

**FLORIDA AGRICULTURAL AND MECHANICAL UNIVERSITY
BOARD OF TRUSTEES**



**RESPONSE TO PRELIMINARY REPORT OF INVESTIGATION
REGARDING FAMU'S PRE-2012 ANTI-HAZING PROGRAM**

(OIGC Case No. 2011-038)

Respectfully submitted this 23rd day of January, 2013

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TABLE OF ABBREVIATIONS

“BOG” -	Board of Governors, State University System of Florida.
“SUS” -	State University System of Florida
“FAMU BOT” -	Board of Trustees, Florida Agricultural and Mechanical University.
“FAMU” -	Florida Agricultural and Mechanical University.
“FAMU DPS” -	FAMU Department of Public Safety.
“IG” -	BOG’s Inspector General and Compliance Director.

Executive Summary – Key Facts

- ✓ Florida A&M University would like to thank Chancellor Frank Brogan and the Office of the Inspector General for its review of FAMU’s approach to dealing with incidents of hazing. While the Florida A&M University Anti-Hazing Program: Preliminary Report of Investigation does not constitute an expert opinion on hazing, the report is an evaluation of FAMU’s Anti-hazing program by the BOG Inspector General and provides recommendations intended to enhance current efforts.
- ✓ Like the BOG, FAMU has a zero tolerance policy on hazing, which is a third degree felony crime in Florida.
- ✓ “The National Study of Student Hazing” is a widely-respected expert analysis and report based on 11,482 student surveys from 53 universities and concludes:
 - “At present, there are no simple solutions or foolproof methods of eliminating hazing on a college campus.”
 - “Hazing is woven into the fabric of student life and campus culture in U.S. colleges and universities.”
 - “Secrecy and silence are common characteristics of the dynamic of hazing.”
 - “In 95 percent of the cases where students identified their experience as hazing, they did not report the events to campus officials.”¹
- ✓ Over the years, 1838 to 2012, there have been at least 171 hazing and pledging-related student deaths at universities, seven of which occurred after the death of FAMU’s former student, Mr. Robert Champion Jr. in November 2011.²
- ✓ FAMU’s current anti-hazing program embraces and exceeds all 16 “hazing prevention best practices” recently identified by SUS Council of Student Affairs.

¹ See http://www.hazingstudy.org/publications/hazing_in_view_web.pdf, (last visited 1/18/13).

² See <http://www.hanknuwer.com/hazingdeaths.html>, (last visited 1/18/13).

FAMU's Responses to IG's Findings

Institutional Controls

- A. There was no rigorous communications protocol between senior staff and their direct reports.
- B. There was no internal or programmatic review of the interaction between law enforcement and student affairs.
- C. There was a failure to adequately fund or provide personnel at a level capable to carry out the duties.

Response

To address the issues with institutional controls, the University adopted an anti-hazing program utilizing the current best practices based on anti-hazing research, including a non-retaliation component and a requirement for more timely reporting of suspected hazing incidents. In addition, the University's anti-hazing regulation, policies and procedures, and handbooks have been revised to include the elements of the anti-hazing program. These revisions are discussed more fully in other sections of this response. To implement and monitor the program, the University established several new positions, including a special assistant to the president, music department compliance officer, director of judicial affairs, and coordinator of judicial affairs. The special assistant to the president will begin on February 1, 2013, and will report to the University President. This position is responsible for the University's anti-hazing program. The music department compliance officer will be responsible for the overall programming (conduct, safety, and educational programs) for the Music Department. The compliance officer will collaborate with various units on campus, including the police department, housing and residence life, counseling center, student health services, risk management, general counsel, student activities and relevant academic areas, including the registrar. This position is anticipated to start no later than March 2013. The director of judicial affairs has been hired and will start on February 1, 2013 and the coordinator of judicial affairs should be filled no later than March 15, 2013. These positions will be responsible for creating a database to organize and track each complaint/allegation of a student code of conduct violation, considering specific allegations of hazing, within the Office of Judicial Affairs.

