



# **Lincoln University Annual Security Report For 2020**

**Publication Date: December 30, 2020**

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This report can be thought of as two separate but connected reports because part of our academic year was normal, and the second half was under the global COVID-19 pandemic conditions. Due to the shelter orders issued by government authorities, Lincoln transitioned from a traditional classroom instructional environment to one that was almost completely taught online around March 17, 2020. As a result, students were not on campus attending classes, engaging with fellow students in school projects, interacting with faculty, attending student activities, and they were not using the library in-person to help them with their coursework. This may have been a blessing in disguise because students and all non-essential staff avoided the peaceful protests and riots that occurred around the campus in downtown Oakland that would have disrupted a commute to and from the campus, and campus operations. However, Lincoln did not emerge unscathed from the riots. Just like our downtown neighbors, many of our exterior doors and windows were damaged and broken multiple times during the riots. In addition, The exterior walls were covered in graffiti several times. Sadly, during one of the Friday night riots, the rioters broke down a glass door and entered the lobby entrance. They then vandalized and stole office equipment. In a heart-breaking act, they stole a large irreplaceable antique stone bust of President Abraham Lincoln and may have used it to damage other nearby properties or to throw it at the police who were trying to control the riot a block from the university. The good thing is that these criminal deeds did not affect Lincoln's ability to adapt to continue providing education to our students. Since the middle of November 2020, the protests and rioting have stopped.

## **Introduction**

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 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 [lincolnuca@lincolnuca.edu](mailto:lincolnuca@lincolnuca.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 at the following link: <http://lincolnuca.edu/admission/securityreport>.

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. Due to the COVID-19 pandemic, Lincoln has expanded our infectious diseases prevention and safety procedures, which are included in this report. 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, and the non-campus student apartments at the Summerhouse Apartment Homes complex located in the city of Alameda. Inside you will find information on how to report a crime, suspicious activity, and safety hazards. You can obtain a hard copy of this report by contacting Lincoln's Administrative Vice-President at 1.510.628.8031 or via e-mail at [mguerra@lincolnuca.edu](mailto:mguerra@lincolnuca.edu).

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. In addition, if you have suggestions or recommendations for improving the health and safety of our campus community, please do not hesitate to provide those suggestions or recommendations to the AVP'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. They can be easily identified by their LU staff name tag. In addition, you can report these types of incidents to Student Services, the Registrar's Office, the Admission's Office, the Finance/Accounting office or any other administrative office. You can also report criminal activity directly to the Oakland police department (OPD). Call 9-1-1 for emergencies or dial 510-777-3333 for non-emergencies. OPD is responsible for all criminal investigations and law enforcement tasks pertaining to Lincoln because Lincoln is located within the Oakland city limits.

Lincoln University also has non-campus buildings under Lincoln's control as defined under the Clery Act. Rental of several apartments within the Summerhouse Apartments Homes complex is controlled by Lincoln's student services department. This privately-owned Summerhouse Apartment Homes complex is located at 1826 Poggi Street, Alameda, CA 94501. You can report all crime, suspicious activity, and hazard situations immediately to the Student Services department. You can also report criminal activity directly to the Alameda police department (APD). Call 9-1-1 for emergencies if you are calling from Summerhouse, and 510-747-7400 for non-emergencies. The Alameda police department is responsible for law enforcement services for activity within Summerhouse because it is located within the City of Alameda city limits.

## **EMERGENCY SERVICES for Oakland Campus**

### **Oakland Police Department**

455 7<sup>th</sup> Street, Oakland CA 94605

Emergency: 9-1-1

Non-Emergency: 510-777-3333

Website: <https://www.oaklandca.gov/departments/police>

### **Oakland Fire Department**

1445 14<sup>th</sup> Street, Oakland, CA

Emergency: 9-1-1

Non-Emergency: 510-444-3322

Website: <https://www.oaklandca.gov/departments/fire>

## **EMERGENCY SERVICES For Summerhouse Apartment Complex ONLY**

### **Alameda Police Department (for Summerhouse Apartment complex ONLY)**

2263 Santa Clara Avenue, Alameda, CA 94501

Emergency: 9-1-1  
Non-Emergency: 510-747-7400  
Website: <https://alamedaca.gov/police>

**Alameda Fire Department (for Summerhouse Apartment complex ONLY)**

2263 Santa Clara Avenue, Alameda, CA 94501  
Emergency: 9-1-1  
Non-Emergency: 510-337-2100  
Website: <https://alamedaca.gov/fire>

**University Crime Log**

34 CFR 668.46(f)(5) requires that the institution must make the crime log for the most recent 60-day period open to public inspection during normal business hours. The institution must make any portion of the log older than 60-days available within two business days of a request for public inspection.

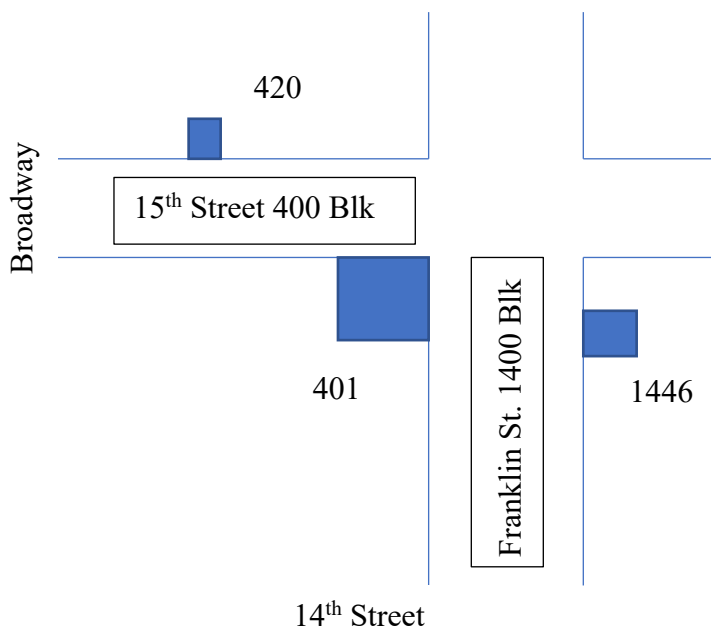
The Director of Student Services is responsible for maintaining a crime log that is available for public viewing in the student services office in accordance with 34 CFR 668.46(f)(5) in the main building on campus at 401 15<sup>th</sup> Street, on the first floor, in room 103.

The crime log will document incidents or events reported by students, staff, or community members related to LU’s campus, non-campus buildings designated under the Clery Act, and adjoining public space next to campus and non-campus structures as defined in the Clery Act.

**Clery Act Geographic Reporting Boundaries**

**On-campus & Adjoining Public Areas:**

Campus buildings: 401 15<sup>th</sup> Street, 420 15<sup>th</sup> Street, 1446 Franklin Street.  
Public Access Areas: 400 Block (odd/even) 15<sup>th</sup> Street between Franklin and Broadway, 1400 Block (odd/even) between 15<sup>th</sup> Street and 14<sup>th</sup> Street.

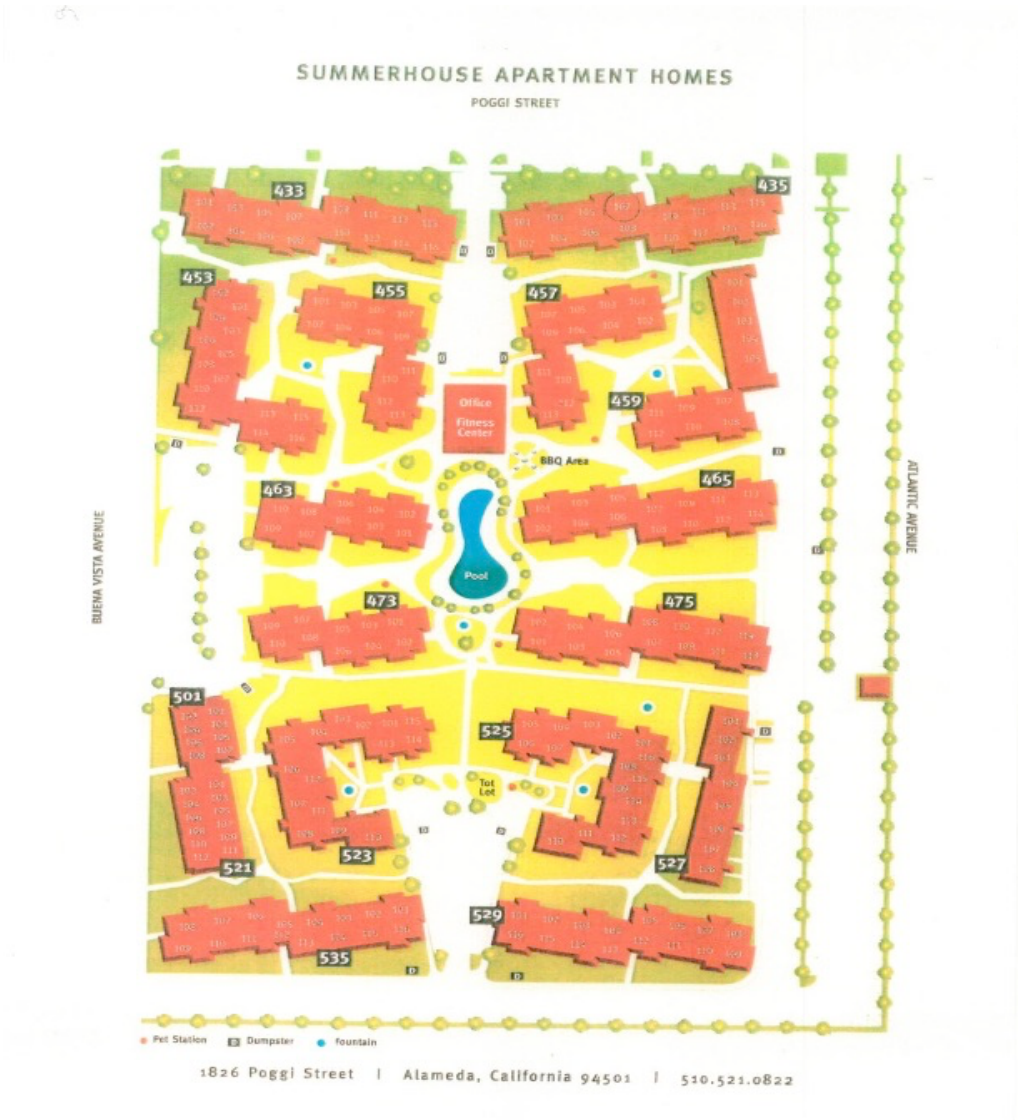


Lincoln University does not have on-campus student housing.

**Non-campus Buildings:**

Summerhouse Apartment Homes Complex: 1826 Poggi Street, Alameda, CA 94501

Lincoln University leases individual apartments within the complex based on current student needs. As a result, the number of apartments can expand and contract each semester. For the time period of this report, Lincoln leased **one** apartment in each of the following buildings that are depicted in the map below: 435, 453, 473, 501, 523, and 529.



**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. However, keep in mind that these designated CSA staff members are not law enforcement like OPD. Our CSA staff members enforce Lincoln University policies, and will assist law enforcement when necessary.

At Lincoln University, CSAs include: The President, Administrative Vice-President, Provost, Director of Accreditation and Compliance, Director of Athletic Program, Human Resources Coordinator, Director of Student Services, and other department heads and supervisors.

Administrative Vice-President & Title IX Coordinator	Dr. Michael Guerra	Main Building, Room 301	510.628.8031 mguerra@lincolnuca.edu
Director of Student Services	Ms. Anna Maria Gower	Main Building Room 103	510.628.8034 agower@lincolnuca.edu
Human Resources Coordinator	Mr. Rod Ciocho	Main Building, Second floor	510.587.9779 rciocho@lincolnuca.edu
Provost	Dr. Marshall Burak	Main Building Room 307	510.254.4749 mburak@lincolnuca.edu
Assistant Provost	Dr. Alexander Anokhin	Main Building Room 401	510.628.8016 aanokhin@lincolnuca.edu
Director of Diagnostic Imaging Programs	Dr. Khatia Mania	DI Lab	510.238.9744 mania@lincolnuca.edu
Director of Accreditation Compliance & Quality Assurance	Dr. Harpal Dhillon	Main Building Room 307	510.254.3756 hdhillon@lincolnuca.edu
President	Dr. Mikhail Brodsky	Main Building Room 203	510.208.2803 president@lincolnuca.edu
Director of Financial Aid	Ms. Wendy Vasquez	Main Building Room 208	510.628.8011 wvasquez@lincolnuca.edu
Registrar	Ms. Maggie Hua	Main Building Room 106	510.628.8029 maggiehua@lincolnuca.edu
Director of Admissions & Records	Ms. Peggy Au	Main Building Room 102	510.628.8038 peggyau@lincolnuca.edu
Head Librarian	Ms. Nicole Marsh	Library	510.379.4053 librarian@lincolnuca.edu
Director of Computer Lab	Mr. Shakil Shrestha	Main Building, Computer Lab	510.628.8020 shakil@lincolnuca.edu
Director of DI Lab	Ms. Marina Kay	DI Lab	mkay@lincolnuca.edu
Director of Athletic Program	Mr. Desmond Cumbs	TBD	510.250.6977 dgumbs@lincolnuca.edu

## 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, on horseback, in patrol cars, on motorcycles, or on a 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.

## **Reporting to the Alameda Police Department for Summerhouse Apartment Homes Complex Incidents**

Lincoln University subleases several apartments in the Summerhouse Apartment Homes complex to students, which is located in the island city of Alameda in Alameda County. The city of Alameda is located 10-15 minutes driving time from Lincoln University. The Alameda police department (APD) provides all law enforcement services for the residents of Summerhouse that includes patrol, crime prevention, investigative, and emergency services.

A person reporting a crime at the Summerhouse complex has the right to report the crime to the Alameda 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 non-emergency telephone number 510-747-7400 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, immigration, mental health, medical) through the California Victims of Violent Crime Board. There services can be found at: <https://victims.ca.gov/victims/>.

In addition, Lincoln's student services department is available to assist all victims (includes those crimes reported or not reported to law enforcement) with obtaining a victim's advocate, mental health, physical health, counseling, an immigration support services. Lincoln's student financial aid department will assist with any financial aid issues. The administrative vice-president (AVP) will contact victim of a violent crime and inform the victim of the available resources. Additionally, the (AVP) will work with the victim to ensure there are able to contact the applicable victim support services. The AVP will document those actions for reporting purposes.

Lincoln University is also committed to assisting victims of violent crime who may need assistance with class attendance, course work, temporary leaves of absence, or transportation as a result of his or her experience. As explained in the paragraph above, the AVP will contact a victim and work with him or her in developing their recovery plan.

## **Students Rights**

All students have the right to contact and report issues to the Oakland police department, Alameda police department, or another related agency related to his or her issue. Any disclosures of abuse, assault, sexual assault, harassment, dating violence and stalking will be



treated seriously and confidentially. Lincoln University has a Title IX Sexual Harassment and Prevention Policy in place that addresses the types of complaints and concerns mentioned above. Students have the right to choose to decide if they want to disclose or not disclose a crime or violation and participate in a judicial or misconduct process free from pressure by Lincoln University.

Lincoln University will treat all students with dignity, and they will receive courteous and fair treatment, health care, and counseling services where available. Students are free from any suggestion that the reporting individual is at fault when these crimes and violations are committed or should have acted in a different manner to avoid such crimes or violations.

Title IX investigations require a specific set of procedures, and for those crimes and complaints that do not fall under Title IX, students should be asked to describe the event to as few institutional representatives as practical, and not be unnecessarily required to repeat a description of the incident. Students are also protected from retaliation by LU staff, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of Lincoln University. There is a presumption that the accused is not responsible for any policy violation until a finding or responsibility is made pursuant to LU policies and procedures. All students have access to at least one level of appeal of determination as stated in the LU catalog. Students also have the right to be accompanied by an advisor of his or her choice who may assist and advise a reporting individual, grievant, accused, or respondent throughout the investigation and disciplinary process including during all meetings and hearings. Students can also exercise their civil rights and practice of religion without interference by the investigation, criminal justice process, or judicial conduct process conducted by Lincoln University.

## **Confidential Reporting**

If you are the victim of a crime and do not want the University to act 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. Title IX investigations have their own disclosure requirements so please refer to the Title IX policy for this disclosure process.

## Restraining Orders

Lincoln University complies with all restraining, no-contact, protective orders, or similar orders issued by federal, state, or municipal courts. In addition, Lincoln staff will provide the necessary supporting information when a victim requests that we assist law enforcement with obtaining court restraining, protective, or similar type court orders; and it is legally permissible for Lincoln to provide such information.

## 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 personally 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, 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 (as soon as pertinent information is available to the University) so that members of the LU community can take steps to protect themselves. 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. The message will be transmitted electronically to all students and staff using University systems along with postings throughout campus, and by supervisors and faculty members orally providing the announcement in his or her classroom or work unit.

An example of a warning template includes:

1. "A brief summary of the type of incident that poses a serious or ongoing threat and the factors influencing campus safety or a description of a pattern (a suspect at large, egregious behavior, multiple events of a similar nature occurring, etc.)"
2. Prevention information related specifically to the type of incident.
3. Reminders on how to report any suspicious activity that could be related to this type of incident.

