

NONDISCRIMINATION, HARASSMENT, OR RETALIATION

I. PURPOSE

The purpose of this policy is to establish standards to prevent and address discrimination, harassment, and retaliation. Misconduct that meets the definition of sexual harassment under Title IX will be addressed under the *Title IX Sexual Harassment Policy*.

II. SCOPE

All applicants, employees, students, and third parties who are members of our community

III. PROCEDURE

A. POLICY

Lincoln Educational Services (Lincoln) is committed to maintaining an 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, and disability. Lincoln does not discriminate, nor will it permit or tolerate discrimination or harassment against a student, employee, or other member of each school's community, on any of the listed bases in its programs, activities and services. This Policy also prohibits retaliation. Lincoln also makes reasonable accommodation for qualified students and employees with disabilities.

This Policy covers all employees and students of Lincoln, applicants for enrollment or employment, as well as any third parties who are members of our community and/or conducting business on our premises.

Any inquiries regarding this Policy can be directed to the Compliance Coordinator for each campus. The Compliance Coordinator can be reached at the address, email address and phone number in each school's catalog or to the Office for Civil Rights (OCR), at the U.S. Department of Education, at www.ed.gov, or to both the Compliance Coordinator and OCR.

Employment and educational opportunities are open to all qualified applicants solely on the basis of their experience, aptitude, and ability. This Policy applies to all policies, programs, and areas of employment and educational opportunities, including but not limited to admissions, recruiting, hiring, training, promoting, compensating, benefits, transfers, disciplinary actions, terminations, layoffs, and job-related social or recreational programs.

This Policy applies to prohibited conduct that occurs in a Lincoln program, activity or service, which includes conduct:

1. on campus;
2. in the context of any Lincoln program, activity or service; and
3. at any other location, event, or circumstance over which Lincoln exercises substantial control over both the Respondent and the context in which the alleged violation of this Policy occurs.

B. PROHIBITED CONDUCT

1. **Discrimination:** Discrimination includes, but is not limited to, conduct that, on the basis of any of the grounds listed above, excludes participation in, denies the benefits of, or otherwise subjects an individual to different treatment or other discrimination in a Lincoln program, activity, or service.
2. **Harassment:** Harassment is defined conduct, based on any of the grounds listed above, that has the purpose of effect or interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive work or educational environment. (Misconduct that meets the definition of sexual harassment under Title IX will be addressed under the *Title IX Sexual Harassment Policy*.)

Whether conduct is sufficiently severe or pervasive to constitute a hostile environment is determined both from a subjective and objective perspective. A hostile environment can be created by oral, written, graphic, or physical conduct, and can take many forms including but not limited to:

- Racial slurs
- Ethnic jokes
- Disparaging or insensitive remarks about an individual's religion, age, physical ability or sexual orientation
- Physical or verbal threats

A determination of a hostile environment considers the totality of the circumstances and includes: 1) the degree of interference; 2) the type, frequency, and duration of the conduct; 3) the relationship between the Respondent and the Complainant; 4) the nature and severity of the conduct; 5) whether the conduct was directed at more than one person; 6) whether the conduct arose in the context of other discriminatory conduct; and 7) whether the conduct implicates concerns related to academic freedom or protected speech. A single instance may be sufficient for a finding of a hostile environment if the conduct is serious enough to reasonably support such a finding, particularly if the conduct is physical.

3. **Retaliation:** This Policy prohibits any form of retaliation, including intimidation, threats, coercion, harassment, and other discrimination taken or threatened against any person for the purpose of interfering with any right or privileged under this Policy or against a person for reporting or filing a complaint or any person cooperating in the investigation under this Policy. Action is deemed adverse if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this Policy. However, if it is determined that an individual lodged a complaint of harassment or discrimination in bad faith or knowingly provided false information during the course of an investigation, appropriate disciplinary action may be taken up to and including termination.

Retaliation may result in disciplinary or other action independent of the sanctions or remedies imposed in response to the underlying allegations of discrimination or harassment.

C. REPORTING

When an individual believes that he or she has been discriminated or harassed against on one of the protected bases in this Policy, or retaliated against, the misconduct should be reported immediately or as soon as possible to the individual's supervisor/teacher or the Compliance Coordinator at the campus. Individuals may also report incidents of discrimination, harassment, or retaliation to the Alertline system at 1-866-844-1427. You may also report discrimination, harassment or retaliation by completing and submitting a [Complaint Form](#) to your campus Compliance Coordinator. In the event a complaint involves the Compliance Coordinator, the complaint should be submitted to the Group President.

Written complaints are preferred. However, if an individual makes an oral complaint, the complaint will be converted to writing by staff and then reviewed by the student for accuracy. The statement should be as specific as possible regarding the action(s) or inaction(s) that precipitated the complaint: date, place, persons involved, efforts made to settle the matter informally (if applicable), and the remedy sought.

Individuals are encouraged to file complaints promptly. A complaint should be filed within 180 days of the alleged discrimination (or longer if extenuating circumstances exist).

D. INVESTIGATION

All complaints will be investigated thoroughly, promptly, and kept confidential to the maximum extent possible. Lincoln will conduct a fair and impartial investigation of all allegations, with due regard for the rights of all parties.

In conducting the investigation, the Compliance Coordinator may forward a copy of the complaint and/or complaint statement to the persons whose actions (or inactions) are the subject of the complaint, and may request a written response from appropriate individuals at the school. The investigation will include an interview of each party, as well as an opportunity for both parties to suggest witnesses and present other evidence. The Compliance Coordinator may choose to interview witnesses, to meet with concerned parties, to receive oral or written statements, and to make other appropriate inquiries.

Lincoln strives to complete the investigation and resolution process promptly, generally within ninety (90) Business days. The 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.

Lincoln will notify the parties in writing about the outcome of the investigation and resolution process. A copy of the decision will also be sent to the Director of Education/Academic Dean. Additionally, if discrimination, harassment, or retaliation is found, Lincoln will take steps to promptly and effectively end the discrimination, harassment or retaliation, prevent its recurrence and remedy its effects. Violations of this Policy may result in disciplinary action up to and including termination.

In the event that the party who filed the complaint is not satisfied with the resolution of the complaint, an appeal may be made. The appeal should be filed within ten (10) Business days with the Compliance Coordinator, who will direct the appeal and all appropriate records to Lincoln's

Regulatory Department (specifically to the VP of Regulatory) for review and disposition within thirty (30) Business days of receiving notice of the result of the investigation.

Lincoln will take reasonable interim measures to prevent or stop the occurrence or recurrence of any discrimination, harassment, or retaliation in order to provide a safe and nondiscriminatory environment for employees and students, and to the extent provided by law without impeding the investigation, to protect the confidentiality of complainants, the accused, and witnesses.

This Policy is to be maintained in the schools' catalogs and on each campus's website. All students who enroll receive a copy of the catalog and new employees will receive the Policy as part of their new hire paperwork.