

TITLE IX POLICY

TITLE IX POLICY STATEMENT

Lincoln Technical Institute, Inc., Lincoln College of Technology, Lincoln Culinary Institute and Euphoria Institute of Beauty Arts and Sciences (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

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:

1. any instance of quid pro quo harassment

III. DEFINITIONS

The following definitions apply under this Policy:

1. "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 does not imply consent to other forms of sexual activity, nor does consent to sexual activity with one person imply consent to engage in sexual activity with another person. The existence of a current or previous dating, marital or sexual relationship is not sufficient to constitute consent to additional sexual activity. Assent shall not constitute consent if it is given by a person who, because of youth, disability, intoxication, unconsciousness, or other condition, is unable to lawfully consent. Consent can be withdrawn at any time.
2. A "complainant" is an individual who is alleged to be the victim of conduct that could constitute sexual harassment under this Policy.
3. A "respondent" as an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under this Policy.
4. A "report of sexual harassment" is a complaint reported to the Title IX Coordinator, or to the student's instructor who then gives notice as required to the Title IX Coordinator. A report may be oral or online and informal. Upon receiving a report of sexual harassment, Lincoln will offer supportive measures to the complainant as described in Part IV of this Policy. The complainant may file a formal complaint at the same time as making a report or may later proceed to file a formal complaint.
5. A "formal complaint" is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that Lincoln investigate the allegation of sexual harassment. The filing of a formal complaint triggers Lincoln's complaint resolution process described in Part V of this Policy.

IV. SUPPORTIVE MEASURES

Upon receiving a report of sexual harassment, Lincoln will offer support of/ Uln we offCll of1y.uatoc

5. train all Title IX personnel as required by the 2020 Title IX regulations and applicable state laws, including providing training on issues of relevance;
6. 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;

The complainant, respondent, witnesses, and others sharing information with the Investigator are expected to provide all relevant and truthful information and to do so at their earliest opportunity to facilitate prompt resolution. Lincoln's students and employees remain subject to Lincoln's Student Conduct Policy/Employee Code of Conduct during investigations and may be subject to discipline for making false statements or knowingly submitting false information during the investigation.

1.

During the investigation process, each party will have the same opportunity to select an advisor of the party's choice who may be, but need not be, an attorney. The advisor may assist with all written submissions made by a complainant or a respondent, may assist with preparing questions or other information for the complainant or the respondent to be used at the hearing, and may facilitate scheduling and other processes. During any meeting or proceeding, the advisor may be present to observe and provide support and counsel to the participant. With the exception of conducting cross examination at a hearing, the advisor may not present evidence on a party's behalf, present argument, examine witnesses, testify, or disrupt or otherwise obstruct meetings or proceedings.

2.

If Lincoln is made aware that there is a concurrent criminal investigation, the Investigator will inform any law enforcement agency that is conducting its own investigation that Lincoln's investigation is also 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 (or subsequent hearing) 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 obligations, regarding procedural options, anticipated timing, and the implementation of any necessary interim measures.

3.

Prior to completion of the investigative report, the recipient must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 Business days to submit a written response, which the investigator will consider prior to completion of the investigative report. When the investigation is complete, the Title IX Investigator will provide the parties with a preliminary report, which will include, as applicable, fairly summarize relevant information provided by the respondent, and each witness, and either a copy or written summary of any other information the Investigator deems relevant. The preliminary report will be provided in an electronic format that restricts the parties from downloading or copying the evidence. Each party will have 10 business days to review the preliminary report and to provide written feedback. Each party's written feedback, if any, will be attached to the final investigative report.

4.

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

completed and the parties previously received the final investigative report, then from the time of the current formal hearing notice, the parties will have at least 10 business days for preparation prior to the time of the scheduled formal hearing.

E. Formal Hearing

When a complaint is not resolved informally, the Title IX Coordinator will notify the parties and help to make any needed accommodations for the formal hearing. The Title IX Coordinator will choose one or more individuals to conduct the formal hearing, who shall be designated the Decisionmaker(s). Decisionmaker(s) must be free from bias or conflict of interest and may not include the Title IX (ed) Twsh35 -1.1f i 0.215 n (ude (uc)-19 0 Td (-0.0

after receipt of the determination regarding responsibility. If no appeal is filed, the determination regarding responsibility becomes final 10 business days from the date of delivery to the parties.

The Title IX Coordinator is responsible for effective implementation of any sanctions or remedies required by the determination of responsibility. The list of potential sanctions or remedies includes one or more of the following:

- Warning
- No-contact orders
- Removal from specific courses or activities
- Disciplinary probation
- Suspension
- Expulsion
- Transcript notation

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

G. Dismissals

Lincoln may dismiss the formal complaint or any allegations in the formal complaint if at any time:

1. the complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any specific allegations in the formal complaint;
2. the respondent is no longer enrolled or employed by Lincoln; or
3. specific circumstances prevent Lincoln from gathering evidence sufficient

determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.

- The exercise of rights protected under the First Amendment does not constitute retaliation.

A person who believes retaliation has occurred should notify the Title IX Coordinator. The Title IX Coordinator will take prompt corrective action if the complainant or the alleged victim (if not the complainant) experiences retaliation or is subjected to further violation