4. Assurance that any associated links to available resources are up to date and functioning.

## **Consequences of Misconduct**

The University may 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 law enforcement for those acts of misconduct that are criminal in nature according to California or Federal 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.

## **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 at 510-777-3333 or the Alameda police department at 510-747-7400. 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 Emergency 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. Faculty are encouraged to briefly review Lincoln's emergency procedures with their classes on the first day of class each semester.

The Summerhouse Apartment Homes complex has posted evacuation routes on each floor of each building that residents should become familiar with, and should drill on those procedures as often as necessary to remember what to do during an actual emergency.

## **Fire Safety and Prevention**

Lincoln University publishes this fire safety report as part of its annual Clery Act Compliance although Lincoln does not have on-campus housing, and does not own off-campus housing. However, Lincoln does facilitate and manage off-campus student apartment leasing at the privately owned and managed Summerhouse apartment complex located in Alameda, CA that is open to the public.

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 during the last academic year (2018-19), and from August 2019 through September 2020.

Lincoln University takes fire safety seriously and has posted fire evacuation plans throughout Lincoln facilities that includes each floor, classroom, stairway, the elevator, and on emergency exit doors.

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.

All faculty, staff and students should recognize emergency situations as quickly as possible so preventive measures can be taken. Be familiar with the locations and operation of fire extinguishers near your office and/or classrooms. For fire extinguisher training please contact the Administrative Vice-President at [mguerra@lincolnuca.edu](mailto:mguerra@lincolnuca.edu).

### **Summerhouse Apartment Homes Complex**

In compliance with California state law, all apartments in the complex have working smoke alarms, and many buildings have sprinkler systems. The fire safety systems are checked and maintained by the Summerhouse staff, and periodically inspected by the Alameda fire department.

As part of the leasing agreement, apartment residents and guests are not allowed to smoke inside their units.

### **Fire Safety Preparation:**

#### *Pre-planning:*

- Identify and be familiar with your building/floor/classroom exits. Remember, in the case of a fire, elevators cannot be used.
- Identify a designated gathering site and inform faculty/staff/students in your assigned building/floor of the designated gathering site.
- Identify individuals with physical disabilities, permanently assigned in your area, who may need assistance evacuating.
- Inform faculty/staff/students that the policy of the University is that individuals must evacuate the building if a fire alarm is activated.
- Open flames are not permitted in the workplace.

#### *Actions in the event of a fire emergency:*

- Call 911. When calling 911 be prepared with as much information as possible such as:
- Location of the fire by floor and office/room.
- Identify any types of injuries of which you are aware and the type of help that is needed.
- Describe any additional details regarding the situation to the dispatcher.
- Regardless of the cause of a fire alarm, evacuate the building or area of the fire. Remember do not use the elevators.

- If possible, close doors – especially fire exit doors – to help contain the fire and smoke.
- Warn and help others on you way out of the building.
- Activate the fire alarm system at the closed pull alarm.
- Go to your designated gathering site, which is the public street adjacent to the building unless circumstances require a change of location.

*Do not do the following:*

- Return to the building until an “all-clear” signal is given by Lincoln University Administrative Staff, the Oakland fire department or the Oakland police department.
- Use the elevator when evacuating.
- Leave your gathering site until you are accounted for by your supervisor or designated staff.
- Prop open fire exit doors.

## **COVID-19 Pandemic Safety and Prevention Procedures**

The Alameda County Health Department has established legally enforceable COVID-19 safety and prevention regulations and requirements for all institutions of higher education to follow in order to operate. The health department periodically adjusts these requirements based on COVID-19 data within the county. The HR Coordinator and Administrative Vice-President closely monitor the health department in order to implement any change as rapidly as operationally possible, and to inform all members of the LU community.

In order to provide “essential” services as defined by the Alameda County Health Department, Lincoln is required to have a Site Plan that is posted for public viewing within all university buildings, and is available for review by the public, health department authorities, or law enforcement upon demand. The Director of Human Resources that is part of the Office of the President creates, maintains, and updates the Site Plan as necessary.

## **COVID-19 Screening Station Procedures**

There are COVID-19 screening stations at the entrance to the main building, DI lab, and Library that screen everyone entering the facilities using procedures established by the Alameda County Health Department. Because the DI Lab is allowed to have lab training according to the current health department orders, anyone entering the lab has an additional temperature screening procedure (Alameda Co. defines a fever as a temperature of 100°F or higher) added to the list below.

1. The reception station at the entrance to the Main campus building, DI Lab, and Library is responsible for verbally asking the daily screening questions to everyone entering the building before allowing access.
2. People being screened do not write their answers on a screening form, nor do they have to sign a form.
3. The receptionist station can place a raised fix sign with the screening questions so they closer to eye-level for anyone entering the building to expedite the screening process. They can read the questions to the person whom they are screening.
4. Reception staff are required to wear a mask or face covering when screening.
5. Reception staff should have social-distance markings in place on the floor in the reception area so people can stay 6 feet apart while awaiting screening.

6. The screener and the person being screened should be at least 6 feet apart from each other and from others.
7. Because the screener is asking the questions verbally, there needs to be enough space to preserve the confidentiality of the person being screened.
8. All adults and adolescents need to be wearing a facemask or face covering when being asked screening questions in-person. This face covering may be as simple as a bandana or a similar cloth square.
9. Per OSHA regulations (8 CCR 3204), we are only documenting those individuals who answer, “yes,” to any of the three questions and are sent home or asked to leave. There is no documentation necessary of a person answers, “no,” to all three questions.
  - a. If someone answers, “yes,” to any of the screening questions, provide them with the Alameda Co. Quarantine information and send them home.
  - b. Record their first name, last name, e-mail, and contact telephone number; and provide this information to the student services director or their designee for follow-up.
10. Alameda Co. Screening Guidance (ver. 6-5-2020, page 4) recommends that our type of business NOT measure temperatures.

### **DAILY SCREENING QUESTIONS**

1. WITHIN THE LAST 10 DAYS HAVE YOU BEEN DIAGNOSIED WITH COVID-19 OR HAD A TEST CONFIRMING YOU HAVE THE VIRUS?
2. DO YOU LIVE IN THE SAME HOUSEHOLD WITH, OR HAVE YOU HAD CLOSE CONTACT \*\* IN THE PAST 14 DAYS WITH SOMEONE WHO HAS BEEN IN ISOLATION FOR COVID-19 OR HAD A TEST CONFIRMING THEY HAVE THE VIRUS?
3. HAVE YOU HAD ONE OR MORE OF THESE SYMPTOMS TODAY OR WITHIN THE PAST 24 HOURS, WHICH IS NEW OR NOT EXPLAINED BY A REASON OTHER THAN POSSIBLY HAVING COVID-19?
  - a. Fever, Chills, or Repeated Shaking/Shivering
  - b. Cough
  - c. Sore Throat
  - d. Shortness of Breath, Difficulty Breathing
  - e. Feeling Unusually Weak or Fatigued
  - f. Loss of taste or Smell
  - g. Muscle Pain or Body Aches
  - h. Fatigue
  - i. Headache
  - j. Runny or Congested Nose
  - k. Diarrhea
  - l. Nausea and Vomiting
  - m. Seems sick or like they are starting to get sick

If you answered YES to any of the questions, they must be sent home and follow the isolation/quarantine steps.

\*\* “Close Contact” is defined as living in the same house, being an intimate partner, being a caregiver, or being within 6 feet of an individual for longer than 15 minutes who has COVID-19

## **Armed Person (Active Shooter)**

### **Emergency Actions**

- **Avoid The Threat.** Leave the building or immediate area, if safe to do so. Call 911 upon reaching a safe location.
- **Deny Access.** If you can’t leave the building, hide in a room where you can lock the door and turn off all of the lights. Try to place as many barriers — locked doors, rooms, hallways, etc. — between you and the perpetrator as possible.
  - Block the door with tables, chairs, copying machines, etc. if you have time even if you can lock the door.
  - Stay away from windows and out of the line of sight. Turn off all lights.
  - Remain quiet, turn off cellular phones and other items that may make a noise.
  - If safe to do so, alert other employees/students that an emergency is present, or imminent, and to quietly leave the area.
- **Defend Yourself.** If there are no other options, you have the legal right to defend yourself from an attacker.

## **Earthquake Preparedness**

Earthquakes are an infrequent reality when living in Oakland, Alameda, and California. While we can’t predict when earthquakes will hit, we *can* take a number of precautions to stay safe in the event of a seismic event.

- Drop, Cover, and Hold On
- First, duck or drop down on the ground. Take cover under a table, desk or other furniture. If those are not available, use an interior wall and protect your head and arms.
- Avoid hanging objects, windows, mirrors, tall furniture.
- Hold on to sturdy furniture and move with it. Hold your position until the ground stops shaking.
- Once the shaking stops check everyone around you to see if they are safe, then proceed outside.
- Expect aftershocks. If you experience additional shaking; drop, cover, and hold on until the aftershocks stop.
- Wait for information from Lincoln University staff. Cell phones may not be functioning correctly so you may also receive information on AM radio stations: KCBA 740, KNBR 680, or KGO 810.

## **Chemical Spills**

### **Emergency Actions**

**In Public Areas Near Lincoln University or Summerhouse:**

- **First priority is First Aid.** Any spill that results in personal exposure should be treated immediately.
- **Eyes or Skin contact:** If chemical is a liquid, assist the person to a sink/eyewash and flush the eyes or affected skin areas with water thoroughly and continuously for a minimum of 15 minutes. If chemical is a solid, brush chemical off skin gently. Remove contaminated clothing. Contact 911.
- **Inhalation:** Get the person to fresh air. Perform CPR as needed. Contact 911.
- When appropriate, **evacuate** staff and students from danger.
- **Evaluate** the severity of the spill:
- **Identify** the chemical spilled, the quantity, and the location of the spill.
- Regardless of the quantity, immediately report the following types of spills to 911):
  - A. Flammable, toxic, corrosive, unknown
  - B. Compressed gas releases
  - C. Leaking containers
  - D. Radioactive materials

## Emergency Preparedness Communication

The university is taking appropriate actions to ensure our campus is prepared to provide as safe and normal an environment as possible in these uncertain times. There are three web sites with valuable information:

<http://www.ready.gov>

<http://www.redcross.org>

<http://www.knowwhat2do.com/>

Communication during an emergency is critical, and there are things we ask each of you to do to assist Lincoln University:

- **When on campus, call 911 in case of emergency.**
- **Update your local and emergency contact information on file with LU.** We will only be able to contact your spouse or other family member in an emergency if this information is current.
- **Call home to let your family know you are safe.** We expect campus phone lines could be overrun with incoming calls once an emergency occurs in our area or on campus. You can help keep phone lines open and campus operating as normally as possible by calling home and telling your family you are safe.
- **Communicate a designated meeting place to your family.** If you choose to leave campus in an emergency, make sure your family knows where you will go if you are not heading home (a colleague's home, for instance) and how they can reach you there.

Should any emergency situation require a change in campus operations, that information will be communicated to you through our emergency alert protocol. See the Lincoln University catalog for details.

## Lightning

- When a thunderstorm threatens go inside immediately for protection.



- When indoors, stay away from windows, water, sinks, and faucets.
- If you are in a hard-topped car, stay there.
- If you are caught outside, stay away from any object that could act as a natural lightning rod, such as tall trees.
- Stay clear of open fields, open water or small isolated sheds. If you are caught in an open area, crouch low to the ground; do not lie flat on the ground.
- Get away from fences, poles and other metal objects.

## **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 annual disclosure of crime statistics included reporting statistics to the University community obtained from the Oakland Police Department (OPD) for the campus. For the non-campus buildings where Lincoln subleases apartments to students at the Summerhouse Apartment Homes complex in Alameda, the crime data is provided by the Alameda police department. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. Crime statistics include not only penal code violations, but vehicle code and welfare and institutions codes as well.

The Oakland police department reported crime statistics 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. In addition, the reporting format for OPD has been slightly modified for different years, which was modified by OPD not Lincoln. 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.

Lincoln University has also requested crime statistics from the Alameda police department for non-campus buildings that are under LU’s control per the Clery Act. With guidance from the staff at the ED campus security survey office, Lincoln requests crime data for any leased apartments at Summerhouse and not for the whole summerhouse complex and surrounding public areas. This category is included because LU leases several apartments at the Summerhouse Apartment Homes complex in Alameda, and then subleases them to students. However, please note that Lincoln’s arrangement is the same as any other lease. We lease apartments that are available at the time when need them. Summerhouse does not set aside or reserve a block of apartments for us. The apartment number and location can vary depending on the occupancy at Summer house. As a result, the crime data is based on a specific apartment

number that may not be the same every year. As a result, Lincoln University requested crime statistics for the following geographic locations that encompass the non-campus buildings and the surrounding public streets. (for privacy concerns the actual apartment number is not disclosed in this report):

- Summerhouse Apartment Homes Complex: 1826 Poggi Street, Alameda, CA 94501
  - Apartment buildings: 453, 501, and 529 where Lincoln leases a total of three apartments.

In addition, the following crime data includes the FBI’s Uniform Crime Reporting (UCR) classification for compiling state, regional, and national reported crime statistics. The following data tables will also be separated into the following categories that are required by the Clery Act:

1. **Criminal Offenses:** Criminal Homicide, Sexual Assault, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, and Arson.
2. **Hate Crimes:** Any of the above mentioned categories, Larceny-Theft, Simple Assault, Intimidation, Destruction/Damage/Vandalism of Property that were motivated by bias.
3. **Violence Against Women Act (VAWA) Offenses:** Any incidents of domestic Violence, Dating Violence, Stalking. Sexual Assault falls under VAWA, but for Clery purposes it is reported in the Criminal Offenses category above.
4. **Arrests and Referrals for Disciplinary Action:** For possessing or carrying weapons, law violations, drug abuse violations, and liquor law violations.

If an offense falls under more than one category, it must be reported in both categories.

The following four tables will present tabulated incidents from 2018-2020 (Jan-Jul 2020) in the four above mentioned Clery categories.

Table A: Clery Act Reportable Criminal Offenses 2018-2020 (Jan-July 2020)

OFFENSE	YEAR	ON-CAMPUS PROPERTY	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
<b>HOMICIDE</b>	2018	0	0	1
	2019	0	0	0
	2020	0	0	0
<b>SEXUAL ASSAULT</b>	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
<b>ROBBERY</b>	2018	0	0	0
	2019	0	0	2
	2020	0	0	0
<b>AGGRAVATED ASSAULT</b>	2018	0	0	2
	2019	0	0	1
	2020	0	0	0
<b>BURGLARY</b>	2018	0	0	1
	2019	0	0	1
	2020	0	0	0
<b>MOTOR VEHICLE THEFT</b>	2018	0	0	5
	2019	0	0	1
	2020	0	0	0
<b>ARSON</b>	2018	0	0	0
	2019	0	0	0
	2020	0	0	0

Table B: Cleary Act Reportable Hate Crimes 2018-2020 (Jan-Jul 2020)

OFFENSE	YEAR	ON-CAMPUS PROPERTY	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
LARCENY-THEFT	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
SIMPLE ASSAULT	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
INTIMIDATION	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
DESTRUCTION/DAMAGE/VANDALISM OF PROPERTY	2018	0	0	0
	2019	0	0	0
	2020	0	0	0

Table C: Cleary Act Reportable Violence Against Women’s Act Offenses 2018-2020 (Jan-Jul 2020)

OFFENSE	YEAR	ON-CAMPUS PROPERTY	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
SEXUAL ASSAULT (ALSO FALLS UNDER CRIMINAL OFFENSES)	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
DOMESTIC VIOLENCE	2018	2	0	0
	2019	0	0	0
	2020	0	0	0
DATING VIOLENCE	2018	2	0	2
	2019	0	0	0
	2020	0	0	0
STALKING	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
	2020	0	0	0

Table D: Cleary Act Reportable Arrests and Referrals for Disciplinary Action 2018-2020 (Jan-Jul 2020)

OFFENSE	YEAR	ON-CAMPUS PROPERTY	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
DISCIPLINARY REFERRALS - WEAPONS POSSESSION	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
ARRESTS- WEAPONS POSSESSION	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
DISCIPLINARY REFERRALS - LAW VIOLATIONS	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
ARRESTS – LAW VIOLATION	2018	0	0	0
	2019	1	0	0
	2020	0	0	0
	2020	0	0	0
DISCIPLINARY REFERRALS - DRUG ABUSE VIOLATIONS	2018	0	0	0
	2019	0	0	0

ARRESTS – DRUG ABUSE VIOLATIONS	2020	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
DISCIPLINARY REFERRALS - LIQUOR LAW VIOLATIONS	2018	0	0	0
	2019	0	0	0
ARRESTS – LIQUOR LAW VIOLATIONS	2020	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0

### Crimes Reported Directly to Student Services 2018-2020 (Jan-July 2020)

Table 28: 2018-2020 Crimes reported directly to LU Student Services

Clery Hierarchical Categorization (page 13)	Nature (classification)	Case Number	Date/Time Reported	Date/Time Occurred	General Location OC = Off-Campus NC = Non-Campus Buildings under Lincoln's control (Summerhouse Apartments)
Criminal Offenses	Brandishing a Firearm		10/23/2018 14:00	10/23/2018 14:00	OC
Criminal Offenses (Occurred during riot when university was closed)	Vandalism	20-911377 (Incident was not included in OPD UCR Clery Data Received)	5/3/2020 12:45	5/2/2020 1900	Main Campus
Criminal Offenses (Occurred during riot when university was closed)	Burglary and Vandalism	20-911094 (Incident was not included in OPD UCR Clery Data Received)	5/30/2020 13:25	5/29/2020 20:00	Main Campus
Non-Clery Reportable Offense	Battery	19-040772	8/9/2019 15:36	8/9/2019 15:36	Main Campus

Note: “NC” categorized incidents listed in Table 28 above were not referred for disciplinary action because LU did not understand that this geographic area was covered by the Clery Act.

