



March 10, 2011

Dr. Carolyn R. Mahoney, President
Lincoln University
820 Chestnut Street
Jefferson City, MO 65101-3500

UPS Tracking Number: 1Z A54 67Y 01 9385 8171

RE: **Final Program Review Determination**
OPE ID: 00247900
PRCN: 200920726890

Dear Dr. Mahoney:

The U.S. Department of Education's (Department's) School Participation Team – Kansas City issued a program review report on December 15, 2009 covering Lincoln University's (Lincoln's) compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requirements of the Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 *et. seq.* (Title IV, HEA programs). Lincoln's final response was received on June 22, 2010. A copy of the program review report (and related attachments) and Lincoln's responses are attached. Any supporting documentation submitted with the response is being retained by the Department and is available for inspection by Lincoln upon request. Additionally, this Final Program Review Determination (FPRD), related attachments, and any supporting documentation may be subject to release under the Freedom of Information Act (FOIA) and can be provided to other oversight entities after this FPRD is issued.

Purpose:

Final determinations have been made concerning all of the outstanding findings of the program review report. The purpose of this letter is to close the review and notify Lincoln of a possible adverse administrative action. Due to the serious nature of one or more of the enclosed findings, we have referred this FPRD to the Department's Administrative Actions and Appeals Service Group (AAASG) for its consideration of possible adverse administrative action pursuant to 34 C.F.R. Part 668, Subpart G. Such action may include a fine, and/or the limitation, suspension or termination of the eligibility of the institution. If AAASG initiates an action, the institution will be notified under separate cover of that action. AAASG's notification will also include information regarding the institutional appeal rights and procedures on how to contest that action.

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Record Retention:

Program records relating to the period covered by the program review must be retained until the end of the retention period otherwise applicable to the record under 34 C.F.R. §§ 668.24(e)(1), (e)(2), and (e)(3)

The Department expresses its appreciation for the courtesy and cooperation extended during the review. If the institution has any questions regarding this letter, please contact Dvak Corwin at (816) 268-0420.

Sincerely,



Ralph A. LoBosco
Area Case Director

Enclosures: Appendix A, Lincoln's January 29, 2010 response to the Program Review Report
Appendix B, Lincoln's June 15, 2010 response to the Department's Interim Correspondence
Appendix C, Department's December 15, 2009 Program Review Report
Appendix D, Department's May 11, 2010 Interim Correspondence

cc: Kent L. Brown, Attorney at Law
Chief Bill Nelson, Lincoln University Police Department

Prepared for
Lincoln University



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OPE ID 00247900
PRCN 200920726809

Prepared by:
U.S. Department of Education
Federal Student Aid
School Participation Team – Kansas City

Final Program Review Determination

February 14, 2011

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A. Institutional Information

Lincoln University
820 Chestnut Street
Jefferson City, MO 65101-3500

Type: Public

Highest Level of Offering: Master's/Doctorate

Accrediting Agency: North Central Association of Colleges and Schools, Higher Learning Commission

Current Student Enrollment: 3,109 (Fall 2008)

% of Students Receiving Title IV, HEA funds: 80% (Fall 2008)

Title IV Participation (from Postsecondary Education Participants System (PEPS)):

	<u>2007-08</u>
Federal Pell Grant (Pell)	\$ 4,208,469
Federal Work Study Program	\$ 113,088
Federal Supplemental Educational Opportunity Grant (FSEOG)	\$ 138,373
Federal Family Educational Loan Program (FFEL)	\$11,423,186
Total	\$15,703,116

<u>Default Rate FFEL:</u>	2007	13.2%
	2006	12.6%
	2005	7.7%

B. Scope of Review

The U.S. Department of Education (Department) conducted a program review at Lincoln University (Lincoln) from February 23, 2009 to February 27, 2009. The review was conducted by Ms. Susan Crim and Ms. Linda Shewack. The Department then made a follow-up visit to campus to complete the review work and document collection on April 20 and 21, 2009. On that visit, Mr. Charles Glasper assisted Ms. Crim.

The focus of the review was Lincoln's compliance with provisions of the Clery Act. The review consisted of an examination of Lincoln's policies and procedures related to campus safety as well as the records of Lincoln's Department of Public Safety (Lincoln University Police Department (LUPD)) and Lincoln's student disciplinary records. The review concentrated on the crime statistics that were required to be reported in the annual security reports due to be released to Lincoln's students and employees as of October 1, 2006, October 1, 2007, and October 1, 2008. These reports were to cover the calendar years 2003, 2004, and 2005 (2006 report); 2004, 2005, and 2006 (2007 report); and 2005, 2006, and 2007 (2008 report). In addition, the Department reviewed the institution's records of Clery Act reportable crimes for calendar years 2008 and 2009 to determine if crimes were correctly included in Lincoln's crime log and for proper coding/reporting of criminal incidents in accordance with Uniform Crime Reporting (UCR) guidelines. The Department also examined the institution's policies related to campus security that were in use at Lincoln at the time of the review, as well as those in effect for the 2006, 2007, and 2008 reporting periods.

Disclaimer:

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning Lincoln's specific practices and procedures must not be construed as acceptance, approval, or endorsement of those specific practices and procedures. Furthermore, it does not relieve Lincoln of its obligation to comply with all of the statutory or regulatory provisions governing the Title IV, HEA programs.

C. Findings and Final Determinations

The program review report findings requiring further action are summarized below. At the conclusion of each finding is a summary of Lincoln's response to the finding and the Department's final determination for that finding. A copy of the program review report issued on December 15, 2009 is attached as Appendix C. Also, a copy of the Department's interim correspondence to Lincoln, dated May 11, 2010, is attached as Appendix D.

1. NO AUDIT TRAIL TO SUBSTANTIATE CRIME STATISTICS

Citation: 34 C.F.R. § 668.41(e)(5) states that an institution must report crime statistics to the Department each year in accordance with 34 C.F.R. § 668.46(c), which requires an institution to report crime statistics for the three most recently completed calendar years preceding the date of the report. Further, 34 C.F.R. § 668.24(e) requires that an institution keep records relating to its administration of Title IV, HEA programs for three years after the end of the award year for which aid was disbursed.

Noncompliance: During our review of the reported crime statistics, crime logs, incident reports, and supporting documentation for the reports issued in 2006, 2007, and 2008, as well as incidents occurring calendar years 2008 and 2009 that had not yet been included in an annual report, it became apparent that there was no way to determine which crime incident reports substantiated the crimes included in Lincoln's annual security report and those reported to the Department.

At the outset of the on-site visit in February 2009, Lincoln failed to produce documentation outlining which specific incident reports corresponded with the reported crime statistics. Prior to the conclusion of the February on-site visit, Lincoln produced a series of spreadsheets in response to our request for an audit trail. However, in many cases, the number of incident reports listed on these spreadsheets did not equal those reported in the crime statistics. For instance, the "2006 Cross-Reference (Daily Crime Log and Reported Crime Stats)" spreadsheet provided by the school only lists 5 incident reports concerning Burglaries, even though the institution reported 12 Burglaries occurring during the calendar year 2006. Furthermore, the 2006 "Cross-Reference" spreadsheet states that Lincoln was "unable to locate any" aggravated assault incidents during that calendar year, even though the institution reported one aggravated assault for calendar year 2006.

