

LINCOLN UNIVERSITY'S
TITLE IX
SEXUAL HARASSMENT,
SEX EQUITY, AND
GENDER-BASED
DISCRIMINATION
PROCESSES AND
PROCEDURES MANUAL



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**TITLE IX SEXUAL HARASSMENT, SEX EQUITY, AND GENDER-BASED
DISCRIMINATION PROCESSES AND PROCEDURES**

I. TITLE IX STATEMENT

It is the policy of the University to comply with Title IX of the Education Amendments of 1972 and its implementing regulations, which prohibit discrimination based on sex in the University’s educational programs and activities. Title IX and its implementing regulations also prohibit retaliation for asserting claims of sex discrimination. In this context Lincoln University’s prohibits sex discrimination and sexual harassment in all aspects of its educational programs and activities, including, but not limited to, admissions, employment, academics, athletics, housing, and student services.

The University has designated these individuals to coordinate its compliance with Title IX and to receive inquiries regarding Title IX policies her on campus.

University Title IX Coordinator:

Ms. Zakiya Brown
Title IX Coordinator
304C Young Hall
E-mail: brownz@lincolnu.edu
Phone: (573) 681-5003

University Address:

Lincoln University
820 Chestnut Street
Jefferson City, Missouri 65101

Deputy Title IX Coor. for Athl./Sports Equity

Ms. Betty Kemna
Assistant AD for Compliance/SWA
Lincoln University Athletics Department
202 Jason Gymnasium
E-mail: kemnab@lincolnu.edu
Phone: (573) 681-5953
Fax: (573) 681-5998

Deputy Title IX Coor. for Student Matters

TBD

US Department of Education’s Office of Civil Rights (OCR)

If you do not wish to contact one of the above University Title IX Coordinators or other designated University resources with your questions or concerns regarding Title IX policies and its implementation at the University, you may contact the Assistant Secretary for Civil Rights in the [Office for Civil Rights \(OCR\)](#) with the U.S. Department of Education.

Contact Information for Missouri:

Kansas City Office
Office for Civil Rights
US Department of Education
One Petticoat Lane
1010 Walnut Street, Suite 320
Kansas City, MO 64106

Email: OCR.KansasCity@ed.gov
Telephone: (816) 268-0550
Fax: (816) 823-1404
TDD: (800) 877-8339

II. APPLICABILITY

Title 20 United States Code (USC) Chapter 38 Section 1681(a) states:

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

This policy applies to administrators, faculty, and other University employees; students; applicants for employment; customers; third-party contractors; and all other persons that participate in the Lincoln University's educational programs and activities, including third-party visitors on campus (*the "Lincoln University Community"*). Lincoln University will also process complaints of sexual violence, regardless of where the conduct occurred, to determine whether the conduct occurred in the context of an education program or activity or had continuing effects on campus or in an off-campus education program or activity. This policy applies equally to all students and employees regardless of the sex, gender, sexual orientation, gender identity, or gender expression of any of the individuals involved. (*For more info see the Title IX Statutes located in the United States Code (USC) Title 20 Chapter 38 Section 1681-1688 and the Title IX Regulations located in [34 CFR 106](#)*).

III. DEFINITIONS

Definitions below list conduct that is prohibited at Lincoln University by the terms of this policy. ("**Consent**", "**Incapacitation**", "**Sex**", & "**Gender**" are supporting terms that expand on the definitions of specific prohibited conduct in this policy)

Coercion: is conduct, including intimidation and express or implied threats of immediate or future physical, emotional, reputational, financial, or other harm to the complainant or others, that would reasonably place an individual in fear, and that is employed to compel someone to engage in sexual activity.

Consent: is a knowing, voluntary, and affirmatively communicated willingness to participate in a particular sexual activity or behavior.

1. Consent or lack of consent may be expressed or implied
2. Consent **cannot** be given by:
 - a) a person who has a been **incapacitated** by mental disability, alcohol, drugs, or any other reason is manifestly unable or known by someone to be unable to make a reasonable judgment about consent (*e.g., a person is asleep or unconscious*).
 - b) a person under force, threat, duress, coercion, or deception;
 - c) a person under the legal age of consent in Missouri (currently under 17 years of age)

- ✓ "**No**" means "**No**"
- ✓ "**Yes**" or "**No**" can be expressed or implied (**can be given verbally or by actions**)
- ✓ "**Yes**" means "**No**" if conditions **2a, 2b, or 2c** listed above exist

Individuals that engage in sexual activity or behavior must understand that:

- consent must be mutually understood;
- past consent does not imply future consent;
- silence or an absence of resistance does not imply consent;
- consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;
- consent to engage in one form of sexual activity does not imply consent to engage in other forms of sexual activity; and
- consent can be withdrawn at any time

Incapacitation: the physical or mental condition, temporary or permanent, in which a person is unconscious, unable to appraise the nature of such person's conduct, or unable to communicate unwillingness to an act ([RSMo. 556.061\(13\)](#))

Dating Violence: is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim (*Dating Violence = Domestic Violence in Mo statutes 455.010 RSMo.*).

1. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
2. For the purpose of this definition-
 - (i) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - (ii) Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence:

1. A felony or misdemeanor crime of violence committed--
 - (i) By a current or former spouse or intimate partner of the victim;
 - (ii) By a person with whom the victim shares a child in common;
 - (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 - (iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
 - (v) By 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 in which the crime of violence occurred.

Gender: describes the characteristics that a society or culture delineates as masculine or feminine.

Gender-Based Discrimination: is conduct that interferes with an individual's employment or educational performance and has the purpose or effect of denying or limiting an individual's ability to participate in or benefit from the school's programs based on a person's gender. ***Gender discrimination includes sex equity, sexual harassment, sexual violence, sexual exploitation, sexual intimidation, domestic violence, dating violence, and stalking.***

Examples of Gender-Based Discrimination

Gender discrimination can be carried out by a boyfriend or girlfriend, a date, other kids, or adults. If someone does any of the following to you because of gender or sex, it may constitute gender-based violence or harassment.

It could be gender-based discrimination if someone:

- follows you around, always wants to know where you are and who you are with, or stalks you
- pressures you to perform sexual acts
- touches you sexually against your will
- forces you to have sex
- interferes with your birth control
- verbally abuses you using anti-gay or sex-based insults
- sends you repeated and unwanted texts, IMs, online messages, and/or phone calls that harass you
- hits, punches, kicks, slaps, or chokes you
- verbally or physically threatens you

Gender-Based harassment: is unwelcome conduct of a nonsexual nature based on a student's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes.

Retaliation: any adverse actions (by an organization or any individual) against another individual that has engaged in protected activities in the context of this document. ***Examples include intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's complaint or participation in a Title IX grievance process.***

Sex: refers to biological differences; chromosomes, hormonal profiles, internal and external sex organs.

Sex Discrimination: is conduct that interferes with an individual's employment or educational performance and has the purpose or effect of denying or limiting an individual's ability to participate in or benefit from the school's programs. ***Sexual discrimination includes sex equity, sexual harassment, sexual violence, sexual exploitation, sexual intimidation, domestic violence, dating violence, and stalking.***

Sex Equity: is discrimination on the basis of sex or gender 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.

Sexual Exploitation: is a form of sexual harassment which occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own benefit, or to benefit anyone other than the one being exploited.

Examples of sexual exploitation include, but are not limited to:

- engaging in voyeurism;
- forwarding of pornographic or other sexually inappropriate material via email or other channels to non-consenting students/groups; and
- any activity that goes beyond the boundaries of consent, such as recording of sexual activity, letting others watch consensual sex, or knowingly transmitting a sexually transmitted disease (STD), including HIV, to another

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct of a sexual nature constitutes sexual harassment when it falls under the categories of “Quid Pro Quo” or a “Hostile Environment”. Sexual harassment can be committed by or against an individual of any sex, gender identity, gender expression or sexual orientation.

In assessing whether a particular act constitutes sexual harassment, the standard shall be the perspective of a reasonable person within the Lincoln University community. The rules of common sense and reason shall prevail. Allegations of sexual harassment shall be judged with attention to the facts particular to the case and the context in which the alleged incident(s) occurred. The behavior does not need to be directed at or to a specific person, but may be generalized unwelcomed comments based on sex or gender stereotypes.

Sexual harassment can occur between equals (e.g., student to student, staff to staff, faculty member to faculty member) or between persons of unequal power status (e.g., supervisor to subordinate, faculty member to student, coach to student athlete, graduate student to undergraduate student, student leader to first-year student). Although most often committed by persons with greater power against those who appear to have less power, it can also be committed by a person with less power (e.g., student harassing faculty member).

TYPES OF SEXUAL HARASSMENT

Quid Pro Quo (like for like)

Behavior that involves express or implied demands for sexual favors in exchange for some benefit (a promotion, a raise, a good grade or recommendation) or to avoid some detriment (termination, demotion, a failing grade, denial of a fellowship) in the workplace or in the classroom. By definition, it can only be perpetrated by someone in a position of power over another. Because the University, as the employer, has given supervisory power to the harasser, one instance of "quid pro quo harassment" is enough to result in liability. This is true even if the University had no knowledge of the behavior.