**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 400 total students and approximately 50-100 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: Director of Student Services Anna Maria Gower, the Faculty Association President, the HR Coordinator, and the Lincoln University Student Association President. The Administrative Vice-President conducts an annual safety and security review with the above-mentioned staff members and submit the group's findings or recommendations in August.

As part of Lincoln's critical incident and crime prevention planning for 2021, the administrative vice-president has continued developing a multi-stage pilot security, safety and prevention training program. The first stage which involved two-parts was completed on September 12, 2019. In part-one of this stage, the Dean of Students completed his crime prevention committee work as indicated in the above paragraph, and the administrative vice-president completed his training needs assessment survey which was part-two. For this survey, the administrative vice-president conducted unannounced table-top exercises for students and instructors in classrooms, for staff in their work areas, and for students who were in the student lounge. For these exercises, individuals, groups or a class were presented with hypothetical critical incidents, and they were asked to describe what they would do in that particular situation. For example, if there was a fire on the third floor, an earthquake, or an active shooter in the lobby or in a stairwell. There responses involve assessing the situation, decisions to evacuate or shelter in place, and communicating with others. The AVP then documented their responses and compared them to Lincoln's emergency procedures for specific events as described in this report. After analyzing the data from stage one, a training program for students, faculty, and staff will be developed and provided by the end of the fall 2019 semester. The effectiveness of the training will be assessed on how well everyone does what they were trained to do during a fire drill and an active shooter drill once the campus returns to normal operations after the COVID-19 pandemic.

## **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. The program consists of 25 full-time, highly visible Ambassadors that circulate throughout Downtown Oakland providing essential security, maintenance and hospitality services. The 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 cash 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.

## Importance of Preserving Evidence

Physical evidence is crucial in helping to prosecute assailants in cases of rape or sexual assault. Physical evidence must be collected in a timely manner by a certified medical facility. Prior to a medical/legal exam, *victims of rape or assault should not*: Bathe, change clothes, Douche, Use the toilet (if possible), Smoke, or Clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours, so that the evidence may be preserved. If victims do not opt for forensic evidence collection, health care provider can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted diseases.

Victims of ***stalking*** should ***save*** evidence such as: Any letters, Notes, Emails, Phone calls, Videos, Photos, Texts, Social media postings (Facebook, Twitter, etc.), Computer screenshots, Voicemails, or any other form of evidence that would be helpful.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining orders of protection related to the incident more difficult.

If a victim chooses not to make a criminal complaint regarding an incident, the or she nevertheless should consider speaking with the University's Administrative Vice President, or other law enforcement agency to preserve evidence in the event that the victim changes his or her mind at a later date.

### QUICK FACTS

A *Sexual Assault Forensic Examination (SAFE)* will preserve evidence in case the student decides to pursue criminal charges and may be done up to 84 hours after an assault. Don't urinate before going to the hospital. Date rape drugs leave your body quickly. Rohypnol stays in the body for several hours, and can be detected in the urine up to 72 hours after taking it. GHB leaves the body in 12 hours. Take from <http://www.womenshealth.gov/publications/our-publications/fact-sheet/date-rape-drugs.html#h>

If a student is sexually assaulted, preserving any available evidence, including the results of SAFE, blood tests for "date rape" drugs, and/or testing urine, allows the student to leave open the option of criminal prosecution in the future without obligating the student to make an immediate decision.

Some kinds of evidence may only be collected within a short period of time after an assault, delaying action to preserve evidence immediately after an assault may reduce the chances for a successful criminal prosecution in the future.

While submitting to a SAFE medical exam, and/or other testing may be emotionally traumatic in the immediate aftermath of an assault, some local hospitals have specially trained clinicians who are experienced in helping survivors through the process.



## Dating Violence

Dating violence is controlling, abusive, and aggressive behavior in a romantic relationship. It can happen in straight or gay relationships. It can include verbal, emotional, physical, or sexual abuse, or a combination.

Physical abuse may include: Shoving, punching, slapping, pinching, hitting, kicking, hair pulling, strangling, etc.

Sexual abuse may include: Unwanted touching and kissing, forcing you to have sex, not letting you use birth control, forcing you to do other sexual things.

Anyone can be a victim of dating violence. Both men and women are victims, but men and women can abuse their partners in different ways. Women are more likely to yell, threaten to hurt themselves, pinch, slap, scratch, or kick. Men injure girls more and are more likely to punch their partner and force them to participate in unwanted sexual activity. Some victims experience physical violence only occasionally; others, more often.

### If You Are a Victim of Dating Violence, You Might...

- Think it is your fault.
- Feel confused, angry, sad, lonely, depressed.
- Feel threatened or humiliated.
- Feel anxious.
- Not know what might happen next.
- Feel like you can't talk to friends and family.
- Be afraid of being seriously hurt.
- Feel protective of your boyfriend or girlfriend.

### Get Help

Being a victim of dating violence is not your fault. Nothing you say, wear, or do gives anyone the right to hurt you.

- If you think you are in an abusive relationship, get help immediately. Don't keep your concerns to yourself. If you think you are in an abusive relationship, get help immediately. Don't keep your concerns to yourself.
- Talk to someone you trust like a parent, teacher, school principal, counselor, or nurse.
- If you choose to tell, you should know that some adults are mandated reporters. This means they are legally required to report neglect or abuse to someone else, such as the police or child protective services. You can ask people if they are mandated reporters and then decide what you want to do. Some examples of mandated reporters are teachers, counselors, doctors, social workers, and in some cases, coaches or activity leaders. If you want help deciding whom to talk to, call a crisis line in your area. You might also want to talk to a trusted family member, a friend's parent, an adult neighbor or friend, an older sibling or cousin, or other experienced person who you trust.
- If you think you are in an abusive relationship, get help immediately. Don't keep your concerns to yourself.
- Talk to someone you trust like a parent, teacher, school principal, counselor, or nurse.

- If you choose to tell, you should know that some adults are mandated reporters. This means they are legally required to report neglect or abuse to someone else, such as the police or child protective services. You can ask people if they are mandated reporters and then decide what you want to do. Some examples of mandated reporters are teachers, counselors, doctors, social workers, and in some cases, coaches or activity leaders. If you want help deciding whom to talk to, call a crisis line in your area. You might also want to talk to a trusted family member, a friend's parent, an adult neighbor or friend, an older sibling or cousin, or other experienced person who you trust.

## **Help Yourself**

Think about ways you can be safer. This means thinking about what to do, where to go for help, and who to call ahead of time.

- Where can you go for help?
- Who can you call?
- Who will help you?
- How will you escape a violent situation?

## **Here are other precautions you can take:**

- Let friends or family know when you are afraid or need help.
- When you go out, say where you are going and when you'll be back.
- In an emergency, call 911 or your local police department.
- Memorize important phone numbers, such as the people to contact or places to go in an emergency.
- Keep spare change, calling cards, or a cell phone handy for immediate access to communication.
- Go out in a group or with other couples.
- Have money available for transportation if you need to take a taxi, bus, or subway to escape.

## **Help Someone Else**

If you know someone who might be in an abusive relationship, you can help.

- Tell the person that you are worried.
- Be a good listener.
- Offer your friendship and support.
- Ask how you can help.
- Encourage your friend to seek help.
- Educate yourself about dating violence and healthy relationships.
- Avoid any confrontations with the abuser. This could be dangerous for you and your friend.

## 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.

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 concerning hate crimes, stalking, etc. 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.

## 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 Policy**

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), non-campus buildings under Lincoln's control, or a part of campus related University activities. The Lincoln University Alcohol and Drug Prevention policy can be found at this link:

<http://lincolnuca.edu/admission/alcoholdrugfree#%2Fadmission%2Falcoholdrugfree>

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

(<http://lincolnuca.edu/admission/alcoholdrugfree#%2Fadmission%2Falcoholdrugfree>) 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.

## **Medical Marijuana Policy**

The Lincoln University does not permit the use of marijuana for any purpose on university property even if the use meets the qualifications of the California Compassionate Use Act, Proposition 215. Therefore, even students who qualify under Proposition 215 to use marijuana for medical purposes are not permitted to possess, store, provide, or use the marijuana on University-owned or controlled property, or during a University-sanctioned activity regardless of the location.

## **Lincoln University Prohibited Conduct Relating to Drugs**

The following conduct as it relates to drugs is prohibited on Lincoln University property, non-campus buildings controlled by Lincoln University, or at University sanctioned events, wherever they may occur. The same conduct, though occurring off University premises and not at University events, may nonetheless be subject to University sanctions when it adversely affects the University, its educational mission or its community and may result in the initiation of the student conduct process in accordance with the Student Conduct system:

- Use, possession, manufacturing, distribution, or sale of marijuana, heroin, narcotics, or any other controlled substance that is prohibited by law. Possession of, intentionally or recklessly inhaling or ingesting substances (including but not limited to bath salts, salvia, K2/spice, nitrous oxide, glue, paint) that will alter a student's mental state is also prohibited.
- The attempted sale, distribution, or manufacture of any controlled substance, illegal drug, and/or drug paraphernalia on University property or at official University functions.
- Use of a prescription drug if the prescription was not issued to the student, or the distribution or sale of a prescription drug to a person to whom the prescription was not originally issued.
- Use or possession of equipment, products, or material that is used or intended for use in manufacturing, growing, using, or distributing any drug or controlled substance, including but not limited to bongs, pipes, vaporizers, grinders, scales.
- Being present while others are using or are in possession of illegal drugs.
- The medically unsupervised use of drugs that may involve medical or psychological hazards to individuals on University property or at official University functions that is unlawful or otherwise prohibited, limited, or restricted by University policies or regulations, or may lead to interference with the rights and privileges of others.

## **Federal, California, and City of Oakland Law – Legal Sanctions**

The unlawful manufacture, distribution, dispensation, possession, and/or use of controlled substances or alcohol are regulated by a number of federal, state and local laws. These laws impose legal sanctions 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) to imprisonment and forfeiture of personal and real property. Following is a list of some of the laws pertaining to the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol. The information provided below is illustrative, not exhaustive.

Generally, it is a criminal offense:

- To illegally manufacture, sell, distribute, or possess controlled substances (those listed in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812)) (21 U.S.C. 828, 841, 844, 859, 860);
- To unlawfully possess or possess for sale controlled substances (those listed in Cal. Health & Safety Code 11054, 11055, 11056, 11057, 11058);
- To possess, cultivate, sell or possess for sale marijuana (Cal. Health & Safety Codes 11357, 11358, 11359);
- To use or be under the influence of a controlled substance (Cal. Health & Safety Code 11550); • To transport, sell, or distribute marijuana to a minor or to use a minor to transport, sell, or distribute marijuana (Cal. Health & Safety Code 11361);
- To possess, furnish or manufacture drug paraphernalia (Cal. Health & Safety Code 11362, et seq.);
- To provide any alcoholic beverage to a person under 21 or to any obviously intoxicated person (Cal. Bus. & Prof. Code 25658; 25602);
- To be under the influence of alcohol in a public place and unable to exercise care for one's own safety or that of others (Cal. Penal Code 647(f));

- For persons under 21 to have any container of alcohol in any public place or any place open to the public (Cal. Bus. & Prof. Code 25662);
- To operate a motor vehicle while under the influence of alcohol or other intoxicants or with a blood alcohol level of .08% or higher (Cal. Veh. Code 23152);
- For any person under the age of 21 to operate a motor vehicle with a blood alcohol level of .05% or higher (Cal. Veh. Code 23140);
- To have an open container of alcohol in a motor vehicle and for persons under 21 to drive a vehicle carrying alcohol or to possess alcohol while in a motor vehicle (Cal. Veh. Code 23223; 23224);
- To have in one's possession or to use false evidence of age and identity to purchase alcohol (Cal. Bus. & Prof. Code 25661);
- For any person under age 21 to purchase alcohol (Cal. Bus. & Prof. Code 25658.5).
- To be in possession within the Oakland City limits of an open container, which is a violation of Municipal Code 9.08.190, and can result in a fine.

## **Alcohol & Drug Influence Symptoms and Behavior**

### **Alcohol**

*Short Term:* affects moods, dulls the senses and impairs coordination, memory, reflexes, judgment, behavioral changes, self-destructive urges, irritation of the esophagus and stomach (nausea), death.

*Long Term:* central nervous system damage, memory loss, cancer of the mouth, stomach ulcers, inflammation/cancer of the liver, high blood pressure, irregular heartbeat, angina, heart attack, malnutrition.

### **Amphetamines** (speed, meth, ice, dex, Ritalin, uppers)

*Short Term:* increased breathing and heart rate, high blood pressure, increased alertness and energy, impaired judgment, impulsiveness, death.

*Long Term:* severe anxiety, chronic sleeplessness, malnutrition, heart problems, agitation.

### **Cocaine** (coke, nose, rock, blow, crack)

*Short Term:* anxiety, delusions, headache, nausea, impaired judgment, death.

*Long Term:* loss of appetite, dehydration, constipation, impotence, nose and nostril damage, heart problems, psychosis.

### **Designer Drugs** (MDMA, X, ecstasy, cat, AMF, TMF, MPPP)

*Short Term:* euphoria, dizziness, nausea, sweating, increased blood pressure, extreme wakefulness, hyperactivity, loss of appetite, death.

*Long Term:* aggression, depression, mood and sleep changes.

### **Hallucinogens** (LSD, acid, shrooms, special K)

*Short Term:* impaired coordination, increased heart rate and temperature, nausea, detachment, fatigue, hallucinations, paranoia, mental confusion.

*Long Term:* generally unknown, flashbacks, depression.

### **Inhalants** (nitrous oxide, whip-its, paint, glue)

*Short Term:* irregular heart rate, depressed respiratory rate, nose and eye irritation, nausea, vomiting, spasms, headache, suffocations, death.

*Long Term:* brain damage, tremors, poor coordination, speech problems, lung, liver and kidney damage, chromosomal abnormalities.

**Marijuana** (pot, weed, dope, ganja, chronic, purp, grapes, kush, ents, etc.)

*Short Term:* reddening of eyes, dry mouth, increased heart rate and body temperature, hunger, dizziness, drowsiness.

*Long Term:* upper respiratory problems, lung damage, lower immune system responses, memory loss, concentration impairment.

**Opiates** (Heroin, smack, morphine, black tar)

*Short Term:* pain relief, mental confusion, drowsiness, nausea, constipation, muscle constriction, low blood pressure and heart rate, respiratory arrest, death.

*Long Term:* chronic constipation, vision impairments, hallucinations.

**Sedatives** (Blues, roofies, GHB, seconal, reds, barbs)

*Short Term:* dizziness, lethargy, drowsiness, lack of coordination, nausea, death.

*Long Term:* chronic fatigue, vertigo, reduced sex drive, visual disturbances.

**Tobacco**

*Short Term:* increased heart rate and blood pressure, adrenaline production, muscle relaxation, relief of tobacco withdrawal.

*Long Term:* lung problems, chronic cough, blockage of blood vessels, chronic respiratory infections and problems, reduced fertility, death.

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.

While not listed in the policy itself, the Dean of Students initiates and complete the review during the month of August. This process includes at least one meeting where representatives from faculty, students, and staff participate. The Dean of Students is responsible for preparing a summary of the meeting, who attended, and any actionable items. This report is sent to the Administrative Vice-President.

## Mental Health & Alcohol-Drug Abuse Prevention Services

Lincoln University takes the mental health of our students and staff very seriously, and offers confidential resources for them. As a reminder, mental health services are usually part of your student health insurance plan so you should contact your health care provider. Lincoln's student services staff are not trained mental health care providers, but they are excellent listeners and you are encouraged to drop-in to talk about anything that is bothering you. They can help you obtain services that you may need. In addition, substance abuse is a serious health issue, and Lincoln staff are here to work with you to obtain alcohol-drug related substance abuse or addiction help. Contact student services for assistance. Lincoln has identified several ethical and useful self-help sites that are available:

Moodjuice - <http://www.moodjuice.scot.nhs.uk> : can help you think about emotional problems and help work toward resolving them. Emotional problems are often body's and mind's way of indicating something needs to be changed.

MyCompass - <https://www.mycompass.org.au>: A personal self-help program that you can use on your mobile phone, computer and/or tablet. You can learn new ways to deal with feelings, thoughts, and behavior.

