

# **Lincoln University**

## **Annual Security Report For 2017**

### **Introduction**

Lincoln University presents this report to the university community so that it can be used as a guide for exercising safe practices both on and off campus. The University has established a practice where this report is sent to every enrolled student through his or her lincolnucsf.edu e-mail. In addition, this interim report is sent to current faculty, administrators, and staff members through their Lincoln e-mail. Lincoln's Annual Security Report (ASR) can also be found on Lincoln's website. Normally, Lincoln's Annual Security Report should be published and distributed by October first of each year. However, due to a delay by a government agency in providing data in our public records request, this final publication of our 2017 ASR was delayed until November 2017.

Lincoln University is committed to having a culture that promotes safety and security for all members of the University community that includes students, staff, faculty, and visitors. This report is prepared by the Lincoln University administration.

This report will provide the Lincoln community with information on safety and security on each of the three buildings (main building, library, DI lab) that encompass the Oakland campus. Inside you will find information on how to report a crime, suspicious activity, and safety hazards.

This report is provided is intended to be in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act), the Higher Education Opportunity Act (HEOA), and the Violence Against Women Reauthorization Act of 2013 (VAWA). VAWA has amended the Clery Act to require institutions to compile statistics, policies, procedures, and programs for incidents of domestic violence, dating violence, sexual assault, and stalking.

Lincoln encourages you to read this information and think of how it can help you and the Lincoln community prevent and protect yourself against crime. For more information or questions regarding this document please contact the Administrative Vice-President's office. Thank you for taking time to review this information and helping to make the Lincoln University a safer community.

### **Reporting a Crime**

To prevent crime and to have a safe environment on campus, the University encourages you to report all crime, suspicious activity, and hazard situations immediately. You can report these incidents to staff members stationed at the entrance to our three buildings who screen everyone who enters these buildings. In addition, you can report these types of incidents to Student Services, the Registrar's Office, the Admission's Office, or any other administrative office.

The Director of Student Services is responsible for maintaining a crime log that is available for public viewing in the student services office.

## **Campus Security Authorities**

A student who is a victim of a crime may be more inclined to report it to someone other than the police. For this reason, the Clery Act requires all institutions to collect crime reports from a variety of individuals and organizations that the Clery Act refers to as Campus Security Authorities (CSA).

A CSA is an official of the university who has significant responsibility for student and campus activities. They are usually found in departments responsible for, but not limited to, student and campus activities, safety/security, student conduct, housing, or human resources. This designation also includes any individual who has been specified by Lincoln University to receive and report offenses. CSAs are responsible for immediately reporting crimes and incidents that occur on the Lincoln University campus.

At Lincoln University, CSAs include: The President, Administrative Vice-President, Provost, Director of Accreditation and Compliance, Dean of Students, Director of Student Services, and other department heads and supervisors.

## **Reporting to the Oakland Police Department**

Lincoln University is located within the City of Oakland and the Oakland police department (OPD) provides all law enforcement services to Lincoln University. Lincoln is located in OPD's operational Area-1, Beat 4x. OPD provides patrol, crime prevention, investigative, and emergency services to Lincoln and anyone on our campus. Police officers patrolling our area may be in uniform on-foot, in patrol cars, on motorcycles, or on bicycle.

In addition, Lincoln can address campus crime prevention and safety issues through the Oakland police department's Area-1 Neighborhood Community Police Council.

A person reporting a crime has the right to report the crime to the Oakland police department. If it is an emergency, dial 9-1-1. The 9-1-1 system has language translators than can provide assistance. If it is a non-emergency, please use the online crime reporting system at [www.oaklandpolice.com](http://www.oaklandpolice.com) and/or the non-emergency telephone number 510-777-3333 for assistance.

## **Victims of Violent Crime**

When a violent crime is reported by a victim to a law enforcement organization in California, victims may be eligible for several types of assistance (i.e., financial, mental health, medical) through the California Victims of Violent Crime Board. There services can be found at: <https://victims.ca.gov/victims/>

## **Confidential Reporting**

If you are the victim of a crime and do not want the University to take action or you do not want to involve the police, you may want to consider making a confidential report. The purpose of a confidential report is to maintain confidentiality, while taking steps to ensure the future safety of yourself and others. With such information, the University can keep an accurate record of the number of incidents involving students, employees, and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential dangers. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution, and when they involve allegations of sexual harassment (including sexual violence) are made available to the University's Title IX Coordinator, which is Dr. Michael Guerra, Administrative Vice-President. When considering confidential reporting understand that California law requires staff to report criminal felonies to law enforcement that are related to child abuse, elder abuse, murder, and certain sex crimes.

Upon written request, Lincoln University will disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

## **Mandated Reporters**

All members of the Lincoln University community are encouraged to report known or suspected child abuse or neglect, and elder abuse. Because of their work, some members are required by law to immediately or as soon as possible phone the police or child welfare authorities to report any reasonable suspicion of child abuse or neglect. Mandated reporters include administrators and employees, and instructors.

## **Crime Warnings**

The Clery Act requires that a timely warning be issued for any Clery Act crime that occurs on or near campus that has been reported to campus security authorities or local police agencies and is considered by the institution to represent a serious or continuing threat to students and employees. For Lincoln University; the Director of Student Services, the Dean of Students, and the Administrative Vice-President are the primary staff members responsible for campus security issues relating to the safety and security of people. Clery Act crimes include: murder; manslaughter; sex offenses; robbery; aggravated assault; burglary; arson; motor vehicle theft; domestic violence; dating violence; and stalking. Warnings may be issued for other types of crimes as well, although these are not required by law. Crimes reported to pastoral and licensed professional counselors are exempted from the timely warning requirements.

The President of Lincoln University or his designee will determine what situations

warrant the issuance of a timely warning. The determination will be made on a case-by-case basis. Factors to be considered include: the nature of the crime; the continuing danger to the campus community; and the possible risk of compromising law enforcement efforts.

Once the President or his designee decides to issue a timely warning, a message to the University community will be sent that includes the following information: information about the crime, the location, suspect information (if known), and recommended actions to be taken.

## **Reporting Missing Students**

If any member of the University community believes a student has been missing, he or she should immediately notify student services at 510-628-8034 and/or the Oakland police department. For purposes of this policy, a student is considered missing when the student's whereabouts are unknown and unexplained for a period of time that would be regarded as highly unusual or suspicious by persons familiar with the student's plans, habits, or routines.

## **General Evacuation Procedures**

Prior to an actual emergency, you should become familiar with the location of the emergency exits where you have classes or areas you visit while on campus. You should determine the nearest exit to your location, the safest route to follow, and alternate exits. Building evacuation routes are posted in campus buildings. Leave the immediate area, but remain available to emergency personnel. If time permits during an evacuation, secure your workplace and take personal items such as keys, purse, medication, and glasses. In case of fire or other dangerous conditions, evacuate immediately leaving personal items behind. If you have a physical disability and you need assistance evacuating, ask for help and/or have some report to responding emergency personnel that you require assistance.

## **Access to the Library, DI Lab, and Main Building**

Lincoln University maintains private property status. However, access to the University grounds and administrative buildings (during business hours) is generally not restricted after being checked-in by staff.

## **Crime Statistics**

The procedures for preparing this special annual disclosure of crime statistics included reporting statistics to the University community obtained from the Oakland Police Department (OPD). For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. For this report crime statistics for were obtained through a public records request to the Oakland police department records division. As you will see from the data, one OPD event may have multiple victims so the multiple entries in the tables are not in error. Lincoln University requested crime statistics for the following geographic locations that encompass our campus and for public part of the street that are considered "on campus" for our reporting purposes:

- 401 15<sup>th</sup> Street, Oakland CA 94612, Main Campus Building;
- 420 15<sup>th</sup> Street, Oakland CA 94612, the Library;
- 1446 Franklin Street, Oakland CA 94612, DI Lab;
- 400 Block (odd and even) of 15<sup>th</sup> Street, Oakland CA 94612;
- 1400 Block (odd and even) of Franklin Street, Oakland CA 94612.