Major provisions of the anti hazing program and actions taken to implement the program include:

- Established new criteria for intake procedures for all membership organizations
- Established guidelines for advisors of student organizations
- Established anti-hazing website
- Reorganized the Office of Judicial Affairs and adding two new additional staff
- Established an internal anti-hazing research initiative, established an external anti-hazing committee and reached out to student and community groups and other Universities to foster greater understanding of hazing's dangers and consequences
- Reconstituted the external anti-hazing committee with the special assistant to the president as liaison
- Reorganized the Department of Music, including addition of a new music department compliance officer
- Assessed music scholarship recipients and higher grade point average standards were established
- Re-affirmed that students will abide by the regulations and that they are aware of the regulations prior to registration
- Revised the University's anti-hazing regulation effective May 9, 2012, including a provision to report retaliation

- Revised the Department of Music handbook, effective September 25, 2012 for the Fall 2012 term
- Embraced all 16 “hazing prevention best practices” identified by SUS Council of Student Affairs’ matrix of all (then) 11 state universities.
- Exceeded SUS’s “hazing best practices” by:
 - Mandating 24-hour reporting requirement;
 - Prohibiting retaliation for reporting, non-participation, etc.;
 - Creating new position of special presidential assistant on anti-hazing;
 - Imposing additional membership intake procedures on student organizations; and
 - Requiring “re-certification” of all student organizations.
- Required all students to execute written anti-hazing agreements, not just members of the marching band.
- Revised FAMU DPS’s General Order 2, Chapter 11, provides that:
 - All incident reports alleging students’ criminal conduct occurring on-campus will be forwarded to the Office of Judicial Affairs within the next business day, unless extenuating circumstances prohibit.
 - All informational reports compiled from outside agency cases alleging students criminal conduct occurring off-campus will be forwarded to the Office of Judicial Affairs within the next business day, unless extenuating circumstances prohibit.
 - All informational reports compiled from an alleged violation of the Student Code of Conduct occurring on- or off-campus will be forwarded to the Office of Judicial Affairs within the next business day, unless extenuating circumstances prohibit.
- Continued to work with appropriate law enforcement entities through established Mutual Aid Agreements and exploring strengthening opportunities.
- Continued to communicate all reported hazing allegations that occur off-campus to the appropriate law enforcement entity with jurisdiction (*i.e.*, Tallahassee Police Department, Leon County Sheriff’s Office, etc.), and staying abreast of such cases throughout the investigation process.
- Continued the policy and practice of promptly forwarding criminal incident reports to the Judicial Affairs memorialized by signed cover transmittal and receipt form.
- TPD now sends weekly reports directly to both FAMU Department of Public Safety and Judicial Affairs.
- Reported recommended revisions to FAMU BOT by April 2013, including the single revision suggested by the IG.
- Researched file tracking systems/software to identify suitable options before the end of the current Spring 2013 semester.

The new anti-hazing program and related policies and procedures were communicated to students, faculty, and staff through the following:

- Held University-wide convocations on hazing to provide information and training on hazing-related issues and the requirement for reporting hazing
- Held an anti-hazing prevention week
- Established an anti-hazing website to provide information
- Required incoming students to receive anti-hazing instruction during “freshman studies” course, in addition to freshman orientation
- Hosted student “town hall” meetings on anti-hazing

Responsible Employee: Larry Robinson, Interim President; Bryan Smith Special Assistant to the President, (effective February 1, 2013)
 Corrective Action Date: Corrected

Internal Controls

- A. The 1998 FAMU division of Bands Directive has not been reviewed or updated to enhance or improve Band operations. The University should immediately begin the process of revising the 1998 Directive to clearly establish procedures for verifying Student Enrollment and Eligibility.
- B. Contrary to the Division of Band Directive, there were no written policies and procedures for verifying that individuals were eligible to participate in the Band, including individuals who had been involved in hazing activities.

Response

As described above, during the 2012 year, the University adopted an anti-hazing program that incorporates the current best anti-hazing practices. This plan will be memorialized in University regulations, handbooks, policies and procedures. Since the new anti-hazing plan incorporates the provisions of the 1998 directive that are considered to be best practices, the directive will be rescinded. The Music Department Handbook was revised September 25, 2012, to require that all ensemble members be enrolled as full-time students to be eligible to practice, perform, receive financial aid or scholarships, and meet all of the additional academic progress requirements and adhere to university grade point average standards required for "good academic standing" applicable to all students in the university. All music scholarship recipients must maintain a cumulative minimum 2.5 GPA, beginning after the Spring 2013. Implementation of the various elements of the plan is discussed in more detail related to specific findings.

Responsible Employee: Larry Robinson, Interim President, Bryan Smith, Special Assistant to the President (effective February 1, 2013) Director of Marching and Pep Bands (unfilled), Rodner Wright, Interim Provost
Corrective Action Date: Corrected

Office of Judicial Affairs Findings

- A. There were no written policies and procedures for the referral of matters from the FAMU Department of Public Safety (FAMU DPS).

