Revised 9/11/21

Title IX
Sexual Harassment, Sex Equity and Gender Discrimination
Complaint Policy and Procedures

Lincoln University prohibits discrimination on the basis of sex, including sexual harassment, in education programs and activities. Title IX protects individuals from harassment connected to any of the academic, educational, extracurricular, athletic, and other programs, activities or employment of schools, regardless of the location. Title IX protects both males and females from sexual harassment by any school employee, student, and a non-employee third party.

Non Discrimination Notice

In accordance with Title IX regulations at 34 C.F.R. § 106.9; Lincoln University does not discriminate on the basis of sex in the education programs or activities it operates. Lincoln University does not discriminate on the basis of sex in admission to or employment in its education programs or activities. Inquiries to recipients concerning the application of Title IX and its implementing regulations may be referred to the Title IX Coordinator (described below) or to the Office for Civil Rights Kansas City, U.S. Department of Education, 8930 Ward Parkway Suite 2037, Kansas City, MO 64114, Tel.: (816) 268-0550, Fax: (816) 823-1404

Title IX Coordinator

In accordance with Title IX implementing regulations at 34 C.F.R. § 106.8(a); Lincoln University has designated one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX. The coordinator's responsibilities include investigating complaints communicated to the recipient alleging noncompliance with Title IX. Section 106.8(a) also requires Lincoln University to notify all students and employees of the name, address, and telephone number of the designated coordinator. Lincoln University Title IX Coordinator contact information is as follows: Jim Marcantonio, Human Resource Director, 101 Young Hall, 820 Chestnut Street, Jefferson City, Missouri 65102-0029, Phone: 573 681-5019, Fax: 573 681-5787

The Role of Grievance Procedures

Lincoln University has the following grievance procedures that provide for prompt and equitable resolution of sex equity complaints or sex discrimination complaints including sexual harassment.

Sex Equity

Complaints alleging sex equity compliance can be in any of the following areas: discrimination on the basis of sex in admission to, participation or employment in education programs or activities; and equitable opportunities to participate in intercollegiate sports offered to members of each gender such as athletics financial assistance, equivalence in other athletics benefits and opportunities, and effective accommodation of interests and abilities to participate.

Sex Discrimination including Sexual Harassment

These procedures provide the school with a mechanism for discovering sexual harassment as early as possible and for effectively correcting problems, as required by the Title IX regulations. By having a strong policy against sex discrimination and accessible, effective, and fairly applied grievance procedures, Lincoln University is telling its staff and students that it does not tolerate sexual harassment and that any person can report it without fear of adverse consequences.

Lincoln University prohibits sexual harassment and discrimination based on gender of an individual or group in connection with employment or academic, educational, extra-curricular, athletic, and all other programs of the institution. If an allegation of sexual harassment or gender discrimination is made, the institution will take immediate steps to address the issue and to resolve it in a timely manner. To this end, the University has developed the following sex equity, sexual harassment and gender discrimination complaint process guidelines. This document is available in hard copy format at the Human Resources Office, or online at the Lincoln University website.

Defining Sexual Harassment

Sexual harassment is conduct that is sexual in nature, is unwelcome, and denies or limits a person's ability to participate in or benefit from a school's program or employment.

Sexual harassment can take different forms depending on the harasser and the nature of the harassment. The conduct can be carried out by school employees, students, and non-employee third parties, such as a visiting speaker. Both males and females can be victims of sexual harassment, and the harasser and the victim can be of the same sex.

The conduct can occur in any school program or activity and can take place in school facilities, on a school bus, or at other off-campus locations, such as a school-sponsored field trip or a training program at another location. The conduct can be verbal, nonverbal, or physical.

The judgment and common sense of teachers and school administrators are very important elements in determining whether sexual harassment has occurred and in determining an appropriate response.

Examples of sexual conduct include:

- making sexual propositions or pressuring individuals for sexual favors;
- touching of a sexual nature;
- writing graffiti of a sexual nature;
- displaying or distributing sexually explicit drawings, pictures, or written materials;
- performing sexual gestures or touching oneself sexually in front of others;
- telling sexual or dirty jokes;
- spreading sexual rumors or rating other individuals as to sexual activity or performance; or
- circulating or showing e-mails or Web sites of a sexual nature.

Legitimate nonsexual touching or conduct generally will not be considered sexual harassment.