### **Anxiety Links:**

Social Anxiety - <https://www.verywellmind.com/social-anxiety-disorder-4157220>

<https://www.anxiety.org/>

<http://www.freedomfromfear.org/>

<https://adaa.org>

<http://anxietynetwork.com>

### Attention Deficit:

<https://www.adhdadulthood.com/>

<http://www.advance.com>

### Culture Shock:

<http://www.k-state.edu/counseling/topics/life/culture.html#Customs>

### Eating Disorders and Healthy Body Image

<https://www.foodaddicts.org>

<https://www.bulimia.com>

### Depression:



<https://www.7cups.com/depression-help-online/>

<https://themighty.com/2016/10/how-to-be-friends-with-someone-whos-depressed/>

<https://metanoia.org/suicide/samaritans.htm>

<https://www.verywellmind.com/depression-4157261>

[https://secure2.convio.net/dabsa/site/SPageServer/?jsessionid=00000000.app20101a?NONCE\\_TOKEN=8F64E1F35EE1EB773D7417BD4828EDA4&pagename=home&cvridirect=true](https://secure2.convio.net/dabsa/site/SPageServer/?jsessionid=00000000.app20101a?NONCE_TOKEN=8F64E1F35EE1EB773D7417BD4828EDA4&pagename=home&cvridirect=true)

## Alcohol & Drugs:

<https://www.drugwatch.com>

<https://www.marijuana-anonymous.org>

<http://www.norcalna.org>

[www.niaaa.nih.gov](http://www.niaaa.nih.gov)

[www.nida.nih.gov](http://www.nida.nih.gov)

[www.samhsa.gov](http://www.samhsa.gov)

Alcoholics Anonymous (AA) – [www.eastbayaa.org](http://www.eastbayaa.org)

Moderation Management – [www.moderation.org](http://www.moderation.org)

Secular Organizations for Sobriety – [www.sossobriety.org](http://www.sossobriety.org)

SMART Recovery – [www.smartrecovery.org](http://www.smartrecovery.org)

Women for Sobriety – [www.womenforsobriety.org](http://www.womenforsobriety.org)

## General Mental Health:

Debtors Anonymous - <https://www.debtorsanonymous.org>

College Gambling - <http://www.collegegambling.org>

Raise Issues of Mental Health on College Campuses and Dialogue - <http://www.halfofus.com>

Relaxation Exercises - [https://www.hws.edu/studentlife/counseling\\_relax.aspx](https://www.hws.edu/studentlife/counseling_relax.aspx)

## Grief:

<http://activelymovingforward.org>

## Health and Wellness:

Centers for Disease & Control -

[https://www.cdc.gov/az/a.html?CDC\\_AA\\_refVal=https%3A%2F%2Fwww.cdc.gov%2Faz%2Findex.html](https://www.cdc.gov/az/a.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Faz%2Findex.html)

Mental Health & Support - <https://www.healthyplace.com>

## Learning Disabilities:

National Center for Learning Disabilities - <https://www.ncld.org>

LD Online - <http://www.ldonline.org>

## Relationships & Sexual Abuse:

Letting go of a high maintenance/abusive relationship -

<http://counseling.cofc.edu/counseling/relatends.pdf>

Co-Dependents Anonymous - <http://coda.org>

Anti-Sexual Abuse Organization - <https://www.rainn.org>

## Sexual Orientation:

Parents, Families and Friends of Lesbians and Gays - <http://www.pflagsf.org>

## Stress:

Strategies for Surviving Class - <http://today.cofc.edu/2014/08/14/strategies-surviving-first-day-classes-aug-19/>

## Text Anxiety:

Managing Test Anxiety - <https://powertochange.com/students/academics/anxiety/>

## Suicide Prevention:

National Suicide Prevention Lifeline - <https://suicidepreventionlifeline.org/talk-to-someone-now/>

CrisisChat - <https://suicidepreventionlifeline.org/talk-to-someone-now/>

Programs and Facts - <https://www.jedfoundation.org>

Yellow Ribbon Suicide Prevention - <https://yellowribbon.org>

## Veterans:

<https://www.swords-to-plowshares.org>

Smoking:

<https://www.verywellmind.com/nicotine-use-4157297>

<http://www.lung.org/about-us/local-associations/california.html>

<https://www.cdc.gov/tobacco/>

<https://smokefree.gov>

Lincoln also has a link for mental health resources for students at the following link:

<http://lincolnuca.edu/admission/index#/admission/mentalhealth>.

## **Lincoln University Sexual Harassment Prevention Policy**

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, in non-campus buildings controlled by the university, 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.

Student Services has also offered short presentations on preventing and reporting sexual harassment for students and staff at the main campus.

### **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 beginning in August and finishing in October with the publication of the ASR by October 1st. Due to the COVID-19 pandemic, the US Department of Education extended the publication deadline to December 31, 2020. 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 Security & Maintenance**

All members of the campus community are encouraged to promptly report facilities and equipment issues to any administrator. The entrances to all campus buildings have a receptionist on-duty during normal business hours who is tasked with controlling entry. Visitors to campus are required to provide identification, company identification and sign-in. In addition, staff periodically conduct walk throughs of campus buildings throughout the day to identify suspicious activity or health and safety hazards. They also ensure the doors are locked at the end of the business day.

**Lincoln University**  
***INTERIM DRAFT***  
**Title IX Sexual Misconduct, Sexual Harassment**  
**and Sexual Violence Prevention Policy**  
**August 14, 2020**

**Notification**

Lincoln University is required by the federal government to update our Title IX policy by August 14, 2020, and this document serves as a draft interim policy that is in effect as of the August 14, 2020. Recent administrative changes at Lincoln have caused several of the required Title IX administrative positions to be vacant at the present time. The unfilled positions will be filled within the next 30-45 days. In the meantime, should Lincoln receive a Title IX complaint, the Title IX Coordinator will process the complaint following the procedures indicated within this policy. Positions that are currently unfilled, will be filled on an interim basis to process a complaint either internally or using a qualified external source. Internal personnel will receive the required Title IX training as specified by statute to complete their tasks and responsibilities as indicated by this policy. There will be no delays in the processing of any complaints due to positions being unfilled.

**Introduction**

Lincoln University strives to promote an inclusive learning, working, and social environment where everyone in the university community can interact with each other respectfully, professionally, and fairly. Lincoln is committed to maintaining a workplace and academic environment free of unlawful discrimination, harassment, and sexual misconduct, as these behaviors may create a risk to health, safety or wellbeing, cause serious emotional distress, loss of productivity and morale, and potential legal risks. As an institution of higher education that receives federal student financial aid, our efforts are supported by federal regulations pertaining to educational institutions in the form of Title IX of the Higher Education Act of 1972, the Clery Act, Title VII of the Civil Rights Act of 1964, and the Violence Against Women Act (VAWA).

Scope:

1. The Policy is designed to comply with regulations and law set forth in Title IX of the Higher Education Act of 1972. Other legal regulations compliment and overlap in some areas with regulations set forth in the Clery Act, Title VII of the Civil Rights Act of 1964, the Violence Against Women Act, and California law.
2. This Policy applies to the prohibited conduct described in this policy and includes acts communicated physically, verbally, in print, electronically or through other means by or against students and employees including those who are in assignments that are full-time, part-time, probationary, non-career status, adjunct, and temporary.
3. This Policy does not apply to protected speech, reasonable criticisms of work, fair and justified feedback, evaluations, or disciplinary actions deemed unfounded by Lincoln's Human Resources Department. This Policy applies only to behavior that a reasonable

person would view as violating the rights of another.

Lincoln University will respond promptly to all complaints of unlawful discrimination, harassment, and sexual misconduct. When necessary, the university will institute discipline against the offending individual, which may result in a range of sanctions.

## **Confidentiality and Reporting**

Lincoln University shall protect the privacy and confidentiality of reporting individuals and individuals who are alleged to have discriminated or harassed, to the extent allowed by law and Title IX. However, once a university official has actual knowledge of allegations that may be serious enough to constitute a violation of this Policy, the university's legal obligations require it to investigate under the procedures described below. If an individual requests complete confidentiality and does not want such an investigation, he or she should consult with individuals who by law have special professional status, such as mental health counselors, physicians, clergy, or private attorneys.

Title IX also does not allow Lincoln University to issue a "gag" order to any students involved in a Title IX complaint. Lincoln University's employment and volunteer policies apply to all faculty and staff members when it comes to confidential or sensitive communication.

Except as provided below, any employee or volunteer (volunteer status is defined in Lincoln University's Volunteer policy) 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 the names of the parties, even where the person has requested that their name remain confidential. The Title IX Coordinator will determine whether confidentiality is appropriate given the circumstances of each such incident.

Complainants are encouraged to speak to University representatives and officials, such as the Title IX Coordinator, faculty, Human Resources, the Oakland Police Department or the Alameda Police Department (Summerhouse apartment complex is located in Alameda so Alameda PD needs to be contacted instead of the Oakland police department if the incident occurred at Summerhouse) to make reports of incidents of sexual misconduct. Complainants have the right, and can expect, to have complaints taken seriously by the University when reported, and to have those incidents investigated and properly resolved through the procedures outlined in this policy. Investigations by law enforcement are independent from Lincoln University. Reporting still affords privacy within the Lincoln University administration to the reporter, and only a small group of officials who need to know will be informed. Information will be shared as necessary with investigators, witnesses, and the respondent. The circle of people with this knowledge within the administrative staff will be kept as tight as possible to preserve a complainant's rights and privacy.

If a victim of sexual misconduct would like the details of an incident to be kept confidential, they may speak with mental health counselors, off-campus rape crisis counselors, domestic violence resources, private agencies, private attorneys, 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. Students may access counseling resources through Student Services and/or their health insurance provider.

Complainants can report incidents directly to the Oakland police department if the incident occurred in Oakland, or the Alameda police department if the incident occurred at the Summerhouse apartment complex where Lincoln oversees the leasing of apartments to students.

**Responsibilities of employees:** Any university employee, faculty/instructor, volunteer, staff, administrator or person working on behalf of an officially sanctioned university office, event or activity, including teaching assistants or assistants to the instructor (“responsible employees”), receiving notice of suspected or potential sexual misconduct is required to file a report with the Title IX Coordinator or a Deputy Title IX Coordinator within one (1) business day of receiving the notice, unless that notice was communicated to an official who can provide professional confidentiality (*see* “Confidentiality” above).

University officers, assistant provosts, deans, directors, department chairs, or supervisors who become aware of specific allegations of discrimination or harassment must report the allegations promptly to the Title IX Coordinator and to Human Resources if the alleged offender is an employee. Should the allegations involve the Title IX Coordinator or the Director of Human Resources, allegations involving the Title IX Coordinator will be reported to the Deputy Title IX Coordinator, and allegations involving the Director of Human resources shall be reported to the Title IX Coordinator.

**Title IX Coordinator:**

Dr. Michael Guerra, Administrative Vice President

[mguerra@lincolnuca.edu](mailto:mguerra@lincolnuca.edu)

510-628-8031

**Deputy Title IX Coordinator:**

Dr. Marshall Burak, Provost

[mburak@lincolnuca.edu](mailto:mburak@lincolnuca.edu)

510-254-3749

**Director Human Resources:**

At present time, this role/function is assigned by the President to the Office of the President. The Human Resources Coordinator in the president’s office serves as the administrative contact for the human resources department so they can be contacted if the president is unavailable.

Dr. Mikhail Brodsky, President

[president@lincolnuca.edu](mailto:president@lincolnuca.edu)

510-208-2803

Mr. Rod Ciocho, Human Resources Coordinator

[rciocho@lincolnuca.edu](mailto:rciocho@lincolnuca.edu)

510-587-9779

## **Inclusion of Select Required Title IX Policy Definitions**

The most relevant definitions are included in this section. These definitions along with other Title IX regulations were used to construct this policy to comply with Title IX requirements.

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

**Respondent:** Means an individual who has been reported to but the perpetrator of conduct they could constitute sexual harassment.

**Standard of Evidence:** Lincoln University uses the *Preponderance of Evidence* legal standard for resolving all formal employee, staff, and student Title IX complaints [106.45(b)(1)(vii) and 106.45(b)(7)(i)]. This means that the party with the burden of proof convinces a fact finder that there is a greater than 50% chance that the claim is true.

**Formal Complaint:** Means 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. At the time of the filing a form complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed. A formal complainant may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the title IX Coordinator under Section 106.8(a), and by any additional method designated by the recipient.

**Determination of Responsibility:** Title IX Section 106.45(b)(7)(ii) Means there is a written determination regarding responsibility that must include: Identification of the allegations, a description of the procedural steps from the initiation of the process onward. It also means findings of fact support the determination of responsibility, there is an application of the student code of conduct and employee polices to the facts. There is also a statement of the result of each allegation and rationale that includes a determination of responsibility, sanctions, and remedies provide to the complainant. There is also a notice of the appealed process and procedure.

**Informal Resolution:** Means at any time after the filing of a formal complaint, but before reaching a determination regarding responsibility for allegations, an institution may facilitate an informal resolution process like mediation (that does not include a full investigation and adjudication [106.45(b)(9)]. A written notice is still required along with a right to withdraw prior to a resolution, and there must be voluntary written consent of parties.

**Sexual Harassment:** Means 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.
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.
3. Conduct on the basis of sex that satisfies one or more of the following:
4. Sexual assault as defined in 20 United States Code 1092(f)(6)(A)(v)
5. Dating violence as defined in 34 United States Code 12291(a)(10)
6. Domestic violence as defined in 34 United States Code 12291(a)(8)
7. Stalking as defined in 34 United States Code 12291(a)(30)



**Jurisdiction:** Title IX Section 106.44 covers all students, faculty, and staff. The incident must be part of an “educational program or activity” and “against a person in the United States.”

**Dismissal:** Title IX Section 106.45(b)(3)(i)-(iii) requires dismissal if:

1. The conduct does not constitute sexual harassment.
2. Did not occur in the institution’s program or activity.
3. Dis not occur against a person in the United States.
4. Optional dismissal if: Complainant withdraws from the process, Respondent is no longer enrolled/employed, or there is insufficient evidence available to make a determination.

**Training:** All individuals involved with the Title IX process [Title IX Coordinator, Investigator(s), Adjudicator(s), Appellate Decision-Maker(s) must be impartial and must receive at least annual training concerning information regarding relevancy determination, Title IX updates, evidence collection, issue areas, general skills needed (including asking appropriate questions) and anti-bias. These individuals should also be provided in-service training throughout the year.

## **Prohibited Conduct**

### **Discrimination:**

Discrimination constitutes any unlawful distinction, preference, or detriment to an individual as compared to others that is based on one of the characteristics protected by federal law, state law or university policy. Those protected characteristics include race, sex (such as gender, gender identity, marital status, and pregnancy), age, color, national origin (including ethnicity), religion, disability, sexual orientation, political affiliation, veteran status, military service member status, genetic information, or relationship to other university constituents – except where sex, age, or ability represent bona fide educational or occupational qualifications or where marital status is a statutorily established eligibility criterion for State funded employee benefit programs.

Conduct based on a protected characteristic as defined above will constitute discrimination when it is sufficiently serious to unreasonably interfere with or limit:

1. An employee’s or applicant for employment’s access to employment or conditions and benefits of employment;
2. A student’s or applicant for admission’s ability to participate in, access, or benefit from educational programs, services, or activities;
3. An authorized volunteer’s ability to participate in volunteer activity; or
4. A guest’s or visitor’s ability to participate in, access, or benefit from the University’s programs.
5. Unlawful Harassment
6. Unlawful harassment can take the form of a variety of actions founded on one of the characteristics protected by federal law, state law or university policy. Those protected characteristics include race, sex (such as gender, gender identity, marital status, and pregnancy), age, color, national origin (including ethnicity), religion, disability, sexual

orientation, political affiliation, veteran status, military service member status, genetic information, or relationship to other university constituents – except where sex, age, or ability represent bona fide educational or occupational qualifications or where marital status is a statutorily established eligibility criterion for State funded employee benefit programs.

7. Unlawful harassment is a form of discrimination and can consist of:
  - a. Quid pro quo harassment, which consists of unwelcome conduct based on a protected characteristic when:
    1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, employment decisions, academic standing or receipt of a needed or legitimately requested university service or benefit; or
    2. Submission to, or rejection of, such conduct by an individual is used as a basis for decisions affecting such individual in matters of employment, employment decisions, academic decisions (such as grades) or receipt of a needed or legitimately requested university service or benefit.
8. Hostile environment harassment, which consists of unwelcome conduct based on a protected characteristic when:
9. Such conduct is so severe, pervasive, and objectively offensive as to create an intimidating, hostile or offensive working, learning or living environment. Hostile environment harassment is determined by looking at all of the circumstances, including the frequency of the allegedly harassing conduct and its severity. A single, serious incident may be sufficient to constitute hostile environment harassment.
10. Sexual Harassment is a form of sexual misconduct and is defined as any unwelcome conduct of a sexual nature. It may include, but is not limited to:
  - a. unwelcome sexual advances;
  - b. requests for sexual favors; and/or
  - c. other verbal, non-verbal, or physical conduct of a sexual nature.
11. Sexual harassment may occur in a single incident, as well as in persistent behaviors. Both men and women are protected from sexual harassment, and sexual harassment is prohibited regardless of the sex of the harasser. This form of harassment includes any situation in which there is harassing conduct that is sufficiently severe pervasive/persistent and patently/objectively offensive such that it alters the conditions of education or employment, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint. The determination of whether an environment is "hostile" must be based on the totality of the circumstances. These circumstances may include, but are not limited to:
  - a. the frequency of the conduct
  - b. the nature and severity of the conduct
  - c. whether the conduct was physically threatening
  - d. whether the conduct was humiliating
  - e. the effect of the conduct on the alleged victim's mental or emotional state

- f. whether the conduct was directed at more than one person
- g. whether the conduct arose in the context of other discriminatory conduct
- h. whether the conduct unreasonably interfered with the alleged victim's educational or work performance
- i. whether the statement falls under an existing exception to the First Amendment, such as true threats and intimidation
- j. whether the speech or conduct deserves the protections of academic freedom

## **Sexual Misconduct**

### Definition of Terms

*Acts of gender-based discrimination, harassment, and sexual misconduct, including dating violence, domestic violence, and stalking, will not be tolerated at Lincoln University.* In order to provide a safe campus community within which all members are valued and respected, policies and procedures for addressing gender-based/sexual misconduct have been established in accordance with Title IX, VAWA, and other regulatory requirements and are detailed herein.