Lincoln was also unable to account for the numbers of disciplinary referrals in 2006. Though the "Cross-Reference" spreadsheet lists 2 incident report numbers for "illegal weapons-disciplinary action", no report was found for one incident number (06-70), and, after review of the other, it was determined that the weapon in question was not illegal, merely not allowed on campus. Additionally, the individuals cited in the report were not even Lincoln University students, and as such, they would not have been referred to the

student disciplinary board. Therefore, this should not have been included in the reporting.

A further concern illustrated by the Department's review of Lincoln's "audit trail" is that a closer review of the incident reports listed in the "Cross-Reference" documents shows that many of these reports were miscoded. This issue will be addressed in Finding 2 below.

Required Action: *In response to this Program Review Report, Lincoln must attempt to determine the incidents that comprise the crime statistics reported for the most recently issued annual security report (October 1, 2009), calendar years 2006 through 2008. This "audit trail" must include the incident numbers and/or student disciplinary reports that represent the reported crime statistics for that particular year.*

Furthermore, Lincoln must develop procedures to ensure that, going forward, a proper audit trail is retained. Such documentation should include a listing of the incident report numbers that correspond to its reported annual crime statistics. While the Department does not prescribe the manner in which an institution tracks its Clery-reportable crimes, it must be able to account for each crime and each disciplinary action reported. Lincoln must include its procedures for creating an audit trail as part of its response.

Lincoln's Response: *In its January 29, 2010 response (Appendix A to this FPRD), Lincoln stated that it attempted to determine the incidents that comprised the crime statistics reported in the 2009 annual security report (i.e., the crime statistics for the 2006, 2007, and 2008 calendar years). However, Lincoln failed to provide "audit trail" records supporting the statistics included in that report.*

*In its response, Lincoln submitted its new procedures to ensure that Lincoln University Police Department (LUPD) will develop and maintain a proper audit trail by entering a narrative for every incident reported in *ReportExec*, including Clery-reportable crimes. In addition, Lincoln stated that a list of all reported incidents maintained in the daily crime log could also be used as part of the required audit trail.*

*The Department, in its May 11, 2010 interim correspondence to Lincoln, directed the institution to provide a detailed report and any other information necessary to substantiate the audit trail records the Department requested. Further, the Department asked Lincoln to provide more detailed procedures as to how annual crime statistics would be generated for reporting purposes, including details on the frequency of review and how supporting documentation for those statistics would be gathered and maintained from multiple sources. Finally, the Department noted that the procedures submitted by Lincoln did not describe who would enter information into the *ReportExec* database, nor how long after an incident data would be entered. The Department directed Lincoln to provide more information on these details.*

With its June 15, 2010 response, found in Appendix B to this FPRD, Lincoln provided copies of the revised crime statistics for calendar years 2006 to 2008, as well as the daily crime logs for the same period. The response also included a validation report compiled from information in *ReportExec* for the same period.

The tables below reflect the "audit trail" records as substantiated in various documents. "ED" represents the statistics Lincoln reported to the Department on the annual crime statistic survey. The associated date reflects the date the information was retrieved from the database by Departmental staff. In the case of the security reports, the dates represent the date the reports were received by the Department.

2006	<i>ED</i> (12/17/08)	2008 <i>Security Report</i>	<i>ED</i> (9/21/10)	2009 <i>Security Report</i> (10/1/09)	6/15/10 <i>revised stats</i>	<i>Validation report</i>	2009 <i>Security Report</i> (6/15/10)
Agg. Assault (on campus)	1	1	1	0	6	5	6
Burglary (on campus)	12 (12 in Res. Halls)	12 (12 in Res. Halls)	12 (12 in Res. Halls)	12 (12 in Res. Halls)	14 (12 in Res. Halls)	14 (12 in Res. Halls)	14 (12 in Res. Halls)
Motor Vehicle Theft (on campus)	1	1	1	0	1	1	1
Drug law arrests (on campus)	13 (5 in Res. Halls)	13 (5 in Res. Hall)	13 (5 in Res. Hall)	13 (5 in Res. Hall)	27 (5 in Res. Hall)	18 total listed (2 in Res. Hall and one "noncampus")	27 (5 in Res. Halls)
Liquor law arrests (on campus)	1 (1 in Res. Halls)	1 (1 in Res. Halls)	1 (1 in Res. Halls)	1 (1 in Res. Halls)	4 (1 in Res. Halls)	19 total (1 in Res. Halls)	4 (1 in Res. Halls)
Illegal Weapons arrests (on campus)	0	0	0	0	1	1	1
Illegal Weapons disciplinary referrals (on campus)	2	2	2	2	8	None listed	8
Drug Law disciplinary referrals (on	31	31	31	31	21 (3 in Res. Halls)	10 specifically listed in crime log as	21

campus)						being referred to Student Conduct	
Liquor Law disciplinary referrals (on campus)	36	36	36	36	21 (1 in Res. Halls)	3 specifically listed in crime log as being referred to Student Conduct	21

2007	ED (12/17/08)	2008 Security Report	ED (9/21/10)	2009 Security Report (10/1/09)	6/15/10 revised stats	Validation Report	2009 Security Report (6/15/10)
Forcible Sex offense (on campus)	1	1	1	1	0	0	1
Forcible sex offense (public property)	1	1	1	1	0	0	1
Non-forcible sex offense (on campus)	0	0	0	0	1	1	0
Agg. Assault (on campus)	4	4	4	1	9	9 (2 in Res. Halls)	9 (2 in Res. Halls)
Agg. Assault (public property)	1	1	1	1	1	1	0
Burglary (on campus)	17 (14 in Res. Halls)	16 (14 in Res. Halls)	16 (14 in Res. Halls)	16 (14 in Res. Hall)			
Motor vehicle theft (on campus)	2	2	2	1	0	0	0
Arson (public property)	0	2	0	2	0	0	0
Illegal Weapons arrests (on	3 (2 in Res. Halls)	4 (2 in Res. Halls)	3 (all in Res. Halls)	4 (2 in Res. Halls)			

campus)							
Drug Law arrests (on campus)	34 (14 in Res. Halls)	31 (13 in Res. Halls)	21 (11 in Res. Halls)	31 (13 in Res. Halls)			
Liquor Law arrests (on campus)	15 (10 in Res. Halls)	26 (19 in Res. Halls)	17 (11 in Res. Halls) 2 of these are driving violations	26 (19 in Res. Halls)			
Illegal Weapons disciplinary referrals (on campus)	6	6	6	6	3 (3 in Res. Halls)	2 are listed in the crime log as referred to Student Conduct	3
Drug Law disciplinary referrals (on campus)	30	30	30	30	12 (5 in Res. Halls)	5 listed on the crime log as referred to Student Conduct	12
Liquor Law disciplinary referrals (on campus)	7	7	7	7	5 (3 in Res. Halls)	3 (2 in Res. Halls)	5
Drug Law disciplinary referrals (public property)	4	4	4	4	0	1 arrest on noncampus property	0
Liquor Law disciplinary referrals (public property)	4	4	4	4	0	1 referral is for noncampus property	0