Quid pro quo harassment may be as undisguised as a direct solicitation ("sleep with me or else..."). It may take the form of more oblique sexual propositions or dating invitations ("discuss your project over a glass of wine at my house,"). The law does not require a showing that the supervisor actually made good on his or her demands or insinuations to impose liability.

Hostile Environment

Such conduct creates a working or learning environment which interferes with a person's ability to function normally without intimidation, fear, or sexually harassing behaviors. A hostile environment is an environment that is sufficiently serious to deny or limit a student's ability to participate in or benefit from the school's program or employment.

Examples of sexual conduct that creates a "Hostile Environment" 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;
- circulating or showing e-mails or Web sites of a sexual nature;
- sexual exploitation, intimidation, violence; and
- domestic violence, dating violence, and stalking

Sexual Violence: is a form of prohibited sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity or because of his or her youth.

Examples of Sexual Violence:

Rape - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Sodomy - Oral or anal sexual intercourse with another person, 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.

Sexual Assault With An Object - The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, 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 (Please note that a finger or hand is also considered an object).

Fondling - 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.

Incest - Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape - Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Sexual Intimidation: a form of sexual harassment consisting of conduct in which an individual threatens to sexually assault another person, stalks someone (including cyber-stalking), or engages in indecent exposure.

Stalking:

1. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to –
 - (i) Fear for the person’s safety or the safety of others; or
 - (ii) Suffer substantial emotional distress.

2. For the purpose of this definition –
 - (i) *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
 - (ii) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 - (iii) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.

Please Review the “[Missouri Sexual Offenses & VAWA Crimes Tables](#)” for more information crimes of sexual violence, domestic violence, dating violence and stalking.

Unwelcome Conduct:

Conduct is considered “unwelcome” if the student did not request or invite it and considered the conduct to be undesirable or offensive.

Unwelcome conduct may take various forms, including, name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Unwelcome conduct does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Unwelcome conduct can involve persons of the same or opposite sex.

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

IV. ROLES AND RESPONSIBILITIES

A. Title IX Coordinators, Student Life Review Board, Complaint Coordinator, & Dept. of Education Office of Civil Rights

University Title IX Coordinator

In accordance with Title IX implementing regulations at [34 CFR 106.8\(a\)](#); Lincoln University has designated The University Title IX Coordinator as the central point of contact to coordinate its efforts to comply with and carry out its responsibilities under Title IX. The University Title IX coordinator will be the lead investigator for claims against Title IX policy in which employees or third parties are the accused and non-athletic sex equity complaints. The Title IX Coordinator will coordinate with the appropriate Deputy Coordinator for all other Title IX issues related to students and sex equity in athletics.

The responsibilities of the Title IX Coordinator include (but are not limited to):

- Communicating to all university constituents regarding Title IX and how to gain access to their rights under Title IX;
- Reviewing all University policies, when applicable, to assure institutional compliance with Title IX;
- Conducting training regarding Title IX and designating appropriate University officials to serve as Deputy Title IX Coordinators;
- Initiating and conducting investigations regarding alleged violations of Title IX; and directing or monitoring the provision of remedies, as appropriate;
- Responding to any grievance made by a university constituent in order to assure prompt and equitable resolution of the grievance, including remedies as appropriate; and
- Initiating and conducting a Title IX Administrative Review in order to assess safety risk to the community based on a pattern of behavior and directing intervention measures, as appropriate.

Deputy Title IX Coordinators

Deputy Title IX Coordinator for Student Matters

Performs investigation on violations of the Student Code of Conduct that pertain to student on student or student as the respondent complaints in regards to Title IX issues. The deputy coordinator will present an investigation report (including policy analysis) and forwarded to the Student Judicial Board to issue findings and sanctions (i.e., outcome) as needed. Any case that involves an employee in which a student is the accused in a complaint will also be managed by Student Conduct. The Title IX Coordinator will assist in providing interim measures and implementing remedies for the University at large as necessary in all Title IX cases related cases.

Deputy Title IX Coordinator for Athletics (Sports Equity)

The Athletic Director of Operations is responsible for dealing with any issues that may arise with sex equity in athletics. The Title IX Coordinator will assist as necessary in resolving athletic sex equity issues.

Student Judicial Board

Since sex/gender discrimination is a violation of sexual misconduct and/or other code violations in the Lincoln University Code of Conduct, student on student complaints are adjudicated by the

SJB. It is the responsibility of the SJB to resolve student disciplinary matters and impose penalties against students for violating University policies. The SJB consists of a combination of faculty, staff, and students. All cases that involve Sexual Assault shall be adjudicated by a quorum of composed of faculty and staff. A quorum consists of five voting members; the chair shall not have a vote. The Student Conduct System is managed by Student Activities under the direction of the Dean of Students.

