

**Lincoln Christian University**  
**Sexual Misconduct Policy and Procedures**

**Policy Statement**

Lincoln Christian University (sometimes referred to herein as the “University” or “LCU”) strives to provide a safe environment in which students, employees, and other members of the campus community can pursue their education and work free from the detrimental effects of sexual misconduct and sexual violence, including sexual harassment, domestic violence, dating violence, sexual assault, and stalking. Such actions, in any form, are prohibited and will not be excused or tolerated. Therefore, the University seeks to educate students and employees about these issues and to provide a means of recourse should a member of the campus community believe he or she has been the victim of sexual violence and/or sexual misconduct. When brought to the attention of the University, such actions will be appropriately responded to according to the procedures outlined in this policy.

Further, as a University that seeks to glorify God in every way, we seek to obey all of the teachings of the Bible on all issues, including human sexuality. All of those Biblical principles are incorporated into this policy even though not all of them are set forth word for word herein. The University deeply holds to the following religious beliefs: That sexual immorality as defined in the Bible is sin and should be fled from by all persons associated with the University. Sexual intimacy of any kind must be exclusively reserved for a marriage relationship where mutual love exists. We believe that the marriage relationship is defined by God as a lifelong committed and loving covenant relationship between one woman and one man. All other sexual intimacy outside of such a marriage relationship is sin. The University acknowledges that no person associated with the University is without sin and that at some times and in some situations sexual intimacy may occur outside of Biblically accepted standards. This policy addresses these situations.

**Non-Discrimination**

Lincoln Christian University does not discriminate on the basis of an individual’s sex, race, color, age, physical disabilities, or national and ethnic origin in admissions, employment, the administration of its educational policies, scholarship and loan programs, athletic and other school-administered programs. LCU complies with Title IX of the Education Amendments of 1972

The following person has been designated to handle inquiries regarding the non-discrimination policies:

Jill Dicken, Title IX Coordinator  
Vice President of Student Development  
100 Campus View Drive  
Lincoln, IL 62656  
Phone: (217) 732-3168  
E-mail: [jmdicken@lincolnchristian.edu](mailto:jmdicken@lincolnchristian.edu)

## Definitions

**Advisor.** A person chosen by each party to assist them throughout the Title IX process.

**Complainant.** An individual who is alleged to be the victim of conduct that could constitute sexual harassment.

**Confidential Reporter.** Individuals who are obligated to keep information reported by a complainant confidential unless specifically permitted to disclose by the complainant.

**Formal complaint.** A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment.

**Respondent.** An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**Supportive measures.** Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

## Reporting Options

The University urges anyone who has experienced sexual harassment, sexual assault, domestic violence, dating violence, or stalking to seek support as soon as possible to minimize and treat physical and emotional harm and to understand options for reporting. Various options exist for reporting these offenses, as described below.

- **Confidential Reporting**

Confidential reporting means the individual reporting the incident would like the details to be kept confidential and except in extreme cases of immediacy of threat or danger or in case of abuse or neglect of a minor, the representatives listed below will do so. These representatives will, however, submit anonymous statistical information to allow the University to fulfill reporting requirements of the Clery Act unless they believe it would be harmful to the individual.

An individual who reports an incident to a confidential reporter but later decides to file a formal complaint may do so. Initial reporting to any one of the following resources maintains the confidential nature of your report until and unless you say otherwise.

- **Emergency Reporting**

1. For emergency medical services:  
Abraham Lincoln Memorial Hospital  
**Phone:** (217) 732-2161 or dial 911  
**Location:** 200 Stahlhut Dr., Lincoln, IL 62656
2. For 24 hour services:  
Prairie Center Against Sexual Assault 24 Hour Crisis Hotline

**Phone:** Hotline Available 24 hours/day: (217) 753-8081  
**Location:** 3 West Old State Capitol Plaza, Springfield, IL 62701