However, it may rise to that level if it takes on sexual connotations.

Sexual Conduct That Is Criminal in Nature

Sexual harassment includes conduct that is criminal in nature, such as rape, sexual assault, dating violence, and sexually motivated stalking. All sexual harassment that is criminal in nature needs to be reported to the Lincoln University Police Department. The Lincoln University Police Department will conduct a criminal investigation. The University's Title IX Coordinator is available at all stages of the resolution process to provide assistance to Police Department employees regarding how to respond appropriately to reports of sexual harassment, the Title IX Coordinator should be contacted as early in the process as possible.

Sexual Conduct That Is Unwelcome

Conduct is considered unwelcome if the person did not request or invite it and considered the conduct to be undesirable or offensive. The nature of the conduct and other relevant factors affect whether a person was capable of welcoming the sexual conduct. A person's submission to the conduct or failure to complain does not always mean that the conduct was welcome.

Two general types of sexual conduct can deny or limit a person's ability to participate in or benefit from a school's program. As discussed below, teachers and other school employees can engage in either type of conduct, while students and third parties can engage in only one type.

One form of sexual harassment occurs when a teacher or other school employee conditions an employment or educational decision or benefit on the person's submission to unwelcome sexual conduct. If this occurs, it does not matter whether the person resists and suffers the threatened harm or submits to and avoids the threatened harm.

Sexual harassment also occurs when a teacher, school employee, student, or third party creates a hostile environment that is sufficiently serious to deny or limit a person's ability to participate in or benefit from the school's program. Whether such a hostile environment has been created depends on the particular circumstances of the incident(s) and it needs to rise to the level of pervasive and/or severe.

Relevant considerations include, but are not limited to:

- how much of an adverse effect the conduct had on the person's education or employment;
- the type, frequency, or duration of the conduct;
- the identity, age, and sex of the harasser(s) and the victim(s), and the relationship between them;
- the number of individuals who engaged in the harassing conduct and at whom the harassment was directed;
- the size of the school, location of the incidents, and context in which they occurred; and
- whether other incidents occurred at the school involving different students.

The conduct does not necessarily have to be repetitive. If sufficiently severe, single or isolated incidents can create a hostile environment.

Title IX prohibits harassing conduct that is of a sexual nature if it is unwelcome and denies or limits a person's ability to participate in or benefit from a school's program or employment, regardless of whether the harassment is aimed at gay or lesbian persons or is perpetrated by individuals of the same or opposite sex. Title IX does not address discrimination or other issues related to sexual orientation.

How to Report Sex Equity, Sexual Harassment or Gender Discrimination Complaints

Any person who believes that he/she has suffered sex equity, gender discrimination or sexual harassment under the terms of this policy should contact one of the following; an appropriate administrative official such as: department head, dean or director. At the time of a complaint notification, the appropriate administrative official needs to contact the Complaint Coordinator, Ms. Rose Ann Ortmeyer in the President's Office.

If a school learns of harassment through other means, for example, if information about harassment is received from a third party (such as from a witness to an incident or an anonymous letter or telephone call), different factors will affect the school's response. These factors include the source and nature of the information; the seriousness of the alleged incident; the specificity of the information; the objectivity and credibility of the source of the report; whether any individuals can be identified who were subjected to the alleged harassment; and whether those individuals want to pursue the matter. If based on these factors, it is reasonable for the school to investigate and it can confirm the allegations, the considerations described in the previous sections concerning interim measures and appropriate responsive action will apply.

It is the University's responsibility under Title IX to respond appropriately to reports of sexual harassment, even if a formal complaint is not filed.

The Complaint Coordinator will notify the Title IX Coordinator of the received complaint and request an investigation into the alleged sexual harassment.

Confidentiality and Retaliation

The scope of a reasonable response also may depend upon whether a person reporting harassment asks that the person's name not be disclosed to the harasser or that nothing be done about the alleged harassment. In all cases, Lincoln University will discuss confidentiality standards and concerns with the complainant initially and inform the person that a confidentiality request may limit the school's ability to respond.

Retaliation is prohibited by Title IX, Lincoln University prohibits retaliation against any individual who files a complaint or participates in a harassment investigation. If the complainant is afraid of reprisals from the alleged harasser, the school will take steps to prevent retaliation and will take strong responsive actions if retaliation occurs. If the person continues to ask that his or her name not be revealed, the school should take all reasonable steps to investigate and respond to the complaint consistent with the person's request as long as doing so does not prevent the school from responding effectively to the harassment and preventing harassment of other students.