The University Title IX Coordinator does not make a determination on or review a disciplinary process's factual findings, conclusions, or imposed penalty by the SJB. The University Title IX Coordinator will review grievance claims as to whether the University has fulfilled its obligations under Title IX, including whether student disciplinary processes were conducted in an equitable and timely manner free of discrimination. It is not the function of the University Title IX Coordinator to hear appeals from, rehear or otherwise resolve student discipline matters based on their content. (see the [Lincoln University Student Code of Conduct](#) for more information).

Complaint Coordinator

Formal complaints (grievances) should be submitted to the Complaint Coordinator.

The Complaint Coordinator will:

- notify the appropriate Title IX Coordinator of the received complaint and request an investigation into the alleged Title IX Discrimination.
- will attempt to ensure timely processing of the complaint at all steps but may determine an extension of these timeframes is necessary.
- inform both parties of his/her right to appeal the decision;
- notify the involved both parties in writing as to the outcome of the fact-finding investigation or adjudication process (including any action to be taken);

Complaint Coordinator:

Ms. Rose Ann Ortmeyr
Executive Assistant
Secretary to the Board of Curators
201 Young Hall (President's Office)
E-mail: ortmeyr@lincolnu.edu

University Address:

Lincoln University
820 Chestnut Street
Jefferson City, Missouri 65102
Phone: (573) 681-5044
Fax: (573) 681-6074

Office of Civil Rights (OCR)

It is also the OCR's job to answer inquiries to recipients concerning the application of Title IX and its implementing regulations at Universities that receive federal funding (see the "[Title IX Statement](#)" section above for the Missouri office contact information).

B. Administrators, Deans, Department Chairs, and Other Managers

It is the responsibility of administrators, deans, department chairs, and other managers (i.e., those who formally supervise other employees) to:

- Inform employees under their direction or supervision of this policy
- Work with the Title IX Coordinator to implement education and training programs for employees and students

- Implement any corrective actions that are imposed as a result of findings of a violation of this policy
- report sex discrimination and sexual harassment to the Title IX Coordinator or Complaint Coordinator.

C. All Employees

It is the responsibility of all employees to review this policy and comply with the policies set forth in this document. ***All University employees have a duty to report sex discrimination and sexual harassment to the Title IX Coordinator.*** All employees shall either direct an individual that is in need of assistance to the proper “responsible employee” and/or share applicable documentation or resources to help inform the individual of the University’s role in eliminating sex/gender discrimination and sexual/ gender harassment on campus (<https://bluetigerportal.lincolnu.edu/group/title-ix/employee-reporting>).

D. Students

It is the responsibility of all students to review the policies set forth in this document.

E. Lincoln University

When the University becomes aware that a member of the University Community may have been subjected to or affected by conduct that violates this policy, the University will take prompt action, including a review of the matter and, if necessary, an investigation and appropriate steps to stop and remedy the sex discrimination or sexual harassment. Lincoln University will also take steps, prevent its recurrence, and address effects to the Lincoln University community at large if applicable.

V. VICTIMS’ RIGHTS IN CASES OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

Background

Lincoln University has prepared the following information below to meet the notification requirements concerning student/employee rights and options for victims of domestic violence, dating violence, sexual assault, or stalking. These requirements can be found in the Violence Against Women Reauthorization Act of 2013 (*(VAWA), Public Law 113-4*). Among other provisions, this law amended section 485(f) of the Higher Education Act of 1965, as amended (*(HEA)*), otherwise known as the Clery Act (*20 U.S.C. 1092(f)*).

Public Law 113-4 Section 304(a)(8)(C) states.....

“A student or employee who reports to an institution of higher education that the student or employee has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus, shall be provided with a written explanation of the student or employee’s rights and options..”

The Victim’s Rights document will contain information on the following items:

- Possible sanctions and protective measures following a crime of rape, date/acquaintance rape, domestic violence, dating violence, sexual assault, or stalking.

- Procedures victims should follow if a sexual offense, domestic violence, dating violence, or stalking has occurred and University responsibilities in regards to orders of protection.
- Procedures for institutional action in cases of alleged domestic violence, dating violence, sexual assault, or stalking.
- Confidentiality of victims
- Counseling services
- Options for changing academic, transportation, living and working situations.

Please review the [trifold handout summary of Victim's Rights](#) and the [Victims' Rights in cases of Sexual Assault, Domestic Violence, Dating Violence, and Stalking](#) for more information.

