

PROCEDURES FOR NON-TITLE IX DISCRIMINATION COMPLAINTS

These procedures will be used to investigate non-Title IX discrimination complaints at Lincoln Memorial University (LMU). Non-Title IX discrimination includes but may not be limited to discrimination on the basis of those classes and statuses included in LMU's Affirmative Action, Equal Opportunity, and Nondiscrimination Policy. Non-Title IX discrimination complaints must be filed with LMU's Institutional Compliance Officer via the online Discrimination Complaint Form—which can be found [here](#).

I. DEFINITIONS

The following are key terms and definitions as they relate to these procedures:

- **Complainant**: the individual alleging discrimination.
- **Respondent**: the individual allegedly engaging in discriminatory conduct.
- **Parties**: the Complainant and Respondent jointly.
- **Jurisdiction Determination**: a document/notice describing whether the Office of Institutional Compliance has jurisdiction over a Discrimination Complaint.
- **Discrimination Complaint**: an online fillable form used to file a complaint of alleged discrimination.
- **Non-Title IX Discrimination**: discrimination that does not fall under LMU's Sexual Harassment and Title IX policy but may fall under LMU's Affirmative Action, Equal Opportunity, and Nondiscrimination policy or other statutes, regulations, or university policies.
- **Notice of Investigation**: a document alerting the Parties that the Office of Institutional Compliance has commenced an investigation into alleged discriminatory conduct.
- **Factual Report**: a preliminary document outlining a Compliance Officer's findings after an investigation.
- **Final Notice**: a document sent to the Parties notifying them of an investigation's disposition.
- **Final Report**: a final document outlining a Compliance Officer's findings, the Parties' responses to the Factual Report, and the Compliance Officer's finding of responsibility in the investigation.

II. JURISDICTION

Upon receiving a discrimination complaint via the Discrimination Complaint Form, the Office of Institutional Compliance will make a Jurisdiction Determination and issue an email notice to the potential Complainant within five (5) business days of receiving the Complaint Form. The Determination will outline whether the filed Complaint falls within the jurisdiction of the Office of Institutional Compliance. If it is determined that jurisdiction does not exist, the potential complainant will either be forwarded to the appropriate University office or provided relevant resources and support related to their complaint. If the Office of Institutional Compliance determines it has jurisdiction over the Complaint, the Institutional Compliance Officer will issue a Notice of Investigation to both the Complainant (the individual alleging the discrimination) and the Respondent (the individual allegedly engaging in discriminatory conduct). In matters involving LMU employees, the Office of Institutional Compliance will copy the Chief Human Resources Officer on this Notice.

III. INVESTIGATION

The Institutional Compliance Officer—or their Deputy Compliance Officer—will investigate the allegations and issue a Factual Report. Investigations may include but are not limited to interviews, documentation requests, etc. Both the Complainant and the Respondent will be offered the opportunity to respond to the Factual Report within ten (10) business days upon receipt of the Factual Report. After the Parties have been allowed the chance to respond, the Institutional Compliance Officer will issue a Final Report which will include the findings of the investigation and recommended remedies. The Institutional Compliance Officer will weigh all relevant evidence and determine whether the Respondent engaged in discriminatory conduct based on a preponderance of the evidence (also known as a "more likely than not") standard. Both parties will receive a Final Notice summarizing the investigations outcome—and such notices are subject to redactions and other modifications deemed necessary for confidentiality and security by the Office of Institutional Compliance. In employee matters, the Chief Human Resources Officer will receive a copy of the full Final Report and Final Notice. The parties may request an opportunity to review the full Final Report—subject to redactions and other privacy and security measures—in the physical presence of the Office of Institutional Compliance staff, and no physical or digital copy of the Final Report will be shared.

Remedial action will be determined and enforced by the Office of Institutional Compliance, Human Resources, and/or any other office or partnership of offices determined appropriate by the Office of Institutional Compliance.

IV. APPEALS

Parties will have five (5) business days upon receipt of the Final Report to request an appeal. Appeals must be filed via email to the Institutional Compliance Officer. Only currently employed or enrolled LMU employees and students may appeal a Compliance Investigation decision. Either party may request an appeal of a decision on one or more of the following grounds:

1. Procedural error that significantly impacted the outcome;
2. New information is available that was not available at the time of the original investigation; or
3. The sanction(s) is disproportionate to the action and/or violation.

Appeals will be directed to an LMU Committee consisting of the Executive Vice President for Administration, the Executive Vice President for Academic Affairs, the Executive Vice President for Finance, the Faculty Senate President and/or Representative, and the Dean of an LMU School, to be appointed by the LMU President at the time of appeal. In the event of a conflict of interest with any committee member, the LMU President will appoint a Dean of an LMU School to serve in that individual's place upon request from the Institutional Compliance Officer. The LMU Committee will confidentially consider and vote on the appeal and issue a Final Appeal Decision. All parties will receive a notice of the Committee's decision from the Institutional Compliance Officer via email. In employee matters, the Chief Human Resources Officer will also receive a copy of the Final Appeal Decision.

For questions related to these procedures, please contact LMU's Institutional Compliance Officer—who serves as LMU's Title VI Coordinator for purposes of these procedures:

Ms. Rebekah Webb, M.Ed., Title IX Coordinator & Institutional Compliance Officer
Phone: (423) 869-6315 or Email: rebekah.webb@lmunet.edu or TitleIX@LMUnet.edu
Office: LMU Cumberland Gap Offices #3