Complaint Resolution Steps and Timeframes

Informal Resolution

If an individual and believes that he or she has been subjected to sexual harassment gender or sex equity discrimination, the individual is advised to discuss the matter and seek informal resolution with one of the following; a campus security authority (a person who has the authority and the duty to take action or respond to particular issues on behalf of the institution). At the time of a complaint notification, the appropriate campus security authority needs to contact the Complaint Coordinator. The informal resolution step is not a pre-requisite to filing a complaint of sexual harassment, sex equity or gender discrimination and depending on the circumstances of the alleged occurrence might be bypassed in lieu of a formal complaint investigation especially if there is alleged criminal action.

The complainant must initiate the complaint process within 30 **days** following the alleged action or the date on which the complainant first knew, or reasonably should have known, of the occurrence. The University Official will attempt a voluntary and informal means of resolving the complaint if possible within 5 days of notification.

If the informal resolution step is not successful, the complaint should follow the formal resolution step.

Formal Resolution Step

The formalized written statement needs to include: a description of the alleged harassment or discriminatory action, the individual(s) involved, when it occurred, witnesses and evidence of the alleged action, and what recourse is requested. Once a formalized written statement of complaint matter is filed with the University's Complaint Coordinator, the Title IX Coordinator will be notified within 5 days of the receipt of the complaint and will conduct a fact-finding investigation.

The investigator will provide for the adequate, reliable and impartial investigation of complaints, including the opportunity for all parties involved to present witnesses and other evidence.

The investigator will conclude with a written report that summarizes the results and a finding. The conclusion could be a "substantiated" finding that could result in some type of corrective action by the University. The conclusion could be an "unsubstantiated" finding will result in no corrective action. The investigation outcome could be "inconclusive".

The investigator will submit the fact-finding summary report to the Complaint Coordinator within 10 days of the completion of the investigation; the Complaint Coordinator will notify the involved parties in writing as to the outcome of the fact-finding investigation, including any action to be taken within 10 days. The Complaint Coordinator will attempt to ensure timely processing of the complaint at all steps but may determine an extension of these timeframes is necessary.

The Complaint Coordinator will inform either party of his/her right to elect to proceed to the next step in the complaint resolution process, the written request for a review by a committee/panel; if the respondent is a student to the Student Affairs Committee or if an employee the Internal Grievance Panel.

The assigned Committee/Panel will conduct a review of the preliminary fact-finding report pertaining to the investigation of the complaint. The Complaint Coordinator will work in conjunction with the respective Chairperson of the Committee/Panel to coordinate the activities and shall be

responsible for providing notice to the complainant relating to the progress of the committee's/panel's investigation review. The Committee/Panel may conduct a hearing to listen to testimony of the involved parties including the opportunity for parties to present witnesses and evidence relating to the alleged harassment or discrimination occurrence. The Committee/Panel must determine whether the complaint is substantiated, unsubstantiated or inconclusive and recommend any corrective action where appropriate.

The Chairperson of the Student Affairs Committee must submit this written decision to the Vice President of Advancement and Complaint Coordinator after the investigation review has been completed, the Internal Grievance Panel Chairperson to the Complaint Coordinator and President. This resolution step should be completed with 15 days of receipt of the written request for an impartial review. Should the panel decide that the complexities of the investigation prevent a conclusion within this time frame; the deadline may be extended upon approval by the President.

Following receipt of the Student Affair's Committee or the Internal Grievance Panel's written findings and recommendation, the President will make a written determination as to the result of the investigation findings of the alleged sexual harassment or gender discrimination conduct and provide copies to both parties within 15 days.

The President will include a statement indicating what action (if any) will be taken as a result of the complaint. These actions could range from dismissal of the complaint to the initiation of disciplinary action against the respondent for discriminatory acts. Such disciplinary action could range from minor disciplinary actions to suspensions, expulsions (student) or termination (employee).

The President will give notice of the outcome of complaints to the parties involved, to the extent allowed by the Family Educational Rights and Privacy Act; and give an assurance that the University will take steps, as appropriate, to remedy the effects of and prevent the recurrence of discrimination of which it has notice.

The President's written determination concludes the University's internal sexual harassment, sex equity or gender discrimination complaint process.