

THE LAW OFFICE OF  
**KENT L. BROWN, P.C.**  
ATTORNEY AT LAW

621 EAST MCCARTY STREET, STE. A  
JEFFERSON CITY, MISSOURI 65101-3499

[KENTBROWN@MOLAWCENTER.COM](mailto:KENTBROWN@MOLAWCENTER.COM)

PHONE: 573-635-4971  
FACSIMILE: 573-636-3799


January 29, 2010

Susan Crim  
U.S. Department of Education  
8930 Ward Parkway, Suite 2028  
Kansas City, Missouri 64114

Re: Clery Act Compliance

Enclosed please find the response of Lincoln University. If you need anything further, please contact me. The individual most directly responsible for Clery Act issues and the implementation of this report is Corporal Enomoto.

Sincerely,

 by kw  
Kent L. Brown

KLB:kw  
Enclosures



## CLERY Action Memo

1. LU has attempted to determine the incidents that comprise the crime statistics reported for the 2009 annual security report. We have tabulated the crime statistics based on incidents entered into the ReportExec system. Each reported incident is accompanied by an incident number and a hard copy police report.

We have developed and implemented procedures that now require that all entries into ReportExec that are associated as crimes must be compatible with UCR guidelines and CLERY guidelines. An employee who has received formal training on UCR reporting guidelines will review all entries into ReportExec for accuracy.

2. The LUPD has developed procedures to ensure crimes reported are classified according to the FBI's UCR guidelines. Officers and dispatchers will be trained on these procedures. A copy of the curriculum used for training employees on the guidelines will be forwarded for review upon completion of the training.
  - A. The crime log will be compiled from information entered into ReportExec.
  - B. All CLERY reportable crimes will be marked as such, with the appropriate dispositions, in ReportExec. This will ensure accurate crime statistics are compiled each year.
3. The LUPD has developed procedures to ensure the CLERY annual security report is completed and distributed to all appropriate parties. Documentation that the report has been distributed as required will be maintained with a copy of the report at the LUPD. A copy of these procedures is included.
4. The LUPD has developed written procedures to ensure a daily crime log is maintained and updated in accordance with 34 C.F.R 668.46(f). Entries of each incident reported to the LUPD will be entered within two business days of receipt of the report; the disposition will be updated to display the final outcome of the incident as it becomes available.
5. The LUPD has developed written procedures for the University to ensure the accuser in a sexual offense case is notified of the outcome of disciplinary action associated with the case. A copy of this procedure is included with this response.
6. The University has updated its annual security report format to include the possible sanctions that may be taken against a student after a disciplinary proceeding involving a sex offense. A revised copy of the 2009 annual security report (to include the possible disciplinary actions) has been distributed to all appropriate parties. A copy of this revised report included with this response.

7. The LUPD has revised the verbiage regarding counseling and counseling services available to victims of sexual offenses; this revised policy will be distributed to all students, faculty, and staff. This policy is included in with this response.
8. The Office of Design and Construction has created a map clearly defining the campus property, non-campus property, and public property owned by or surrounding the main Lincoln University research farms (Busby Farm, Carver Farm, and Freeman Farm) should be included as non-campus property. The Freeman Farm is used only for research purposes by professional researchers, not students. We have also contacted the Jefferson City Police Department to obtain information on CLERY crimes committed on public property in the area required to be reported by CLERY.
9. The LUPD has developed procedures to collect crime statistics from any law enforcement agency that may have jurisdiction over the geographic locations required to be included in the LU CLERY crime state reporting. We have also determined what properties we must include in crime statistic reporting. A copy of these procedures is included in this response. We have also contacted the appropriate law enforcement agencies to obtain the requested crime statistics for 2006, 2007, and 2008. We have included copies of this correspondence in the response. We are still in the process of completing a revised annual security report that contains the revised crime statistics for the aforementioned years. This revised report will be forwarded to the Department of Education when completed; it will also be distributed to all faculty, staff, and students upon its completion. We will continue to attempt to obtain the appropriate crime statistics from the appropriate law enforcement agencies in the future.
10. We have revised the 2009 annual security report to state that no hate crimes were reported for 2006, 2007, and 2008. We will provide documentation that we have distributed this revised report to all appropriate parties upon completion of the report. Procedures have been developed for collecting and classifying information on possible hate crimes, and these procedures follow UCR and CLERY guidelines. A copy of the procedures is attached.

## **Lincoln University CLERY Procedures**

### **Audit Trail**

The Lincoln University Police Department will establish, create, and maintain an audit trail for Clery reportable crimes and student disciplinary referrals by utilizing its report writing system, ReportExec. ReportExec is capable of tracking Clery reportable crime, and calculates Clery reportable crimes by calendar year. The Lincoln University Police Department will also ensure a proper audit trail by making sure a narrative is entered for every incident reported in ReportExec; this includes any Clery reportable crimes. A complete list of all reported incidents is maintained in the Daily Crime log and can be used as part of the required audit trail.

### **UCR definitions**

The Lincoln University Police Department will utilize the Uniform Crime Reporting (UCR) definitions to ensure any crimes reported to it are classified correctly. The Clery Crime definitions are derived directly from the UCR definitions.

### **Annual Security Report**

A copy of the Lincoln University Annual Security Report can be located on our website at <http://www.lincolnu.edu/pages/289.asp>. This report includes statistics for the previous three years concerning reported crimes that occurred on-campus; in certain off-campus buildings or property owned or controlled by Lincoln University; and on public property within or immediately adjacent to and accessible from, the campus. The report also includes institutional policies concerning campus security, such as policies concerning sexual assault and other matters. You can obtain a copy of this report by contacting the Lincoln University Police Department at 1118 Chestnut Street, Jefferson City, MO 65101, or by accessing the aforementioned web site.

Each year, the University e-mails the annual security report to all enrolled students, faculty, and staff on or before October 1. Records of the distribution of the report are maintained in the Police Department.

All prospective employees may obtain a copy via the Police Department website; the address is listed on University applications for employment.

### **Annual Security Report Retention Schedule**

The Lincoln University Police Department will ensure the annual security report is completed and distributed to all Lincoln University main campus and Ft. Leonard Wood campus students, faculty, and staff by October 1 of each year. Records of the distribution of the report are maintained in the police department. This report will also be posted on the Police Department's website. A hard copy of the report will be kept on file at the Police Department for seven years (the required retention period) after its publication date; previous years' reports will be kept on

file at the Police Department as well. Security reports from previous years will also be available on line for the required retention period (seven years).

### **Annual Crime Statistics Report (also included in the Annual Security Report)**

The Lincoln University Police Department prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is prepared in cooperation with local law enforcement agencies surrounding our main campus and alternate sites, Student Life, Residential Life, Student Conduct, and Student Affairs. The law enforcement agencies contacted include the Jefferson City Police Department, the Cole County Sheriff's Department, and the Ft. Leonard Wood Military Police. Each entity provides updated information on their educational efforts and programs to comply with the Clery Act.

In accordance with Clery regulations, Lincoln University obtains crime statistics for the main campus (located in Jefferson City, Missouri, under the jurisdiction of the Lincoln University Police Department), a satellite campus in Ft. Leonard Wood, Missouri (under the jurisdiction of the Ft. Leonard Wood Military Police), public property (including the sidewalk adjacent to the campus, the streets next to the sidewalks adjacent to the campus, and the sidewalks on the opposite side of the street adjacent to the campus, and any parks surrounding the campus), and non-campus properties, including the Carver Farm (under the jurisdiction of the Cole County Sheriff's Department and the Lincoln University Police Department) and Busby Farm (under the jurisdiction of the Cole County Sheriff's Department and the Lincoln University Police Department). A map of all University properties or property it controls (specifically the Ft. Leonard Wood satellite campus) is provided to all current and prospective students that depicts its campus, non campus buildings/properties, and public property areas.