2008	ED (9/21/10)	2009 Security Report (10/1/09)	6/15/10 revised stats	Validation Report	2009 Security Report (6/15/10)
Forcible Sex Offenses (on campus)	3 (1 in Res. Halls)	3 (1 in Res. Hall)	0	0	0
Forcible Sex Offense (public	0	2	1	1	0

property)					
Nonforcible Sex Offense (on campus)	0	0	2	2	2
Robbery (on campus)	1	1	1 (Hate Crime based on race, gender, and ethnicity)	1 (Hate Crime based on race, gender, and ethnicity)	1 (Hate Crime based on race, gender, ethnicity)
Robbery (public property)	0	1	0	0	0
Agg. Assault (on campus)	8 (3 in Res. Halls)	8 (3 in Res. Halls)	14 (7 in Res. Halls)	14 (7 in Res. Halls)	14 (7 in Res. Halls)
Agg. Assault (public property)	0	5	2	2	0
Burglary (on campus)	27 (19 in Res. Halls)	27 (19 in Res. Halls)	27 (24 in Res. Halls)	27 (24 in Res. Halls)	27 (24 in Res. Halls)
Motor vehicle theft (on campus)	0	2	1	1	1
Drug law arrests (on campus)	21 (12 in Res. Halls)	21 (12 in Res. Halls)	14 (11 in Res. Halls)	24 (8 in Res. Halls)	14 (11 in Res. Halls)
Liquor law arrests (on campus)	8	8	10 (1 in Res. Halls)	2	10 (1 in Res. Halls)
Illegal Weapons disciplinary referrals (on campus)	2 (1 in Res. Halls)	2	1 (1 in Res. Halls)	1	1
Drug law disciplinary referrals (on campus)	26 (6 in Res. Halls)	26	27 (6 in Res. Halls)	9 were solely referred to Student Conduct. 8 arrests were also referred to Student Conduct (only report the arrests)	27
Liquor law disciplinary referrals (on campus)	3	3	2 (2 in Res. Halls)	1 Student Conduct only and 1 arrest also referred to student	2

				conduct (only report the arrest)	
Drug law arrests (public property)	0	9	0		0
Liquor law arrests (public property)	0	8	0	0	0
Illegal Weapons disciplinary referral (public property)	0	1	0	0	0
Drug law disciplinary referrals (public property)	0	20	0	0	0
Liquor law disciplinary referrals (public property)	0	3	0	0	0

Lincoln's response also included revised procedures for maintaining an audit trail. These procedures specify that a narrative will be entered for every incident reported in *ReportExec*. Also, all reported incidents will be maintained in Daily Crime log. This data will be entered by LUPD dispatchers within 48 hours of an incident, specifically identifying Clery-reportable crimes. The LUPD will review this information monthly to ensure accuracy. The LUPD will also contact campus security authorities in January of each calendar year to obtain supportable documentation for any Clery-reportable crimes that should be included in the annual security report for the following year; thus allowing institutional officials to complete the annual security report information well in advance of the October 1st yearly deadline.

Final Determination: As a result of the program review, the Department determined that Lincoln did not maintain an audit trail for reported crimes for five years (the calendar years included in the 2006, 2007, and 2008 annual security reports): 2003, 2004, 2005, 2006, and 2007. The lack of an audit trail means that Lincoln's records do not provide a basis for a complete understanding and accounting of the incidents comprising the reported statistics and does not demonstrate that statistical reporting is based on reliable figures. As noted below, the audit trail information provided by Lincoln includes discrepancies between the validation report and the statistics provided by Lincoln on June 15, 2010. In addition, as detailed below, the reported statistics varied significantly

between the 2008 and the original 2009 security report and Lincoln's revised annual security report submitted to the Department on June 15, 2010.

Discrepant data

2006

The validation report lists five aggravated assaults, while the revised report statistics show six. The drug arrests on campus are listed as 18 in the validation report and 27 in the revised report statistics. The liquor law arrests are listed as 19 in the validation report and 27 in the revised statistics. The validation report lists no disciplinary action referrals for illegal weapons possession while the revised crime statistics list eight. The drug law disciplinary action referrals are listed in the revised crime statistics as 21, while the validation report lists 10. Finally, liquor law disciplinary referrals are only listed as three in the validation report while 21 are reported in the revised statistics. As noted in Finding 2, some of the discrepancies related to arrests and disciplinary actions may be the result of double-counting arrests and disciplinary actions, although it is unclear from the institution's audit trail records.

One aggravated assault incident (2006-392) was reported on the validation report but was not included in the daily crime log. Two burglaries listed on the validation report (2006-385 and 2006-451) were not included in the daily crime log. Two other incidents (2006-384 and 2006-389) are listed in the validation report as "no crime entered" but are not listed on the crime log.

2007

In 2007, the validation report shows no forcible sex offenses and one non-forcible sex offense, while the revised 2009 annual security report statistics for 2007 shows one forcible sex offense on campus and one forcible sex offense on public property, with no reportable non-forcible sex offenses. In addition the validation report reflects one aggravated assault on public property, while the revised statistics shows zero incidents.

The validation report lists a forcible sex offense (2007-021) as NON FORCIBLE, which appears to be miscoded, as the statistics report a FORCIBLE sex offense on campus. The security report lists a forcible sex offense on public property. However, this is not listed on the validation report. A non campus aggravated assault is listed on the validation report and not in the statistics (which may be a result of miscoding or reporting error). Thus, it appears the correct statistical reporting would be one forcible sex offense on campus and one aggravated assault on public property.

Lincoln included two burglaries (2007-593 and 2007-606) in the validation report but did not list them in the crime log. The institution coded six incidents (2007-354, 2007-363, 2007-409, 2007-413, 2007-416, and 2007-432) in the validation report as "no crime entered" but these were not listed on the daily crime log. According to the daily crime log, incident 2007-533 was a burglary, although in the validation report it was coded as

“no crime entered”. The validation report lists the following two incidents as “no crime entered.” Incident 2007-355 was described in the daily crime log as “driving while intoxicated.” The daily crime log listed incident 2007-578 as “driving while suspended.” Both of these incidents would not be considered violations requiring reporting in the annual statistics.

In addition, the validation report coded incident 2007-013 as “no crime entered.” The daily crime log lists the incident as a “warrant arrest.” The Department is unable to determine the proper category in which this incident should be reported (if any).

2008

Two non-forcible sex offenses are reported in the revised statistics. However, the crime log classifies these as “solicitation of prostitution”. The only non-forcible sex offenses included in Clery Act statistics are incest and statutory rape. Because these incidents do not fit these crime definitions, the non-forcible sex offenses should be 0. The validation report lists a forcible sex offense that occurred off campus, but the revised statistics show 0. However, it appears that the incident reflected in the validation report did not occur on public property adjacent to the institution. Thus, this incident was properly excluded from the revised statistics. Additionally, the validation report lists two aggravated assaults as occurring on public property. Again, the crime log indicates these occurred off campus, so they are properly left off of the reported statistics.