- Non-Emergency Reporting

1. Dr. Kim Baldwin (an LCU confidential advisor):  
Available during regular counseling office business hours  
**Phone:** (217) 732-3168 (Ext. 2246)  
**Office Location:** Restoration Hall, Room 11  
**Email:** [kbaldwin@lincolnchristian.edu](mailto:kbaldwin@lincolnchristian.edu)
2. Dr. Nolan Thomas (LCU Confidential Advisor)  
Available during regular counseling office business hours  
**Phone:** (217) 732-3168 (Ext. 2268)  
**Office Location:** Restoration Hall, Room 10  
**Email:** [cnthomas@lincolnchristian.edu](mailto:cnthomas@lincolnchristian.edu)
3. Dr. Violeta Cone (LCU Confidential Advisor for MAC [Master of Arts in Counseling] and PC&C [Pastoral Care & Counseling] seminary students)  
Available during regular counseling office business hours  
**Phone:** (217) 732-3168 (Ext. 2206)  
**Office Location:** Administration Building, Room AD157  
**Email:** [vcone@lincolnchristian.edu](mailto:vcone@lincolnchristian.edu)
4. Complete the Online Sexual Assault Report  
(your information will be sent only to the LCU confidential advisors):  
<https://my.lincolnchristian.edu/sexual-assault-report/>

- NON-CONFIDENTIAL Reporting

Non-confidential reporting means the information reported will be acted upon by the University. Reports made to the following are not held in confidence.

- Non-Emergency Reporting

1. Jill Dicken (Title IX Coordinator)  
Vice President of Student Development  
Available during regular business hours  
**Phone:** (217) 732-3168 (Ext. 2212)  
**Office Location:** Timothy Hall, Room TM30  
**Email:** [jmdicken@lincolnchristian.edu](mailto:jmdicken@lincolnchristian.edu)
2. LCU ALERT  
Monitored by the LCU Emergency Management Team  
**Phone:** (217) 651-6809
3. Electronic Reporting (Reports made electronically can be confidential or non-confidential)  
Link: [Incident Report](#)

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

- OFF-CAMPUS Reporting

Click here for available resources for those not living on the LCU campus: [Resource List](#)

### Scope of Title IX Policy

This policy applies to conduct occurring on the University's campus, at University-sponsored events within the United States, and in University housing and, may apply to other conduct occurring online or off the University campus when the conduct occurs while either party is engaged in a University education program or activity. Locations covered by this policy include but are not limited to residence halls, student apartments, school sponsored on campus activities, school sponsored off campus events, athletic events, SERVE trips (domestic), and internships.

**Sexual misconduct and/or sexual violence that occurs outside of the scope of Title IX may still be addressed by LCU's conduct policy as detailed in the Student Handbook.**

### Prohibited Conduct

This policy prohibits sexual misconduct and sexual violence, including sexual harassment, domestic violence, dating violence, sexual assault, stalking, and sexual exploitation and applies to conduct of students, employees, and other members of the campus community and guests on the University property.

Sexual Harassment: Conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (i.e., *quid pro quo*);
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
- (3) Sexual assault (as defined in the Clery Act), or dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA). Definitions follow.

Clery Act Definitions:

Sexual Assault (Sex Offenses): Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

- a) Rape is 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. This offense includes the rape of both males and females.
- b) Fondling is 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 incapacity.

- c) Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d) Statutory Rape is sexual intercourse with a person who is under the statutory age of consent.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the complainant'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. For the purposes of this definition:

- a) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- b) Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence: A felony or misdemeanor crime of violence committed by:

- a) By a current or former spouse or intimate partner of the victim;
- b) By a person with whom the victim shares a child in common;
- c) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- d) 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;
- e) 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.

Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- a) Fear for the person's safety or the safety of others; or
- b) Suffer substantial emotional distress.

For the purposes of this definition:

- a) 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.
- b) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- c) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

Sexual Exploitation: Any situation in which a person takes non-consensual or abusive sexual advantage of another for the purposes of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose, and situations in which the conduct does not fall within the definitions of Sexual Harassment. Examples of sexual exploitation include, but are not limited to:

- a) Sexual voyeurism (such as watching a person undressing, using the bathroom, or engaged in sexual acts without the consent of the person observed);
- b) Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent);
- c) Streaming or distribution of images, photography, video, or audio recording of sexual activity or nudity without the knowledge and consent of all parties involved;
- d) Prostitution;
- e) Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted infections (STI) and without informing the other person of the infection; and
- f) Administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent.