Based on the data provided by the Oakland police department, here is a summary of what was provided to Lincoln:

## 2014

Total Number of Police Related Incidents Reported during **2014**:

- For 401 15<sup>th</sup> Street: 0.
- For 420 15<sup>th</sup> Street: 0.
- For 1446 Franklin Street: 0.
- For 400 Block (odd/even) of 15<sup>th</sup> Street: 3.
- For 1400 Block (odd/even) of Franklin Street: 16.

There were no reported Oakland police related calls for services or reports that listed any of Lincoln University's facilities as the location of the event in 2014.

Table 1: 2014 Crime Data for the 400 Block (odd/even) of 15<sup>th</sup> Street

Report #	Address	Occurred (Date and 24-hour time)	Homicide (Yes/No) Hate Crime (Yes/No)	Domestic Violence (Yes/No)	Statute	Description	Uniform Crime Reporting Code (UCR)
14-055862	415 15 <sup>th</sup>	11/1/14 2045	N/N	Y	PC245(A)(1)	Force/ADW-Other Dangerous Weapon-GBI	Assault – Other Dangerous Weapon
14-055862	415 15 <sup>th</sup>	11/1/14 2045	N/N	N	PC245(A)(1)	Force/ADW-Other Dangerous Weapon-GBI	Assault – Other Dangerous Weapon
14-055862	415 15 <sup>th</sup>	11/1/14 2045	N/N	N	PC245(A)(1)	Force/ADW-Other Dangerous Weapon-GBI	Assault – Other Dangerous Weapon

\*\*\* Note that three entries are from the same OPD event.

Table 2: 2014 Crime Data for the 1400 Block (odd/even) of Franklin Street

Report #	Address	Occurred (Date and 24-hour time)	Homicide (Yes/No) Hate Crime (Yes/No)	Domestic Violence (Yes/No)	Statute	Description	Uniform Crime Reporting Code (UCR)
14-001970	1400 Franklin	1/12/14 0330	N/N	N	PC211	Robbery – Strong Arm (Hands, Fists, Feet, Etc)	Robbery – Strong Arm (Hands, Fists, Feet, Etc)
14-003801	1430 Franklin	1/22/14 0910	N/N	N	PC211	Robbery – Inhabited Dwelling – Other Dangerous Instrument	Robbery – Other Dangerous Weapon
14-003935	1400 Franklin	1/22/14 1000	N/N	N	VC10851(A)	Vehicle Theft - Auto	Motor Vehicle Theft - Autos
14-011050	1442 Franklin	2/28/14 2130	N/N	N	PC664(459)	Attempted Burglary	Burglary – Attempted Forcible Entry

14-012336	1428 Franklin	3/10/14 1310	N/N	N	PC245(A)(2)	Assault With Firearm On Person	Assault - Firearm
14-012336	1428 Franklin	3/10/14 1310	N/N	N	PC245(A)(2)	Assault With Firearm On Person	Assault - Firearm
14-014310	14 <sup>th</sup> & Franklin	3/21/14 1135	N/N	N	PC242	Battery With Serious Bodily Injury	Assault – Hands, Fists, Feet, Etc – Aggravated Assault
14-014421	1400 Franklin	3/22/14 0138	N/N	N	PC246.3	Willful Discharge Firearm In Negligent Manner	Assault - Firearms
14-014421	1400 Franklin	3/22/14 0138	N/N	N	PC246.3	Willful Discharge Firearm In Negligent Manner	Assault - Firearms
14-014421	1400 Franklin	3/22/14 0138	N/N	N	PC246.3	Willful Discharge Firearm In Negligent Manner	Assault - Firearms
14-016537	1430 Franklin	3/31/14 1500	N/N	N	PC459	Burglary – No Force	Burglary – Unlawful Entry – No Force
14-026124	1442 Franklin	5/26/14 2225	N/N	N	PC459	Burglary – Forcible Entry	Burglary – Forcible Entry
14-027066	1400 Franklin	6/1/14 0153	N/N	N	PC246	Shoot At Inhabited Dwelling/Vehicle/Etc	Assault - Firearm
14-027066	1400 Franklin	6/1/14 0153	N/N	N	PC246	Shoot At Inhabited Dwelling/Vehicle/Etc	Assault - Firearm
14-050589	1400 Franklin	10/5/14 0134	Yes/N	N	PC187(A)	Murder	Criminal Homicide – Murder and Non-Negligent Homicide
14-054585	14 <sup>th</sup> & Franklin	10/26/14 0200	N/N	N	PC243(D)	Battery With Serious Bodily Injury	Assault – Hands, Fists, Feet, Etc - Aggravated Assault

## 2015

Total Number of Police Related Incidents Reported during **2015**:

- For 401 15<sup>th</sup> Street: 0.
- For 420 15<sup>th</sup> Street: 0.
- For 1446 Franklin Street: 0.
- For 400 Block (odd/even) of 15<sup>th</sup> Street: 5.
- For 1400 Block (odd/even) of Franklin Street: 3.

There were no reported Oakland police related calls for services or reports that listed any of Lincoln University's facilities as the location of the event in 2014.

Table 3: 2015 Crime Data for the 400 Block (odd/even) of 15<sup>th</sup> Street

Report #	Address	Occurred (Date and 24-hour time)	Homicide (Yes/No) Hate Crime (Yes/No)	Domestic Violence (Yes/No)	Statute	Description	Uniform Crime Reporting Code (UCR)
15-014456	412 15 <sup>th</sup>	3/17/15 2336	N/N	N	PC245(A)(1)	Force/ADW – Other Dangerous Weapon – GBI	Assault – Other Dangerous Weapon
15-041201	415 15 <sup>th</sup>	8/3/15 0200	N/N	Y	PC273.5(A)	Inflict Corporal Injury On Spouse/Cohabitant	Assault – Other Dangerous Weapon
15-041201	415 15 <sup>th</sup>	8/3/15 0200	N/N	Y	PC273.5(A)	Inflict Corporal Injury On Spouse/Cohabitant	Assault – Other Dangerous Weapon

15-041201	415 15 <sup>th</sup>	8/3/15 0200	N/N	N	PC273.5(A)	Inflict Corporal Injury On Spouse/Cohabitant	Assault – Other Dangerous Weapon
15-041201	415 15 <sup>th</sup>	8/3/15 0200	N/N	Y	PC273.5(A)	Inflict Corporal Injury On Spouse/Cohabitant	Assault – Other Dangerous Weapon

\*\*\* Note that four entries are from the same OPD event.

Table 4: 2015 Crime Data for the 1400 Block (odd/even) of Franklin Street

Report #	Address	Occurred (Date and 24-hour time)	Homicide (Yes/No) Hate Crime (Yes/No)	Domestic Violence (Yes/No)	Statute	Description	Uniform Crime Reporting Code (UCR)
15-003098	1400 Franklin	1/16/15 0001	N/N	N	VC10851(A)	Vehicle Theft - Auto	Motor Vehicle Theft - Auto
15-009906	1400 Franklin	2/22/15 0144	N/N	N	PC246	Shoot At Inhabited Dwelling/Vehicle/Etc	Assault - Firearm
15-060111	1429 Franklin	11/10/15 1351	N/N	N	PC211	Robbery – Strong Arm (Hands, Fists, Feet, Etc)	Robbery – Strong Arm (Hands, Fists, Feet, Etc)

## 2016

Total Number of Police Related Incidents Reported during 2016:

- For 401 15<sup>th</sup> Street: 2.
- For 420 15<sup>th</sup> Street: 3.
- For 1446 Franklin Street: 0.
- For 400 Block (odd/even) of 15<sup>th</sup> Street: 27.
- For 1400 Block (odd/even) of Franklin Street: 28.