Discrepancies exist between the revised crime statistics in Lincoln’s revised 2009 annual security report and the incidents included in the validation report. The statistics reflect 14 drug law arrests, while the validation report shows ten. The revised report shows 27 disciplinary action referrals for drug law violations, although the validation report only lists nine. Finally, the revised statistics report two liquor law disciplinary referrals, although the validation report lists only one.

Despite being identified in the validation report as a burglary, incident (2008-315) was not listed on the daily crime log. Two incidents (2008-332 and 2008-416) were listed on the validation report as “no crime entered”. However, according to the daily crime log, incident 2008-332 is described as “property damage” and incident 2008-416 is described as sexual harassment, neither of which are Clery-reportable crimes. As a result, the Department is unable to determine the proper category in which these incidents should be reported (if any).

Reporting Errors

2006

Comparing the statistics reported for 2006 in the 2008 and the original 2009 annual security report, Lincoln **underreported 30 crime incidents occurring on campus:** five

aggravated assaults, two burglaries, 14 drug law arrests, three liquor law arrests, and six illegal weapons possession referrals.

Also, Lincoln over reported 25 on-campus incidents in its original reports: 10 drug law disciplinary action referrals and 15 liquor law disciplinary action referrals.

2007

Comparing the statistics reported for 2007 in the 2008 and the original 2009 annual campus security report, **Lincoln underreported 17 incidents occurring on campus:** five aggravated assaults, one illegal weapons arrest, and 11 liquor law arrests.

In addition, the school over-reported 39 incidents in its original reports: one on-campus burglary, two motor vehicle thefts, two arsons, three drug law arrests, three illegal weapons possession disciplinary action referrals, 18 drug law disciplinary action referrals, two liquor law on-campus disciplinary referrals, four public property drug law disciplinary action referrals, and four public property liquor law disciplinary action referrals.

2008

Comparing the statistics reported for 2008 in the original 2009 annual campus security report, Lincoln **underreported 2 incidents occurring on campus:** six aggravated assaults, two liquor law arrests, and one drug law disciplinary action referral.

Additionally, Lincoln over reported 10 on-campus incidents in its original 2009 report: one motor vehicle theft, seven drug law arrests, one illegal weapons disciplinary action referral, and one liquor law disciplinary action referral. The institution also over reported 41 incidents occurring on public property: nine drug law arrests, eight liquor law arrests, one illegal weapons disciplinary action referral, 20 drug law disciplinary action referrals, and three liquor law disciplinary action referrals.

Summary

Lincoln's response does not adequately address the problems in Lincoln's Clery Act reporting since 2003. Moreover, at this point, it is clear that Lincoln is unable to reconstruct a sufficient audit trail of reported crimes in prior years and did not include 56 crime incidents in the Clery Act reports for 2006, 2007, and 2008. Despite this, the Department believes that Lincoln has developed sufficient procedures to ensure an adequate audit trail for subsequent calendar years. Thus, the Department will consider this finding resolved.

2. CRIMES MISCODED IN THE CRIME LOG

Citation: An institution must report statistics for the three most recent calendar years concerning the occurrence on campus, in or on noncampus buildings or property, and on public property of the following that are reported to local police agencies or to a campus security authority:

- (i) *Criminal homicide:*
 - (A) *Murder and nonnegligent manslaughter*
 - (B) *Negligent manslaughter*
- (ii) *Sex offenses:*
 - (A) *Forcible sex offenses*
 - (B) *Nonforcible sex offenses*
- (iii) *Robbery*
- (iv) *Aggravated assault*
- (v) *Burglary*
- (vi) *Motor vehicle theft*
- (vii) *Arson*
- (viii) (A) *Arrests for liquor law violations, drug law violations, and illegal weapons possession.*
(B) *Persons not included in paragraph (c)(1)(viii)(A) of this section who were referred for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession. (34 C.F.R. § 668.46(c)(1))*

Further, an institution must utilize the definitions of crimes provided in appendix A to Subpart D (34 C.F.R. §§ 668.41 to 48) and the Federal Bureau of Investigation's (FBI) UCR Hate Crime Data Collections and Training Guide for Hate Crime Data Collection." 34 C.F.R. § 668.46(c)(7)

Noncompliance: *For the calendar years 2006 through 2008, the Department reviewed a judgmental sample of 810 incidents. Of the 810 incidents, 45 were miscoded, including 24 that should have been classified as Clery-reportable crimes. Thus, as outlined below, Lincoln failed to report, in either its annual security report or its statistical report to the*

Department's Office of Postsecondary Education, the following crimes it was required to have reported:

2006: 21 (3 aggravated assaults, 1 burglary, 3 drug offenses, 1 alcohol offense).

2007: 20 (6 aggravated assaults, 1 forcible sex offense, 1 burglary, 4 drug offenses, and 1 alcohol offense);

2008: 4 (1 aggravated assault and 2 burglaries);

Included in the 810 reports reviewed were 608 incidents that were not found in Lincoln's electronic database, even though the incidents were listed in the initial crime log received from Lincoln in response to the January 30, 2009 letter announcing the program review. After reviewing the incident reports associated with these incidents, the Department determined that 10 were Clery-reportable crimes. However, many of the reports related to those 608 incidents had no narrative associated with them. As a result, there was no way for a third-party looking at the documents to determine whether the incident at issue represented a crime that should have been reported in the annual report and disclosed to the Department.

As described in Finding 1 above, after the Department, during the on-site review, requested, an audit trail for the reported incidents, Lincoln produced "Cross Reference" documents for calendar years 2003 through 2007. The "Cross Reference" documents were intended to serve as a record of support for the incidents reported as Lincoln's Clery-reportable crime statistics for those years. However, a review of the associated incident reports contained the following coding errors:

2003

35 incidents were reported, with 12 errors.

1 unreported aggravated assault was coded as "illegal weapon possession."

2 drug referrals were omitted.

2 drug arrests were omitted.

2004

27 incidents were included on the report, with 8 errors.

There appear to be no unreported/underreported crimes.

2005

82 incidents were included on the report, with 33 errors.

1 aggravated assault was coded as "illegal weapon possession."

5 disciplinary actions for drug violations were included, but the individuals were actually arrested.

2006

61 incidents were included, with 27 errors.

1 drug arrest was omitted.

2007

71 incidents were included, with 28 errors.
1 drug arrest was omitted.

Other than the underreported crimes cited above, common errors included:

- 1) Incorrect location: Some incidents were reported as occurring in a residence hall that actually occurred in a residence hall parking lot. These types of incidents should be coded as "on campus."
- 2) Disciplinary action referrals for liquor law violations (possession) were included for students over 21 years of age: Because a student aged 21 or older cannot commit liquor law violations for possession, disciplinary action referrals of these violations should not be included in the crime statistics because the student committed no criminal offense.
- 3) Disciplinary action referrals included in addition to arrests for the same incident with the same individual: As noted above, 34 C.F.R. § 668.46(c)(1)(viii), where a student has both been arrested and received a disciplinary referral for the same incident, only the arrest should be counted in the reported crime statistics.
- 4) Thefts coded as Burglaries: As a result of misclassifying these incidents, Lincoln over-reported the number of burglaries.