Campus crime, arrest and referral statistics include those reported to the Lincoln University Police Department, designated campus officials (including, but not limited to: directors, deans, department heads, judicial affairs, advisors to students/student organizations, athletic coaches), and local law enforcement agencies. These statistics may also include crimes that have occurred in private residences or businesses and is not required by law. Missouri law requires prompt, mandatory reporting to local law enforcement agency by health care practitioners (such as those at the LU Student Health Center) when they provide medical services to a person they know or reasonably suspect is suffering from wounds inflicted by a firearm, or is a result of assaultive or abusive conduct. The University Counseling Office staff will inform their clients of the procedures to report crimes to the University Police on a voluntary or confidential basis, should they feel it is in the best interest of the client. A procedure is in place to anonymously capture crime statistics disclosed confidentially during any such session.

Lincoln University also collects data on possible hate crimes in accordance with Clery regulations. The UCR definition of a hate crime is used to determine if any incident is motivated by hate or bias. These statistics are included in the annual crime statistics report and the annual security report.

### **Clery Daily Crime Log**

The Lincoln University police department will maintain a Daily Crime log in accordance with Clery Act requirements. This log will include:

- \*Nature/classification of call
- \*Case number
- \*Date and time reported
- \*Date and time occurred
- \*General location
- \*Disposition

All crimes that occur within the patrol jurisdiction of the campus police or security department are entered into the crime log.

The Lincoln University Daily Crime log is also used as an incident tracking system to complement ReportExec; therefore, all incidents are entered into this log (for example, fire alarms, found property, etc.) The crime log is updated each time an incident is called in, as well as when a case or incident is completed (i.e. the disposition is updated.) The Daily Crime log is kept in an electronic format; a hard copy is also maintained. Both these forms are available upon request from the police department. In addition, the crime log is also posted on the police department website. The crime logs can be located at: <http://www.lincolnu.edu/pages/2621.asp>. Crime logs will be kept on file for at least seven years.

### **Assisting the Victim of a Sexual Assault**

In an effort to prevent sex crimes and victimization associated with those crimes the University educates the student community about sexual assaults and date rape through mandatory freshman orientations each fall. The Lincoln University Police Department also offers sexual assault education and information programs to University students and employees upon request. Literature on date rape education, risk reduction, and University response is available through the Police Department and through the Student Health Nurse.

When a sexual assault victim contacts the Police Department, the Student Health Nurse will be notified as well as a representative from Vice President of Student Affairs' Office. The victim of a sexual assault may choose for the investigation to be pursued through the criminal justice system and the University Student Affairs Committee, or only the latter. A University representative will guide the victim through the available options and support the victim in his or her decision. Various counseling options are available from the University through the Student

Health Center and through the Comprehensive Counseling Center, 304 Founders Hall, 681-5167. If you choose to go outside the university community a list of counseling and support services outside the University system are listed at the end of this policy.

In addition to those policy statements listed above the following "Bill of Rights" is accorded by Lincoln University to **ALL** victims of sexual assault

### Sexual Assault Victims Bill of Rights

The following rights shall be accorded by all campus officers, administrators and employees of Lincoln University to victims of campus-related sexual assaults:

- A. The right to have sexual assaults committed against them fully investigated without undue delay and adjudicated by the duly constituted criminal and civil authorities of the governmental entity in which the crime occurred, and the right to the full and prompt cooperation and assistance of campus personnel in notifying the proper authorities. The foregoing shall be in addition to any campus disciplinary proceedings.
- B. The right to be free from any kind of pressure from campus personnel that victims not report any crimes committed against them to civil and criminal authorities or to campus law enforcement and disciplinary officials, or report crimes as lesser offenses than the victims perceive them to be.
- C. The right to be free from any kind of suggestion that campus sexual assault victims not report, or under-report crimes because:
  1. victims are somehow "responsible" for the commission of the crime against them,
  2. victims were contributively negligent, or assumed the risk of being assaulted, or
  3. by reporting crimes they would incur unwanted personal publicity.
- D. The same right to legal assistance, or ability to have others present, in any campus disciplinary proceeding that the institution permits to the accused, and the right to be notified of the outcome of such proceeding.
- E. The right to full and prompt cooperation from campus personnel in obtaining, securing, and maintaining evidence (including a medical examination or medico-legal examination) as may be necessary for proof of criminal sexual assault in subsequent legal proceedings.
- F. The right to be made aware of, and assisted in exercising any options, as provided by state and federal laws or regulations with regard to mandatory testing of sexual assault suspects for communicable diseases and with regard to notification to victims of the results of such testing.
- G. The right to counseling from any mental health services previously established by the institution, or by other victim-service entities, or by any other individual/entity chosen by the victims themselves.
- H. After campus sexual assaults have been reported, the victims of such crimes shall have the right to require that campus personnel take the necessary steps or actions

reasonably feasible to prevent any unnecessary or unwanted contact or proximity with alleged assailants, including immediate relocation of the victim to safe and secure alternative housing, and transfer of classes if requested by the victim.

- I. In addition to the above rights, students, whether sexual assault victims or not, have a right to habitability in campus housing and in campus accommodations for which Lincoln University receives any compensation, direct or indirect.

- 1. **DEFINITION** - For purpose of this subparagraph, "habitability" shall mean an environment free from sexual or physical intimidation, or any other continuing disruptive behaviors by persons sharing rooms or their guests, that is of such a serious nature as would prevent a reasonable person from attaining their educational goals. Substantiated violations of the above-listed habitability provisions shall be corrected by campus personnel by relocation of the complainant to acceptable, safe and secure alternative housing as soon as practicable, unless the conditions of non-habitability demonstrate the necessity of immediate action by campus personnel.