The tables below list the reported crimes to the Oakland police department for the addresses of Lincoln’s three properties. As you review the data, be mindful of the date and time of the reported incidents.

Table 5: 2016 Crime Data reported with an address of 401 15<sup>th</sup> Street – Main Campus Building

Report #	Occurred (Date and 24-hour time)	Homicide (Yes/No) Hate Crime (Yes/No)	Domestic Violence (Yes/No)	Statute	Description	Uniform Crime Reporting Code (UCR)	Reported to Lincoln University Staff (Yes/No)
16-912273	9/14/16, 2135	No/No	No	PC594(A)	Vandalism	Vandalism	No
16-058100	10/31/16, 2106	No/No	No	PC459	Burglary-Auto	Larceny-Theft (Except Motor Vehicle)	No

Table 6: 2016 Crime Data reported with an address of 420 15<sup>th</sup> Street - Library

Report #	Occurred (Date and 24-hour time)	Homicide (Yes/No) Hate Crime (Yes/No)	Domestic Violence (Yes/No)	Statute	Description	Uniform Crime Reporting Code (UCR)	Reported to Lincoln University Staff (Yes/No)
16-900280	01/06/16, 0000	No/No	No	PC459	Burglary-Forcible Entry	Burglary-Forcible Entry	No

16-013753	03/10/16, 1800	No/No	No	PC459	Burglary- Forcible Entry	Burglary- Forcible Entry	No
16-035649	07/04/16	No/No	No	PC459	Burglary-No Force	Burglary- Unlawful Entry-No Force	No

Table 7: 2016 Crime Data for the 400 Block (odd/even) of 15<sup>th</sup> Street

Report #	Address	Occurred (Date and 24-hour time)	Homicide (Yes/No) Hate Crime (Yes/No)	Domestic Violence (Yes/No)	Statute	Description	Uniform Crime Reporting Code (UCR)
16-030083	400 15 <sup>th</sup> Street	6/4/16, 2345	No/No	No	Found Property	Found Property	
16-059088	400 15 <sup>th</sup> Street	11/6/16, 1220	No/No	Yes	PC423(H)	Battery- Spouse/Ex Spouse/ Date/Etc	Assault-Other Assaults-Simple, Not Aggravated
16-067502	400 15 <sup>th</sup> Street	12/23/16, 1800	No/No	No	PC459	Burglary-Auto	Larceny Theft (Except Motor Vehicle Theft)
16-067502	400 15 <sup>th</sup> Street	12/23/16, 1700	No/No	No	PC459	Burglary-Forcible Entry	Burglary-Forcible Entry
16-068085	400 15 <sup>th</sup> Street	12/27/16, 1745	No/No	No	PC211	Robbery-Firearm	Robbery-Firearm
16-912273	401 15 <sup>th</sup> Street	9/14/16, 2135	No/No	No	PC594(A)	Vandalism	Vandalism
16-058100	401 15 <sup>th</sup> Street	10/31/16, 2106	No/No	No	PC459	Burglary-Auto	Larceny Theft- (Except Motor Vehicle Theft)
16-905274	402 15 <sup>th</sup> Street	4/21/16, 2200	No/No	No	PC594(A)	Vandalism	Vandalism
16-057552	405 15 <sup>th</sup> Street	10/28/16, 1247	No/No	No	VC10851(A)	Vehicle Theft- Auto	Motor Vehicle Thefts- Autos
16-021193	415 15 <sup>th</sup> Street	4/21/16, 1301	No/No	No	PC470	Forgery	Forgery & Counterfeiting
16-023809	415 15 <sup>th</sup> Street	4/15/16, 0000	No/No	No	MP	Missing Person	
16-039451	415 15 <sup>th</sup> Street	7/25/16, 1502	No/No	No	SC Unexplained Death	SC Unexplained Death	Suspicion
16-914360	415 15 <sup>th</sup> Street	1/7/16, 0900	No/No	No	PC470	Forgery	Forgery & Counterfeiting
16-059796	415 15 <sup>th</sup> Street	11/9/16 2244	No/No	No	PC26350(A)(2) PC25850(C)(6)	Carry/Expose Unloaded Handgun in Public/Vehicle & Misd-Carry Loaded Handgun: Not Registered Owner	Weapons- Carrying, Possessing, Etc.
16-059802	415 15 <sup>th</sup> Street	11/9/16, 2306	No/No	No	PC244.5(B)	Assault With Stun Gun/Taser	Assault – Other Dangerous Weapon
16-912955	417 15 <sup>th</sup> Street	9/24/16, 0230	No/No	No	PC459	Burglary-Auto	Larceny Theft (Except Motor Vehicle Theft)
16-001192	419 15 <sup>th</sup> Street	11/22/16, 1900	No/No	No	PC459	Burglary-Forcible Entry	Burglary-Forcible Entry
16-900280	420 15 <sup>th</sup> Street	1/6/16, 0000	No/No	No	PC459	Burglary-Forcible Entry	Burglary-Forcible Entry
16-013753	420 15 <sup>th</sup> Street	3/10/16, 1800	No/No	No	PC459	Burglary-Forcible Entry	Burglary-Forcible Entry
16-035649	420 15 <sup>th</sup> Street	7/4/16, 0918	No/No	No	PC459	Burglary-No Force	Burglary- Unlawful Entry- No Force
16-006759	425 15 <sup>th</sup> Street	2/4/16, 1730	No/No	No	PC459	Burglary-Forcible Entry	Burglary-Forcible Entry



16-903169	425 15 <sup>th</sup> Street	1/14/16, 1305	No/No	No	PC530.5	Use Another's Personal Identification To Obtain Credit/Etc.	Fraud
16-001363	449 15 <sup>th</sup> Street	1/8/16, 1216	No/No	No	WI5150	Mental Illness	
16-905187	449 15 <sup>th</sup> Street	4/19/16, 1505	No/No	No	PC594(A)	Vandalism	Vandalism
16-054783	449 15 <sup>th</sup> Street	10/14/16, 1543	No/No	No	PC664/459	Attempted Burglary	Burglary-Attempted Forcible Entry
16-009464	483 15 <sup>th</sup> Street	2/20/16, 2244	No/No	No	PC211	Robbery-String Arm (Hands, Fists, Feet, Etc.)	Robbery-Strong Arm (hands, Fists, Feet, Etc.)
16-910279	14 <sup>th</sup> & 15 <sup>th</sup> Street	8/14/16, 0645	No/No	No	PC530.5	Use Another's Personal Identification To Obtain Credit/Etc.	Fraud