Response

The Judicial office took action on all hazing cases that it received. Whether such action occurred before or after a Police investigation and/or report was received, each case was handled and processed pursuant to the Student Code of Conduct, on a case by case basis. The determination of when an alleged violation is appropriately processed should be based upon, among other things, available facts, evidence, witnesses or corroborating witnesses, etc. that may or may not be present from a report. The University will review its regulations to codify practices, giving consideration to the students' rights to due process.

Responsible Employee: Henry Kirby, Associate Vice President for Student Affairs and Dean of Students

- B. The Judicial Affairs Office did not have a file index system designed to maintain and track records of disciplinary actions precipitated by allegations of hazing.

Response

To augment the current filing system, the Office of Judicial Affairs for several months has been exploring and researching electronic index systems.

Responsible Employee: Henry Kirby, Associate Vice President for Student Affairs and Dean of Students

- C. The periodic review of the Student Code of Conduct was inadequate as evidenced by the failure to maintain records or files of the 2009 assessment of the Code.

Response

Pursuant to Board of Governors Regulation, the University, via a Committee, conducted a review of the University Student Code of Regulation in 2006. The recommended changes were adopted by the FAMU Board of Trustees, during May 2006. In 2009, the University, via Committee, conducted another review of the Student Code of Conduct. Dean Henry Kirby and Ms. Saundra Inge, former Director of Student Activities, co-chaired the Committee. Dean Kirby believes that the Committee recommended **no** changes to the Student Code of Conduct; but the files documenting the Committee's review could not be retrieved due to a virus in the host computer. Currently, the University Student Code of Conduct Review Committee, which was established on May 30, 2012, has had several meetings and more meetings are scheduled for January through March 2013, before the Committee anticipates finalizing its review.

Responsible Employee: Henry Kirby, Associate Vice President for Student Affairs and Dean of Students

- D. There was no training for the Judicial Officer on the handling of his critical duties.

Response

The Judicial Affairs Officer received training for judicial affairs professionals at several national ASJA Conferences on Judicial Affairs, on-the-job training from the former Director of Judicial Affairs, and day to day supervision from Dean Kirby.

Responsible Employee: Henry Kirby, Associate Vice President for Student Affairs and Dean of Students

Corrective Action Date: Training will continue to be provided.

Office of Public Safety - No Policies or Procedures for Referral

There were no written policies or procedures for referral of all cases of potential violations of the Student Code of Conduct received by the FAMU Police Department to the Judicial Affairs Office.

Response

We concur that the cases were not referred to Judicial Affairs for review for violations of the Student Code of Conduct. Under the new written procedures, as described below, all cases will be referred to Judicial Affairs for review for potential violations of the Student Code of Conduct, unless prohibited by extenuating circumstances.

The Departmental General order 2, Chapter 11, was amended on January 8, 2013, to include language encompassing the following written policies:

- All incident reports alleging students' criminal conduct occurring on-campus will be forwarded to the Office of Judicial Affairs within the next business day, unless extenuating circumstances prohibit. Final investigative and/or supplementary reports will be forwarded to the Office of Judicial Affairs after completions within the next business day, unless extenuation circumstances prohibit.
- All informational reports compiled from outside agency cases alleging students' criminal conduct occurring off-campus will be forwarded to the Office of Judicial Affairs within the next business day, unless extenuating circumstances prohibit. (Note: Informational reports are generated once this agency is notified.)
- All informational reports compiled from an alleged violation of the Student Code of Conduct occurring on or off campus will be forwarded to the Office of Judicial Affairs within the next business day, unless extenuating circumstances prohibit.

Responsible Employee: John Earst, Interim Director of Public Safety
Corrective Action Date: Corrected

Failure to Refer Case

There was a failure to refer a case of alleged hazing to the Judicial Affairs Office in a timely manner sufficient to assess whether a Section 13 (student code) dismissal of the student was appropriate.

Response

All reported cases alleging hazing incidents involving students will be forwarded to the Office of Judicial Affairs within the next business day, unless extenuating circumstances prohibit. As noted above, the Department's policies were amended on January 8, 2013 to include this provision.

Responsible Employee: John Earst, Interim Chief of Police
Corrective Action Date: Corrected

Revision to 1998 Directive

It is recommended that: The University immediately revise the 1998 Directive document and establish procedures for verifying student enrollment and eligibility. In addition, the University should add a Grade Point Average (GPA) minimum.