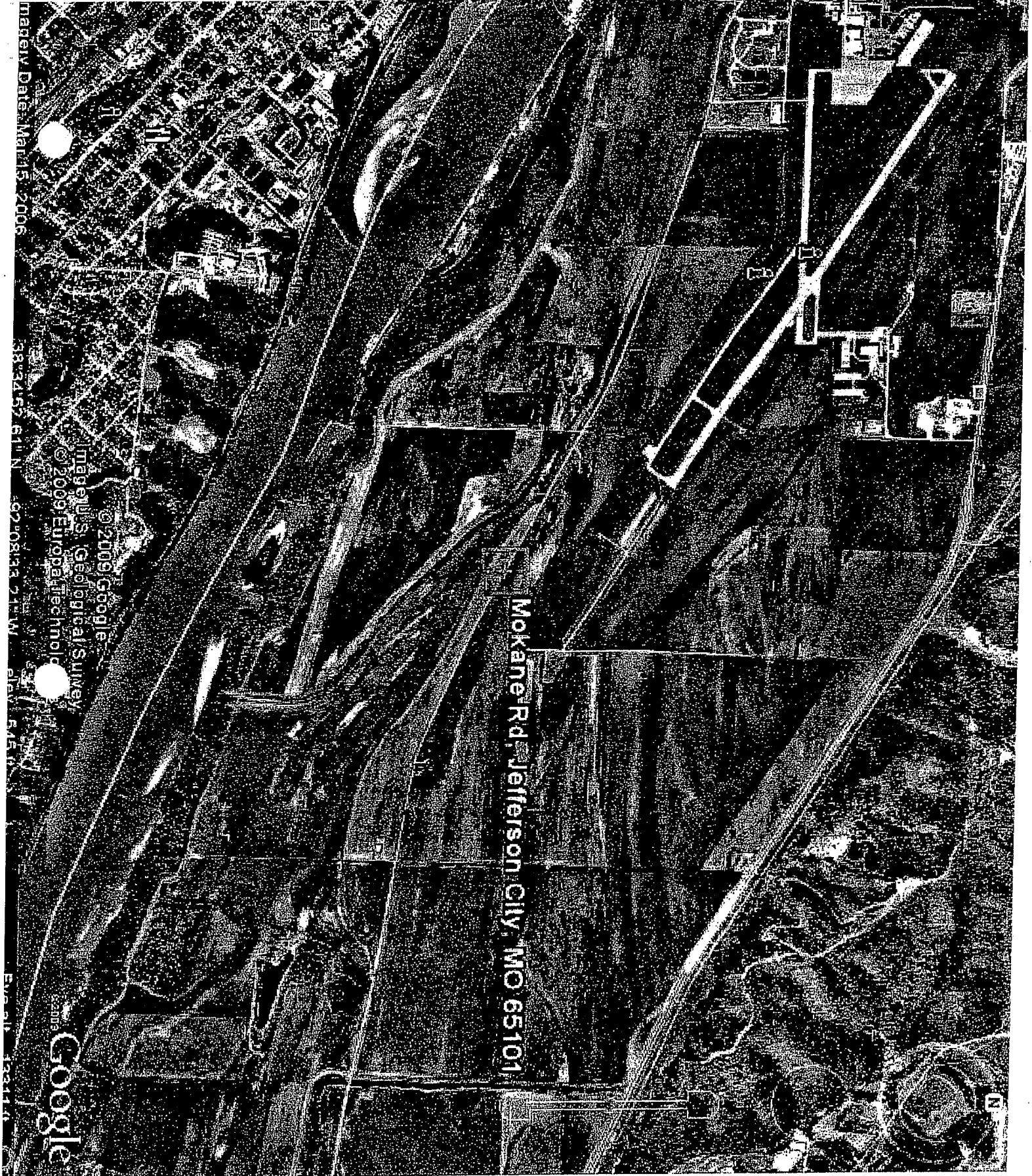
- J. \*Counseling and support services outside the University system can be obtained through the following locations:

- K. Family Counseling Center of Missouri Inc.....634-4591  
Family Mental Health Center Hotline.....800-833-3915  
Rape and Abuse Crisis Service Hotline.....634-4911  
Behavior Health Unit.....635-7141  
Planned Parenthood.....635-2882  
Birthright.....635-8822

- L. A sexual offense case referred to the Lincoln University Student Conduct system may result in the perpetrator being suspended or expelled from the University. More than one sanction may be recommended or imposed for any single violation when deemed appropriate by the Judicial Officer or Disciplinary Committee. All disciplinary sanctions are noted in the student's non-academic student file and may be kept for a period of three years after they leave the University. Records of suspended students are kept indefinitely. Sanctions may include: residence hall transfer or suspension; interim suspension, suspension, or expulsion. Lincoln University will provide the accuser and the accused with a copy of the outcome of a sexual offense student disciplinary hearing.

- M. The above mentioned University disciplinary sanctions do not include actions taken by the police department (i.e., arrest or detainment) or by the prosecuting attorney's office (i.e. prosecution and/or sentencing).





Mokane Rd, Jefferson City, MO 65101

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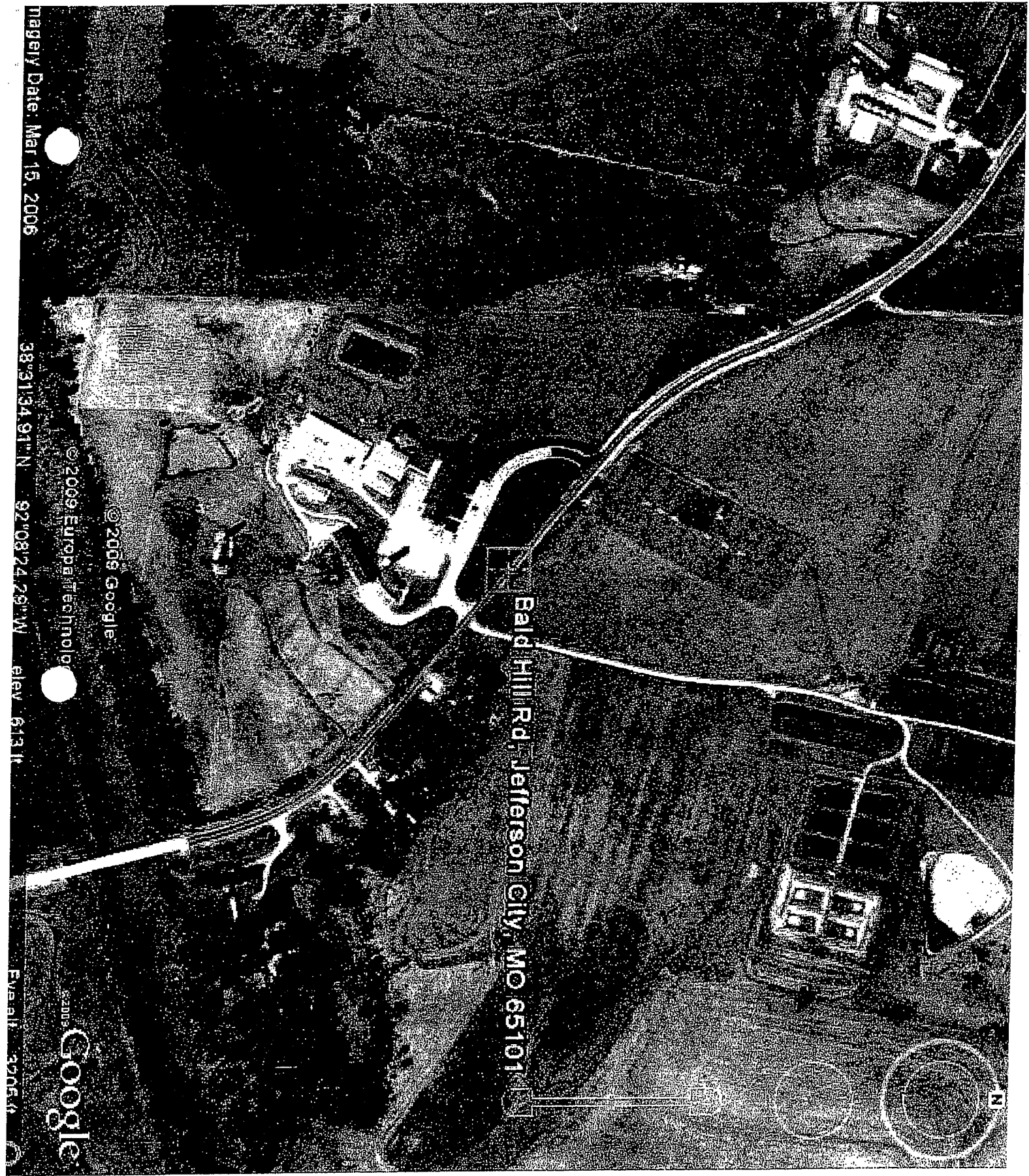
Image by Google  
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Google