Assuming that Lincoln did not detect the listed miscoded crimes during its annual compilation of crime statistics, these incident reports resulted in 13 Clery-reportable crimes unreported in its annual security report or to the Department. Furthermore, Lincoln incorrectly reported the location in which several crimes occurred.

Required Action: The LUPD must develop procedures that will ensure crimes reported are classified according to the FBI's UCR definitions and then must train its officers and dispatchers on these procedures. Additionally, Lincoln must train staff members who meet the definition of a campus security authority on the Clery rules for correctly reporting incidents according to location at which the incident occurs, as well as when to report referrals for disciplinary actions. Lincoln must include a copy of these procedures and its plan for training with its response to this Program Review Report.

Lincoln's Response: In its January 29, 2010 response, Lincoln stated it had developed procedures to ensure crimes were classified according to the FBI's Uniform Crime Reporting (UCR) guidelines, but it did not submit a copy of those procedures to the Department. In response, the Department requested greater detail regarding the procedures to be used by Lincoln's officers and dispatchers to ensure crimes were reported in accordance with UCR definitions. Lincoln did not provide a copy of a training plan for officers, dispatchers, and employees identified as campus security authorities because the documentation was to be submitted upon completion of the training.

In its June 15, 2010 response, Lincoln included revised procedures that included UCR definitions. According to these procedures the LUPD staff member(s) responsible for compiling the UCR statistics each month will train other LUPD personnel once a year (preferably in August) on UCR definitions and on how to report crimes in accordance with those definitions. The LUPD staff member(s) responsible for reporting UCR statistics will also train other Lincoln employees identified as campus security authorities (Residential Life employees, Student Health Center employees and Student Conduct Office employees) in August each year, prior to the start of the academic year.

Final Determination: Lincoln corrected some of the miscoding and resulting underreporting errors for calendar years 2006, 2007, and 2008 identified in the program review report but failed to resolve others.

2006

Lincoln properly included incident 2006-304 as an aggravated assault in its revised crime statistics. In addition, although these incidents are not listed on the daily crime log, the validation report shows incidents 2006-384, 2006-397, 2006-398, and 2006-399 as "no crime entered". Presumably Lincoln included these incidents among its reported drug and alcohol incidents.

Lincoln failed to re-code incidents 2006-133 and 2006-158 as aggravated assaults and did not re-code incident 2006-129 as a burglary. As a result, these incidents were not included in the reported crime statistics, causing ***three incidents to be excluded in its revised statistics.***

2007

Lincoln failed to re-code and include incidents 2007-199, 2007-494, and 2007-557 as aggravated assaults in the revised statistics. Further, the institution did not re-code incident 2007-098 as a forcible fondling and include with the forcible sex offenses. Thus Lincoln underreported an additional three aggravated assaults and one additional forcible sex offense, thereby ***failing to include four incidents in its revised statistics.***

Lincoln properly re-coded incidents 2007-156 and 2007-458 and included them as aggravated assaults on the revised report. Incident 2007-606 was also properly re-coded and included as a burglary on the revised report. Although not listed on the daily crime log, it appears that incidents 2007-363, 2007-409, 2007-413, 2007-416, and 2007-432 were listed as "no crime entered" on the validation report. Presumably Lincoln included these incidents in the reported drug and alcohol statistics.

2008

The 2008 statistics showed a great improvement in coding of crimes compared to 2006 and 2007. Although incident 2008-458 was miscoded and not included on the original 2009 annual security report as an aggravated assault, Lincoln corrected that error when the revised statistics were submitted on June 15, 2010.

However, incidents 2008-459 and 2008-475 should have been coded as burglaries. Lincoln did not re-code these incidents or include them in the revised crime statistics for 2008 on the June 15, 2010 revised annual security report for 2009. As a result, Lincoln **improperly failed to include two incidents from its revised statistics.**

Summary

Lincoln's response does not resolve the problems with the crime statistics or to negate the impact of Lincoln failing to properly include 9 crime incidents for calendar years 2006, 2007, and 2008. The Department acknowledges that Lincoln has developed procedures to ensure that staff are taught how to correctly code and report crimes. However, Lincoln needs to closely review the statistical reporting to ensure training is working.

3. FAILURE TO DISTRIBUTE A CAMPUS SECURITY REPORT FOR THE 2006 AND 2007 CALENDAR YEARS

***Citation:** An institution must prepare an annual security report that contains, at a minimum, the required crime statistics, along with the required campus security policies and procedures outlined in 34 C.F.R. § 668.46(b). This report must be distributed to all enrolled students and current employees by October 1 of each year. 34 C.F.R. § 668.41(e)*

***Noncompliance:** Lincoln was unable to document that it had timely prepared and distributed the annual security reports as required to be distributed by October 1, 2006 and October 1, 2007. As a result, the Department cannot be assured that enrolled students and current employees had timely and complete access to information regarding the relevant crime statistics, university policies and procedures regarding campus security, or guidance regarding crime awareness and prevention.*

***Required Action:** Going forward, Lincoln must distribute its annual campus security report to current employees and enrolled students by October 1 of each year. The security report must include all required statistics, disclosures, policies, and procedures. The institution must develop procedures to ensure that the report is prepared and distributed according to the regulations. Lincoln must submit a copy of those procedures and assurances along with its response to this Program Review Report.*

Lincoln's Response: The procedures submitted with Lincoln's January 29, 2010 response describe a process by which the institution would distribute the annual security report to current students and staff by October 1st each year. The procedures, however, failed to provide adequate detail as to how the LUPD would collect crime statistic reports from local law enforcement and other offices or individuals serving in a campus security role, such as student conduct and residence life.

Lincoln's June 15, 2010 response provided revised procedures that outline how LUPD will collect crime statistics from local law enforcement and other offices or individuals serving in a campus security authority role. These procedures were to be distributed to all faculty and staff. The revised procedures included sufficient details regarding how local law enforcement would be contacted for relevant statistical information and how institutional officials serving as campus security authorities would be contacted for any incidents those officials had for inclusion in the yearly crime statistics.

Final Determination: Lincoln failed to properly distribute the 2006 and 2007 annual security report to enrolled students and employees. The institution began proper report disbursement procedures with the October 1, 2008 report.

The revised procedures submitted in response to the Department's interim correspondence are sufficient to ensure Lincoln's compliance with this requirement going forward. As a result, the Department will consider this finding closed.