### Consent

Consent is an affirmative, freely given, and conscious agreement to engage in the sexual activity in question. Consent should NOT be assumed from conduct alone. You should engage in sexual activity only with mutual affirmative consent; this is known as "yes means yes." Relying solely upon nonverbal communication for consent can lead to misunderstanding. If confusion or ambiguity on the issue of consent arises anytime during a sexual interaction, it is essential that each participant stops and clarifies (again, with a strong preference for verbal clarification) their willingness to continue. It is the responsibility of each person involved in the sexual activity to ensure consent has been obtained from the other participant to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent.

Informed consent cannot be obtained through physical force, compelling threats, intimidating behavior, or coercion. Incapacitation by the person INITIATING sexual activity does NOT in any way lessen his or her obligation to obtain consent.

A person can withdraw consent AT ANY TIME through a verbally expressed statement, including, but not limited to, the word "no" ("No" means "No") or any other word or words that reasonably communicate a withdrawal of consent or by clear conduct that would lead a reasonable person to conclude that consent has been withdrawn.

A person who initially consents to sexual activity is not deemed to have consented to any sexual activity that occurs after he or she withdraws consent during the course of that sexual activity. A person always retains the right to revoke consent at any time during a sexual act.

The above consent definition applies to all sexual activity. In the vast majority of circumstances a person cannot assume that consent to past sexual activity is consent to future sexual activity nor can a person assume that a person's consent to one sexual act is also consent to a different sexual act. In the context

of a long-term sexual relationship, it may be tempting to demonstrate overall consent or consent to multiple different sexual acts based upon long-standing practices, but this is unwise, and you do so at your own peril. Those engaged in sexual activity should always avoid relying on nonverbal communication.

The following do NOT constitute Consent:

- (1) a person's manner of dress or other contextual matters such as drug/alcohol consumption, dancing, or an agreement to go to a private location like an apartment, home, bedroom, dorm room, or other private location;
- (2) a person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person;
- (3) a person cannot consent to sexual activity if that person is unable to understand the nature of the activity for any reason, including, but not limited to, language limitations, cultural differences, or social inexperience;
- (4) the existence or former existence of a friendship, engagement, romantic, or dating relationship or accepting a date, a meal, or a gift;
- (5) a person cannot consent to sexual activity if that person is unable to give knowing consent, due to circumstances existing at the time of the sexual conduct, including WITHOUT LIMITATION, the following:
  - a) the person is incapacitated due to the use or influence of alcohol and/or drugs to the point of being unable to make an informed and rational decision;
  - b) the person is asleep or unconscious;
  - c) the person is under the legal age of consent (which, currently, in Illinois, is 17-years-old unless the accused holds a position of trust, authority or supervision in relation to the victim, where in such later case, the legal age of consent rises to 18-years-old. Note: this definition may be different in States other than Illinois and, if so, the definition in the state where the misconduct occurs shall be used);
  - d) the person is incapacitated due to a mental disability;
  - e) the person is incapacitated due to a physical disability to the point of being unable to make an informed and rational decision.

### Incapacitated

When the term “incapacitated” in any of its various grammatical forms or any synonym of the word or any word or combination of words that concern the “capacity” of a person to “consent” is used in any given context, it shall have the following meaning:

- (1) A person is mentally or physically incapacitated when that person lacks the ability to make or act on considered decisions to engage in sexual activity, i.e., when a person’s perception and/or judgment is so impaired that the person lacks the cognitive capacity to make or act on conscious decisions. Initiation of sexual activity with someone whom a reasonable person knows or should have known to be deemed incapacitated is not consent.
- (2) Alcohol and drugs can impair judgment and decision-making capacity, including the ability to rationally consider the consequences of one’s actions. The effects of alcohol and drug consumption often occur along a continuum. For example, alcohol intoxication can result in a broad range of effects, from relaxation and lowered inhibition to euphoria and memory impairment, and to disorientation and incapacitation. Incapacitation due to alcohol or drug use is a state beyond “mere” intoxication or even being drunk. It exists when a person lacks the ability to make or act on a

considered decision to engage in sexual activity. Indicators of incapacitation may include inability to communicate, lack of control over physical movements, and/or lack of awareness of circumstances. An incapacitated person can also experience a blackout state during which he or she appears to give consent but does not have conscious awareness or the capacity to consent. Some medical conditions also can cause incapacitation.