Table 8: 2016 Crime Data for the 1400 Block (odd/even) of Franklin Street

Report #	Address	Occurred (Date and 24-hour time)	Homicide (Yes/No) Hate Crime (Yes/No)	Domestic Violence (Yes/No)	Statute	Description	Uniform Crime Reporting Code (UCR)
16-906403	1400 Franklin Street	5/14/16, 0035	No/No	No	PC459	Burglary-Auto	Larceny Theft (Except Motor Vehicle Theft)
16-906536	1400 Franklin Street	5/19/16, 2230	No/No	No	PC459	Burglary-Auto	Larceny Theft (Except Motor Vehicle Theft)
16-032737	1400 Franklin Street	6/19/16, 0145	No/No	No	PC242	Battery	Assault-Other Assaults-Simple-Not Aggravated
16-057960	1400 Franklin Street	10/31/16, 0130	No/No	No	PC211 PC242	Robbery-Strong Arm (Hands, Fists, Feet, Etc.) & Battery	Robbery-Strong Arm (Hand, Fists, Feet, Etc.)
16-059759-014	1400 Franklin Street	11/9/16, 1800	No/No	No	PC243(B) PC148(C)	Battery On A Peace Officer/Emergency Personnel/Etc. & Remove/Etc. Peace Officer/Etc. Firearm: Special Circum.	Assault-Hands, Fists, Feet, Etc.- Aggravated Injury & Assault-Firearm
16-007486	1404 Franklin Street	2/9/16, 2200	No/No	No	WI5150	Mental Illness	
16-902473	1404 Franklin Street	3/7/16, 2030	No/No	No	PC459	Burglary-Auto	Larceny Theft (Except Motor Vehicle Theft)
16-906221	1404 Franklin Street	3/28/16, 1400	No/No	No	PC484	Theft	Larceny Theft (Except Motor Vehicle Theft)
16-907987	1404 Franklin Street	6/22/16, 1500	No/No	No	PC594(A))	Vandalism	Vandalism
16-910137	1404 Franklin Street	7/10/16, 1300	No/No	No	PC484	Theft	Larceny Theft (Except Motor Vehicle Theft)
16-910349	1424 Franklin Street	7/17/16, 0200	No/No	No	VC20002(A)(2)	Hit & Run Property Damage: Notify Owner/Etc. Requirements	
16-908439	1430 Franklin Street	7/2/16, 0350	No/No	No	PC459	Burglary-Auto	Larceny Theft (Except Motor Vehicle Theft)
16-057670	1441 Franklin Street	10/28/16, 2230	No/No	No	PC459	Burglary-Auto	Larceny Theft (Except Motor Vehicle Theft)

16-003369	1445 Franklin Street	1/19/16, 1745	No/No	No	OP	Operations Plan	All Other Offenses (Except Traffic)
16-064486	1445 Franklin Street	12/6/16, 1640	No/No	No	PC647(B)	Disorderly Conduct: Prostitution	Prostitution & Commercialized Vice
16-917600	1445 Franklin Street	12/26/16, 1930	No/No	No	PC459	Burglary-Auto	Larceny Theft (Except Motor Vehicle Theft)
16-007210	14 <sup>th</sup> Street & Franklin Street	2/8/16, 0000	No/No	No	PC459	Burglary-Auto	Larceny Theft (Except Motor Vehicle Theft)
16-008870	14 <sup>th</sup> Street & Franklin Street	2/15/16, 2200	No/No	No	PC459	Burglary-Auto	Larceny Theft (Except Motor Vehicle Theft)
16-010458	14 <sup>th</sup> Street & Franklin Street	2/25/16, 1814	No/No	Yes	DD	Domestic Dispute	
16-015099	14 <sup>th</sup> Street & Franklin Street	3/21/16, 2238	No/No	No	PC594(A)	Vandalism	Vandalism
16-017430	14 <sup>th</sup> Street & Franklin Street	4/3/16, 0050	No/No	Yes	DD	Domestic Dispute	
16-020618	14 <sup>th</sup> Street & Franklin Street	4/18/16, 2200	No/No	No	PC459	Burglary-Auto	Larceny Theft (Except Motor Vehicle Theft)
16-021704	14 <sup>th</sup> Street & Franklin Street	4/24/16, 0200	No/No	No	PC459	Burglary-Auto	Larceny Theft (Except Motor Vehicle Theft)
16-032354	14 <sup>th</sup> Street & Franklin Street	6/16/16, 2345	No/No	No	PC245(A)(1)	Force/Assault With a Deadly Weapon: Knife GBI	Larceny Theft (Except Motor Vehicle Theft)
16-040788	14 <sup>th</sup> Street & Franklin Street	8/1/16, 2330	No/No	No	PC459	Burglary-Auto	Larceny Theft (Except Motor Vehicle Theft)
16-041115	14 <sup>th</sup> Street & Franklin Street	8/3/16, 2300	No/No	No	PC459	Burglary-Auto	Larceny Theft (Except Motor Vehicle Theft)
16-910937	14 <sup>th</sup> Street & Franklin Street	8/21/16, 1400	No/No	No	PC594(A)	Vandalism	Vandalism
16-060376	14 <sup>th</sup> Street & Franklin Street	11/13/16, 1056	No/No	No	Found Property	Found Property	

### First 5 Months of 2017

Total Number of Police Related Incidents Reported during the first five months of **2017** (January to May):

- For 401 15<sup>th</sup> Street: 0.

- For 420 15<sup>th</sup> Street: 0.
- For 1446 Franklin Street: 0.
- For 400 Block (odd/even) of 15<sup>th</sup> Street: 3.
- For 1400 Block (odd/even) of Franklin Street: 4.

The tables below list the reported crimes to the Oakland police department for the addresses of Lincoln’s three properties. As you review the data, be mindful of the date and time of the reported incidents. Many of the below mentioned incidents occurred on days when classes were not in session and one or two hours after the university closed for the evening, or one or two hours before the university opens for the day.

Table 9: 2017 Crime Data for the 400 Block (odd/even) of 15<sup>th</sup> Street

Report #	Address	Occurred (Date and 24-hour time)	Homicide (Yes/No) Hate Crime (Yes/No)	Domestic Violence (Yes/No)	Statute	Description	Uniform Crime Reporting Code (UCR)
17-010285	408 15 <sup>th</sup>	2/24/17 1000	N/N	Y	PC459	Burglary – Forcible Entry	Burglary – Forcible Entry
17-011850	449 15 <sup>th</sup>	3/4/17 1900	N/N	N	PC459	Burglary – Forcible Entry	Burglary – Forcible Entry
17-024824	408 15 <sup>th</sup>	5/13/17 0000	N/N	N	PC459	Burglary – Forcible Entry	Burglary – Forcible Entry

Table 10: 2017 Crime Data for the 1400 Block (odd/even) of Franklin Street

Report #	Address	Occurred (Date and 24-hour time)	Homicide (Yes/No) Hate Crime (Yes/No)	Domestic Violence (Yes/No)	Statute	Description	Uniform Crime Reporting Code (UCR)
17-005904	1400 Franklin	2/2/17 0600	N/N	N	PC211	Robbery – Knife Or Cutting Instrument	Robbery – Knife Or Cutting Instrument
17-007602	1437 Franklin	2/10/17 0453	N/N	N	PC459	Burglary – Forcible Entry	Burglary – Forcible Entry
17-021441	1437 Franklin	4/25/17 1730	N/N	N	VC10851(A)	Vehicle Theft – Auto	Motor Vehicle Theft - Auto
17-025729	1432 Franklin	5/10/17 0000	N/N	Y	PC273.5	Inflict Corporal Injury Spouse/Cohabitant	Assault – Hands, Fists, Feet, Etc – Aggravated Assault

### **Crimes Reported Directly to Student Services 2016-2017 (Jan-Sept)**

Table 11: 2016-2017 Crimes reported directly to LU Student Services

Nature (classification)	Case Number	Date/Time Reported	Date/Time Occurred	General Location
Assault with a deadly weapon	15-6260	3/10/2016	1/1/2016	Alameda, CA
Simple Assault	162893791	10/16/2016 12:59	10/15/2016 23:30	San Francisco, CA
Robbery	16-044154	8/22/2016 15:03	08/20/2016 08:10AM	Oakland, CA
Robbery	170501001	4/01/2017 02:15	04/01/2017 02:00	Fremont, CA
Robbery	170501001	04/30/2017 23:35	04/30/2017 22:30	Fremont, CA

Mental Illness	OPD 5150 W&I Commitment	04/12/2017 11:45	07/17/2017 11:45	Main Campus
Domestic Violence	OPD Suspect Arrested	07/17/2017 14:20	07/17/2017 14:00	Main Campus
Domestic Violence		09/18/2017 9:00	9/10/2017 18:00	Oakland, CA

**Based on this data, Lincoln University wants to remind students that they attend school in an urban environment, and they should be aware of their surroundings at all times.**

## **Community Crime Prevention**

When considering Lincoln University’s crime prevention efforts, we know the Lincoln University campus encompasses one four-story building where nearly all of the students attend their classes, and two smaller buildings that house the DI laboratory and one classroom and the library plus two classrooms. This fact along with having less than 850 total students and approximately 100 full-time and part-time faculty and staff members is also a factor to consider. Keeping this in mind, crime prevention at Lincoln is a community effort involving students, faculty, and staff who provide the sets of eyes and ears for detecting and reporting suspicious activity or emergency situations.