Response

As described above, during the 2012 year, the University adopted an anti-hazing program that incorporates the current best anti-hazing practices. This plan will be memorialized in University regulations, handbooks, policies and procedures. Since the new anti-hazing plan incorporates the provisions of the 1998 directive that are considered best practices, the directive will be rescinded. The Department of Music Handbook was revised September 25, 2012, to require that all ensemble members be enrolled as full-time students to be eligible to practice, perform, receive financial aid or scholarships, and meet all of the additional academic progress requirements and adhere to university grade point average standards required for "good academic standing" applicable to all students in the university. All music scholarship

recipients must maintain a cumulative minimum 2.5 GPA, beginning after the spring 2013. Implementation of the various elements of the plan is discussed in more detail related to specific findings.

Responsible Employee : Larry Robinson, Interim President; Bryan Smith, Special Assistant to the President (effective February 1, 2013); Director of Marching and Pep Bands (unfilled); Rodner Wright, Interim Provost

Corrective Action Date: Corrected

Develop Centralized Database

The FAMU Director should develop a central database or file index system to organize and track each complaint or allegation of a Student Code of Conduct violation. Furthermore, an adequate filing system to monitor the status of Band members who are suspended needs to be implemented.

Response

The University has established and hired a special assistant to the president who will work with the Department of Music Chair, Director of Marching and Pep Bands, and Music Department Compliance Officer to establish and maintain a central database or file index system to organize and track each complaint or allegation of a Student Code of Conduct violation. In addition, he will be responsible for establishing and maintaining an adequate filing system to monitor the status of members of the band who are suspended.

Responsible Employee: Bryan Smith, Special Assistant to the President (effective February 1, 2013)

Corrective Action Date: June 2013

Coordination of Band Administration and Registrar

The FAMU Band Administration should work closely with FAMU's Registrar's Office to monitor the status of those student members that participate in the Band. Also, Band Administration should strengthen its policy regarding requirements to participate in the Band.

Response

The Department of Music Compliance Officer will be responsible for the overall programming (conduct, safety, and educational programs) for the Department of Music . The Compliance Officer will collaborate with various units on campus, including the police department, housing and residence life, counseling center, student health services, risk management, general counsel, student activities and relevant academic areas, including the registrar. Effective September 25, 2012, the Department of Music handbook was revised to require that ensemble members be enrolled as full-time students at Florida A&M University to be eligible to practice, perform, receive financial aid or scholarships, and meet the following additional requirements: .

- A maximum of four years of eligibility will be allowed for participation in Department of Music ensembles.
- Students must adhere to the following progression standards in order to maintain eligibility.
 - Twenty-four semester hours of academic credit prior to the start of the

- second year of enrollment;
 - Eighteen semester hours of academic credit since the beginning of the previous fall term or since the beginning of the preceding regular two semesters; and
 - Six semester of hours of academic credit during the preceding regular academic term (e.g., fall semester) in which the student has been enrolled full time.
- All Department of Music students must select a major by the beginning of the third year of enrollment (fifth semester) and thereafter make progress toward that specific degree as (40 percent of degree requirements must be met entering year three and 60 percent entering year four).
- This provision shall be applicable to the eligibility not only of a continuing student, but also of a transfer student from a four-year or a two-year institution that is entering his or her third year of collegiate enrollment.
- All Department of Music students must adhere to university grade point average standards required for “good academic standing” applicable to all students in the university. Additional requirements may be required for membership in music fraternities and sororities and scholarship recipients. However, all scholarship recipients from university sources must maintain a minimum 2.5 GPA.

Responsible Employee: Kawachi Clemons, Interim Chair of the Department of Music,
Compliance Director
Corrective Action Date: Ongoing

Mutual Aid Agreement with Tallahassee Police Department

FAMU Police Department and Tallahassee Police Department strengthen their Mutual Aid Agreement to communicate all hazing allegations throughout the investigation process.

Response

The FAMU DPS will continue to work with law enforcement entities through established Mutual Aid Agreements and will explore the possibility of entering into additional agreements with law enforcement agencies in other jurisdictions where the University has a presence. The agreements are in the process of being revised to include provisions for communication of hazing allegations. The FAMU DPS will continue to communicate all reported hazing allegations that occurred off-campus to the appropriate law enforcement entity with jurisdiction (i.e., Tallahassee Police Department, Leon County Sheriff’s Office, etc.), and work with/follow-up cases throughout the investigation process.