- (3) In sum, an act will be deemed non-consensual if a person engages in sexual activity with an individual who is incapacitated, and who the person knows or reasonably should know is incapacitated.

## Reporting

LCU encourages all LCU community members to report incidents of sexual misconduct or sexual violence in order to receive the assistance needed and to maintain a safe campus community for all members.

For emergency reporting, call 911. If you have been assaulted on the LCU campus, you can also call LCU Alert at (217) 651-6809 and someone will assist you immediately.

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time, including during non-business hours, by using the telephone number, e-mail address, or by mail to the office address listed for the Title IX Coordinator.

In addition to making a report to the University, LCU encourages the complainant to make a report to law enforcement for incidents of sexual misconduct or sexual violence. The University will assist the complainant with contact with law enforcement.

Making a report does not obligate the Title IX Coordinator to initiate an investigation or hearing. A report made notifying the Title IX Coordinator of sexual misconduct or violence *may* result in a formal complaint, but it is not required. The individual reporting the incident may request supportive measures, access to resources, or no additional action to be taken. The identity of the complainant may be kept confidential from the respondent until a formal complaint is made.

If a report of sexual misconduct and/or sexual violence is made to the University by someone other than the individual alleged to be the victim of the conduct, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, discuss complainant's wishes, and explain the process of filing a formal complaint.

The complainant may file a formal complaint, thereby initiating the Title IX process, including an investigation and live hearing. A formal complaint may be filed with the Title IX Coordinator in person, by mail, e-mail, or form submission. The formal complaint must contain the complainant's physical or digital signature. The Title IX Coordinator may also file a formal complaint.

The University's procedures seek to ensure a prompt, fair, and impartial investigation and resolution. Procedures will be conducted by University officials who receive annual training on issues related to sexual misconduct and sexual violence, as well as on conducting a fair and equitable hearing process.

### Amnesty Clause

Any student who reports, in good faith, an incident of sexual misconduct and/or sexual violence will not receive a disciplinary sanction by the University for a student conduct violation, such as underage drinking, that is revealed in the course of such a report, unless the University determines that the violation was blatant, including, without limitation, an action that places the health or safety of any other person at risk.

### Standard of Evidence

The standard of evidence used in the decision of cases of sexual misconduct and sexual violence will be by a “preponderance of the evidence”, meaning the decision-maker believes there is a greater than 50% chance that the claim is true. Possible sanctions if a student or employee is found responsible for a violation of this policy include the full range of disciplinary sanctions available at the University, up to and including suspension and expulsion for students or termination of employment for employees.

### Confidentiality and Privacy

Reports made to a confidential advisor will not be disclosed to LCU unless the complainant chooses to move forward with a formal complaint. LCU strives to maintain confidentiality to the fullest extent possible, while remaining compliant with applicable state and federal laws. Complainants may choose to maintain their confidentiality and still seek counseling and other services.

If a complainant files a formal complaint, the Title IX Coordinator and those involved in the investigation will maintain the party’s privacy to the greatest extent possible. Party identities, allegations, and witnesses will be protected and only disclosed as a required part of the grievance process.

### Grievance Process

The grievance process begins once a formal complaint has been filed. The complainant and respondent will be treated equitably throughout the grievance process until resolution. No disciplinary action will be taken until a determination of responsibility has been made.

It is the goal to resolve complaints within sixty (60) business days from the notice of a formal complaint to both parties. The Title IX Coordinator may extend the time frame for the grievance process for reasonable circumstances or in the event classes are not in session. Both parties will receive immediate notice of any delay in investigation or resolution. The 60 days to resolution does not include appeals.

#### • Initial Report

Within 24 hours of receipt of a report of sexual misconduct or sexual violence, the Title IX Coordinator will contact the complainant to:

- Discuss availability of supportive measures.
- Consider complainant’s wishes regarding supportive measures.
- Discuss the grievance process and formal complaint.
- Consider complainant’s wishes regarding next steps.

