaint (i.e., the Investigator). The Investigator will begin an investigation as soon as practicable and generally not later than 10 business days after the written notice of the formal complaint was delivered to all parties. The Investigator, however, will ensure that the respondent receives sufficient time to prepare prior to any initial interview.

The Investigator will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather information relevant to the complaint. The Investigator will send written notice of any investigative interviews, meetings, or hearings to the parties and their advisors, allowing each party adequate time to prepare in advance.

Lincoln strives to complete the investigation promptly, generally within 60 Business days. The investigative process may be delayed or extended for good cause, such as the absence of parties or witnesses, concurrent law enforcement activity, or the accommodation of disabilities. Lincoln will inform the parties in writing of the delay or extension and the reason(s) for the delay or extension.

The complainant, respondent, witnesses, and others sharing information with the

*4. Final Investigative Report*

After consideration of the parties' final responses to the preliminary report, or after 10 business days have elapsed without comment, the Investigator will prepare and send to the parties and to their advisors a final investigative report that fairly summarizes relevant evidence and that includes the parties' written feedback, if any. The report will be in electronic format or hard copy. The parties will have at least 10 business days after receipt of the final investigative report to prepare for the scheduled live hearing.

## D. Informal Resolution

The purpose of the informal resolution process is to allow individuals who believe they have been harassed or discriminated against to resolve the issue through a voluntary consultation process rather than the formal resolution process provided by this Policy. At any time after a formal complaint has been filed and prior to reaching a determination regarding responsibility if the Title IX Coordinator believes that the complaint may be amenable to informal resolution, the Title IX Coordinator will give notice to the parties of their ability to choose an informal resolution option. However, an informal resolution process may not be used to resolve allegations that an employee sexually harassed a student. Further, an informal resolution process may not be offered unless a formal complaint has been filed. Informal Resolution will not be used to address allegations that an employee sexually harassed a student.

The notice of the informal resolution option will include a statement of the allegations, a description of the informal resolution process and possible consequences (including that records will be maintained), and a statement that at any time prior to the finalization of an informal resolution decision, any party has the right

procedural irregularity that affected the outcome of the matter;

newly discovered evidence that was not reasonably available prior to the determination of responsibility that could affect the outcome of the matter; or

one or more of Lincoln's Title IX personnel had a conflict of interest or bias that affected the outcome of the matter.

A notice of appeal must be in writing and must be filed with the Title IX Coordinator within 10 business days after the delivery of the decision to be appealed. The notice of appeal