map data: Mar 15, 2006

38°34'53.61"N 92°08'33.21"W

Elev: 645 ft



Bald Hill Rd, Jefferson City, MO 65101

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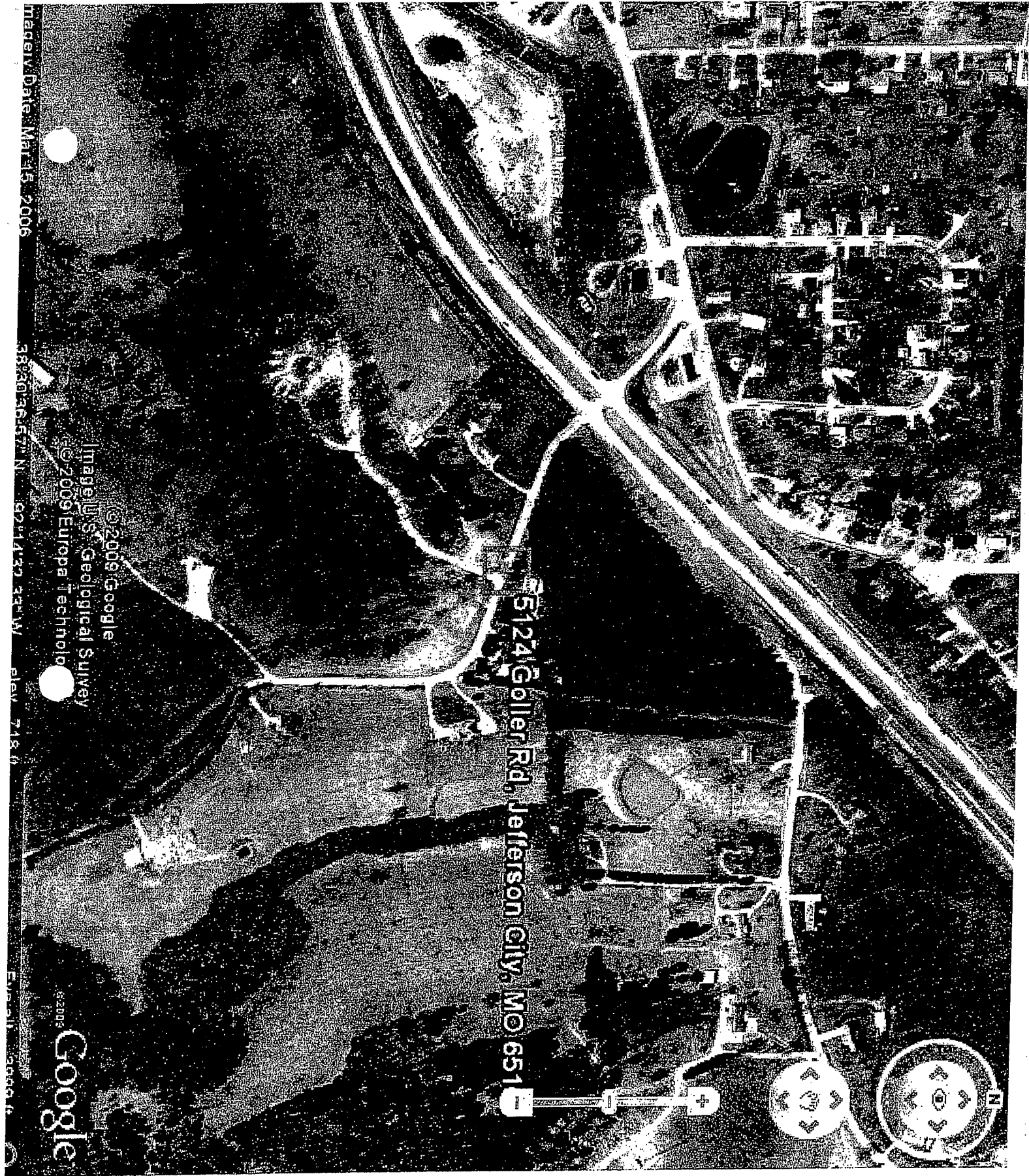
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Image Date: Mar 15, 2006

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5124 Goller Rd, Jefferson City, MO 651

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Image © U.S. Geological Survey

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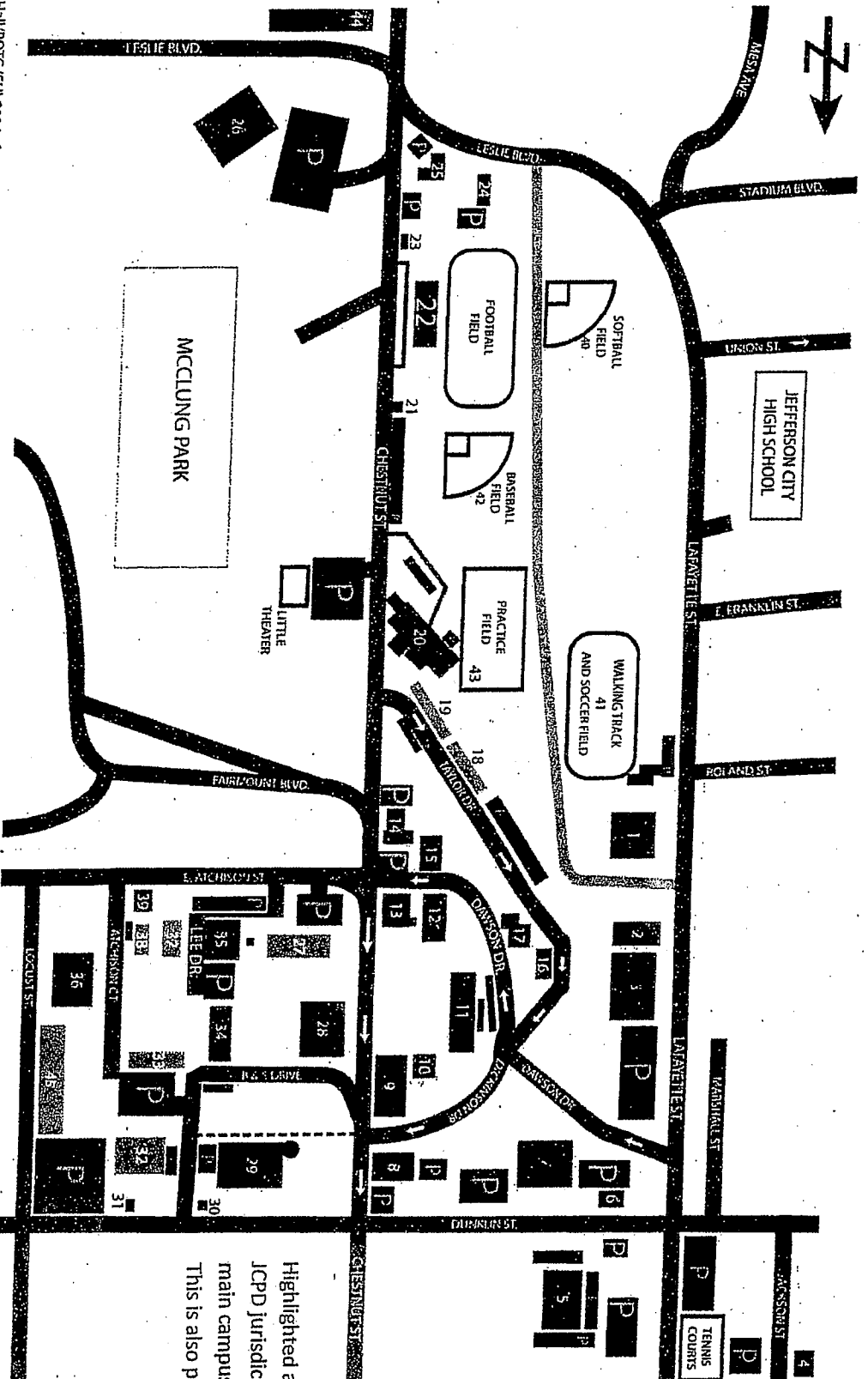
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Image Date: Mar 15, 2006

38°30'36.67" N 92°14'32.32" W elev 718 ft

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# LINCOLN UNIVERSITY OF MISSOURI



Highlighted areas denote JCPD jurisdiction and main campus boundary. This is also public property.