VI. INTERIM MEASURES & ACADEMIC ACCOMODATIONS

At any time during the investigation the Title IX Coordinator may determine that interim remedies or protections for the parties involved or witnesses are appropriate. These interim remedies may include separating the parties, placing limitations on contact between the parties, suspension, or making alternative class-placement or workplace arrangements. Academic accommodations may include alterations of academic schedules, withdraw from/retake a class without penalty, and access academic support (e.g., tutoring). Failure to comply with the terms of these interim remedies or protections may constitute a separate violation of the Title IX Sexual Harassment, Sex Equity, and Gender-Based Discrimination Policy (*see Section Victims' Rights above for more information*).

VII. COMPLAINTS

A. Making a Complaint

The University has developed [Title IX Grievance Procedures](#) to assist individuals that would like to file a complaint. Formal grievances (complaints) should be submitted to the Complaint Coordinator. The Complaint Coordinator will notify the Title IX Coordinator or Deputy Title IX Coordinator of the received complaint and request an investigation into the alleged sexual harassment, gender discrimination, or sex equity claim. The Student Conduct Judicial Officer will also notify the Title IX Coordinator about complaints received through the student conduct system that involve a violation of this policy that may not been received as a complaint

The University Title IX Coordinator welcomes an informal presentation of such allegations, and is available to address concerns through counseling, advice, and informal resolution, the University Title IX Coordinator is fully prepared to receive and address such allegations through formal grievance procedures. **Although Lincoln University welcomes informal resolution of grievances when appropriate, it will not use mediation between a complainant and alleged perpetrator or any other informal resolution mechanism to resolve grievances pertaining to sexual violence.** Any [grievance form](#) that has not been signed and dated will **not** be received as a Formal grievance..

At any point during an informal or formal Title IX grievance procedure involving student on student complaints, the University Title IX Coordinator may, at his/her discretion, inform other University officials of the possibility that a violation of the [Lincoln University Student Code of Conduct](#) and/or disciplinary policies may have taken place. The grievance process does not

supplant the Lincoln University Student Life Review Board process of dealing with violations of the code of conduct.

Content of the Complaint ([Lincoln University Grievance Form](#))

So that the University has sufficient information to investigate a complaint, the complaint should include:

- the date(s) and time(s) of the alleged conduct;
- the names of all persons involved in the alleged conduct, including possible witnesses;
- all details outlining what happened; and
- contact information for the complainant so that the University may follow up appropriately.

Please note that complaints can be filed directly by students, faculty, staff, third parties, or by other individuals on their behalf alleging sexual violence carried out by employees, other students, or third parties. Also note that complaints can be filed for off-campus conduct that affects the campus or the access to education of another student.

Employees

Employees can make formal complaints to University Complaint Coordinator.

Students or Third Parties

Students or third parties who wish to file a formal complaint on sex equity, sex discrimination or sexual harassment can contact the University Complaint Coordinator or Title IX Coordinator. Students also have the option of [filing a complaint via the Student Conduct System](#)

B. Conduct that Constitutes a Crime

Any person who wishes to make a complaint of sex discrimination or sexual harassment that also constitutes a crime including sexual violence, domestic assault, dating violence, or stalking is encouraged to make a complaint with the Lincoln University Police Department (LUPD) at (573) 681-5555 or local law enforcement. If requested, the University will assist the complainant in notifying the appropriate law enforcement authorities. In the event of an emergency, please contact 911 (see [Lincoln University Sexual Assault, Domestic Violence, Dating Violence, and Stalking Processes and Procedures](#) for more information). Also note that an individual has a right to file a criminal complaint and a Title IX complaint simultaneously.

The Lincoln University Police Department operates 24-hours a day, 365 days a year and is staffed by well-trained police officers certified to serve Lincoln's Campus. LUPD officers have the same powers of arrest as any other commissioned officers in the state of Missouri. If an individual chooses to report the crime to LUPD, the department will conduct an investigation based on possible criminal and University policy violations. LUPD will also provide the following to a victim: information on victims' rights under Title IX, work with other departments on campus to implement interim measures, provide information on counseling services, and assist in obtaining medical care/medical examinations as necessary. The Lincoln University Police Department can also refer cases to the University Student Code of Conduct System based on the information obtained in the investigation process (if students are involved), or the Title IX investigator if faculty, staff member, or a third party is involved. In all situations, 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. ***Please note that informal mediation cannot be used as an option to resolve the matter in cases of sexual violence.***

C. Vendors, Contractors, and Third-Parties

This policy applies to the conduct of vendors, contractors, and third parties. Persons who believe they have been discriminated against or harassed in violation of this policy should make a complaint in the manner set forth in this section.

D. Timing

There is no set time frame that an individual has to make a report, however Lincoln University encourages persons to make complaints of sex discrimination and sexual harassment as soon as possible, because late reporting may limit the University's ability to investigate and respond to the complaint.