Lincoln’s crime prevention efforts include having staff members screening everyone who comes into the three buildings from the entrance. In addition, many parts of the buildings are alarmed and have video surveillance recording. Also, the exit doors in the buildings do not allow the doors to be opened from the outside or street side. Additionally, staff workers periodically walk through the facilities checking for actual or potential safety issues and suspicious activity. This includes conducting a room-by-room check when the last class ends in the evening. While all of Lincoln’s crime prevention efforts work toward preventing crime, keep in mind that Lincoln University does not have a separate or designated campus security unit or department. Our staff members are not trained or licensed as private security officers. As such, all non-emergency or non-life-threatening incidents that would be reported to a campus security department should be reported to any Lincoln University staff member. Any emergency, potentially life-threatening, or violence/physical acts or threats against a person should be reported directly to the Oakland police department using 9-1-1.

As part of Lincoln’s community crime prevention efforts, the Administrative Vice-President solicited input and comments from key organizational stakeholders in preparing this report, which included: Dean of Students Dr. Bill Hess, Acting Director of Student Services Dear Rajavejjphisal Narunpak, Faculty Association President Chris Nguyen, and Lincoln University Student Association President Kripesh Bhandari.

## **Downtown Oakland Business District Association Ambassadors**

Lincoln University is an active member of the Downtown Oakland Business District that is a designated Community Benefit District. This association has an Ambassador program that is

available to anyone free of charge, which is described as: “The Safety and Maintenance Ambassador Program is the flagship program of the Downtown Oakland and Lake Merritt-Uptown Community Benefit Districts. Our program consists of 25 full-time, highly visible Ambassadors that circulate throughout Downtown Oakland providing essential security, maintenance and hospitality services. Our staff works daily to improve our neighborhood by creating a cleaner, safer and more hospitable downtown for all to enjoy.” According to their website, their safety activities involve the following:

- Patrol on foot and bicycle
- Provide a high level of pedestrian engagement
- Provide a reassuring presence to reinforce positive perceptions of the neighborhood
- Provide safety escorts to tenants, residents and visitors
- Deter and proactively address low level quality of life crimes
- Document activities and track chronic issues for strategic follow up
- Build productive and collaborative relationships with local property owners, businesses, security personnel, and the Oakland Police Department to create a safer and more hospitable downtown

Lincoln University encourages all community members to program the Ambassador telephone number listed below into their phones, and/or obtain information about their program and contact information through their website at <http://downtownoakland.org/SERVICES>. The information is also available on Lincoln’s student information bulletin boards on campus and directly from student services. Their services can be used during their business hours for escorts to your vehicle that is parked within the district and to/from public transportation so do not hesitate to call for their services. Their hours and contact information are below:

### **The Safety and Hospitality Ambassador Program**

**Hours of Operation: Monday-Friday 7:00 am-10:00 pm, Saturday 12:00 pm-12:30 am**  
**For Ambassador assistance, call 510-898-8592**

### **Crime Prevention Suggestions**

With no intent to victim blame and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org))

1. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to avoid isolated areas. It is more difficult to get help if no one is around.
3. Walk with purpose. Even if you don’t know where you are going, act like you do.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.

5. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
6. Make sure your cell phone is with you and charged and that you have cab money. Don't allow yourself to be isolated with someone you don't trust or someone you don't know
7. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
8. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find out a way out of a bad situation.
9. Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
10. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
11. Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
12. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
13. If you suspect you or a friend has been drugged, contact a law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
14. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
15. Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame. Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
16. Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.

17.Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason for you to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else you need to be, etc.

18.Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

19.If you and/or the other person have been drinking, you can say that you would rather wait until both of you have your full judgment before doing anything you may regret later.

## **Hate Crimes**

The University strives to foster a safe and healthy learning environment that embodies diversity and inclusion of all members of its community. The Hate Crime statistics are separated by category of prejudice. The numbers for most of the specific crime categories are part of the overall statistics reported for each year. The only exceptions to this are the addition of Simple Assault, Intimidation, and any other crime that involves bodily injury that is not already included in the required reporting categories. If a Hate Crime occurs where there is an incident involving intimidation; destruction, damage, or vandalism of property; larceny; simple assault or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the Annual Security Report.

Note: A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense that was motivated by the offender's bias. For example, a subject assaults a victim, which is a crime. The assault will be classified as a hate/bias crime if proven that the offender was motivated to commit the offense because of his/her bias against the victim's race, ethnicity, national origin, religion, sexual orientation, gender, gender identity, or disability.

## **Stalking**

Repeated conduct directed at a student or staff member (e.g., following, monitoring, observing, surveilling, threatening, communicating or interfering with property), of a sexual or romantic nature or motivation, that would cause a reasonable person to fear for their safety, or the safety of others, or to suffer substantial emotional distress is misconduct and in many instances a crime.

## **Sex Offender Advisement – Megan's Law**

The California Attorney General's office maintains a database of registered sex offenders by community, which can be found at: [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov) .

Individuals can also view information about registered sex offenders in your Zip Code at the **Oakland Police Department, 455 7th Street, Room 313**. Information includes name and

aliases, a photograph (if available), physical description including scars and tattoos, offenses committed by the registrant and the last registered county and Zip Code of the offender (offenders' addresses are not included).

## **Alcohol & Drug-Free Prevention**

Lincoln University complies with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Campuses Act Final Regulations of 1990. Lincoln has a standard of conduct that prohibits the unlawful possession, use, or distribution of unlawful drugs and alcohol by students and employees on Lincoln University property (Main Campus, DI Lab, or Library) or a part of campus related University activities.

The University will impose disciplinary sanctions on employees and students that ranges from educational and rehabilitation efforts up to and including expulsion or termination of employment and referral for prosecution by the police for violations of the law. These laws impose legal penalties for both misdemeanor and felony convictions. Criminal penalties for convictions can range from fines and probation to denial or revocation of federal benefits (such as student loans or immigration status) to incarceration (county, state or federal prison), and the forfeiture of personal and real property. All members of the Lincoln University of community have the right and responsibility to pursue his or her academic endeavors in a safe, effective, drug-free environment. For those Title IV students receiving federal financial aid, a student must not have been convicted of an offense involving the possession or sale of illegal drugs that occurred while the student was enrolled and receiving Title IV aid.

Lincoln University's Alcohol Policy adheres to local, State, and Federal laws regarding the purchase, sale and consumption of alcohol, including those prohibiting the consumption of alcoholic beverages by persons under the age of 21 on campus and at University-sponsored events. Abuse of alcohol and drugs can have a significant negative impact on one's professional, academic, personal, and family life. Students, staff and faculty work collaboratively in developing educational programs that will encourage responsible adult behavior. The practice of students accepting responsibility for compliance with federal and state laws with Lincoln University's Alcohol and Drug Policies nurtures mature adult behavior.

At the beginning of the Lincoln University's academic year in August (August to July), the University notifies employees and students of their responsibility to adhere to the alcohol and drugs policy. In addition, Lincoln requires new students to attend a new student orientation session at the start of their academic program where they are informed of Lincoln's alcohol and drug-free policy and their personal responsibility to behave within this policy. Lincoln also provides new employees with training on complying with this policy.