State law defines various violent and/or non-consensual sexual acts as crimes. Additionally, Lincoln University has defined categories of sexual misconduct, as stated below, for which disciplinary action under this policy may be imposed. Generally speaking, Lincoln University considers Non-Consensual Sexual Intercourse violations to be the most serious, and therefore typically imposes the most severe sanctions for employees or students who commit such offenses. However, Lincoln University reserves the right to impose any level of sanction, ranging from a written warning up to and including suspension, expulsion, or termination, for any act of sexual misconduct or other gender-based offenses, including intimate partner or relationship (dating/domestic) violence, non-consensual sexual contact and stalking based on the facts and circumstances of the particular grievance. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation and/or gender identity of those involved. Sexual misconduct occurs when sexual acts are attempted or committed without consent and/or by force, threat, coercion, or pressure, or through the use of the victim's mental or physical helplessness, of which the assailant was aware or should have been aware.

### **Consent:**

The definition of consent is central to the recognition of both sexual assault and sexual misconduct. Lincoln University defines consent as mutually voluntary permission to engage in sexual activity demonstrated by clear actions and/or words. This decision must be made freely, consciously, knowingly and actively by all participants, as shown by the totality of the circumstances.

1. Intoxication is not an excuse for failure to obtain consent.
2. Silence, passivity, acquiescence, or lack of active resistance does not constitute or imply consent on its own.
3. Previous participation in sexual activity, however recent, does not indicate current consent to participate, and consent to one form of sexual activity does not imply consent to another form of sexual activity.
4. Consent can be withdrawn at any time.
5. Consent has *not* been obtained in situations where the individual:

- a. is forced, coerced (defined as an unreasonable amount of pressure), manipulated, or has reasonable fear as the result of a threat (such as, the individual or another will be injured if the victim does not submit to the act); or
  - b. is incapacitated by alcohol, other drugs, sleep, etc.
  - c. Because consent must be given consciously, sexual activity is prohibited with someone one knows to be, or should know to be, incapacitated. Incapacitation means the individual cannot make rational, reasonable and informed decisions; or
  - d. has a mental or physical disability which inhibits or precludes his/her ability to give knowing consent.
6. **In California, a minor (meaning a person under the age of 18 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 18 years old may be a crime, as well as a violation of this policy, even if the minor willingly engaged in the act.**
7. Violations include:
- a. **Non-Consensual Sexual Intercourse** is defined as any sexual penetration or intercourse (anal, oral or vaginal), however slight, with any object, by a person upon another person that is without consent and/or by force. Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.
  - b. **Non-Consensual Sexual Contact** is defined as any intentional sexual touching, however slight, with any object by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.
8. **Sexual Exploitation** refers to a situation in which a person takes non- consensual or abusive sexual advantage of another, in situations in which the conduct does not fall within the definitions of Sexual Harassment, Non-consensual Sexual Intercourse or Non-consensual Sexual Contact. Examples of sexual exploitation include, but are not limited to:
9. **Sexual Voyeurism** (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed);
- a. 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);
  - b. Prostituting another employee or student;
  - c. 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;
  - d. Administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent.
10. **Dating Violence:** Dating violence is defined as 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 reporting party'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.

11. **Domestic Violence:** Domestic violence is defined as a felony or misdemeanor crime of abuse or violence committed by:
  - a. A current or former spouse of the victim;
  - b. A person with whom the victim shares a child in common; and/or
  - c. A person who is cohabitating with or has cohabitated with the victim as a spouse.
  - d. Dating and domestic violence include, but are not limited to, sexual or physical abuse or the threat of such abuse.
  
12. **Stalking:** Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to feel fear for his or her safety or the safety of others or suffer substantial emotional distress. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. "Course of conduct" is defined as a pattern of two or more acts over a period of time, however short, that evidence a continuity of purpose. Stalking behaviors include, but are not limited to, the following behaviors if they occur when it is known or reasonably should have been known that such behavior or one's presence is unwanted by a recipient:
  - a. non-consensual communication including in-person communication, telephone calls, voice messages, text messages, email messages, social networking site postings, instant messages, postings of pictures or information on Web sites, written letters, gifts, or any other communications that are undesired and/or place another person in fear;
  - b. following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by a victim; or
  - c. surveillance and other types of observation, whether by physical proximity or electronic means.
  
13. **Intimidation:** Intimidation is defined as implied threats or acts that cause a reasonable fear of harm in another and includes, but is not limited to:
  - a. Threatening to commit a harmful or sexual act upon another person;
  - b. Stalking; or
  - c. Cyber-stalking.
  
14. Other civil rights offenses, when the act is based upon gender or sex Other offenses include, but are not limited to:
  - a. Threatening or causing physical harm, extreme verbal abuse or other conduct which threatens or endangers the health or safety of any person on the basis of their actual or perceived membership in a protected class. Discrimination can also involve treating an individual less favorably because of his or her connection with an organization or group that is generally associated with people of a certain protected class.
  - b. Hazing, defined as acts, performed voluntarily or involuntarily, likely to cause physical or psychological harm or social ostracism to any person within the Lincoln community, when related to the admission, initiation, pledging, joining or

- any other group- affiliation activity on the basis of actual or perceived membership in a protected class. Hazing is also illegal under California law.
- c. Bullying, defined as repeated and/or severe aggressive behavior that is likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally on the basis of actual or perceived membership in a protected class.
15. Violation of any other Lincoln University rules, when such violation is motivated by the actual or perceived membership of the victim on the basis of sex or gender or in a protected class may be pursued using this policy.
  16. **Retaliation:** Retaliation against any person complaining of unlawful discrimination or sexual misconduct or against any person who is a witness to any prohibited conduct is strictly prohibited. Retaliation also qualifies as a violation of this Policy and is grounds for appropriate disciplinary action. Retaliation is defined as any form, direct or indirect, including through third parties, of intimidation, threat, harassment, reprisal, interference, restraint, coercion or any other type of discrimination in response to an individual's complaint or participation in investigation or conduct processes.
  17. Public awareness events such as “Take Back the Night” or other forums at which students disclose experiences with sexual violence are not considered notice to the school for the purpose of triggering an individual investigation unless the victim initiates a complaint with an appropriate campus official.
  18. Research involving human subjects (which requires approval by Lincoln University’s Institutional Review Board for the Protection of Human Subjects) may ask subjects to provide personal information in a confidential setting. Information about an incident covered under this Policy may be disclosed by a research subject as part of participation in that research after potential participants are advised by the researchers that incidents that fall under this Policy will be reported to the Title IX Coordinator. If the disclosed information fall under this Policy, the researchers will notify the Title IX Coordinator in writing.

## **Reporting and Resolution**

### **Lincoln University Title IX Coordinator:**

Dr. Michael Guerra, Administrative Vice-President

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510-628-8031

401 15<sup>th</sup> Street, Room 301

Oakland, CA 94612

### **Reporting:**

The university encourages prompt reporting of all perceived violations of this Policy, regardless of who the alleged offender may be.

In addition to violating university policy, some instances of sexual misconduct may also constitute criminal activity. Victims are encouraged to inform law enforcement

authorities about instances of sexual misconduct. The chances of a successful law enforcement investigation or of successfully obtaining a civil or criminal protective order through the court system are greatly enhanced if evidence is collected and maintained by law enforcement immediately following the crime. Victims experiencing these forms of sexual misconduct are similarly strongly encouraged to seek medical attention. Victims are encouraged not to bathe, douche, brush their teeth, drink, change clothing or even comb their hair before seeking medical attention. It is only natural to want to do so, but doing so may destroy physical evidence that could be needed later if charges are pursued. Even if one bathes or washes, evidence can still be collected at the hospital, preferably within 72 hours of an assault. If clothes are removed in that time frame, they should be placed in a brown paper bag and brought to the hospital or to law enforcement, depending upon which resource the victim has chosen to utilize. Evidence collection is not essential for pursuing assistance through any campus process, but there are still good reasons to maintain evidence and obtain medical treatment, such as to address the possibility of pregnancy, detect and prevent sexually transmitted infections, and to treat any physical injuries. Evidence collection and emergency treatment is available 24 hours a day at the local emergency rooms. The California law covers most, if not all, medical costs related to rape. Law enforcement will be called to the hospital, but a victim is not obligated to talk to them.

Victims may inform law enforcement officers without making a criminal or university complaint. If a victim wishes to pursue criminal charges, they may contact their local police department, or use emergency 911. Victims who make a criminal complaint may simultaneously pursue a university complaint. The university can assist victims in making a complaint to law enforcement officials. The university can also assist victims with obtaining a court ordered protective order as well.

### **University Complaint Process**

1. Complaints against students: Employees and students seeking to make a complaint of sexual misconduct by a Lincoln University student should contact the university's Title IX Coordinator and/or the Oakland or Alameda (Summerhouse apartment complex) police department.
2. Complaints against employees: Allegations of sexual misconduct against a university employee should be reported to the Title IX Coordinator, the Oakland or Alameda police department, and Lincoln University's Human Resources department.

Optional Informal or Initial Actions; Interim Measures: Depending on the type or severity of offense, initial actions may include the following:

1. Telling the alleged offender his or her behavior is unwelcome and must stop.
2. Asking for an apology and a commitment that the behavior will stop.
3. Sending a copy of this policy to the alleged offender.
4. Writing to the alleged offender regarding the conduct, pointing out the effects of such behavior, and explaining the behavior change desired.
5. Having the pertinent supervisor counsel, the alleged offender about appropriate behaviors and conduct expectations.
6. Requesting a fact-finding investigation.
7. Some of these initial actions will never be appropriate for allegations of sexual misconduct. Additionally, the university may provide interim measures to ensure that there is no interference with the educational or employment opportunities of the complaining party. These interim measures may include, but are not limited to, an institutional order

of no contact, no trespass order, parking accommodation, transportation assistance or security escorts, and changes in academic or relocation of workspace, among other options. The complaining party may also receive services in connection to community resources such as the Rape Crisis Center and the Domestic Violence Shelter and Services. Under Title IX, the University is legally obligated to take prompt and remedial measures to end sex-based harassment, even if the affected individual does not make a complaint or otherwise request action to be taken.

In deciding whether to pursue informal means, including mediation, the complaining individual is encouraged to seek the assistance of the Title IX Coordinator, Student Services Director, or Human Resources Director, as appropriate. These offices are available to assist the complaining party in crafting the message to send to the offending individual, as well as recommending other informal mechanisms and setting up mediation. Whichever office the affected individual elects to discuss his/her concerns with, the issue of confidentiality should be addressed before specific facts or identities are disclosed due to the university's legal obligations to investigate all allegations that may constitute harassment as defined in this Policy.

## **Formal Resolution of Complaints against Employees**

### **Initiating a Formal Complaint:**

If the offending behavior continues after the initial response above, or if the severity of the behavior warrants immediate initiation of a fact-finding investigation (such as alleged instances of sexual misconduct), the complainant or witness may make a formal complaint.

A complaint must be presented within ninety (90) calendar days of the alleged incident to the appropriate office as listed above. Such office shall forward the complaint to Human Resources. If filed later than ninety calendar (90) days, the Director of Human Resources may extend the time limit based on extenuating circumstances and at his/her sole discretion.

Complainants are not required to provide a signed, written statement describing their complaint, though such documentation is strongly encouraged. If the complainant conveys the allegations verbally, the Director of Human Resources or designee shall document the complaint and have the complainant review and sign the documentation to indicate that it is accurate and complete. Upon receipt of allegations involving sexual misconduct, the Title IX Director shall be notified.

### **Personnel Investigation:**

The Director of Human Resources or designee shall determine whether the complainant's allegations fall within the scope of this Policy. If so, the Director of Human Resources or designee(s) shall investigate promptly, and all investigations will be in compliance with federal and California labor and employment laws and regulations. All proceedings will include a prompt, fair, and impartial process from the initial investigation to the final result. Proceedings should be completed within sixty (60) days of receiving a formal complaint. Reasonable extensions of time for good cause are permissible upon written notice to both parties of the delay and the reason for the delay.

The Director of Human Resources or designee shall appoint a qualified unbiased investigator(s) who shall interview the complainant and the respondent. Witnesses should also be interviewed,



and any relevant documentary evidence shall be reviewed. The fact investigator(s) shall take notes of all individuals who are interviewed. The fact finding team shall instruct individuals that retaliation is prohibited and is a violation of university policy and the law. The individuals shall also be instructed about the confidentiality and privacy parameters of the investigation. In cases involving sexual assault, dating violence, domestic violence, and stalking, the fact finding investigator will have undergone annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking, as well as how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

In general, both the complainant and the respondent may be accompanied when interviewed by another member of the university community, so long as the individual does not participate in or interfere with the interview. This person's role is simply as an observer. Representation by legal counsel during the interview is prohibited, except in cases involving sexual assault, dating violence, domestic violence, and stalking, where both the complainant and respondent may be accompanied by any advisor of their choice, including legal counsel, so long as the individual does not interfere with the interview. In no case may an advisor include any individual that could serve as a witness in the process.

### **Findings and Determination:**

Upon completion of the investigation, the fact finding investigator(s) shall prepare a written report of the factual findings. The Director of Human Resources shall forward the report to the pertinent senior officer in the unit where the respondent is employed. The senior officer, in consultation with the University's General Counsel, shall make a determination of whether a policy violation has occurred. The standard of proof shall be a preponderance of the evidence, which means that there is greater than a 50% chance that the respondent is responsible for the alleged violation.

In the event that a violation of this Policy is found, the pertinent senior officer shall determine the appropriate disciplinary action, in consultation with the Director of Human Resources and General Counsel, in accordance with the appropriate disciplinary procedures pertaining to the affected individual. Any prior violations of this policy involving the respondent shall be considered in any disciplinary action.

The complainant and the respondent shall be informed within three (3) business days by the Director of Human Resources or pertinent senior officer, in writing, when a decision has been reached. Results of the investigation, the fact finding report, and any subsequent disciplinary action shall be kept confidential to the extent allowed by California Labor and Employment law and the State Human Resources Commission Personnel Records Policy, or, in the case of student-workers, the Family Educational Rights and Privacy Act ("FERPA"). The administration of any disciplinary action will be the responsibility of the pertinent senior officer in the employee's division in accordance with applicable procedures.

## **Resolution of Complaints Against Students by Students**

### **Intake Meeting:**

The purpose of the intake meeting (in person or by phone/other media) is for a representative of the University to offer information about this policy and resources available. Additionally, the

intake meeting is an opportunity to begin to gather further information on the behavior being reported. In most, but not all, cases the Title IX Coordinator will also reach out to the person whose conduct has been reported (hereinafter referred to as “respondent”) to conduct an intake meeting.

During the intake meeting, the complainant will be asked to consider the options afforded by this policy, as well as identify interim measures and remedies the University should consider to promptly assist with the matter. At the intake meetings, the following will also be discussed:

1. The right to report the incident(s) to local law enforcement agencies;
2. The right to receive medical treatment and the importance of preservation of evidence;
3. The University’s processes to consider all reports of incidents of possible sexual misconduct and the inability of the University to guarantee complete confidentiality;
4. The University’s policy against retaliation of any person making a report, or participating in an investigation, or adjudication, of an incident under this policy;
5. The possibility for Informal Action;
6. The possibility for Formal Resolution and of a live hearing conducted by an adjudicator;
7. The inability for the university to issue a gag order per Title IX;
8. The use of an advisor or support person at University proceedings;
9. The case being resolved by a trained and unbiased adjudicator;
10. The University’s advising of the community of a potential threat, where appropriate in the judgment of the University.

### **Initial Assessment:**

The Title IX Coordinator will make an initial assessment of whether there is a report of prohibited conduct under this policy. The Title IX Coordinator will also assess whether informal action or formal resolution is appropriate. In doing so, the Title IX Coordinator will consider the nature of the report, the safety of the individuals involved and of the campus community, and any expressed preferences for resolution. The Title IX Coordinator may gather information in the course of making a decision. If a formal complaint was made, the Title IX Coordinator will initiate the university’s investigative process.

### **Early Preventative Measures (includes Remedial Actions and Interim Measures) and Timely Warnings:**

The Title IX Coordinator will determine if any early preventative measures (including remedial action and interim measures), and/or warning to the community is warranted.