Responsible Employee: John Earst, Interim Director of Public Safety
Corrective Action Date: Ongoing

Revisions to Student Code of Conduct

The Office of Student Affairs strengthen the Student Code of Conduct to incorporate language that explicitly states the University reserves the right to proceed under the Student Code of Conduct prior to, concurrent with or subsequent to any other criminal or civil proceeding.

By incorporating this requirement, the University may proceed by investigating all allegations of hazing upon receipt. This will prevent any delay in awaiting the final disposition from the FAMU Police Department.

Response

The university Student Code of Conduct Review Committee, which was established on May 30, 2012, has had several meetings and more meetings are scheduled for January through March, 2013 before the committee anticipates finalizing its review. The University Student Code of Conduct Review Committee's revisions/changes to the Student Code of Conduct Regulation will include the recommended language that explicitly states that the University reserves the right to proceed under the code prior to, concurrent with or subsequent to civil litigation, criminal arrest and/or criminal prosecution. The Committee anticipates finalizing its review of the Code and the submittal of all recommendations, including the above recommendation, by no later than the end of March 2013. After review and approval of the Board of Trustees, the revised Student Code of Conduct is expected to be in place by July 2013.

Responsible Employee: Henry Kirby, Associate Vice President for Student Affairs and Dean of Students

Corrective Action Date: July 2013

Establish Standing Committee

The University should establish a standing committee chaired by the new Band Compliance officer and charged with implementing policies and procedures designed to deter, prevent and eradicate hazing, members of this committee might include representatives from the following:

- FAMU Judicial Affairs office
- FAMU Police Department
- Division of Audit and Compliance
- Student Affairs Office

The prime directive for the committee should focus on ensuring that all complaints or allegations of hazing are fully investigated. In addition, hazing incidents involving bodily harm should be reviewed immediately by the committee to determine whether the accused student(s) create an immediate threat or pose a concern to the safety of the student community.

Response

The University will consider the recommendation in light of its other anti-hazing initiatives to coordinate all efforts to ensure that all complaints or allegations of hazing are fully investigated.

Responsible Employee: Larry Robinson, Interim President

Corrective Action Date: June 2013

Increase Judicial Office Staff

It is also recommended that FAMU prioritize resources to increase the number of staff positions within the Office of Judicial Affairs (newly received documentation appears to address this recommendation), and create a database to organize and track each complaint/allegation of a Student Code of Conduct violation, considering specific identifiers for allegations of hazing, with the Judicial Affairs Office.

Response

The University has established two additional positions for the office of Judicial Affairs (i.e.), a director of Judicial Affairs and a Coordinator of Judicial Affairs. The position of director of

Judicial Affairs has been offered and accepted by the successful candidate; who will commence employment on February 1, 2013. The committee is still conducting the review and/or interview process for the Coordinator of Judicial Affairs and it is anticipated that the position will be filled by no later than March 15, 2013. Our intent is to provide an opportunity for the new director of Judicial Affairs to also be involved in the final selection process for the new Coordinator of Judicial Affairs.

Responsible Employee: Henry Kirby, Associate Vice President for Student Affairs and Dean of Students
Corrective Action Date: March 2013

Review of Student Disciplinary Process

The Judicial Affairs Office should conduct an independent review of the student disciplinary process.

Response

The Office of Judicial Affairs is currently conducting an independent review of the student disciplinary process via the Student Code of Conduct Review Committee, which is chaired by the Dean of Students. The new Director of Judicial Affairs will be added as co-chair after her beginning date of employment. The Committee has had several meetings and it is anticipated that the Committee will forward all of its recommendations for further action by no later than the end of March 2013.

Responsible Employee: Henry Kirby, Associate Vice President of Student Affairs and Dean of Students
Corrective Action Date: March 2013

Reporting Delays

The FAMU Police Department should work with the Judicial Affairs Office, FAMU Student Affairs Office, and FAMU's President to develop policy or procedures and a tracking system to prevent reporting delays. The FAMU Police Department should work with these offices to develop a consistent and effective anti-hazing program.

Response

The FAMU DPS will work with the Office of Judicial Affairs, FAMU Division of Student Affairs, and FAMU's Office of President to develop policy or procedures and a tracking system to prevent reporting delays. The FAMU DPS will work with these offices to help develop a consistent and effective anti-hazing program. It is expected to have these in place by April 2013.

Responsible Employee: Larry Robinson, Interim President; John Earst, Interim Director of Public Safety; and William Hudson, Vice President of Student Affairs
Corrective Action Date: April 2013

1998 Directive

In 1998, President Frederick Humphries issued a new directive for Band Operations, "The Florida Agriculture and Mechanical University, Division of Bands Anti-hazing Directive."