The Office of the Dean of Students is tasked with administrative oversight and enforcement of this policy at the student level under the Administrative Division. This includes education, prevention, and enforcement activities. Additionally, the Director of Student Services maintains a record of all reported drug and alcohol related incidents that occur on campus or at off-campus activities.



A biennial review is conducted to determine its effectiveness and implement changes to the program if necessary and ensure that the disciplinary sanctions listed are consistently enforced. For further information, please contact the Administrative Vice-President through Lincoln University's general number at (510) 628-8010 or visit the Administrative Vice-President's office on the main campus.

## **Fire Safety and Prevention**

Lincoln University publishes this fire safety report as part of its annual Clery Act Compliance. This report contains information regarding the fire safety practices and standards for Lincoln, including statistics concerning the number of fires, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire. There were no reported real fires or reported false fire alarms form 2016.

Lincoln University takes fire safety seriously and has posted fire evacuation plans throughout Lincoln facilities.

Smoking is prohibited in campus buildings. In accordance with California State law and Oakland city ordinances smoking is not permitted within 30 feet of entrance to any University building. Those found in violation may be subject to a \$250 fine of the Oakland police issue a citation.

## **In the Event of a Fire**

Fire alarms alert community members of potential hazards and LU community members are required to follow the warning and evacuate the building immediately upon hearing a fire alarm.

## **Lincoln University Sexual Harassment Prevention Policy (Interim)**

It is the policy of Lincoln University to keep the Lincoln community as a place of work and study free from sexual harassment. Sexual harassment is prohibited on campus and in all University programs. The University does not tolerate sexual harassment and will take immediate action against any University employees, officers, and students who violate this policy. This policy is applicable regardless of the complainant's or respondent's sexual orientation, sex, gender identity, gender expression, age, race, nationality, class status, hierarchical position within the university community, ability or religion. This form of discrimination may also contribute to the creation of a hostile work or academic environment based on sex and thus constitute or contribute to sexual harassment. Harassment that may not be sexual, but still contributes to a hostile work or academic environment, may also violate Lincoln University's other non-discrimination policies.

The University is committed to protecting victims of sexual harassment, sexual assault, and any form of gender-based harassment; and will not retaliate against individuals because they report sexual harassment or take part in the investigation of sexual harassment complaints. If the University learns that any employee or student has engaged in retaliation, that individual will be

disciplined. The University, however, may act against individuals who make intentionally false sexual harassment complaints

Members of the Lincoln University community, guests and visitors have the right to be free from sexual and gender-based violence and harassment. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The University believes in a zero-tolerance policy for sexual misconduct. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated.

Students who believe they have been subjected to sexual misconduct are encouraged to report these incidents. When an allegation of misconduct is brought to an appropriate University official, the University will respond promptly, equitably and thoroughly to stop the discriminatory behavior, remedy its effects, and prevent its recurrence.

This policy is intended to define University expectations and to establish a mechanism for determining when those expectations have been violated. Consistent with its commitment to addressing sexual misconduct, the University complies with Title IX of the Higher Education Amendments of 1972, which prohibits discrimination based on sex or gender in education programs or activities. Sexual misconduct, as defined in this policy, constitutes sex and/or gender discrimination prohibited by Title IX and other applicable federal and state laws.

## **Annual Security Report Preparation and Publication Procedures**

Lincoln University has established a procedure for gathering data and preparing the annual security report, which is a team effort. The Administrative Vice-President leads a team that has representatives from the Office of the President, the Provost's Office, the Lincoln University Student Association, the Lincoln University Faculty Association, and includes the Dean of Students, the Director of Student Services. This team is tasked with helping to collect and interpret the data to help organize and publish a report. The Administrative Vice-President's Office is responsible for producing and distributing the report. Crime data is obtained through a public records request to the Oakland police department.

## **Facilities Maintenance**

All members of the campus community are encouraged to promptly report facilities and equipment issues to any administrator.

# Lincoln University

## Title IX Sexual Misconduct, Sexual Harassment and Sexual Violence Prevention Policy

**Designated Title IX Officer & Coordinator:** Dr. Michael A. Guerra, Administrative Vice-President

**Deputy Title IX Coordinator:** Dr. William Hess, Dean of Students

**Deputy Title IX Coordinator:** Dr. Marshall Burak, Provost

**Deputy Assistant Title IX Coordinator:** Mrs. Effie Tornetta, Director of Student Services

### Introduction

It is the policy of Lincoln University to keep the Lincoln community as a place of work and study free from sexual harassment. Sexual harassment is prohibited on campus and in all University programs. The University does not tolerate sexual harassment and will take immediate action against any University employees, officers, and students who violate this policy. This policy is applicable regardless of the complainant's or respondent's sexual orientation, sex, gender identity, gender expression, age, race, nationality, class status, hierarchical position within the university community, ability or religion. This form of discrimination may also contribute to the creation of a hostile work or academic environment based on sex and thus constitute or contribute to sexual harassment. Harassment that may not be sexual, but still contributes to a hostile work or academic environment, may also violate Lincoln University's other non-discrimination policies.

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**Duty to Report:** Any employee who knows or has reason to know of allegations or acts that violate this policy shall promptly inform the Title IX Coordinator. These Employees are required to disclose all information including names of the Parties, **even where the person has requested that his/her name remain confidential.** The Title IX Coordinator will determine whether confidentiality is appropriate given the circumstances of each such incident.

### **Conduct that is Prohibited**

#### **1. Sexual Violence:**

- Sexual Assault - Penetration: Without the consent of the Complainant, penetration, no matter how slight, of the vagina, anus, or mouth by a penis; or the vagina or anus by any body part or object.
- Sexual Assault - Contact: Without the consent of the Complainant, touching an intimate body part (genitals, anus, groin, breast, or buttocks (unclothed or clothed)). Note: As this definition encompasses a broad spectrum of conduct, not all of which constitutes sexual violence. The Title IX Officer will determine whether the allegation should be treated as sexual violence or sexual harassment.

Note: Sexual Assault--Penetration and Sexual Assault - Contact are aggravated when it includes the following: Overcoming the will of Complainant by force, threat of force, or duress (hardship, direct or implied). In addition, deliberately causing a person to be incapacitated (through drugs or alcohol) is considered aggravated along with intentionally taking advantage of the other person's incapacitation (including voluntary intoxication). Also, recording, photographing, transmitting, or distributing intimate or sexual images without the prior knowledge and consent of the parties involved is considered aggravated.

- 2. Relationship Violence:** Dating Violence: Conduct by a person who is or has been in a romantic or intimate relationship with the Complainant that intentionally, or recklessly, causes bodily injury to the Complainant or places the Complainant in reasonable fear of serious bodily injury. The nature of the relationship between the Complainant and Respondent is determined by the length, type, and frequency of interaction between them.
- 3. Domestic Violence:** Conduct by a current or former spouse or intimate partner of the Complainant; or a person with whom the Complainant shares a child in common, that intentionally, or recklessly, causes bodily injury to the Complainant or another, or places the Complainant or another in reasonable fear of serious bodily injury.