These measures can include housing and class modifications; directives to stay away from persons, a facility, or the entire campus; conduct directives; offers of services; and other measures prior to a final outcome. The intent is to facilitate continued access to educational programs and activities, to prevent further reports of, or acts of, harassment or misconduct, or simply to “keep the peace.”

These are implemented when, in the judgment of the Title IX Coordinator and/or Director of the Student Services and/or Human Resources, the safety or well-being of any member(s) of the campus community can be better assured.

Remedial Actions may include, but are not limited to:

1. Referral to counseling and health services
2. Referral to Employee Assistance Program (EAP – for employees)
3. Education to the community

4. Altering housing assignments of the respondent and/or complainant

**Interim Measures may include, but are not limited to:**

1. **Interim Suspension** (for students and/or organization). During an interim suspension, a student/organization's access to University housing and/or University campuses/facilities/events may be denied or limited. This measure may include restricting access to classes and/or all other University activities and privileges for which the student/organization might otherwise be eligible. Alternative coursework options may be pursued to ensure as minimal an impact as possible on the affected student. Violation of an interim suspension under this policy will be grounds for expulsion.
2. **Administrative leave** (for employees)
3. Others as appropriate

**Timely Warnings and/or Emergency Notifications:**

University administrators will issue timely warnings and/or emergency notifications for incidents that pose a serious, or ongoing, threat to the campus community. When possible, as determined by the University, the University will make effort to not disclose personally identifying information, while still providing enough information for community members to make decisions in light of the potential danger.

**Possible Informal Outcomes:**

1. **No Further Action:** If a complainant requests no further action, the Title IX Coordinator shall determine whether the situation nonetheless warrants action by the University to mitigate potential risk to the campus community. When possible, the requests of the complainant will be honored. Situations where action may be pursued without the participation of the complainant may include:
  - a. The safety and wellness of the community;
  - b. The nature of the allegation and if there are multiple respondents involved;
  - c. The nature of the allegation and if there was an element of significant physical harm, or threat of harm (e.g., use of a weapon);
  - d. The nature of the allegation and if there are multiple reports with a shared alleged respondent, or a location where multiple incidents have been reported.
2. **Informal Action:** Informal Action is intended to resolve the report at the earliest stage possible. Informal Action does not include extensive investigation, or a determination of fault, or validity of a report. The goal through Informal Action is to achieve a resolution that may be acceptable to both the complainant and respondent, and to provide an opportunity for education. Requests for Informal Action, while permitted, may limit the University's ability to understand what happened and implement appropriate response.
  - a. Examples of Informal Action include, but are not limited to:
    - i. Discussions with the parties involved (individually or jointly)
    - ii. Holding an educational meeting with the respondent
    - iii. Referring the parties to different resources.

At the conclusion of an Informal Action, the parties will be asked to agree to an "Informal Resolution Document," which will outline the actions taken and agreements made. If either or both parties do not agree to the document, the matter will be referred back to the Title IX

Coordinator who will decide whether to refer the matter for formal resolution. If both parties agree to the document, there will be no opportunity for appeal, and no opportunity to pursue a formal resolution process at a later time. Depending on what the informal resolution includes, information resulting from the document may or may not be something included on a student's conduct record. Additionally, it may or may not involve an acknowledgement of responsibility for the behavior alleged.

***\*\*\*Informal Action is not appropriate and will not be used for incidents the University believes could lead to a severe disciplinary sanction result (e.g., suspension, removal from a program or activity, termination of employment, or expulsion). In these cases, the matter will most often proceed to the formal resolution process.\*\*\****

3. **Formal Resolution:** If a matter is not resolved using the options detailed above, the Title IX Coordinator will move the matter to a formal resolution process, and will appoint an investigator(s) to conduct a fact-finding investigation and select an adjudicator to hear the complaint and resolve it.

### **Without Complainant Participation:**

When moving forward without the participation of the complainant, attempts to keep the complainant's identity confidential from the respondent will be made; however, depending on the investigation and allegations brought forth, this may not be feasible, and the University will inform the complainant of the limitations to confidentiality.

When a complainant requests no further action, this does not preclude the options to review and request resources, the need for a live hearing, and/or remedial actions. If necessary for the health and safety of students and staff at Lincoln, the Title IX Coordinator may require the investigation to continue without the complainant's participation. Additionally, a complainant may come back at any time in the future to request a resolution process (i.e., informal action or formal resolution) under this policy. There may be limitations to formal resolution, however, if the respondent is no longer within the jurisdiction of the University's disciplinary codes/policies.

## **Formal Investigations Involving Only Students**

If a formal student(s) against student(s) complaint is filed with the Title IX Coordinator, Lincoln University is required under Title IX to investigate and adjudicate the complaint. Investigations will generally include interviewing relevant parties and witnesses, collection of available evidence, and identification of sources of expert information, if/when necessary, etc. The investigator(s) will conduct the investigation in a manner deemed appropriate in light of the circumstances of the case.

When concurrent criminal and/or civil proceedings are occurring for the same incident, the University is not required to postpone its process in order for the criminal and/or civil matter(s) to be resolved. The University will use its discretion if/when a request is made to delay the investigation, and will communicate any delays to both the complainant and respondent.

**Investigation:** The University uses trained Title IX investigators to investigate reported incidents related to sex and gender-based harassment and discrimination, including non-consensual sexual

contact and non-consensual sexual intercourse. The Title IX Coordinator will assign a trained and unbiased investigator(s) and adjudicator.

**A Notice of Investigation letter** will be sent by the Title IX Coordinator to both the complainant and respondent outlining the reported behavior which is being investigated. This letter will include the name(s) of the investigator(s), how scheduling the interviews will be done, and a written notice of each parties' rights and responsibilities in the process. The written notice will include:

1. A summary of the reported conduct that potentially violated the Lincoln University Policy and, where applicable, other student conduct policy;
2. the identities of the parties involved;
3. the date, time, and location of the reported incident(s) (to the extent known);
4. the specific provisions of Lincoln University Policy and/or any other student conduct policy potentially violated;
5. a statement that the investigative report, when issued, will make factual findings and a preliminary determination regarding whether there has been a violation of the Lincoln University Policy and/or other student conduct policy;
6. a statement that the parties will each have an opportunity during the investigation to propose questions for the investigator to ask of the other party and witnesses during a live hearing presided over by an adjudicator;
7. a statement that the factual findings and preliminary determination will be based on a Preponderance of Evidence standard;
8. a summary of the resolution process, including the possible hearing, and the expected timeline;
9. an admonition against Retaliation; and
10. a summary of rights and resources available to the Complainant and Respondent.

At any point during the investigation, the Title IX Coordinator may amend the notice to add additional charges identified during the investigation. Any amended notice should include all the information described above. If the additional charges identified during the investigation include, then the Title IX Coordinator will notify the parties that the case will now proceed per the University's procedures.

### **Investigative Process:**

The investigator(s) will interview the complainant, respondent, any relevant witnesses, and collect relevant evidence (e.g., pictures or communication records). Investigators conduct interviews in a manner that tries to protect the safety of individuals and promote accountability.

The investigator(s) will coordinate with the complainant, respondent, and witnesses to set up interviews. At the conclusion of the interviews with the parties, the investigator(s) will verify the information they received is an accurate reflection of that party's interview, and will compile the details of the investigation into a "Draft Investigation Report," summarizing the information gathered.

### **Draft Investigation Report:**

This report will be available for review and comment by both the complainant and respondent. It will generally include:

1. A description of the incident;

2. Factual agreements and disputes;
3. Summaries of the interviews conducted; and
4. Summaries of other information (relevant evidence gathered, such as communication records or photos).

The complainant and respondent will have the opportunity to respond to the information in the report with further information; but only as it pertains to factual disputes, or clarifying their own information. Parties are unable to change the information provided by other parties; rather, they may respond to the information. Responses may be made in writing or in person at a meeting with the investigator(s). If either the complainant or respondent is reminded of further evidence they have, they may provide this to the investigator(s).

### **Final Investigation Report and Outcome:**

After the “Draft Investigation Report” has been reviewed by the parties, the investigator(s) will compile any additional details submitted by the parties into the “Final Investigation Report” and share this report with the Title IX Coordinator and Adjudicator.

The Title IX Coordinator and/or Adjudicator will make a determination of whether or not they believe the matter requires a live hearing. If either the Title IX Coordinator or Adjudicator believe a live hearing is warranted, one will be scheduled by the Title IX Coordinator. If the Title IX Coordinator and Adjudicator both determine the matter does not require a live hearing, the Title IX Coordinator (or designee) will issue an Outcome Letter that sets forth the determination of the adjudicator or decision-maker of whether or not the respondent is responsible for violation of policy using a preponderance of the evidence standard. When there is a finding of responsibility, sanctions will also be determined. The outcome will be communicated in writing to both the complainant and respondent.

Following the issuance of the Outcome Letter, the complainant and respondent will have five (5) business days from the date of the communication of the outcome to either:

1. Accept the outcome; *OR*
2. Do not accept the outcome and submit an appeal (*see Appeal section*); *OR*
3. Request a Live Hearing.

If both parties accept the outcome, there will be no option for an appeal process on any grounds. This outcome then becomes the final determination of the University. If the respondent is found responsible, the sanctions will go into effect. Findings of responsibility and sanctions are disclosable

### **Live Hearings:**

In cases where the Title IX Coordinator and/or Adjudicator make a judgment that (a) severe disciplinary sanction of the respondent could result and (b) the facts at issue are in conflict and require an assessment of the credibility of a witness or witnesses, the Title IX Coordinator will issue a Notice of Live Hearing letter to both the complainant and respondent. A live hearing can also be requested by either the Complainant and/or the Respondent. Live hearings include the right to cross-examination by the Advisors of either party, but do not allow the Complainant and Responded to cross-examine each other.

“*Severe disciplinary sanction*” includes such action as suspension, expulsion, termination from employment or internship, or probation including major restriction(s) of a student or employee’s engagement in the programs and activities of the University.

A credibility determination is required when there is a conflict in evidence that is material to the determination such that the fact-finder should personally observe the testimony from a witness in order to assess the credibility of such testimony.

Whether the matter will proceed to a live hearing is determined on a case-by-case basis by the Title IX Coordinator and Adjudicator, or upon request by either the Respondent or Complainant or both. A matter may be referred to the hearing process even where severe disciplinary sanction is not a likely outcome if the Title IX Coordinator believes a hearing is appropriate.

A trained Title IX **Adjudicator** will oversee the live hearing who will find facts and make credibility assessments. Adjudicators receive annual training on how to conduct hearings that protect the safety of individuals and promotes accountability, training on sexual harassment and discrimination, and how to apply the standard of evidence to the information provided from the Final Investigation Report and live hearing testimony.

If there is a hearing, the Adjudicator and Title IX Coordinator will meet with each party beforehand to educate them about the process and answer questions, among other purposes. The Adjudicator will then notify both parties of the hearing officer’s decision on the scope of the issues to be addressed at the hearing and the expected witnesses, and provide copies of the evidence that the Adjudicator will consider. After the hearing, the parties will receive the Adjudicator’s determination of whether the respondent violated policies and, if so, any sanction imposed. They will also receive information on their appeal options. If either party chooses to appeal, both students will be notified of the appeal and then the results of the appeal.

**Complainant and Respondent (The Parties):**

1. The parties cannot waive the right to a live hearing.
2. The institution may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a “statement” by that party. 85 Fed. Reg. 30026, 30361. For example, A verbal or written statement constituting part or all of the sexual harassment itself is not a “prior statement” that must be excluded if the maker of the statement does not submit to cross-examination about that statement. In other words, a prior statement would not include a document, audio recording, audiovisual reading, and digital media, including but not limited to text messages, emails, and social media postings, that constitute the conduct alleged to have been the act of sexual harassment under the formal complaint. See, OCR Blog (May 22, 2020), available at <https://www2.ed.gov/about/offices/list/ocr/blog/20200522.html>
3. Lincoln University will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party’s participation. See 34 C.F.R. § 106.71; see also 85 Fed. Reg. 30026, 30216 (May 19, 2020).
4. If a party does not submit to cross-examination, the decision-maker cannot rely on any prior statements made by that party in reaching a determination regarding responsibility, but may reach a determination regarding responsibility based on evidence that does not constitute a “statement” by that party.
5. The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party’s absence from the live hearing or refusal to answer

cross examination or other questions. See 34 C.F.R. §106.45(b)(6)(i).

**The Decision-Maker/Hearing Board:**

1. The hearing body will consist of an Adjudicator.
2. No member of the hearing body will also have served as the Title IX Coordinator, Title IX investigator, or advisor to any party in the case, nor may any member of the hearing body serve on the appeals body in the case.
3. No member of the hearing body will have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
4. The hearing body will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing.
5. The parties will have an opportunity to raise any objections regarding a decision-maker's actual or perceived conflicts of interest or bias at the commencement of the live hearing.

**Notice of Hearing:**

When a case moves to a live hearing, the Complainant and Respondent will be notified in writing of the date/time/location of the hearing and will have at least five (5) business days advance notice of the hearing. The Complainant and Respondent will have access to the Final Investigation Report and all evidence the Adjudicator had access to prior to the hearing.

**Review of Evidence:**

The Complainant and Respondent are each given an opportunity to review the information which the Adjudicator will have access to, which shall include the Final Investigation Report, witness statements, statements made by the complainant and respondent, and any other evidence and information that will be presented to the Adjudicator.

The review shall be facilitated by the Title IX Coordinator's office. Copying and taking photographs of the evidence reviewed is strictly prohibited. Individual requests for copies or the manner for review of evidence on record will be considered by the Title IX Coordinator on a case-by-case basis.

Complainants and Respondents are shall maintain the privacy of the report and information contained within, with the exception of sharing the report with the advisor of their choice, who may be supporting the Complainant and Respondent in the response to the report and preparation for the hearing.

Investigative documents may be redacted for privacy and confidentiality purposes consistent with federal and state law.

**Pre-Hearing Submissions:**

Both the Complainant and the Respondent may, after receiving notice of the hearing, provide the Adjudicator with a list of witnesses whom they wish to call at the hearing, and with copies of any documentation they would like the Adjudicator to consider. Pre-hearing submissions must be submitted no later than 72 hours prior to the scheduled hearing, unless otherwise permitted by the Adjudicator or Title IX Coordinator.



Both the Complainant and the Respondent may also submit questions to be asked of the other party by the Adjudicator at the hearing.

The Adjudicator has the right to deny the use of any additional documentation or witnesses that the Adjudicator deems inappropriate or irrelevant.

**Advisor of choice:**

1. The parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney.
2. The advisor of choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross-examination.
3. The parties are not permitted to conduct cross-examination; it must be conducted by the advisor. As a result, if a party does not select an advisor, Lincoln University will select an advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.
4. The advisor is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
5. The advisor is not prohibited from being a witness in the matter.
6. If a party does not attend the live hearing, the party's advisor may appear and conduct cross-examination on their behalf. 85 Fed. Reg. 30026, 30340 (May 19, 2020).
7. If neither a party nor their advisor appear at the hearing, the Lincoln University will provide an advisor to appear on behalf of the non-appearing party. See, 85 Fed. Reg. 30026, 30339-40.

**Hearing Procedures:**

Hearings are closed proceedings and are required to be recorded. Participants who may be present during the hearing include:

1. Adjudicator
2. Complainant (with Advisor selected by Complainant or appointed by Title IX Coordinator)
3. Respondent (with Advisor selected by Respondent or appointed by Title IX Coordinator)
4. Witnesses (when called by the Adjudicator and only for the duration of their testimony)
5. Investigators (when called by the Adjudicator and only for the duration of their testimony)
6. Title IX Coordinator (may be present to observe and/or answer policy-related questions)
7. University Counsel
8. Provost or his/her designee
9. A court reporter

In some cases, the Adjudicator may have subject matter experts provide information (when called by the Adjudicator and to answer questions by the Adjudicator)

On the day of the hearing, the complainant and respondent, along with their respective advisor, will be located in separate rooms. The rooms will be equipped with the ability to listen/see the hearing room where the Adjudicator is located. Throughout the duration of the hearing, the complainant and respondent may access the audio and/or video, with the exception of the closed

deliberations of the Adjudicator, during times when there is a break, or other extenuating circumstances.

If both the complainant and respondent mutually agree to be present in the hearing room at the same time, this will be taken into consideration by the Title IX Coordinator, and barring any concerns, the parties, and their respective advisor, will be allowed to be in the hearing room for the entirety of the hearing (other than the exceptions outlined above).

The hearing will generally proceed in the following order:

1. Opening communication by the Adjudicator
2. Complainant Statement
3. Questions to the Complainant by the Adjudicator
4. Questions to the Complainant by the Respondent\*
5. Respondent Statement
6. Questions to the Respondent by the Adjudicator
7. Questions to the Respondent by the Complainant\*
8. Witness Statements (if/when applicable)
9. Questions to Witnesses by the Adjudicator (if/when applicable)
10. Questions to Witnesses by the Complainant and Respondent\* (if/when applicable)
11. Final Questions to the Complainant and/or Respondent
12. Closing Statement by the Complainant
13. Closing Statement by the Respondent
14. Closed Deliberations by the Adjudicator

*\*Question asking by the Complainant and Respondent:* Absent advance written consent by the Adjudicator, only Adjudicator of Advisors to the Complainant and Respondent may ask questions of the complainant, respondent, and witnesses. The complainant and respondent may submit questions in writing to the Adjudicator. During the hearing, the Adjudicator will pause to allow the complainant/respondent to submit questions for the Adjudicator to consider asking the other party(s). The Adjudicator has the discretion to ask, rephrase, or decline to ask questions submitted that are not in accordance with this policy. If questions are rephrased or declined, the Adjudicator will document the reason on record at the time of the hearing.