4. CRIME LOG NOT AVAILABLE UNTIL 2009

Citation: *An institution that maintains a campus police or a campus security department must maintain a written, easily understood daily crime log that records, by the date the crime was reported, any crime that occurred on campus, on a noncampus building or property, on public property, or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or the campus security department. The log must include i) The nature, date, time, and general location of each crime; and ii) the disposition of the complaint, if known. 34 C.F.R. § 668.46(f)(1)*

An institution must make an entry or an addition to an entry to the log within two business days, as defined under 34 C.F.R. § 668.46(a), of the report of the information to the campus police or the campus security department, unless that disclosure is prohibited by law or would jeopardize the confidentiality of the victim. 34 C.F.R. § 668.46(f)(2). Further, 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. 34 C.F.R. § 668.46(f)(5)

Noncompliance: *Lincoln did not maintain a daily crime log until sometime in 2008. During interviews with staff, reviewers determined that Lincoln did not compile crime logs fully in accordance with the regulations until just before the February 2009 on-site review. As revealed by the interviews, the staff employed at the time understood Lincoln to be in compliance with this Clery Act requirement because the Lincoln Police Department kept individual 8 inch by 5 inch incident report cards in the front office and available to the public. The incident report cards contained the date, time, location, and nature of the incident. However, it was not possible for the Department to determine or verify Lincoln's maintenance of a crime log prior to its transfer to the campus website.*

While the institution is not required to maintain a crime log online, the web page of the Lincoln Police Department, as of December 31, 2008, contained a link to a crime log. However, that link contained no data. When reviewers checked the crime log on February 24, 2009, data then existed in the link.

Required Action: *Lincoln attempted to construct daily crime logs dating back to calendar year 2001. Going forward, Lincoln must maintain a crime log in the manner prescribed in 34 C.F.R. § 668.46(f). This requires the institution to enter crimes in the log within two business days of the incident report to the Lincoln Police Department, and it must update the entry information or add the disposition, as applicable. In response to this Program Review Report, Lincoln must prepare written procedures for maintaining the crime log, and it must submit a copy of the procedures.*

Lincoln's Response: The institution's January 29, 2010 response included procedures regarding the maintenance and publication of a daily crime log. However, the submitted procedures did not specify the timeframe in which data entry or updates to the crime log would be made. In addition, the procedures did not specify which officials would enter the data or updates into the crime log, or explain the process by which this would have been accomplished. In addition, Lincoln chose to include all incidents in its crime log, rather than just reported crimes. The Department requested an explanation of the institution's reasoning on this point.

Lincoln's June 15, 2010 response included revised procedures that specify the timeframe 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 maintaining data on the LUPD website. These procedures call for the crime log to be updated within 48 hours of an incident being called in, as well as when a case or incident is completed or the disposition can be updated. Electronic and hard copies of the crime logs will be kept on file for at least seven years.

In addition, Lincoln clarified that it intended to use the crime log not just as a tracking tool for Clery-reportable crimes but also as an incident-tracking document for the LUPD.

Final Determination: Lincoln failed to have an acceptable daily crime log system in accordance with legal requirements prior to the announcement of the program review.

The institution has now developed a crime log document and procedures that provide sufficient assurance of legal compliance going forward. As a result, the Department will consider this finding closed.

5. FAILURE TO PROVIDE THE VICTIM OF A SEXUAL ASSAULT WITH THE OUTCOME OF THE CAMPUS DISCIPLINARY BOARD'S INVESTIGATION.

Citation: *An institution's annual campus security report must include procedures for campus disciplinary actions in case of an alleged sex offense. These procedures must include a statement that both the accuser and the accused will be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense. 34 C.F.R. § 668.46(b)(11)(vi)(B). Under this regulatory requirement, the outcome of a disciplinary proceeding means only the institution's final determination with respect to the alleged sex offense and any sanction that is imposed against the accused. 34 C.F.R. § 668.46(b)(11)(vi)(B)*

Noncompliance: *Lincoln's annual security report does include a statement that both the accuser and the accused will be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense. However, on one occasion, Incident No. 2007-21, occurring on January 20, 2007 (and reported to the Lincoln Police Department on January 22, 2007), Lincoln failed to advise the accuser of the final outcome of a disciplinary action in such a case.*

Required Action: *Going forward, Lincoln must formally advise the accuser of the outcome of the disciplinary action in this sexual assault case if it has not done so yet. If more than one student was accused in a particular case or incident, the institution must inform the accuser as to the sanction (if any) against each student involved in the case. As part of its response to this Program Review Report, Lincoln must develop procedures that will ensure that any accuser is informed of the outcome of a student disciplinary case involving sexual assault. A copy of these procedures must be submitted with Lincoln's response.*

Lincoln's Response: With its January 29, 2010 response, Lincoln provided written procedures to ensure accusers in sexual assault cases are notified of the disciplinary action outcome associated with those particular cases. However, Lincoln failed to provide assurances that formal notification had been provided to accusers in past sexual assault cases, including the one specified in the program review report. In addition, Lincoln was required to confirm that the institution either had no other reported sexual assault cases during the review period or that Lincoln sent a letter to the accuser(s) informing him or her of the outcome of the case.

With its June 15, 2010 response, Lincoln provided copies of letters sent to the accuser in the sexual assault specified in the program review report. In addition, the response included letters for sexual assault disciplinary outcomes that were provided to the accuser and the accused for all cases since 2007. This documentation showed that three sexual misconduct cases were adjudicated by the Office of Student Conduct between 2006 and Spring 2010. The Office of Student Conduct submitted copies of the notification letters sent to the accusers notifying them of the outcome of these cases. For the accuser in the case at issue in the program review report, which occurred in January 2007, the student was not notified of the outcome until June 2010. The accuser in a second case, occurring in Fall 2008, was also not notified of the outcome of the case until June 2010.

Final Determination: Lincoln failed to properly notify, in a timely manner, the accusers of the outcome of disciplinary cases concerning sexual assault. In response to this program review report Lincoln submitted sufficient information to provide assurances that it will comply with legal requirements going forward. Therefore, the Department will consider this finding closed.

6. ANNUAL REPORT DOES NOT INCLUDE POSSIBLE SANCTIONS IN DISCIPLINARY ACTIONS INVOLVING SEX OFFENSES

Citation: An institution's annual security report must include sanctions the institution may impose following a final determination of an institutional disciplinary proceeding regarding rape, acquaintance rape, or other forcible or nonforcible sex offenses. 34 C.F.R. § 668.46(b)(11)(vii)

Noncompliance: Lincoln's annual security report does not include a statement regarding the possible sanctions it might impose in the final determination of an institutional disciplinary proceeding in the case of a sexual offense.

Required Action: Lincoln must update its annual security report to include a statement describing the possible actions that may be taken against a student after a disciplinary proceeding involving a sex offense. As part of its response to this Program Review Report, Lincoln must provide proof that it has distributed these updated policies to all currently enrolled students and employees. In addition, it must submit a copy of the updated annual security report along with its response.

Lincoln's Response: The institution's January 29, 2010 response included an updated annual security report that explained the possible disciplinary sanctions Lincoln might take against a student in a disciplinary procedure involving a sex offense. The response also indicated that the revised annual security report had been distributed to the appropriate parties.

Final Determination: Lincoln's annual security report and policies failed to include all necessary information regarding sexual assault disciplinary cases. However, in response to the program review report, Lincoln has submitted sufficient information to resolve this finding. Therefore, the Department will consider this finding closed.