1. Soldiers Hall/ROTC (SH) 903 Lafayette
2. Israel J. Collier Physical Plant (MTN) 821 Lafayette
3. Jason Gymnasium (JH) 809 Lafayette
4. President's Residence (PRH) 601 Jackson Street
5. Eliff Hall (EH) 709 E. Dunklin
6. Mitchell Hall (MH) 706 E. Dunklin
7. Richardson Fine Arts Center (FAC) 710 E. Dunklin
8. Martin Luther King Hall (MLK) 812 E. Lafayette
9. Founders Hall (FH) 816 Chestnut
10. Memorial Hall (MEH) 818 Chestnut
11. Young Hall (YH) 820 Chestnut
12. Schweich Hall (SCH) 822 Chestnut
13. Stamper Hall (SSH) 824 Chestnut
14. Foster Hall (FSH) 904 Chestnut
15. Allen Hall (AH) 900 Chestnut

16. Daniel Hall (DH) 821 Taylor Dr.
17. Power Plant (PP) 823 Taylor Dr.
18. Tull Hall (TH) 918 Taylor Dr.
19. Perry Hall (PH) 920 Taylor Dr.
20. Shipping, Recycling, Supply (SRS) 1002 Chestnut
21. Dwight T. Reed Annex (RSA) 1106 Chestnut
22. Dwight T. Reed Stadium (STA) 1110 Chestnut
23. Public Safety (PS) 1118 Chestnut
24. Greenhouse (GN) 1204 Chestnut
25. Small Animal Research (SARF) 1220 Chestnut
26. Dickinson Research Center (DRC) 1219 Chestnut
27. Anthony Hall (ANH) 825 Chestnut
28. Striggs University Center (SU) 819 Chestnut
29. Page Library (PL) 720 Lee Dr.
30. Home Management (HM) 826 E. E.

31. KJLU Radio Station (KJLU) 1004 E. Dunklin
32. Dawson Hall (DSN) 711 Lee Dr.
33. Martin Hall (MH) 817 Lee Dr.
34. Bennett Hall (BH) 818 Lee Dr.
35. Thompkins Health Center (THC) 822 Lee Dr.
36. Wesley Foundation 805 E. Archison Ct.
37. Hoard Hall (HH) 804 E. Archison Ct.
38. Yates Hall (YH) 804 E. Archison Ct.
39. Archison Ct. Residence 802 E. Archison Ct.
40. Softball Field
41. Soccer Field
42. Baseball Field
43. Practice Field
44. South Campus Building (SCB) 906 Lee Rd.
45. Sherman D. Striggs Hall (SSH) 800 Locust St.



January 8, 2010

Jefferson City Police Department  
Attention: Captain Bob Cynova  
320 East McCarty  
Jefferson City, MO 65101

Dear Sir;

I would like to request crime statistics for the locations described below for the 2006, 2007, and 2008 calendar year. Pursuant to the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("*Clery Act*"), the Lincoln University Department of Public Safety is required to annually compile and publish crime statistics. This annual report must include statistics of specified crimes reported to local police agencies that occurred on or near campus and on University controlled or affiliated property. The criminal offenses that the campus is required to report are the following offenses as defined by the FBI Uniform Crime Report (sex offenses are defined using the *UCR* National Incident-Based Reporting System): murder/non-negligent manslaughter; negligent manslaughter; forcible sex offenses; nonforcible sex offenses; robbery; aggravated assault; burglary; motor vehicle theft; and arson. In addition, I need statistics concerning any of the above crimes that manifest evidence of a hate crime, in addition to other crimes that involve bodily injury that also manifest evidence of a hate crime. Hate crimes are those crimes that manifest evidence that the victim was intentionally selected because of the victim's race, gender, religion, sexual orientation, ethnicity/national origin or disability.

Lincoln University is also required to request statistics for arrests (including physical arrests and issuance of summons to appear in court) for these categories only: liquor law violations, drug law violations, and illegal weapons possession. Please provide these statistics for each category separately.

Pursuant to the *Clery Act*, the campus is required to report these crimes separately for a number of geographic locations. These locations include the main campus and public property immediately adjacent to the main campus.

Therefore, I respectfully request the required statistics for the following locations:

- [main campus] Any crimes occurring immediately adjacent to the Lincoln University campus (i.e. the sidewalk bordering the campus, the street next to those sidewalks, and the sidewalk on the opposite side of the street bordering the campus.
- McClung park.

COPY

I very much appreciate your cooperation in assisting us in complying with this federal law. Any effort you can make to provide the data promptly would be appreciated. If you have any questions or wish to further discuss this request; please contact me at 573-681-5555.

Sincerely,

Bill Nelson, Chief  
Lincoln University  
Public Safety

COPY

January 9, 2010

Cole County Sheriff's Department  
Attn: Sheriff Greg White  
301 E. High St.  
Jefferson City, MO 65101

Dear Sir;

I would like to request crime statistics for the locations described below for the 2006, 2007 and 2008 and 2009 calendar year. Pursuant to the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("*Clery Act*"), the Lincoln University Department of Public Safety is required to annually compile and publish crime statistics. This annual report must include statistics of specified crimes reported to local police agencies that occurred on or near campus and on University controlled or affiliated property. The criminal offenses that the campus is required to report are the following offenses as defined by the FBI Uniform Crime Report (sex offenses are defined using the *UCR* National Incident-Based Reporting System): murder/non-negligent manslaughter; negligent manslaughter; forcible sex offenses; nonforcible sex offenses; robbery; aggravated assault; burglary; motor vehicle theft; and arson. In addition, I need statistics concerning any of the above crimes that manifest evidence of a hate crime, in addition to other crimes that involve bodily injury that also manifest evidence of a hate crime. Hate crimes are those crimes that manifest evidence that the victim was intentionally selected because of the victim's race, gender, religion, sexual orientation, ethnicity/national origin or disability.

Lincoln University is also required to request statistics for arrests (including physical arrests and issuance of summons to appear in court) for these categories only: liquor law violations, drug law violations, and illegal weapons possession. Please provide these statistics for each category separately.

Pursuant to the *Clery Act*, the campus is required to report these crimes separately for a number of geographic locations. These locations include the main campus and public property immediately adjacent to the main campus.

Therefore, I respectfully request the required statistics for the following locations:

- Carver Farm, 3804 Bald Hill Road. Please include statistics for any CLERY crimes or offenses for a one-mile radius surrounding this address.
- Busby Farm, 5124 Goller Rd. Please include statistics for any CLERY crimes or offenses for a one-mile radius surrounding this address.

COPY

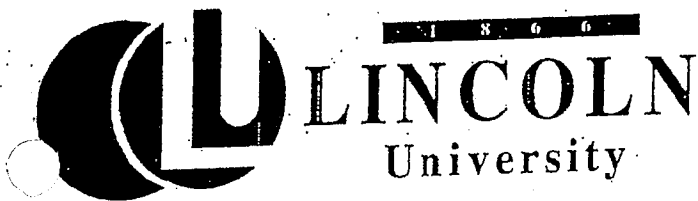
I very much appreciate your cooperation in assisting us in complying with this federal law. Any effort you can make to provide the data promptly would be appreciated. If you have any questions or wish to further discuss this request; please contact me at 573-681-5555.