4. **Stalking:** Repeated conduct directed at a Complainant (e.g., following, monitoring, observing, surveilling, threatening, communicating or interfering with property), of a sexual or romantic nature or motivation, that would cause a reasonable person to fear for their safety, or the safety of others, or to suffer substantial emotional distress.
5. **Sexual Harassment:** Is unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal, nonverbal or physical conduct of a sexual nature when.
  - Quid Pro Quo: a person's submission to such conduct is implicitly or explicitly made the basis for employment decisions, academic evaluation, grades or advancement, or other decisions affecting participation in a University program.
  - Sexual harassment may include incidents between any members of the University community, including faculty, other academic appointees, staff, student employees, students, interns, and non-student or non-employee participants in University programs (e.g., vendors, contractors, visitors, and patients).
6. **Hostile Environment:** such conduct is sufficiently severe or pervasive that it unreasonably denies, adversely limits, or interferes with a person's participation in or benefit from the education, employment or other programs and services of Lincoln University and creates an environment that a reasonable person would find to be intimidating, offensive or bullying behavior. This also applies to hierarchical relationships (i.e., student – faculty member) and between peers; and between individuals of any gender or gender identity.

### **University Procedure**

Lincoln University reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct to protect the rights and personal safety of the students and the University community. Such measures include, but are not limited to: modification of student housing arrangements and class schedule, interim suspension from campus pending a conduct proceeding, suspension or expulsion from extracurricular activities through student services, and reporting the matter to the Oakland police department.

Not all forms of sexual misconduct will be deemed to be equally serious offenses, and Lincoln University reserves the right to impose different sanctions when a student is found to have violated this policy, ranging from verbal warning to expulsion, depending on the severity of the offense. Lincoln University will consider the concerns and rights of the complainant, the respondent, and the University.

### **Confidentiality and Reporting**

Depending on their roles at Lincoln University, staff have varying reporting responsibilities and abilities to maintain confidentiality. To make informed choices, one should be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality, offering options and advice without any

obligation to inform an outside agency or individual unless one has requested information to be shared. Other resources exist for one to report crimes and policy violations and these resources will act when one reports an alleged violation to them.

If a victim of sexual misconduct would like the details of an incident to be kept confidential, she or he may speak with credentialed on-campus counselors, off-campus rape crisis counselors, domestic violence resources, private agencies, and/or members of the clergy/chaplains who will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor.

### **Reporting Options:**

Complainants are encouraged to speak to Lincoln University representatives and administrators, such as trusted faculty and staff, program directors or administrators, Lincoln's Title IX Coordinator, Deputy Title IX Coordinators, the Dean of Students, the Provost, and the Oakland police department to make reports of incidents of sexual misconduct. Complainants have the right, and can expect, to have complaints taken seriously by the Lincoln University when reported, and to have those incidents investigated and properly resolved through these procedures. Reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told. Information will be shared as necessary with investigators, witnesses and the accused student/respondent. The circle of people with this knowledge will be kept as tight as possible to preserve a complainant's rights and privacy.

### **Timeline for Making Reports:**

There is no time limit for reporting, but Lincoln University encourages reports of prohibited misconduct to be made as soon as possible. All incidents should be reported as soon as possible even if significant time has passed. The sooner the report is made the better the University will be able to respond, investigate, and provide an appropriate remedy with discipline is appropriate.

### **Initial Assessment of a Report**

The Title IX Officer will make an initial assessment of the report as soon as possible after receiving the report to determine whether the report in its face value alleges an act of prohibited conduct, and such conduct has a sufficient nexus with Lincoln University for it to intervene. The Title IX Officer may consult with deputy Title IX officers, appropriate academic officers for faculty and other academic appointees' complaints, and with Human Resources. In the event the Title IX Coordinator is the subject of the complaint or has a conflict of interest, a Deputy Title IX Coordinator will assume the Coordinator's role.

The Title IX Officer, in coordination with the relevant staff shall make an immediate assessment concerning the health and safety of the individual and the campus community, implement temporary remedies immediately necessary (including no contact orders), and provide to the Complainant a written explanation of rights and reporting options (including the right to make reports to the police), and available campus and community resources.

Lincoln University administrators in compliance with federal law must issue timely warnings and/or emergency notifications for incidents reported to them that pose a serious or ongoing threat to the campus community. The University will make every effort to ensure that a victim's name and other personally identifying information is not disclosed, while still providing enough information for community members to make decisions considering the potential danger.

### **Definitions of a Complainant and Respondent:**

- Complainant: Any person who files a report of sexual violence or sexual harassment or other prohibited behavior or retaliation or any person who has been the alleged subject of such Prohibited Conduct or retaliation.
- Respondent: A person alleged to have engaged in Prohibited Conduct and about whom a report of sexual violence, sexual harassment, other prohibited behavior, or retaliation is made.

### **Consent**

Consent is affirmative, conscious, voluntary, and revocable. Consent to sexual activity requires of both persons an affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person to ensure they have the affirmative consent of the other to engage in the sexual activity. Lack of protest, lack of resistance, or silence, do not alone constitute consent. Affirmative consent must be ongoing and can be revoked at any time during sexual activity. The existence of a dating relationship or past sexual relations between the persons involved should never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of consent to prior conduct).

The Respondent's belief that the Complainant consented shall not provide a valid excuse where: The Respondent's belief arose from the Respondent's own intoxication or recklessness; The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented; or the Respondent knew or a reasonable person should have known that the Complainant was unable to consent because the Complainant was incapacitated, in that the Complainant was: asleep or unconscious; due to the influence of drugs, alcohol, or medication, unable to understand the fact, nature, or extent of the sexual activity; or unable to communicate due to a mental or physical condition.

### **Retaliation**

Retaliation includes threats, intimidation, reprisals, and/or adverse employment or educational actions against a person based on their report of prohibited conduct or participation in the investigation, report, remedial, or disciplinary processes provided for in this Policy.

### **Jurisdiction of Lincoln University**

The University has jurisdiction over alleged violations of this policy that occur on University property (such as offices, classrooms, common areas) or if connected to University activities, programs, or events. In addition, the University may exercise jurisdiction over conduct that occurs off-campus that affects the learning or working environment; or that would violate other conduct policies should it have occurred on campus.

### **Notifications**

The Title IX Officer is responsible for ensuring the following notifications are made in a timely manner.

1. Individuals making reports shall be informed about:
  - a. confidentiality of reports, including when reports cannot be kept confidential.
  - b. the range of possible outcomes of the report, including health and safety measures, remedies, and disciplinary actions that may be taken against the Respondent, and information about the procedures leading to such outcomes.
2. If the report results in a formal investigation, after the conclusion of the investigation, the Complainant and Respondent will be simultaneously informed in writing of:
  - a. the outcome of the investigation and its rationale;
  - b. any available appeal rights and procedures; and
  - c. how to obtain a copy of the Investigation Report, which may be redacted as necessary to protect privacy rights.
3. If the matter results in a disciplinary proceeding, after that proceeding the Complainant and the Respondent will be simultaneously informed in writing of:
  - a. the outcome of the disciplinary proceeding, including the final determination with respect to the alleged offense, any sanction that is imposed, and the rationale for the results;
  - b. any available appeal rights and procedures; and
  - c. any subsequent change to the results and when results will become final. The Complainant will be sent a notice documenting any individual remedies offered to the Complainant, and other steps taken to eliminate the effects of the violation. The Respondent will be informed of no contact orders affecting them, but should not be notified of other individual remedies offered or provided to the Complainant.

### **Overview of Resolution Processes**

Reports of prohibited conduct may be addressed through alternative resolution, formal investigation or, a separate employee grievance or complaint process.

After a preliminary assessment of the facts, and, if useful, in consultation with other offices depending on whether the Complainant and Respondent are faculty, other academic appointees, staff, student employees, or students, the Title IX Officer may initiate an Alternative Resolution process, which may include:

- mediation (except in cases of sexual violence);



- separating the parties;
- providing for safety;
- referring the parties to counseling;
- referral for disciplinary action;
- a settlement agreement;
- conducting targeted preventive educational and training programs; and
- conducting a follow-up review to ensure that the resolution has been implemented effectively.