E. Investigation and Confidentiality

All complaints of discrimination and harassment will be immediately and thoroughly investigated informally or in accordance with the [Lincoln University Title IX Grievance Procedures](#), and the University will take disciplinary action where appropriate. The Title IX Coordinator will ask for consent from the victim prior to conducting an investigation of a complaint. The Judicial Officer will also ask for consent prior to conducting an investigation for complaints brought to the Student Conduct system. The University will make reasonable and appropriate efforts to preserve an individual's privacy and protect the confidentiality of information when investigating and resolving a complaint. However, because of laws relating to reporting and other state and federal laws, the University cannot guarantee confidentiality to those who make complaints.

In the event a complainant requests confidentiality or asks that a complaint not be investigated, the University will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a complainant insists that his or her name not be disclosed to the alleged perpetrator, the University's ability to respond may be limited. There may be times when the University must take action against a perpetrator, even if that is against the victim's wishes. The University undertakes these decisions very carefully and would inform the victim and take appropriate steps to ensure the victim's safety prior to taking any action against the perpetrator. The Title IX Coordinator will consult with other campus officials to make a determination on the request for confidentiality and notify the complainant to let him/her know if confidentiality can be kept. The University is obligated by law to protect individuals that report incidents and the Lincoln University at large under Title IX.

VIII. REPORTING OPTIONS

This information below 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. *All* University employees (*other than professional and pastoral counselors*) have a duty to report sex discrimination and sexual harassment to the Title IX Coordinator without delay (*within 24 – 72 hours*). Lincoln University encourages victims to talk to someone identified in one or more of these groups.

A. “Professional and Pastoral Counselors”

Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX coordinator without a victim’s permission *Professional and Pastoral Counselors are the only individuals that can offer privileged confidential reporting to a victim on Lincoln University’s campus.* Lincoln University has a counselor on staff with [Student Health Services](#) located at the Thompkins Health Center that can be reached at (573) 681-5167. The campus counselor is available during normal office hours on weekdays between 8:00am to 5:00pm (also see the counseling services section in the [Victims’ Rights](#) document for additional confidential off-campus contact info). As August 2015, Lincoln University does not have any individual serving in the role of Pastoral Counselor.

B. Women’s Center, Male Initiative Staff, & University Nurse

These employees will explain upfront that:

1. They can keep the information private, but cannot guarantee confidentiality when they make a report.
2. Reports given to the Title IX Coordinator not will contain information that would identify the victim or perpetrator but contain all other info (if they choose to make anonymous a.k.a John/Jane Doe report). *Disclosures to these employees will not trigger a formal University investigation into an incident against the victim’s wishes (however, can go through a preliminary review to determine safety for the victim and the Lincoln University community at large).*
3. Will remind victim of the option of confidential reporting.

These employees must also explain to a victim that you have certain rights:

1. Right to file a TIX complaint
2. Right to notify law enforcement for criminal investigations (LUPD for campus incident and extern law enforcement for off campus, offer to assist)
3. Right to make a confidentiality request to the Title IX Coordinator.
4. Right to request interim measures for safety and counseling (see “[Victims Rights](#)” for more info).

C. “Responsible Employees”

A “responsible employee” is a University employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty. Any employee (other than Professional and Pastoral Counselors) of the University who becomes aware of an act of sexual harassment (including sexual misconduct) or behavior which could be characterized as sexual harassment, when perpetrated against a member of the Lincoln University community is considered a "responsible employee" All Lincoln University Employees (*other than counseling services, women’s center, the Male Initiative, and their specific staff*) are considered Responsible Employees).

The following employees (or categories of employees) are considered “responsible employees” *that can best assist an individual to appropriate resources*:

Employee Categories	
Title IX Coordinator, Title IX Deputies, & LUPD	Coaches
Directors, Supervisors, & Dept. Heads	Deans
Residential Life Staff	VPAA
Specific Faculty & Staff ¹	Faculty

1. Any faculty or staff member responsible for supervising any activities or programs that include direct contact with students outside of classroom (including faculty advisors to recognized student organizations)

[List of Offices with Responsible Employees](#) that can help you access services and address safety issues at Lincoln University

Regardless of how a responsible employee is made aware of a situation (personal observation, direct information from the subject of the behavior, indirect information from a third party, etc.), a responsible employee **must report all** information to the Title IX Coordinator. Lincoln University should provide appropriate training to those employees likely to witness or receive reports of sexual harassment and violence. Responsible employees will let victims know that the University will take strong action against retaliation on reporting complaints and the option to speak to the campus counselor or other reporting options if confidentiality is requested.