Sincerely,

Bill Nelson, Chief  
Lincoln University  
Public Safety

COPY





LU Police Department

820 Chestnut Street  
Jefferson City, MO 65101  
Phone: (573) 681-5555

January 8, 2010

LTC Jesse D. Galvan  
Directorate of Emergency Services  
342<sup>nd</sup> MP Bn and Provost Marshal  
Bldg 1000  
261 E 19<sup>th</sup>  
Fort Leonard Wood, MO 65473

Dear Sir;

I would like to request crime statistics for the locations described below for the 2006, 2007 and 2008 calendar year. Pursuant to the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), the Lincoln University Department of Public Safety is required to annually compile and publish crime statistics. This annual report must include statistics of specified crimes reported to local police agencies that occurred on or near any campus where LU students study including the Truman Education Center at FLW, MO. The criminal offenses that the campus is required to report are the following offenses as defined by the FBI Uniform Crime Report (sex offenses are defined using the UCR National Incident-Based Reporting System): murder/non-negligent manslaughter; negligent manslaughter; forcible sex offenses; nonforcible sex offenses; robbery; aggravated assault; burglary; motor vehicle theft; and arson. In addition, I need statistics concerning any of the above crimes that manifest evidence of a hate crime, in addition to other crimes that involve bodily injury that also manifest evidence of a hate crime. Hate crimes are those crimes that manifest evidence that the victim was intentionally selected because of the victim's race, gender, religion, sexual orientation, ethnicity/national origin or disability.

Lincoln University is also required to request statistics for arrests (including physical arrests and issuance of summons to appear in court) for these categories only: liquor law violations, drug law violations, and illegal weapons possession. Please provide these statistics for each category separately.

Pursuant to the Clery Act, the campus is required to report these crimes separately for a number of geographic locations. These locations include the main campus and all satellite campuses and public property immediately adjacent to the those campuses. Therefore, I respectfully request the required statistics for areas at or immediately adjacent to and accessible from the Truman Education Center where Lincoln University holds satellite classes.

I very much appreciate your cooperation in assisting us in complying with this federal law. Any effort you can make to provide the data promptly would be appreciated. If you have any questions or wish to further discuss this request, please contact me at 573-681-5555.

Sincerely,

Bill Nelson, Chief  
Lincoln University  
Public Safety

COPY



# LINCOLN UNIVERSITY

820 Chestnut St.  
Jefferson City, MO 65102-0029

Office of the President

June 15, 2010

Phone: (573) 681-5042

FAX: (573) 681-6074

Ms. Susan D. Crim  
Sr. Institutional Review Specialist  
8930 Ward Parkway, Suite 2028  
Kansas City, MO 64114-3302



Re: Additional Information Required in Response to Program Review Report  
OPE ID: 00247900 PRCN: 200920726890

Dear Ms. Crim:

Lincoln University has completed the requirements outlined in your letter dated May 11, 2010. All necessary documentation is enclosed. An electronic copy of the documents will also be sent.

#### **Finding 1 – No Audit Trail to Substantiate Crime Statistics**

Enclosed are copies of the crime statistics for 2006-2008, as well as the Daily Crime logs for the same period. In addition, we have included the validation report compiled by ReportExec for the same period. Our procedures have been revised to include a specific time frame for contacting all campus security authority offices and area law enforcement agencies in reference to crime statistics.

#### **Finding 2 – Crimes miscoded in the Crime Log**

Our procedures have been revised to include the UCR definitions, who will conduct the UCR training at LUPD and for all other campus security authority officials, and when the training will be conducted.

#### **Finding 3 – Failure to Distribute a Campus Security Report for the 2006 and 2007 Calendar Years**

Our procedures have been revised to specifically outline how the LUPD will collect crime statistics reports from local law enforcement and other offices or individuals serving in a campus security authority role. This procedure has been forwarded to the University Relations office for distribution to all faculty and staff.

#### **Finding 4 – Crime Log Not Available Until 2009**

Our procedures have been revised to specify the time frame in which data entry or updates will be provided, who will enter the information, the process for requesting crime log data, and the timeframe for keeping data on the LUPD website. The crime log is also used as an incident-tracking document by the department, which is permitted according to The Handbook for Campus Crime Reporting, page 68.

#### **Finding 5 – Failure to Provide the Victim of a Sexual Assault with the Outcome of the Campus Disciplinary Board's Investigation.**

Attached are copies of letters sent to the victim of the sexual assault specified in the program review report. We have also attached copies of letters for all sexual assault disciplinary outcomes provided to the victim and the suspect in all cases since 2007.

**Finding 7 – Procedural Deficiencies in Sexual Assault Policies (procedures)**

A copy of the revised procedures is attached, as well as an e-mail providing documentation that the procedures were sent to all currently enrolled students, faculty, and staff.

**Finding 9 – No Proof That Crime Statistics Were Requested From Local Law Enforcement**

Copies of all letters sent to the Cole County Sheriff's Department, the Jefferson City Police Department, and the Fort Leonard Wood Police Department are attached. We received a written response from the Ft. Leonard Wood Police Department; a copy is attached. We received no response from the Cole County Sheriff's Department to date. We received a verbal response from the Jefferson City Police Department; they advised us they were in the process of converting to a new dispatch/records keeping system and it would take several months for them to provide the information we requested due to the conversion. We have not received a written response from the Jefferson City Police Department as of this date. As there is no information from local law enforcement (i.e. JCPD and CCSD) to include in the annual security report, there have been no changes to the crime statistic information included in the report. We have completed an annual security report for the Ft. Leonard Wood campus and will include the information we received from their police department (there were no Clery reportable crimes in the information they provided us.) A copy of these reports, along with their distribution to all main campus faculty, staff, and students, and to the Ft. Leonard Wood faculty, staff, and students, is enclosed with this report.

**Finding 10 – Crime Statistics Do Not Include a Classification For Hate Crimes**

A copy of our revised procedures, including a specific process used to collect and classifying information on possible hate crimes, from whom the information is collected, and by whom the collection and classification is accomplished, is attached to this response.

If you have any questions concerning this report, please contact my office.

Sincerely,

*Carolyn R. Mahoney*

Carolyn R. Mahoney, Ph.D.  
President

# Lincoln University CLERY Procedures

## Audit Trail

The Lincoln University Police Department will establish, create, and maintain an audit trail for Clery reportable crimes and student disciplinary referrals by utilizing its report writing system, ReportExec. ReportExec is capable of tracking Clery reportable crimes, and calculates Clery reportable crimes by calendar year. The Lincoln University Police Department will also ensure a proper audit trail by making sure a narrative is entered for every incident reported in ReportExec; this includes any Clery reportable crimes. A complete list of all reported incidents is maintained in the Daily Crime log and can be used as part of the required audit trail. The data will be entered into the ReportExec system and the CLERY Daily Crime log within 48 hours of an incident occurring by the Lincoln University Police Department dispatchers. Generally, the dispatcher who enters the incident into ReportExec will mark it as a CLERY reportable crime in the ReportExec system and enter the incident in the Clery Daily Crime log. This information will be reviewed at least once a month to ensure accuracy.

The Lincoln University Police Department will contact all University departments serving in a campus security authority role and other law enforcement agencies in writing in January of each calendar year to obtain supporting documentation for any CLERY reportable incidents to be included in the annual security report for the next year (i.e. we will contact the Student Conduct office, Residential Life office, and the Student Health Center) in January of 2011 for supporting documentation for the 2010 calendar year. This will allow us to complete the Annual Security report well in advance of the October 1 yearly deadline.