Alternative Resolution may be especially useful when: a report is made by a third party or anonymously; a Formal Investigation is not likely to lead to a resolution; both parties prefer an informal process; or a case involves less serious violations. The Complainant has the right to request a Formal Investigation at any time, but the Title IX Officer has final authority for determining whether to initiate a Formal Investigation. Both the Complainant and Respondent may be accompanied by an advisor throughout the process.

If Alternative Resolution is inappropriate or unsuccessful, the Title IX Officer may initiate a Formal Investigation in coordination with other offices, depending on whether the Complainant and Respondent are faculty, other academic appointees, staff, or students. A Complainant's request for an investigation will be considered but is not determinative.

If the Complainant requests that no investigation occur, the Title IX Officer shall determine whether the allegations nonetheless require an investigation to mitigate a potential risk to the campus community. If proceeding with an investigation without the participation of a Complainant, the Title IX Officer shall attempt to maintain the identity of the Complainant confidential from the Respondent or inform the Complainant that such confidentiality cannot be maintained. If determining not to proceed with an investigation, the Title IX Officer shall inform the Complainant that the ability to provide remedies may be limited, but the Title IX Officer shall nonetheless afford such remedies as are consistent with maintaining confidentiality and the absence of an administrative finding.

When the Title IX Officer determines to conduct a Formal Investigation, the Complainant and Respondent will be provided with a written summary of the allegations, the procedures that will be followed, resources available to them, and a copy of the Policy.

The investigation shall be completed promptly, typically within 60 business days of its initiation, unless extended by the Title IX Officer for good cause followed by written notice to the Complainant and Respondent of the reason for the extension and the projected new timeline. If the alleged conduct is also the subject of a criminal investigation, the Title IX Office will coordinate its investigation with the police but must nonetheless act promptly without delaying its investigation until the conclusion of the criminal investigation.

The investigation generally includes interviews with the Complainant, the Respondent, and witnesses, if available, and a review of documents as appropriate. Disclosure of facts to persons interviewed shall be limited to what is reasonably necessary to conduct a fair and thorough

investigation. Participants in an investigation may be advised to maintain confidentiality when essential to protect the integrity of the investigation.

The Complainant or Respondent may have an advisor present when personally interviewed and at any related meeting. Other support persons may be allowed under other policies. Other witnesses may have an advisor present at the discretion of the investigator or as required by University policy or collective bargaining agreement.

In cases where the investigation contemplates issues of academic merit or academic freedom, the investigator shall consult with the appropriate academic officer for relevant academic judgment.

During or upon the completion of investigation, the investigators will meet with the Title IX Coordinator. Based on that meeting, the Title IX Coordinator will decide on whether there is reasonable cause to proceed with the complaint. If the Title IX Coordinator decides that no policy violation has occurred or that the preponderance of evidence does not support a finding of a policy violation, then the process will end unless the Title IX Coordinator is convinced by new evidence to re- open the investigation. This decision lies in the sole discretion of the Title IX Coordinator. If there is reasonable cause, the Title IX Coordinator will direct the investigation to continue, or if there is a preponderance of evidence of a violation, then the Title IX Coordinator may recommend conflict resolution, a resolution without a hearing or a formal hearing, based on the below criteria.

Procedures for handling reported incidents are fully described below. Deliberately false and/or malicious accusations of harassment, as opposed to complaints which, even if erroneous, are made in good faith, are serious offenses and will be subject to appropriate disciplinary action.

The standard for determining a violation of the Title IX Policy is that of a "*preponderance of the evidence*" - meaning it is more likely than not that a violation occurred.

### **Grievance/Complaint Procedures for Employees**

Instead of, or in addition to, reporting to the Title IX Officer or other responsible employee, a University employee who believes they have been subjected to prohibited conduct may file a grievance or complaint. That grievance or complaint must meet all the requirements, including time limits for filing, under the applicable complaint resolution or grievance procedure listed in Appendix I: University Complaint Resolution and Grievance Procedures. Any such grievance or complaint will be forwarded to the Title IX Officer for processing under this Policy, and the grievance or complaint procedure will be held in abeyance pending resolution under this Policy. After completion of the process under this Policy, the grievance or complaint may be reactivated but only as a means of appeal.

### **The Investigation Report**

If a Formal Investigation is conducted, the investigator will prepare a written report that includes a statement of the allegations and issues, the positions of the Complainant and Respondent, a

summary of the evidence, an explanation why any proffered evidence was not investigated, and findings of fact and an analysis of whether a violation has occurred. When both parties are students, the report will include a recommendation to the Student Conduct Officer regarding whether there are any policy violations. For all other matters the report will include an analysis and determination by the investigator of whether this Policy has been violated. The investigator will apply the preponderance of evidence standard.

If the Report finds prohibited conduct in violation of this policy, the University shall take prompt and effective steps reasonably calculated to stop the violation, prevent its recurrence, and, as appropriate, remedy its effects. To the extent that the remedy has not already been provided, the Title IX Officer, in consultation with appropriate administrators, will oversee the implementation of this remedy.

The Title IX Officer shall forward the investigation report (with attachments and any necessary redactions) to the appropriate administrator responsible for discipline. The specific procedures for imposing discipline depend upon the nature of the Respondent's relationship to the University (student, faculty, other academic appointee, staff, or third party). If there is a question about the Respondent's relationship to the University, the Title IX Officer should indicate which role predominated when the Respondent engaged in the prohibited conduct. When a Respondent is both a student and an employee (such as a student worker, assistant to the instructor, or teaching assistant), the Respondent may be subject to both the sanctions applicable to students and to employees.

Any member of the University community who is found to have engaged in prohibited conduct may be subject to disciplinary action, up to and including dismissal in accordance with the applicable University disciplinary procedure or other policy.

### **Title IX Officer Tasks and Responsibilities**

The responsibilities of the Title IX Officer include, but may not be limited to, the following duties:

1. Coordinate compliance with Title IX, including investigations, reports and remedies.
2. Coordinate with other responsible units to ensure that local sexual violence and sexual harassment prevention education and training programs are offered and provided, as required by the policy.
3. Provide educational materials to promote compliance with the policy and familiarity with City of Oakland and State of California reporting procedures.
4. Provide training for University employees who are responsible for reporting or responding to reports of prohibited conduct.
5. Provide prompt and equitable response to reports of prohibited conduct per the policy.
6. Maintain records of reports of prohibited conduct at campus locations, as well as any actions taken in response to reports, including records of investigations,

resolutions, and disciplinary action, in accordance with University records management policies.

7. Identify and address any patterns or systemic problems that arise during the review of prohibited conduct reports.
8. Post on the Lincoln University website the names and contact information of the Title IX Officer and of additional designated, trained, sexual harassment or sexual violence advisors.
9. Designate deputies or persons who can offer confidential consultations, without reporting the incident to the Title IX Officer, to any member of the University community seeking information, or advice about making a report of prohibited conduct. Each location
10. Provide mandatory annual training and education, about prohibited conduct and how such conduct can be reported, to all students, faculty, other academic appointees, and staff in accordance with applicable State and federal law, and University policies.
11. Offer primary prevention programs and awareness campaigns to the University community to promote ongoing awareness of sexual violence, including preventing dating violence, domestic violence, sexual assault, and stalking. These campaigns will include, but are not limited to, education about the definition of consent, consensual relationships, options for bystander intervention, trauma-informed approaches, and risk reduction awareness information. These programs are to promote behaviors that foster healthy and respectful relationships while also encouraging a safe environment for bystanders to intervene in a potential case of dating violence, domestic violence, sexual assault, or stalking.
12. Follow University established and approved processes for investigation, adjudication, and sanctioning.
13. Provide comprehensive, regular training with a trauma-informed perspective for individuals responsible for responding to reports of prohibited conduct.
14. Distribute and post to students, faculty, other academic appointees and staff, by such means as the university catalog, websites, student information boards and student orientation sessions.