Questions regarding the sexual history of either party will not be considered, except information regarding history between the complainant and respondent to assist with context of the nature of the relationship.

Questions regarding unrelated disciplinary conduct known to either the complainant or respondent may not be considered.

If the hearing was recorded digitally and not by a court transcriber, the recording will be transcribed for the record. The recording of the hearing will be available for review by the parties within 5 business days, unless there are any extenuating circumstances. The recording of the hearing will not be provided to parties or advisors of choice.

### **Outcome of the Hearing:**

At the conclusion of the hearing, the Adjudicator will dismiss the parties and inform the parties that an outcome will be communicated in writing within five (5) business days from the day of the hearing. The Outcome Letter will include the name of the respondent, the violation for which

the respondent was or was not found responsible, the essential information on which the findings were based, and the determined sanction(s), if any.

There are no presumptions. A preponderance of the evidence establishes the findings of the hearing Adjudicator.

### **Sanctions:**

Any student respondent found responsible for violating the Sexual Misconduct Policy will be subject to sanction(s) ranging from a warning to expulsion, depending on the severity of the incident, and taking into account any previous Student Conduct Code violations. Psychological and/or behavioral counseling may be required for students found responsible for a violation of this policy.

Any employee found responsible for violating the Sexual Misconduct Policy will be subject to sanction(s) ranging from warning to loss of employment, depending on the severity of the incident and taking into account any previous applicable action taken by Human Resources.

In considering an appropriate sanction(s), decision-makers shall consider all of the evidence presented during the investigation and hearing (when applicable), and may also consider the following:

1. Impact statements provided by the complainant and respondent – which will not be a part of the determination if policy was violated
2. What is reasonable, appropriate, and fair given the facts of the case and the determination of responsibility, including, but not limited to:
3. What factors contributed to the absence of consent (e.g., coercion, force, incapacitation)?
4. What motivated the respondent's behavior (e.g., negligence, intentional, reckless, biased)?
5. What is the impact on the complainant?
6. What is the impact on others and the Lincoln community?
7. What is the respondent's disciplinary history?
8. Are the sanctions consistent with those imposed for similar offenses at the University?
9. Are there any aggravating or mitigating circumstances?

### **Acceptance of Responsibility:**

The Respondent may choose to admit responsibility for all or part of the alleged policy violations at any point in the process. If so, the Title IX Coordinator will render a finding of responsibility for violation of the policy for the admitted conduct, and will confer with the Director of Human Resources for employee sanctioning.

If the sanction/responsive action is accepted by both the complainant and respondent, the Title IX Coordinator and Director of Human Resources will implement it, and act promptly and effectively to remedy the effects of the admitted conduct upon the complainant and the community. If either party does not accept the sanction/responsive action, they may submit a request for appeal as described in the appeals section.

### **Advisors:**

All participants in the Sexual Misconduct investigation process may have the assistance of an advisor of their choosing at any of the meetings and/or proceedings associated with resolution. If

the advisor is an attorney, they are permitted to act only as an advisor during this administrative process. Students are expected to ask and respond to questions on their own behalf, without representation by their advisor. The advisor may consult with the advisee quietly or in writing, or outside the meeting during breaks, but may not speak on behalf of the advisee to the investigators. Advisors are allowed to ask cross-examination questions on behalf of the party they represent.

### **Withdrawal While Charges Pending (for students):**

Should a student who has a complaint pending for a violation of the Sexual Misconduct Policy decide to leave the University and not participate in the investigation, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to the Lincoln University unless all sanctions have been satisfied. A hold may be placed on the student's account to prohibit re-enrollment and the release of transcripts.

### **Conflicts of Interest:**

When designating individuals to perform roles under the procedures identified in this policy, the University seeks to avoid any conflicts of interest and to appoint neutral individuals. If any party becomes aware of a conflict of interest, or bias, of an individual who is participating in the procedures identified above, that party should inform the Title IX Coordinator immediately. The Title IX Coordinator will assess the information and determine if the concern may be addressed or if replacement is required. The Title IX Coordinator will communicate to both parties if a replacement occurs and provide the new name(s) and role(s) of any new individuals in the process.

## **Appeal Procedures**

The grounds for appealing a decision reached pursuant to the procedures in indicated within this Policy, the University Catalog, and all employee handbooks

The grounds for appealing the decision reached pursuant to the procedures under the Policy by either the complainant or the respondent, may be for only these reasons:

- A. The behavior is ongoing;
- B. The remedy was not implemented;
- C. Material procedural irregularities occurred during the investigation; or
- D. New evidence has been discovered that had not been available during the investigation and that may have a substantial impact on the outcome of the investigation.

Dissatisfaction with the university's decision from the formal resolution procedures is not grounds for an appeal.

Parties seeking to appeal the decision on approved grounds must file a written appeal statement within thirty (30) calendar days after notice of the decision. Appeal statements must include a copy of the original complaint, a summary of efforts to resolve the behavior, and the grounds for the appeal.

Respondents against whom disciplinary action has been taken must follow the appeal procedures in accordance with university policy for appealing disciplinary action.

The President of Lincoln University or the Chairperson of the Board of trustees who is unaffiliated with the investigation, or designee, shall review the appeal with General Counsel. Should the President or Chairperson have a conflict of interest or be the subject of the complaint the appeal shall be reviewed by the Board or Trustees’ Chair of the Human Resources committee or their designee with assistance by General Counsel. The decision must be in writing and sent to the appellant as soon as practicable in a matter that ensures receipt. This decision cannot be appealed.

### **Record Keeping**

The Office of Human Resources shall retain all investigation records of employees in a confidential file. The Office of Title IX and Clery Compliance shall retain all investigation records of students for at least seven years.

### **Training Documentation**

Title IX requires the individuals serving in the following positions and/or roles complete training that covers information regarding relevancy determination, Title IX updates, evidence collection, issues areas, general skills needed (including asking appropriate questions, and anti-bias: Title IX Coordinator, Investigator(s), Adjudicator(s), Appellate Decision-Maker(s). Training documentation along with training materials have to be posted on the university’s website and available for public review. Please see Title IX policy on the Lincoln University website for attached training documentation for staff members listed below.

**Title IX Coordinator: Dr. Michael Guerra**

<b>Date Completed</b>	<b>Training Title/Description</b>	<b>Training Provider</b>	<b>Completion Certificate (Y/N)</b>	<b>Training Materials Attached (Yes/No)</b>
August 5, 2020	Title IX Investigator & Adjudicator Training	PaperClip Communications	Yes	Yes
June 24, 2020	New Title IX Regulations: Nine Key Takeaways for Fall Planning	Vector Solutions: Safe Colleges	No	No
June 3, 2020	Keeping Focus: Reviewing Clery Act Requirements in Light of New Title IX Regulations	Clery Center	No	No

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

<b>Date Completed</b>	<b>Training Title/Description</b>	<b>Training Provider</b>	<b>Completion Certificate (Y/N)</b>	<b>Training Materials Attached (Yes/No)</b>

The Lincoln University Human Resources Department is currently developing this policy, and while this is a draft and a final version has not been formally adopted by the university, the university operates within the framework of the policy.

# Lincoln University Infectious and Communicable Disease Prevention Policy

*DRAFT LU Policy—May 5, 2020*

<b>Document Name:</b> Infectious and Communicable Disease Workplace Prevention Policy
<b>Publications:</b> University Catalog, Website, Administrative Handbook, Faculty Handbook
<b>Date of Revision:</b> May 17, 2020

**POLICY:**

The policy of Lincoln University is to take a proactive preventative approach to protect the workplace in the event of an infectious or communicable disease outbreak within the university community. Lincoln University’s goal during any outbreak period is to ensure that all essential services are continuously provided to our students, staff, and community; and that everyone is safe within the workplace. The University is committed to providing information from governmental health authorities about the nature and spread of infectious diseases, including symptoms and signs to watch for, personal protective equipment, as well as required steps to be taken in the event of an illness or outbreak.

Communicable diseases include, but are not limited to, measles, influenza, viral hepatitis-A (infectious hepatitis), viral hepatitis-B (serum hepatitis), human immunodeficiency virus (HIV infection), AIDS, AIDS-Related Complex (ARC), leprosy, Severe Acute Respiratory Syndrome (SARS), COVID-19, including the SARS-CoV-2 (coronavirus) and tuberculosis. Lincoln University may choose to broaden this definition within its best interest and in accordance with information received through the Centers for Disease Control and Prevention (CDC).

Lincoln University will not discriminate against any job applicant, student, or employee based on the individual having an infectious or communicable disease. Employees and students shall not be denied access to the workplace solely on the grounds that they have a communicable disease. Lincoln University maintains the right to exclude a person with an infectious or communicable disease from the workplace facilities, programs and functions if such determination is based on a medical determination. Such restriction is necessary for the welfare of the person who has the infectious or communicable disease and/or the welfare of others within the workplace. Lincoln University will comply with all applicable statutes and regulations that protect the privacy of persons who have a communicable disease. Every effort will be made to ensure procedurally sufficient safeguards to maintain the personal confidence about persons who have communicable diseases.

If an employee is on sick leave or shows symptoms of being ill, it may become necessary to request information from the employee and/or the employee's health care provider. In general, Lincoln would request medical information to confirm the employee's need to be absent, to show whether and how an absence relates to the infection, and to know when it is appropriate for the employee to return to work. As always, Lincoln expects and appreciates the employee's cooperation if and when medical information is sought. Lincoln University's policy is to treat any medical information as a confidential medical record. In furtherance of this policy, any disclosure of medical information is in limited circumstances with supervisors, managers, first aid and safety personnel, and government officials as required by law and with the approval of Lincoln's HR department.

#### **PURPOSE:**

The purpose of this policy is to establish and maintain workplace safety requirements for any work operation that involves potential infectious or communicable disease hazards. All hazards need to be identified and controlled, and the appropriate hazard information must be communicated to each employee prior to the performance of their duties. Employee involvement in both the hazard identification and hazard control components is essential to pre-work planning and work operations. This policy also serves to help the institution and staff prepare for continuity of operations (increased absenteeism, downsizing, work schedules, supply-chain delays, cross-training, etc.).

#### **SCOPE:**

This policy applies to all employees and staff volunteers of Lincoln University. Subcontractors will be required to comply with the requirements of this policy or have an equivalent program that is approved by the Lincoln University Human Resources Department. A violation of any part of this policy may serve as the basis for internal discipline or other administrative action.

#### **RESPONSIBILITIES:**

Executive Managers/Department Directors/Supervisors

Instructing all employees who are sick or exhibit infectious or communicable disease symptoms as defined by the CDC and/or Alameda County health department to stay at home and not come to work.

Minimizing contact among employees, students, vendors, and customers by replacing face-to-face meetings with virtual communications and implementing telework if feasible for the position.

Maintaining distance from one another while maintaining a full onsite work week. Keeping a social distance of at least 6 feet.

Discontinuing nonessential travel to locations with ongoing infectious or communicable disease outbreaks as advised by CDC and/or Alameda Co. health department. Regularly check CDC travel warning levels at: [www.cdc.gov/travelers](http://www.cdc.gov/travelers).



Providing workers with up-to-date education and training on infectious and communicable disease risk factors and protective behaviors (e.g., cough etiquette and care of PPE).

Training workers who need to use protecting clothing and equipment how to put it on, use/wear it, take it off correctly, and how to clean and maintain it in the context of their current and potential duties. Training material should be easy to understand and available in the appropriate language and literacy level for all workers.

Developing options for staff including cross-training, work schedules, increased absenteeism, and contingency plans to ensure continuity of operations and recovery.

### **All Non-Supervisory Employees and Staff Volunteers:**

#### **Attend the training as required.**

- A. If travelling out of the country, contact your employer (by phone, text, or e-mail) and let them know.
- B. If you are positive to the COVID-19 test or any other infectious disease , you have the responsibility to inform (by phone, text, or email) your employer and/or any other person you were in contact with in order to control the spread of the virus or disease at your earliest opportunity.
- C. Stay at home and away from work if you are sick or if you exhibit flu-like symptoms as defined by the CDC and/or Alameda Co. health department. Notify your Supervisor that you are sick.
- D. Minimize contact with other employees, students, clients, and customers.
- E. Prepare for flexible work scheduling and operations.

### **PREVENTION PROCEDURES:**

Lincoln University will ensure a clean workplace, including the regular cleaning of objects and areas that are frequently used, such as bathrooms, breakrooms, conference rooms, door handles and railings. A committee may be organized by the HR department as needed to serve as a resource for HR to help HR monitor and coordinate events around an infectious or communicable disease outbreak, as well as to create temporary work rules that could be implemented to promote safety through infection control.

Lincoln University asks all employees and staff volunteers to cooperate in taking steps to reduce the transmission of infectious and communicable disease in the workplace. The best strategy remains the most obvious housekeeping practices: frequent hand washing with warm, soapy water or using the alcohol-based hand sanitizers around campus; covering your mouth whenever you sneeze or cough; and discarding used tissues in wastebaskets. If necessary, replace your mask with a new one or clean it.

Unless otherwise notified, our normal attendance and leave policies will remain in place. Individuals who believe they may face particular challenges reporting to work during an infectious disease outbreak should take steps to develop any necessary contingency plans. For example, employees might want to arrange for alternative sources of child-care should schools close and/or speak with your direct manager or supervisor about the potential to work from home temporarily or on an alternative work schedule.

Employees should avoid crowded public transportation when possible. Alternative scheduling options, ride-share resources and/or parking assistance may be provided on a case-by-case basis. Contact your direct supervisor for more information.

Remote or off-site work requests will be handled on a case-by-case basis by your direct manager or supervisor. While not all positions will be eligible, all requests for temporary telecommuting should be submitted to your manager or supervisor for consideration with a complete explanation on why this is necessary.

Sometimes our dedicated employees report to work even though they feel sick. Lincoln provides paid sick time and other benefits to compensate employees who are unable to work due to illness in compliance with federal, state, and local regulations. During an infectious disease outbreak, it is critical that employees do not report to work while they are ill and/or experiencing the following symptoms: fever, cough, sore throat, runny or stuffy nose, body aches, headache, chills and fatigue. Currently, the Centers for Disease Control and Prevention recommends that people with an infectious illness such as the flu remain at home until at least 24 hours after they are free of fever (100 degrees F or 37.8 degrees C) or signs of a fever without the use of fever-reducing medications. Employees who report to work ill will be sent home in accordance with these health guidelines.

#### **Administrative Controls:**

- A. Face masks are available to all employees and customers to contain respiratory secretions, and are encouraged to be worn. In the event of a shortage of masks, a reusable face shield that can be decontaminated may be an acceptable method of protecting against droplet transmission. See CDC/ NIOSH guidance for optimizing respirator supplies, which discusses the use of surgical masks, at: [www.cdc.gov/coronavirus/2019-ncov/hcp/respirators-strategy](http://www.cdc.gov/coronavirus/2019-ncov/hcp/respirators-strategy).
- B. Keep employees informed about symptoms of infectious and communicable diseases and ask sick employees and visitors to minimize contact with others until healthy again, such as by posting signs about COVID-19 and other infectious diseases in stores/worksites/offices where sick customers/subcontractors/employees may visit or come into contact with one another.
- C. Employees, students, customers and visitors are prohibited from entering the building without any required PPE as required by order of the health department. The front door (main, library DI Lab buildings) receptionist position is primarily responsible for ensuring compliance.
- D. Instructors and students in classrooms need to comply with CDC and Alameda Co. Health Department requirements, which may include wearing masks, restricted seating (three-feet between seated students and instructors), and practicing social distancing when entering and leaving the classroom. If there is a health hazard within the classroom, the instructor and students are required to report it to the administration as soon as possible. If the immediate hazard presents an immediate safety and health issue, the classroom needs to be evacuated until the hazard is removed.
- E. Nonessential workers are now working from home.
- F. Communicate the availability of medical screening or other worker health resources (e.g., on-site nurse; telemedicine services).

- G. Sanitize surfaces daily including doorknobs, counter tops, and other commonly touched surfaces. And, to ensure there are adequate cleaning supplies available for a department at the start of the business day.
- H. Inform all employees of our respiratory etiquette, including covering coughs and sneezes (not with your hands).
- I. Discourage employees from using other workers' phones, desks, offices, or other work tools and equipment, when possible. If these items must be shared, the last employee to use them must wipe them down with an approved disinfectant.
- J. If an employee is found to have symptoms of coronavirus or any other infectious disease, they will be isolated and asked to go home immediately by a supervisor. Any areas where the employee worked will be sanitized and employees will be alerted to the potential infection. Furthermore, the employee will be asked to self-monitor and report back his/her conditions. If the employee is found to have worsen and the probability of testing positive for coronavirus is likely, all employees will be notified.