## UCR definitions

The Lincoln University Police Department will utilize the Uniform Crime Reporting (UCR) definitions to ensure any crimes reported to it are classified correctly. The Clery Crime definitions are derived directly from the UCR definitions. The LUPD staff member(s) responsible for compiling the UCR statistics each month will train all other LUPD personnel on UCR definitions and that crimes are reported in accordance with those definitions once a year (preferably in August, prior to the start of the academic year). The LUPD staff member(s) responsible for the UCR statistics will also train other University personnel identified as campus security authorities in August (Residential Life employees, Student Health Center employees, and the Student Conduct office), again prior to the start of the academic year.

In compliance with the Jeanne Clery Act the Lincoln University Police Department compiles statistics of certain crimes as mandated by 20 USC § 1092(f), subsection 1F. Definitions of those various crimes are listed below and are consistent with the definitions used in the Uniform Crime Reporting (UCR) System of the Department of Justice, Federal Bureau of Investigation (FBI) and the modifications in such definitions as implemented pursuant to the Hate Crimes Statistics Act (codified at 28 U.S.C.S. § 534). The statistics included herein do not identify victims of crimes or those persons accused of crimes.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle, including joyriding.

**Murder:** The willful (non-negligent) killing of one human being by another.

**Manslaughter by Negligence:** The killing of another person through gross negligence.

**Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

**Burglary:** The unlawful entry of a structure to commit a felony or theft which includes unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Sex Offenses, Forcible:** Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

- A. Forcible Rape- The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
- B. Forcible Sodomy- Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- C. Sexual Assault with an Object- The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not against the person's will where the victim is incapable of giving consent

because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

- D. **Forcible Fondling-** The touching of the private body parts of another person for the purpose of sexual gratification, forcible and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

**Sex Offenses, Non-forcible:** Unlawful, non-forcible sexual intercourse.

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

**Liquor Law Violations:** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned.

**Drug/Narcotic Offenses:** Violation of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadones); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Weapons Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

**Hate Crimes:** A criminal offense committed against a person, property, or society which is motivated, in whole or part, by the offender's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin; also known as a bias crime. This includes criminal homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, any other crime involving bodily injury reported to Lincoln University Police Department, larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property. This also includes any crime that shows any evidence of bias.

**Fires:** CLERY requirements have added a fire statistics report as part of the annual statistics that must be collected and reported. These statistics can be placed in the annual fire safety report or included in the annual security report. These statistics must include the number of fires, the cause of each fire, the number of deaths related to the fire, the number of injuries related to the fire that resulted in treatment at a medical facility, and the value of property damage related to the fire. The annual fire safety report must include the fire statistics listed above; a description of the fire safety system for each on-campus student housing facility; the number of fire drills held the previous calendar year; the institution's policies or rules on portable electrical appliances, smoking, and open flames in student housing facilities; policies for fire safety education and training programs for student, faculty, and staff; a list of the titles of each person or organization to which individuals should report that a fire has occurred; and plans for future improvements in fire safety, if determined necessary by the institution.

### **Annual Security Report**

A copy of the Lincoln University Annual Security Report can be located on our website at <http://www.lincolnu.edu/pages/289.asp>. This report includes statistics for the previous three years concerning reported crimes that occurred on-campus; in certain off-campus buildings or property owned or controlled by Lincoln University; and on public property within or immediately adjacent to and accessible from, the campus. The report also includes institutional policies concerning campus security, such as policies concerning sexual assault and other matters. You can obtain a copy of this report by contacting the Lincoln University Police Department at 1118 Chestnut Street, Jefferson City, MO 65101, or by accessing the aforementioned web site.

Each year, the University e-mails the annual security report to all enrolled students, faculty, and staff on or before October 1. Records of the distribution of the report are maintained in the Police Department.

All prospective employees may obtain a copy via the Police Department website; the address is listed on University applications for employment.

### **Annual Security Report Retention Schedule**

The Lincoln University Police Department will ensure the annual security report is completed and distributed to all Lincoln University main campus and Ft. Leonard Wood campus students, faculty, and staff by October 1 of each year. Records of the distribution of the report are maintained in the police department. This report will also be posted on the Police Department's website. A hard copy of the report will be kept on file at the Police Department for seven years (the required retention period) after its publication date; previous years' reports will be kept on file at the Police Department as well. Security reports from previous years will also be available on line for the required retention period (seven years).

### **Annual Crime Statistics Report (also included in the Annual Security Report)**

The Lincoln University Police Department prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is prepared in cooperation with

local law enforcement agencies surrounding our main campus and alternate sites, Student Life, Residential Life, Student Conduct, and Student Affairs. The law enforcement agencies contacted include the Jefferson City Police Department, the Cole County Sheriff's Department, and the Ft. Leonard Wood Military Police. Each entity provides updated information on their educational efforts and programs to comply with the Clery Act.

In accordance with Clery regulations, Lincoln University attempts to obtain (i.e., makes a good faith effort as required by Clery regulations) crime statistics for the main campus (located in Jefferson City, Missouri, under the jurisdiction of the Lincoln University Police Department), a satellite campus in Ft. Leonard Wood, Missouri (under the jurisdiction of the Ft. Leonard Wood Military Police), public property (including the sidewalk adjacent to the campus, the streets next to the sidewalks adjacent to the campus, and the sidewalks on the opposite side of the street adjacent to the campus, and any parks surrounding the campus), and non-campus properties, including the Carver Farm (under the jurisdiction of the Cole County Sheriff's Department and the Lincoln University Police Department) and Busby Farm (under the jurisdiction of the Cole County Sheriff's Department and the Lincoln University Police Department). A map of all University properties or property it controls (specifically the Ft. Leonard Wood satellite campus) is provided to all current and prospective students that depicts its campus, non campus buildings/properties, and public property areas.

Campus crime, arrest and referral statistics include those reported to the Lincoln University Police Department, designated campus officials (including, but not limited to: directors, deans, department heads, judicial affairs, advisors to students/student organizations, athletic coaches), and local law enforcement agencies. These statistics may also include crimes that have occurred in private residences or businesses and is not required by law. Missouri law requires prompt, mandatory reporting to local law enforcement agency by health care practitioners (such as those at the LU Student Health Center) when they provide medical services to a person they know or reasonably suspect is suffering from wounds inflicted by a firearm, or is a result of assaultive or abusive conduct. The University Counseling Office staff will inform their clients of the procedures to report crimes to the University Police on a voluntary or confidential basis, should they feel it is in the best interest of the client. A procedure is in place to anonymously capture crime statistics disclosed confidentially during any such session.

Lincoln University also collects data on possible hate crimes in accordance with Clery regulations. The UCR definition of a hate crime is used to determine if any incident is motivated by hate or bias. These statistics are included in the annual crime statistics report and the annual security report.

### **Clery Daily Crime Log**

The Lincoln University police department will maintain a Daily Crime log in accordance with Clery Act requirements. This log will include:

- \*Nature/classification of call
- \*Case number
- \*Date and time reported
- \*Date and time occurred



\*General location

\*Disposition

All crimes that occur within the patrol jurisdiction of the campus police are entered into the crime log.