7. PROCEDURAL DEFICIENCIES IN SEXUAL ASSAULT POLICIES

Citation: *The annual security report must include notification to students of existing on and off-campus counseling, mental health, or other student services for victims of sex offenses. 34 C.F.R. § 668.46(b)(11)(iv). Further, it must also include notification to students that the institution will change a victim's academic and living situations after an alleged sex offense and of the options for those changes, if those changes are requested by the victim and are reasonably available. 34 C.F.R. § 668.46(b)(11)(v)*

Noncompliance: *Although Lincoln's annual security report addresses these issues, some verbiage in the report is confusing. Page 26, Section G, of Lincoln's October 1, 2009 campus security report, which outlines the "Sexual Assault Victim's Bill of Rights", states that victims have "[t]he right to counseling from any mental health services previously established by the institution, or by other victim services entities, or by victims themselves." The reference to counseling "by victims themselves" seems to imply that victims may counsel themselves or refer themselves. The institution should clarify the meaning of this statement.*

Department interviews with staff and administration revealed a lack of clarity regarding who is responsible for offering guidance regarding counseling and whether staff should proactively offer accommodations to a victim or merely respond to requests for a change in academic or living situations. Staff members were also unclear regarding who should refer the student to counseling services. Similarly, Lincoln Police Department staff members interviewed by reviewers were unsure whether, in cases of an alleged sexual offense, they should refer the victim to available counseling services or whether that was the responsibility of staff in Student Affairs.

Interviews with residence hall staff indicated that there was also a lack of understanding of how accommodations should be made to a student regarding their academic and living situations. While there was a clear understanding that these accommodations would be available, residence hall staff stated that they understood this to mean that the victim must actively request accommodations, not that it was the responsibility of the Residence Hall staff to proactively offer accommodations. Further, during her interview with reviewers, the Vice President of Student Affairs stated that her understanding of the accommodation available to an alleged victim was that the alleged perpetrator would be moved, not that the victim's academic or living situation would be changed.

Required Action: *With the exception of the unclear verbiage regarding counseling "by the victim themselves," the counseling policy meets the minimum notification*

requirements. As noted above, Lincoln's response to this Program Review Report should provide clarification of that statement. However, deficiencies in Lincoln's procedure could result in the victim of a sexual assault not receiving the counseling referral or accommodations required in these notifications. Therefore, Lincoln must first review the verbiage regarding counseling and clarify the counseling services available. The resulting change to the policy language must then be revised in Lincoln's annual campus security report. The response should document that Lincoln has provided the updated policy language to all currently enrolled students and employees. It must also submit to the Department a copy of the updated annual security report reflecting these changes.

Lincoln must also develop clear procedures for Residence Hall, Lincoln Police Department, and Student Affairs staff members so that they understand how to assist the victim of a sexual assault. The institution must include a copy of those procedures with its response.

Lincoln's Response: Lincoln's response of January 29, 2010 included a revised policy statement that states that a Lincoln representative will guide a sexual assault victim through available options. The policy outlines various counseling options provided by the institution and a list of counseling options outside of the institution.

Lincoln's response was incomplete; however, as it failed to provide documentation that the institution had provided the updated policy language to all currently enrolled students and employees. Lincoln also failed to develop and provide a copy of procedures for Residence Hall, LUPD, and Student Affairs staff to better assist victims of sexual assault.

The June 15, 2010 response included revised procedures, as well as an e-mail providing documentation that the procedures were sent to all currently enrolled students, faculty and staff.

Final Determination: Lincoln's policies regarding sexual assault victims were found to be incomplete. With its responses to the program review report, Lincoln submitted sufficient information to resolve this finding. Therefore, the Department will consider this finding closed.

8. CAMPUS GEOGRAPHIC BOUNDARIES NOT DEFINED

Citation: *An institution must provide a geographic breakdown of the crime statistics reported in its annual security report, under 34 C.F.R. §§ 668.46(c)(1) and (3), according to the following categories: (i) On campus; (ii) Of the crimes reported in paragraph (i), the number of crimes that took place in dormitories or other residential facilities for students on campus; (iii) In or on a noncampus building or property; or (iv) On public property. 34 C.F.R. § 668.46(c)(4). In complying with these statistical reporting requirements, an institution may provide a map to current and prospective students and employees that depicts its campus, noncampus buildings or property, and public property areas if the map accurately depicts its campus, noncampus buildings or property, and public property areas. 34 C.F.R. § 668.46(c)(8)*

An institution must comply with the requirements to report crime statistics regarding the annual campus security report for each separate campus. 34 C.F.R. § 668.46(d)

Noncompliance: *In order to comply with the requirement that crimes be reported by location, the institution must clearly define its campus property, noncampus property, and the public property surrounding its campus and noncampus property. If it has more than one campus, the institution must publish an annual campus security report, including crime statistics, for each campus.*

During interviews with staff members of the Lincoln Police Department, reviewers determined that more clarity is needed to determine what constitutes the public property surrounding the campus. Specifically, a public park abuts the southeastern edge of the campus, and Lincoln officials did not realize that the crime statistics in the annual campus security report must include, as crimes occurring on public property, any reported crimes that occur within a reasonable distance inside the park. Further, Lincoln did not appear to have included statistics for its research farms: Busby, Carver, and Freeman Research Farms. Another research farm, Greenberry Farm, has not been used by Lincoln since 2006; however, any Clery Act crimes reported at that location should have been included in the 2006 statistics.

In addition, Lincoln provides instruction at Fort Leonard Wood, MO. It does not appear that the institution collected crime statistics for this location during the days and times when the facilities at Fort Leonard Wood are being used by Lincoln. Because instruction is offered to Lincoln students at the Ft. Leonard Wood location, and it is located too far away from the main campus to be considered "noncampus property," Ft. Leonard Wood should be considered a separate campus for purposes of the Clery Act. As a result, a separate campus security report will need to be prepared and distributed for this location.

Required Action: *The institution must clearly define its campus, noncampus, and public property. To do this, it may utilize a map. With its response to this Program Review Report, Lincoln must submit a map, or other means of documenting and defining the breakdown by type of property that Lincoln must include in its crime statistics reporting. Also included with the response, Lincoln must provide a determination and explanation of what law enforcement body has jurisdiction for each location, including the research farms still in use.*

Additionally, Lincoln must determine whether the research farms should be included as noncampus property or whether they constitute separate campuses according to the definitions in the Handbook on Campus Crime (Chapter 2). The explanation of its determination must be included with its response to the Department. Lincoln must also make a determination regarding its use of facilities at Fort Leonard Wood, MO. This includes a documented attempt to obtain crime statistic information for the days and times in which Lincoln has control of the facility/building. As noted above, a separate annual security report will be required for this location if Lincoln continues to offer a program of study there.

Therefore, as part of its response to this Program Review Report, Lincoln must provide a revised annual campus security report that includes statistics correctly reported by location for calendar years 2006, 2007, and 2008. Where Lincoln determines the noncampus property is actually a separate campus, Lincoln must provide a copy of a annual campus security report for that/those location(s) with its response. In addition, Lincoln must provide proof that it has distributed these updated/created annual security reports to all currently enrolled students and employees.