When a victim tells a responsible employee about an incident of sexual violence, the victim has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the Lincoln University’s response to the report (e.g. change in housing, academic accommodations, counseling services).

All responsible employees must explain upfront to a victim that:

1. You can keep the information private, but cannot guarantee confidentiality when a report is made.
2. You will have to make a report to the Title IX coordinator with *all* relevant details about the alleged sexual violence shared.
3. You have the option of reporting confidentially to the counselor or reporting fact without identifying info to the Women's Center & Male Initiative staff.

This report will include all relevant facts, date, time, and specific location of the alleged incident in the report.

All responsible employees must also explain to a victim that you have certain rights:

1. Right to file a TIX complaint
2. Right to notify law enforcement for criminal investigations (LUPD for campus incident and extern law enforcement for off campus, offer to assist)
3. Right to make a confidentiality request to the Title IX Coor.
4. Right to request interim measures for safety and counseling (see "[Victims Rights](#)" for more info).

Regardless of the method used to report, LU faculty and staff will still assist the victim in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules. Confidential reports can help keep the Title IX Coordinator informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses.

All employees should use the [Title IX Reporting Form for Employees](#) when making reports to the Title IX Coordinator for reporting purposes (see [Lincoln University Responsible Employee Checklist](#) for guidance what to say if someone makes a report to you as an employee).

D. Title IX Reporting Form

Students also have the option of filing a report reporting via the [Title IX Reporting Form](#). Students have the option of reporting anonymously (without including personally identifiable information on the *Title IX reporting* form) if they so choose.

IX. STANDARD OF EVIDENCE

The University Title IX Coordinator and the Deputy Coordinator for Student Complaints shall review allegations of discrimination prohibited by Title IX by applying a preponderance of the evidence standard (*indicating that it is "more likely than not" that an incident did or did not occur*).

X. RIGHTS OF THE COMPLAINANT AND RESPONDENT

A. Investigation Phase of a Formal Complaint

Both the complainants and respondent are afforded the following rights in this process:

- To be treated with respect, dignity, and sensitivity throughout the process.
- To seek support services at the University or referrals for support services off campus.
- To be informed of and receive a copy of the [Title IX Sexual Harassment, Sex Equity, and Gender-Based Discrimination Processes and Procedures](#), [Title IX Grievance Procedures](#), & [Victims' Rights in cases of Sexual Assault, Domestic Violence, Dating Violence, and Stalking](#)
- To provide statements and provide witnesses for the Title IX Coordinator investigation
- To an equitable, prompt, and thorough investigation of the allegations.
- To privacy and protection under the Family Education Rights and Privacy Act (FERPA), as applicable. ***The University will make all reasonable efforts to ensure preservation of privacy, restricting information to those with a legitimate need to know.***
- To receive notice of the conclusions, determination of responsibility, and sanctions (if applicable)
- To appeal a decision by the Title IX coordinator or Student Life Review Board.

B. Disciplinary Proceedings of the SJB

In addition to the rights named above the complainant and the respondent are entitled to:

- the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.
- Notification of any change to the results that occurs prior to the time that such results become final; and when such results become final.

XI. RESOLUTION OF THE GRIEVANCE

If a complaint of sex discrimination or sexual harassment is found to be substantiated, the University will take appropriate corrective and remedial action. Faculty and staff found to be in violation of this policy will be subject to discipline up to and including written reprimand, suspension, demotion, or termination. Any student found in violation of this policy is subject to various disciplinary actions that may involve counseling, community service, suspension, or expulsion, depending on the circumstances specific to the case. Affiliates and program participants may be removed from University programs and/or prevented from returning to campus. Remedial steps may also include counseling for the complainant, academic, transportation, work, or living accommodations for the complainant, separation of the parties, and training for the respondent and other persons.

XII. OTHER REMEDIES

Lincoln University recognizes that imposing sanctions against the perpetrator, without more, likely will not be sufficient to satisfy its Title IX obligation to eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects. Additional remedies for the complainant and the school community may be necessary. If the school's student disciplinary procedure does not

include a process for determining and implementing these remedies for the complainant and school community, the school will need to use another process for this purpose.

Depending on the specific nature of the problem, remedies for the complainant may include, but are not limited to:

- Providing an effective escort to ensure that the complainant can move safely between classes and activities;
- Moving the perpetrator or complainant (if the complainant requests to be moved) to a different residence hall;
- Providing comprehensive, holistic victim services including medical, counseling and academic support services, such as tutoring;
- Arranging for the complainant to have extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty; and
- Reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the sexual violence and the misconduct that may have resulted in the complainant being disciplined.