**Safe Work Practices:**

- A. Providing resources, personal protective equipment (PPE), and a work environment that promotes personal hygiene. For example, provide tissues, masks, no-touch trash cans, hand soap, alcohol-based hand rubs containing at least 60 percent alcohol, disinfectants, and disposable towels for workers to clean their work surfaces and hands.
- B. Requiring regular hand washing or using of alcohol-based hand rubs. Workers should always wash hands when they are visibly soiled and after removing any PPE.
- C. Hand sanitizer bottles are placed in every department and workers are encouraged to use them as much as they want.
- D. Handwashing signs and awareness posters are posted around the building.

**Personal Protective Equipment:**

- A. When selecting PPE, consider factors such as function, fit, decontamination ability, disposal, and cost. Sometimes, when PPE must be used repeatedly for a long period of time, a more expensive and durable type of PPE may be less expensive overall than disposable PPE. Each employer should select the combination of PPE that protects workers specific to their workplace.
- B. Workers with medium exposure risk may need to wear some combination of gloves, a gown, a face mask, and/or a face shield or goggles. PPE ensembles for workers in the medium exposure risk category will vary by work task, the results of the employer's hazard assessment, and the types of exposures workers have on the job.

**Facility/Engineering Controls:**

- A. Departments where employees are structurally unable to practice social distancing will have other measures taken to reduce risk such as mandatory use of PPE, physical barriers in between workers.
- B. Hands-free hand sanitizers are being looked into for installation around the building.

- C. Facilities management will ensure there is adequate cleaning supplies available for daily university business operations.

### **Social Distancing Guidelines for Workplace Infectious Disease Outbreaks:**

- A. Avoid meeting people face-to-face. Employees are encouraged to use the telephone, online conferencing, e-mail or instant messaging to conduct business as much as possible, even when participants are in the same building.
- B. If a face-to-face meeting is unavoidable, minimize the meeting time, choose a large meeting room and sit at least three-feet from each other if possible; avoid person-to-person contact such as shaking hands.
- C. Ensure there is at least a three-foot space between students when they are seated in the classroom, and ensure ingress and egress from the classroom is done in way to try and maintain a six-foot social distance.
- D. Avoid any unnecessary travel and cancel or postpone nonessential meetings, gatherings, workshops and training sessions.
- E. Do not congregate in work rooms, common areas, copier rooms or other areas where people socialize.
- F. Bring lunch and eat at your desk or away from others (avoid lunchrooms and crowded restaurants).
- G. Encourage members and others to request information and orders via phone and e-mail in order to minimize person-to-person contact. Have the orders, materials and information ready for fast pick-up or delivery.

### **COVID-19 Travel Safety:**

- A. If you are or were travelling out of the country, contact your supervisor by phone or email and let them know and stay home for 14 days from the time you are or were back.
- B. If you were on a cruise stay home for 14 days from the time you disembark, practice social distancing, and monitor your health.
- C. If you are sick with COVID-19 or think you might have it after travelling stay home and do not leave, except to get medical care. Do not visit public areas.
- D. Stay in touch with your doctor and be sure to get care if you feel worse or you think it is an emergency.
- E. Avoid using public transportation, ridesharing, or taxis.

### **DOCUMENTATION:**

- A. Upon the completion of trainings or educational meetings, save all the signing sheets and copy of the material covered.
- B. Signing sheets are necessary to control and verify the amount of our personnel and/or contractors instructed or trained about safety practices during the COVID-19 or any other infectious disease outbreak.
- C. Maintain the material covered during trainings and /or educational meetings is necessary to corroborate than the information provided is in accordance and update with the latest recommendations coming from the official agencies.

D. Original documentation should be forward to the HR department for their records.

## **DEFINITIONS:**

Coronavirus Disease 2019 (COVID-19) - is a respiratory disease caused by the SARS-CoV-2 virus. It has spread from China to many other countries around the world, including the United States. Depending on the severity of COVID-19's international impacts, outbreak conditions including those rising to the level of a pandemic can affect all aspects of daily life, including travel, trade, tourism, food supplies, and financial markets.

Safe work practices - are types of administrative controls that include procedures for safe and proper work used to reduce the duration, frequency, or intensity of exposure to a hazard.

Medium Exposure Risk - Medium exposure risk jobs include those that require frequent and/or close contact with (i.e., within 6 feet of) people who may be infected with SARS-CoV-2, but who are not known or suspected COVID-19 patients. In areas without ongoing community transmission, workers in this risk group may have frequent contact with travelers who may return from international locations with widespread COVID-19 transmission. In areas where there is ongoing community transmission, workers in this category may have contact with the general public (e.g., in schools, high-population-density work environments, and some high-volume retail settings).

Administrative Controls - Action took by the employer. Typically, are changes in work policy or procedures to reduce or minimize exposure to a hazard.

Social Distancing - Means staying out of crowded places, avoiding group gatherings, and maintaining distance (approximately 6 feet) from others when possible.

Work – A generic term for any assigned job, work custom, or practice.

## **COVID-19 TRAINING AND INFORMATION REFERENCES:**

- A. OSHA's COVID-19 webpage: [www.osha.gov/covid-19](http://www.osha.gov/covid-19).
- B. Occupational Safety and Health Administration website: [www.osha.gov](http://www.osha.gov)
- C. Centers for Disease Control and Prevention website: [www.cdc.gov](http://www.cdc.gov)
- D. National Institute for Occupational Safety and Health website: [www.cdc.gov/niosh](http://www.cdc.gov/niosh)
- E. CDC COVID-19 website: [www.cdc.gov/coronavirus/2019-ncov](http://www.cdc.gov/coronavirus/2019-ncov).
- F. State of California COVID-19 website: <https://covid19.ca.gov>

## **OSHA STANDARDS:**

Lincoln University strives to comply with existing OSHA standards that may apply to protecting workers from exposure to and infection with SARS-CoV-2 at the university.

While there is no specific OSHA standard covering SARS-CoV-2 exposure, some OSHA requirements may apply to preventing occupational exposure to SARS-CoV-2. Among the most relevant are:

OSHA's Personal Protective Equipment (PPE) standards (in general industry, 29 CFR 1910 Subpart I), which require using gloves, eye and face protection, and respiratory protection. See: [www.osha.gov/laws-regs/regulations/standardnumber/1910#1910\\_Subpart\\_I](http://www.osha.gov/laws-regs/regulations/standardnumber/1910#1910_Subpart_I). When respirators are necessary to protect workers or where employers require respirator use, employers must implement a comprehensive respiratory protection program in accordance with the Respiratory Protection standard (29 CFR 1910.134). See: [www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.134](http://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.134).

The General Duty Clause, Section 5(a)(1) of the Occupational Safety and Health (OSH) Act of 1970, 29 USC 654(a)(1), which requires employers to furnish to each worker "employment and a place of employment, which are free from recognized hazards that are causing or are likely to cause death or serious physical harm." See: [www.osha.gov/laws-regs/oshact/completeoshact](http://www.osha.gov/laws-regs/oshact/completeoshact).

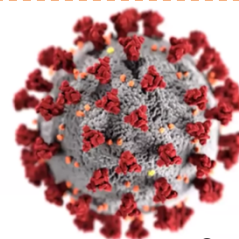
OSHA's Bloodborne Pathogens standard (29 CFR 1910.1030) applies to occupational exposure to human blood and other potentially infectious materials that typically do not include respiratory secretions that may transmit SARS-CoV-2. However, the provisions of the standard offer a framework that may help control some sources of the virus, including exposures to body fluids (e.g., respiratory secretions) not covered by the standard. See: [www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.1030](http://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.1030).

**See Training Materials on Page 70**

# Coronavirus & Workplace Hygiene

**Objective:** Increase your employees' awareness of COVID-19 and ways to prevent its spread.

Coronavirus (COVID-19) is the latest communicable disease outbreak with symptoms ranging from mild to severe. The World Health Organization (WHO) has classified this illness as a pandemic because of its worldwide spread with no pre-existing immunity. While it may be a novel illness, workplace hygiene best practices remain the same.



Source: CDC

## What is a Coronavirus?

The term coronavirus describes a broad category of viruses that affect both people and animals. The name is based on the crown-like spikes on the virus's surface. According to the U.S. Centers for Disease Control and Prevention (CDC), these types of viruses were identified in the mid-1960s and are a common cause of colds and upper respiratory infections. Note: Antibiotics have no effect on viruses.

- COVID-19 is a new strain of coronavirus. Evidence suggests it began with animal-to-person transmission then shifted to person-to-person spread.
- Symptomatic people are the most frequent source of COVID-19 spread (as is true for the flu and colds).
- The incubation period — the time frame between exposure and having symptoms — ranges from 2 to 14 days for COVID-19.
- COVID-19 data to date suggests that 80% of infections are mild or asymptomatic, 15% are severe, requiring oxygen, and 5% are critical, requiring ventilation. The percentage of severe and critical infections are higher for COVID-19 than for influenza.
- There is currently no vaccine for COVID-19.
- People who have already had a coronavirus infection, including COVID-19, may get it again, particularly if it mutates.

## Symptoms: Allergies vs. Flu vs. COVID-19

Many ailments share symptoms. Here are some ways to tell them apart.

Allergies	Flu	COVID-19
1. Sneezing	1. Fever	1. Fever (100.4+° F)
2. Itchy Eyes or Nose	2. Cough	2. Cough
3. Runny or Stuffy Nose	3. Sore Throat	3. Shortness of Breath
4. Watery, Red, or Swollen Eyes	4. Runny or Stuffy Nose	4. Phlegm Production
5. Shortness of Breath	5. Muscle Pain or Body Aches	5. Fatigue
6. Wheezing	6. Headache	6. Sore Throat
7. Cough	7. Fatigue	7. Headache
8. Rash or Hives		8. Muscle or Joint Pain
9. Nausea or Vomiting		9. Chills
10. Dry/Red/Cracked Skin		10. Nausea or Vomiting
		11. Nasal Congestion

Sources: Report of the WHO-China Joint Mission on Coronavirus Disease 2019 (COVID-19), CDC

# Coronavirus & Workplace Hygiene

## How Viruses Spread

### Person-to-Person Contact

- Being in close contact with someone who is sick.
- Coming in contact with droplets expelled when an infected person coughs or sneezes.

### Contaminated Surfaces

- With COVID-19 it *may* be possible to contract the virus by touching a surface or object that has a live virus on it and then touching your eyes, nose, or mouth.

### Poor Hygiene

- Not washing your hands long enough or often enough
- Not covering your own coughs or sneezes.

## Take Precautions to Protect Yourself

The CDC recommends taking the following steps to reduce your risk of contracting viruses, including COVID-19:

- Avoid close contact with people who are sick (staying 6 feet away or more is recommended).
- Avoid touching your face, nose, eyes, etc.
- Wash your hands often with soap and water for at least 20 seconds, especially after blowing your nose, coughing, or sneezing, or having been in a public place.
- If soap and water are not available, use a hand sanitizer that contains at least 60% alcohol.
- To the extent possible, avoid touching things — elevator buttons, door handles, handrails, etc. — in public places. Use a tissue or your sleeve to cover your hand or finger if you must touch something.
- Clean and disinfect your home and workplace to remove germs. Wipe down frequently touched surfaces, including tables, doorknobs, light switches, handles, toilets, faucets, sinks, and cell phones.
- Avoid crowds and keep your distance from others, especially in poorly ventilated spaces.
- Avoid non-essential travel, including plane trips and cruises.

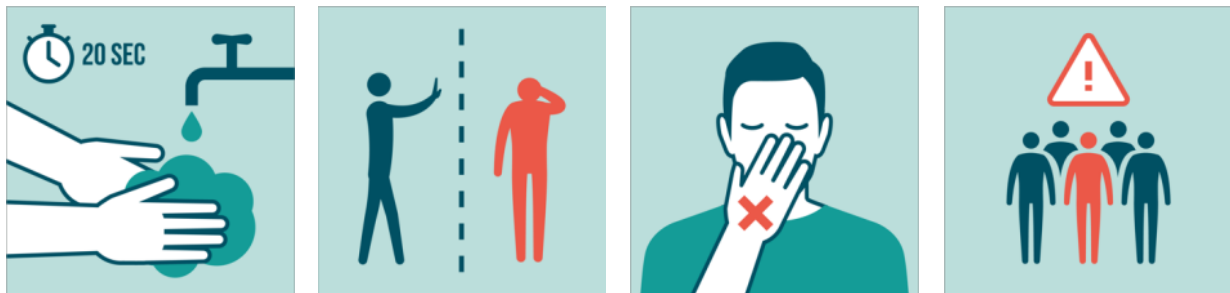


# Coronavirus & Workplace Hygiene

## Personal Risk Factors

Aspects of people's personal health may increase their risk for more severe instances of COVID-19. People with a higher level of risk include:

- Older adults (risk is highest for ages 80+)
- People who have serious chronic medical conditions, such as heart disease, diabetes, and lung disease



## COVID-19 May Be OSHA Recordable

The U.S. Occupational Safety and Health Administration (OSHA) indicated COVID-19 may be a recordable illness as part of employer's annual OSHA 300 log if a worker was infected as a result of performing work-related duties.

A COVID-19 case is only recordable if it meets all three of the following criteria:

1. COVID-19 was confirmed as part of CDC protocols for a person under investigation, presumptive positive, or as a laboratory-confirmed case.
2. The case is work-related as defined under OSHA standard 29 CFR 1904.5.
3. The case involves one or more of the recording criteria specified in OSHA standard 29 CFR 1904.7.

Employees who have gotten the common cold or the flu are not considered reportable incidents. Follow your employer's protocols.

## LU Infectious & Communicable Disease Workplace Safety Training

Department:	Date:
Trainer:	Trainer's Signature:
Employee Name:	Employee Signature:
Employee Name:	Employee Signature:
Employee Name:	Employee Signature:
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# COVID

CORONAVIRUS  
DISEASE

# 19

## What to do if you are sick with coronavirus disease 2019 (COVID-19)

**If you are sick with COVID-19 or suspect you are infected with the virus that causes COVID-19, follow the steps below to help prevent the disease from spreading to people in your home and community.**

### Stay home except to get medical care

You should restrict activities outside your home, except for getting medical care. Do not go to work, school, or public areas. Avoid using public transportation, ride-sharing, or taxis.

### Separate yourself from other people and animals in your home

**People:** As much as possible, you should stay in a specific room and away from other people in your home. Also, you should use a separate bathroom, if available.

**Animals:** Do not handle pets or other animals while sick. See [COVID-19 and Animals](#) for more information.

### Call ahead before visiting your doctor

If you have a medical appointment, call the healthcare provider and tell them that you have or may have COVID-19. This will help the healthcare provider's office take steps to keep other people from getting infected or exposed.

### Wear a facemask

You should wear a facemask when you are around other people (e.g., sharing a room or vehicle) or pets and before you enter a healthcare provider's office. If you are not able to wear a facemask (for example, because it causes trouble breathing), then people who live with you should not stay in the same room with you, or they should wear a facemask if they enter your room.

### Cover your coughs and sneezes

Cover your mouth and nose with a tissue when you cough or sneeze. Throw used tissues in a lined trash can; immediately wash your hands with soap and water for at least 20 seconds or clean your hands with an alcohol-based hand sanitizer that contains at least 60 to 95% alcohol, covering all surfaces of your hands and rubbing them together until they feel dry. Soap and water should be used preferentially if hands are visibly dirty.

### Avoid sharing personal household items

You should not share dishes, drinking glasses, cups, eating utensils, towels, or bedding with other people or pets in your home. After using these items, they should be washed thoroughly with soap and water.

### Clean your hands often

Wash your hands often with soap and water for at least 20 seconds. If soap and water are not available, clean your hands with an alcohol-based hand sanitizer that contains at least 60% alcohol, covering all surfaces of your hands and rubbing them together until they feel dry. Soap and water should be used preferentially if hands are visibly dirty. Avoid touching your eyes, nose, and mouth with unwashed hands.

### Clean all "high-touch" surfaces every day

High touch surfaces include counters, tabletops, doorknobs, bathroom fixtures, toilets, phones, keyboards, tablets, and bedside tables. Also, clean any surfaces that may have blood, stool, or body fluids on them. Use a household cleaning spray or wipe, according to the label instructions. Labels contain instructions for safe and effective use of the cleaning product including precautions you should take when applying the product, such as wearing gloves and making sure you have good ventilation during use of the product.

### Monitor your symptoms

Seek prompt medical attention if your illness is worsening (e.g., difficulty breathing). **Before** seeking care, call your healthcare provider and tell them that you have, or are being evaluated for, COVID-19. Put on a facemask before you enter the facility. These steps will help the healthcare provider's office to keep other people in the office or waiting room from getting infected or exposed.

Ask your healthcare provider to call the local or state health department. Persons who are placed under active monitoring or facilitated self-monitoring should follow instructions provided by their local health department or occupational health professionals, as appropriate.

If you have a medical emergency and need to call 911, notify the dispatch personnel that you have, or are being evaluated for, COVID-19. If possible, put on a facemask before emergency medical services arrive.

### Discontinuing home isolation

Patients with confirmed COVID-19 should remain under home isolation precautions until the risk of secondary transmission to others is thought to be low. The decision to discontinue home isolation precautions should be made on a case-by-case basis, in consultation with healthcare providers and state and local health departments.



CS 31851-01/24/2020

For more information: [www.cdc.gov/COVID19](http://www.cdc.gov/COVID19)