#### • Formal Complaint

If the complainant files a formal complaint, the Title IX Coordinator will issue a written notice to the known parties. The written notice will include:

- Notice of allegations.
- Identity of the parties.
- Any additional information that sufficiently details the event.
- Notice of grievance process.
- Notice of supportive measures available.

A formal complaint must be dismissed prior to or after an investigation if the conduct alleged in the formal complaint:

- Does not meet the definition of sexual harassment as defined by the Title IX regulations;
- Did not occur in an LCU education program or activity; or
- Did not occur within the United States.

A formal complaint may be dismissed at any time during the grievance process if:

- Complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations, therein;
- Respondent is no longer enrolled or employed by the recipient; or
- Specific circumstances prevent the recipient from gathering sufficient evidence to reach a determination as to the formal complaint or allegations herein.

A formal complaint dismissed from the Title IX grievance policy may still be considered under the conduct policy found in the LCU Student Handbook. Notice of dismissal and transfer to the conduct policy process will be issued to each party upon determination.

- **Advisors**

Both parties have the right to have an advisor of choice present during any or all of the grievance process. Advisors may speak to their advisee any time during the process, but may not speak directly to the Title IX Coordinator or investigators.

- **Investigation**

The Title IX Coordinator will convene an investigative team consisting of two trained individuals, one male and one female, who do not have a bias or other conflict of interest with either party. The investigators will meet with each party, gather evidence, and interview witnesses.

Written notice will be provided to the relevant party detailing the date, time, location, participants, and purpose of all investigative interviews.

Prior to the completion of the investigative report, both parties and advisors will be given an opportunity to inspect and review any evidence obtained that is directly related to the allegations in the formal complaint. Parties will have ten (10) days from the date of receipt to submit a written response to the investigator. The investigator will consider any written response prior to completing the investigation report.

Upon completion of the investigative report, a copy will be sent to both parties and advisors for review.

Parties will receive the report no later than ten (10) days prior to the hearing. Parties may submit a written response to the investigator.

- Hearing

Live hearings will be held virtually and instructions and procedures will be sent to all parties at the time of scheduling.

During the live hearing, each party may be accompanied by their advisor. If a party does not have an advisor, one will be provided to them. If a party does not have an advisor and refuses to utilize the LCU advisor provided, that party forfeits his or her right to cross examination.

Advisors will be allowed to cross examine the other party and witnesses. The parties may not personally ask questions of the other party or witnesses.

The live hearings will be heard by an impartial decision-maker. The decision-maker will review the investigative report and evidence, determine issues of relevance during the live hearing and cross-examination, and issue a final determination at the conclusion of the matter.

If a party or witness refuses to appear at the live hearing, his or her statements will be excluded from consideration by the decision-maker. Additionally, a party or witness's refusal to answer one question during the live hearing constitutes a failure to submit to cross-examination and therefore his or her statements will be excluded from consideration.

- Written Determination

Both parties will receive simultaneously a written notice of determination within ten (10) days of the hearing. The notice of determination will include a determination of responsibility and any disciplinary sanctions imposed on the respondent.

- Appeals

Parties have the right to appeal a written determination but must do so within seven (7) days of receipt of the written notice of determination.

The right to appeal is limited to the following if shown to have affected the outcome of the matter:

- Procedural irregularity;
- New evidence not reasonably available at the time of the determination; and/or
- Proof of conflict of interest on the part of the Title IX Coordinator, Investigator, or Decision-maker.

Upon the filing of an appeal, written notification will be provided to the other party. Parties have ten (10) days from the notice of appeal to submit written statements in support of, or challenging, the outcome.

The appeal officer will review all written statements and issue a determination in a timely manner.

The written notice of determination will be sent simultaneously to both parties.

## Retaliation

No recipient or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing.

## Non-Title IX Conduct Violations

Complaints dismissed from the Title IX policy may be transferred to the conduct process in the LCU handbooks. For information regarding this process and potential disciplinary sanctions, please see:

[Undergraduate Student Handbook](#)

[Graduate & Seminary Student Handbook](#)

[Faculty Handbook](#)

[Staff Handbook](#)