Remedies for the broader student population may include, but are not limited to:

- Designating an individual from the school's counseling center who is specifically trained in providing trauma-informed comprehensive services to victims of sexual violence to be on call to assist students whenever needed;
- Training or retraining school employees on the school's responsibilities to address allegations of sexual violence and how to conduct Title IX investigations;
- Developing materials on sexual violence, which should be distributed to all students;
- Conducting bystander intervention and sexual violence prevention programs with students;
- Issuing policy statements or taking other steps that clearly communicate that the school does not tolerate sexual violence and will respond to any incidents and to any student who reports such incidents;
- Conducting, in conjunction with student leaders, a campus climate check to assess the effectiveness of efforts to ensure that the school is free from sexual violence, and using that information to inform future proactive steps that the school will take;
- Targeted training for a group of students if, for example, the sexual violence created a hostile environment in a residence hall, fraternity or sorority, or on an athletic team

IF the University is unable to conduct a full investigation into a particular incident (i.e., when it received a general report of sexual violence without any personally identifying information), it will consider remedies for the broader student population in response.

XIII. NOTICE OF RETALIATION

It is a violation of this policy to retaliate against any member of the Lincoln University Community who reports or assists in making a complaint of discrimination or harassment or who participates in the investigation of a complaint in any way. Lincoln University does not tolerate retaliation and will take strong action against those that are found responsible for these actions. Persons who believe they have been retaliated against in violation of this policy should make a complaint in the manner set forth in Section VII "Complaints".

XIV. FALSE COMPLAINTS

While the University encourages all good faith complaints of sex discrimination and sexual harassment, the University has the responsibility to balance the rights of all parties. Therefore, if the University's investigation reveals that a complaint was knowingly false, the complaint will be dismissed and the person who filed the knowingly false complaint may be subject to disciplinary action or sanctions from the Student Conduct System or Human Resources.

XV. DRUG AND ALCOHOL VIOLATIONS THAT INCLUDE SEXUAL MISCONDUCT

Information concerning use of drugs or alcohol reported in good faith while seeking assistance during a medical emergency or in the course of a student conduct investigation of sexual assault will not be used against that individual in a disciplinary proceeding that may lead to suspension or expulsion. Sanctions may involve drugs or alcohol counseling and/or education as appropriate. However, in cases where repeated violations of the University's Drug and Alcohol Policy occur, the University reserves the right to take judicial action on a case by case basis.

XVI. STATISTICAL REPORTING AND TIMELY WARNING OBLIGATIONS UNDER THE CLERY ACT

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") found in [20 U.S.C. §1092\(f\)](#) requires the University to compile and report information on certain crimes, including certain types of sexual violence/assault. As noted by this law, all Universities receiving federal financial aid must report the statistical information on crimes that occur on campus and include them in an annual report. The statistical information collected for this report will not contain any names or specific locations to maintain the confidentiality of a victim.

The Clery Act also requires the University to issue "[Timely Warnings](#)" in certain circumstances. Consistent with the Clery Act, certain University administrators, faculty, and staff ([Campus Security Authority](#) (CSA)) are required to report information on certain types of sexual violence/assault to LUPD. ***In cases where an individual may be a "Responsible Employee and CSA, the individual will make it known that their role as a "Responsible Employee" takes precedence over CSA responsibilities for confidentiality purposes.*** Most Responsible Employees are CSA's. The University must fulfill all requirements under both laws (Title IX & Clery Act). LUPD will assess the information provided to determine whether there is an on-going threat present and, if so, will notify University Relations to initiate any required "Timely Warning". This warning will **not** contain the name of a victim or any other personal identifiable information; it will contain the general location and the nature of the incident (See the [Campus Crime & Security](#) and [Clery Act Info](#) on the LUPD webpage for more information).

XVII. ACADEMIC FREEDOM

The University is committed to the principles of free inquiry and free expression. Sex/Gender discrimination and sexual/gender harassment are neither legally protected expressions nor the proper exercise of academic freedom.

XVIII. EDUCATION

Because the University recognizes that the prevention of sex discrimination, sexual harassment, sexual violence/assault, domestic assault, dating violence, and stalking is important, it offers educational programming to a variety of groups such as: campus personnel, incoming students and new employees participating in orientation, and members of student organizations. Among other items, such training will cover relevant definitions, procedures, and sanctions; will provide safe and positive options for bystander intervention; and will provide risk reduction information, including recognizing warning signs of abusive behavior and how to avoid potential attacks. To learn more about education resources, please contact the Title IX Coordinator or Clery Coordinator. Please review the “[Lincoln University Sexual Assault, Domestic Violence, Dating Violence, and Stalking Policy](#)” included in the [Annual Security Report](#) for more information on educational activities on campus.