The Lincoln University Daily Crime log is also used as an incident tracking system to complement ReportExec; therefore, all incidents are entered into this log (for example, fire alarms, found property, etc.), as is allowed by the U.S. Department of Education CLERY handbook, page 68. The crime log is updated within 48 hours of an incident being called in, as well as when a case or incident is completed (i.e. the disposition is updated.) The Daily Crime log is kept in an electronic format; a hard copy is also maintained. Both these forms are available upon request from the police department. A request may be done in person at the Lincoln University Police Department or in submitted in writing; a response will be made within two business days of the request. In addition, the crime log is also posted on the police department website. The crime logs can be located at: <http://www.lincolnu.edu/pages/2621.asp>. Crime logs will be kept on file (electronic and hard copies) for at least seven years.

### **SEXUAL ASSAULT PREVENTION & RESPONSE**

In an effort to prevent sex crimes and victimization associated with those crimes the university educates the student community about sexual assaults and date rape through mandatory freshman orientations each fall. The Lincoln University Police Department also offers sexual assault education and information programs to university students and employees upon request. Literature on date rape education, risk reduction, and university response is available through the Police Department and through the Student Health Center.

If you are a victim of a sexual assault at this institution, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. The Lincoln University Police Department strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to a University Police Officer, the Student Health Center, the Vice President for Student Affairs' office, the Director of Residential Life, or your Resident Director of your residence hall (if applicable).

Filing a police report with a Lincoln University Police Officer will not obligate the victim to prosecute nor will it subject the victim to scrutiny or judgmental opinions. Filing a police report will however do the following:

- ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim,
- provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam),
- assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

When a sexual assault victim contacts the Lincoln University Police Department, the Student Health Center will be notified as well as the Vice President of Student Affairs. The victim of a sexual assault may choose for the investigation to be pursued through the criminal justice system and the University Student Conduct Judiciary Board, or only the latter. A university representative (security official) will guide the victim through the available options and support the victim in his or her decision. Various counseling options are available from the university through the Student Health Center and through the Comprehensive Counseling Center, 304 Founders Hall, 681-5167. If you choose to go outside the university community a list of counseling and support services outside the university system are listed at the end of this policy.

In addition to those policy statements listed above the following "Bill of Rights" is accorded by Lincoln University to **ALL** victims of sexual assault.

### **Sexual Assault Victims Bill of Rights**

The following rights shall be accorded by all campus officers, administrators and employees of Lincoln University to victims of campus-related sexual assaults:

- A. The right to have sexual assaults committed against them fully investigated without undue delay and adjudicated by the duly constituted criminal and civil authorities of the governmental entity in which the crime occurred, and the right to the full and prompt cooperation and assistance of campus personnel in notifying the proper authorities. The foregoing shall be in addition to any campus disciplinary proceedings.
- B. The right to be free from any kind of pressure from campus personnel that encourages victims not report any crimes committed against them to civil and criminal authorities or to campus law enforcement and disciplinary officials, or report crimes as lesser offenses than the victims perceive them to be.
- C. The right to be free from any kind of suggestion that campus sexual assault victims not report, or under-report crimes because:
  1. victims are somehow "responsible" for the commission of the crime against them,
  2. victims were contributively negligent, or assumed the risk of being assaulted, or
  3. by reporting crimes they would incur unwanted personal publicity.
- D. The same right to legal assistance, or ability to have others present, in any campus disciplinary proceeding that the institution permits to the accused, and the right to be notified of the outcome of such proceeding.
- E. The right to full and prompt cooperation from campus personnel in obtaining, securing, and maintaining evidence (including a medical examination or medico-legal examination) as may be necessary for proof of criminal sexual assault in subsequent legal proceedings.

- F. The right to be made aware of, and assisted in exercising any options, as provided by state and federal laws or regulations with regard to mandatory testing of sexual assault suspects for communicable diseases and with regard to notification to victims of the results of such testing.
- G. The right to counseling from any mental health services previously established by the institution, or by other victim-service entities, or by any other individual/entity chosen by the victims themselves.
- H. After campus sexual assaults have been reported, the victims of such crimes shall have the right to require that campus personnel take the necessary steps or actions reasonably feasible to prevent any unnecessary or unwanted contact or proximity with alleged assailants, including immediate relocation of the victim to safe and secure alternative housing, and transfer of classes if requested by the victim.
- I. In addition to the above rights, students, whether sexual assault victims or not, have a right to habitability in campus housing and in campus accommodations for which Lincoln University receives any compensation, direct or indirect.
  - 1. **DEFINITION** - For purpose of this subparagraph, "habitability" shall mean an environment free from sexual or physical intimidation, or any other continuing disruptive behaviors by persons sharing rooms or their guests, that is of such a serious nature as would prevent a reasonable person from attaining their educational goals. Substantiated violations of the above-listed habitability provisions shall be corrected by campus personnel by relocation of the complainant to acceptable, safe and secure alternative housing as soon as practicable, unless the conditions of non-habitability demonstrate the necessity of immediate action by campus personnel.

## **TO REPORT AN ASSAULT**

Reports may be made by calling 911 or by calling the Lincoln University Police Department at 573-681-5555; by reporting directly to the office, or by reporting to the on-scene officer, if he or she has already been summoned. If you have reported the assault to another university official, they will assist you in making a report to the campus Police Department Office, if requested.

## **WHAT YOU SHOULD DO IF YOU ARE RAPED OR SEXUALLY ASSAULTED**

- **GET TO A SAFE LOCATION IMMEDIATELY!**
- Tell someone. Seek support from someone you trust. Talk to the University counselor (681-5167) or the Student Health Center (681-5476). Conversations with the counselor will be kept in strictest confidence if you wish. Other staff members can be helpful, but they will be required to report the incident to the director of campus public safety. St. Mary's and Capital Region Hospitals provide emergency services to victims and are located nearby. They can provide.

counseling referrals and will contact the Jefferson City Police or Lincoln University Police Department for you. A police officer or your Residence Hall Director can get help for you anytime. It is not necessary to tell them what happened. Again, keep in mind that anyone other than the counselor must report specific incidents to the Lincoln University Police Department.

## REPORTING THE INCIDENT

Choosing whether or not to report the rape or assault is your right and option. If you are certain you want to report the incident to authorities:

- Contact Lincoln University Police Department at 681-5555 or by dialing 911 or by use of any red campus emergency phone. (If you wish to contact the police DO NOT BATHE, CHANGE CLOTHES OR DOUCHE OR USE THE TOILET prior to a medical/legal exam.)

If you aren't certain whether you will report the incident to authorities:

- Contact the University counsel or another mental health counselor\* outside the university community and or your clergy or religious advisor, none of whom are required to report alleged incidents.

\*Counseling and support services outside the University system can be obtained through the following locations:

Family Counseling Center of Missouri Inc.....634-4591

Family Mental Health Center Hotline.....800-833-3915

Rape and Abuse Crisis Service Hotline.....634-4911

Behavior Health Unit.....635-7141

Planned Parenthood.....635-2882

Birthright.....635-8822

A sexual offense case referred to the Lincoln University Student Conduct system may result in the perpetrator being suspended from the university. More than one sanction may be recommended/imposed for any single violation when deemed appropriate by the Judicial Officer or Disciplinary Committee. All disciplinary sanctions are noted in the student's non-academic student file and are kept for a period of three years after they leave the university. Records of suspended students are kept indefinitely. Sanctions may include: residence hall transfer or suspension, interim suspension, long-term suspension or permanent suspension, or expulsion. Lincoln University will provide the accuser and the accused with a copy of the outcome of a sexual offense student disciplinary hearing.

The above mentioned university disciplinary sanctions do not include actions taken by the police department (i.e., arrest or detainment) or by the prosecuting attorney's office (i.e. prosecution and/or sentencing).