Lincoln's Response: With its January 29, 2010 response, Lincoln submitted a campus map clearly defining the campus, noncampus property and public property owned by or surrounding the main Lincoln University campus. The three research farms (Busby Farm, Carver Farm, and Freeman Farm) are considered to be noncampus property.

Final Determination: Lincoln's response to the program review report contains sufficient information to resolve this finding. Therefore, the Department will consider this finding closed.

9. NO PROOF THAT CRIME STATISTICS WERE REQUESTED FROM LOCAL LAW ENFORCEMENT

Citation: *In complying with the statistical reporting requirements under 34 C.F.R. §§ 668.46(c)(1) through (4), an institution must make a reasonable, good faith effort to obtain the required statistics and may rely on the information supplied by a local or State police agency. If the institution makes such a reasonable, good faith effort, it is not*

responsible for the failure of the local or State police agency to supply the required statistics. 34 C.F.R. § 668.46(c)(9)

Noncompliance: *The LUPD could not provide documentation that it had attempted to contact local law enforcement agencies to collect crime statistics for the 2006 or 2007 calendar years. Evidently, the Lincoln Police Department requested crime statistics from local law enforcement for the 2008 calendar year, but Jefferson City Police responded that Lincoln's request was not specific enough.*

Lincoln had no documentation to show it requested crime statistic information for the 2006, 2007, and 2008 calendar year from the law enforcement jurisdiction(s) responsible for its research farm locations, nor apparently was information collected from Fort Leonard Wood, MO officials regarding reported crimes during the days and times in which Lincoln has control of the facilities/buildings it utilizes there.

Required Action: *In response to this Program Review Report, Lincoln must develop procedures to collect crime statistics from any law enforcement agency that may have jurisdiction over the geographic locations required to be included in Lincoln's Clery Act crime statistic reporting. As noted in Finding 8, Lincoln must determine what property it must include in its reporting; specifically, its research farms and any facilities used at Fort Leonard Wood. A copy of the procedures must accompany Lincoln's response.*

Furthermore, Lincoln must then contact the appropriate law enforcement agencies to obtain the requested crime statistics for calendar years 2006, 2007, and 2008. Documentation of these requests, and the agency response(s), should be submitted as part of Lincoln's response. Then, Lincoln must provide a revised annual campus security report that includes statistics reported by these agencies for calendar years 2006, 2007, and 2008, including reports for any noncampus property that is actually a separate campus. Also, as part of the Program Review Report response, Lincoln must provide proof that it has distributed these updated/created annual security reports to all currently enrolled students and employees.

Going forward, if Lincoln provides instruction at additional facilities off campus, it must also determine what law enforcement agencies have jurisdiction for these locations, and it must request crime statistics for the dates and times that it has control over those facilities, as outlined in the procedures it will develop in response to this finding. Lincoln's response must include such assurances.

Lincoln's Response: With its January 29, 2010 response, Lincoln provided copies of letters sent to the Fort Leonard Wood emergency services staff, the Jefferson City Police Department, and the Cole County Sheriff requesting the appropriate crime statistics for calendar years 2006, 2007, 2008, and 2009, along with the response from Fort Leonard Wood staff.

Upon reviewing the response, the Department requested more concrete information from Lincoln, including the process by which data from the required law enforcement agencies would be collected and maintained. Further, the Department required Lincoln to provide copies of all responses to institutional request for information that Lincoln received. In addition, Lincoln was required to provide the Department proof that it revised its annual security report and re-distributed it to include any additional crime statistics reported by these agencies.

With its June 15, 2010 response, Lincoln submitted copies of the letters it sent to the relevant law enforcement agencies. Lincoln indicated it received a written response from Fort Leonard Wood staff, no response from Cole County Sheriff, and a verbal, but not written, response from the Jefferson City Police Department. In addition, Lincoln provided a copy of the revised annual security report, along with documentation of its distribution to all main campus faculty, staff and students, as well as to Ft. Leonard Wood faculty, staff, and students.

Final Determination: During the program review, Lincoln did not have proof of its efforts to request crime statistic information from local law enforcement. With its response, Lincoln documented it has requested the necessary information and developed adequate procedures to ensure that this information will be collected in the future. Thus, Lincoln submitted sufficient information to resolve this finding. Therefore, the Department will consider this finding closed.

10. CRIME STATISTICS DO NOT INCLUDE A CLASSIFICATION FOR HATE CRIMES

Citation: An institution must report, by category of prejudice, any crime it reports pursuant to 34 C.F.R. §§668.46(c)(1)(i) through (vii), and any other crime involving bodily injury reported to local police agencies or to a campus security authority, that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability. 34 C.F.R. § 668.46(c)(3)

Noncompliance: Lincoln failed to address hate crimes in its annual security report. While it does appear from interviews that none were recorded for 2006, 2007, or 2008, the annual security report should have indicated in some manner that there were no hate crimes to report in those years. In this way, the campus community would have been fully advised regarding hate crimes on campus.

Required Action: In response to this Program Review Report, Lincoln must provide a revised annual campus security report that includes a statement that no hate crimes were reported for calendar years 2006, 2007, and 2008. This may be accomplished with either a listing of hate crime statistics by category of prejudice, or, at a minimum, a caveat

stating that no hate crimes occurred on campus or on surrounding public property during the calendar year. Also, Lincoln must provide proof that it has distributed the updated annual security report(s) to all currently enrolled students and employees.

Furthermore, as part of its response to the Program Review Report Lincoln must develop procedures for collecting and classifying information on possible hate crimes, and must submit a copy of these procedures to the Department.

Lincoln's Response: In its initial response, Lincoln stated that it revised the 2009 annual security report to reflect that no hate crimes were reported in the calendar years 2006, 2007, or 2008. That response indicated that Lincoln would provide proof of its distribution of that report at the time the revised report was completed. However, Lincoln's response did not include documentation of the institution's procedures for collecting information on possible hate crimes.

Lincoln corrected these deficiencies with its June 15, 2010 response to the Department. This response included a copy of the revised procedures, including the specific process used to collect and classify information on possible hate crimes, from whom the information would be collected, and by whom the collection and classification would be accomplished. In addition, the revised 2009 annual security report revealed that one robbery on campus during calendar year 2008 was coded as a hate crime in three categories: ethnicity, gender, and race, as explained by a footnote to the reported statistics.

Final Determination: With its response, Lincoln has provided procedures giving assurances of compliance in the future, as well as evidence that the statistics have been revised to account for reported hate crimes. As a result, Lincoln has submitted sufficient information to resolve this finding. Therefore, the Department will consider this finding closed.

D. Conclusion

While Lincoln may not appeal this Final Determination, the institution will have appeal rights in the event that AAASG initiates an adverse administrative action as a result of the violations of the Clery Act identified in this FPRD letter. Program records relating to the period covered by this program review must be retained until the later of: resolution of the violations, weakness, and other issues identified during the program review as delineated at 34 C.F.R. § 668.24(e)(3)(i); or the end of the record retention period applicable to Title IV-related records under 34 C.F.R. § 668.24(e)(1) and (e)(2).

Your continued cooperation throughout the program review process is appreciated. Please direct any questions about this FPRD to Mr. Dvak Corwin at (816) 268-0420.