Since 1998, key provisions of the Directive were ignored and those that were followed were not adequately documented. For example, while paragraph three requires that the Director of Bands provide a Band Member Roster to the Dean of the College of Arts and Sciences for

certification by the Registrar's Office that all Band members are enrolled at FAMU or one of the other approved Colleges, no such certification process was undertaken.

Response

As described above, during the 2012 year, the University adopted an anti-hazing program that incorporates the current best anti-hazing practices. This plan will be memorialized in University regulations, handbooks, policies and procedures. Since the new anti-hazing plan incorporates the provisions of the 1998 directive that are considered best practices, the directive will be rescinded. The Department of Music Handbook was revised September 25, 2012, to require that all ensemble members be enrolled as full-time students to be eligible to practice, perform, receive financial aid or scholarships, and meet all of the additional academic progress requirements and adhere to university grade point average standards required for "good academic standing" applicable to all students in the university. All music scholarship recipients must maintain a cumulative minimum 2.5 GPA, beginning after the spring 2013 Term. Implementation of the various elements of the plan is discussed in more detail related to specific findings.

Responsible Employee: Larry Robinson, Interim President; Bryan Smith, Special Assistant to the President, effective February 11, 2013; Director of Marching and Pep Bands (unfilled); Rodner Wright, Interim Provost
Corrective Action Date: Corrected

Failure to Implement 1998 Directive

In addition, key senior staff, including then-Provost Cynthia Hughes-Harris; then-Dean of the College of Arts and Sciences Ralph Turner; and the current Vice President for Student Affairs, Dr. William Hudson; had not seen the Directive document. As a result, Former Dean Turner did not evaluate the Director of Bands to determine whether the Directive was ever implemented.

Response

As described above, the University implemented the anti-hazing program, through establishing several new positions and strengthening its policies and procedures, including amending the University's anti-hazing regulation 2.028 effective May 9, 2012 and revising the Department of Music Handbook Academic Eligibility Requirements effective September 25, 2012 to include provisions of the 1998 directive. These documents provide proper codification and notice of applicable requirements to provide assurance that they will be implemented.

Responsible Employee: Larry Robinson, Interim President
Corrective Action Date: Corrected

Training of Judicial Affairs Officer

The Judicial Affairs office is responsible for the implementation of the University's Student Code of Conduct. The Dean of Students is responsible for managing the Judicial Affairs Office, including action as Supervisor of the Judicial Officer. Among other duties, the Judicial Affairs Officer is responsible for reviewing and resolving complaints of alleged violations of the Code, including hazing. In addition, the Judicial Affairs Officer convenes hearing panels comprised of Faculty and Students to hear evidence as part of the due process afforded Students charged with violations of the Student Code of Conduct. The hearing panel's decision can be appealed to various levels, including a review by the Dean of Students. Because of this appellate review authority, the Dean of Students was not involved in any aspect of the hearing panel's review. This responsibility was assigned solely to the Judicial Affairs Officer.

In 2007, the Director of Judicial Affairs retired and other staff reductions occurred. From 2007 to 2011, all of the duties and responsibilities of the Judicial Affairs Officer was handled

by one person. The current Judicial Affairs Officer is an Administrative Assistant. Though a former Law Enforcement Officer, he has received no training designed to enhance the performance of his duties.

Response

The Office of Judicial Affairs received training for judicial affairs professionals at several national ASJA Conferences on Judicial Affairs, on the job training from the former director of Judicial Affairs, and day-to-day supervision from Dean Kirby. In addition to experience in law enforcement, the Judicial Affairs Officer has coordinated, conducted and provided oversight of judicial reviews for several years, including some which have been upheld in litigation. The University will continue to ensure that appropriate training is provided.

Responsible Employee: Henry Kirby, Associate Vice President of Student Affairs and Dean of Students

Corrective Action Date: Training will continue to be provided.

Judicial Affairs Indexing System

From 2007 to 2011, the Judicial Affairs Officer maintained all the files related to hazing and other Student Code of Conduct-related matters. Though these files were securely maintained, there is no file index plan, electronic storage capabilities or any system for tracking complaints, hearing-related matters or other administrative activities related to the process of resolving complaints of hazing. The paper-driven file system is organized by year and in alphabetical order by student name. However, no index of cases, such as a spreadsheet, is maintained for use to locate or pull requested files. Instead, research and identification of past disciplinary files must be done by hand. The number of files maintained in this manner is large.

Response

We appreciate that there were no identifiable findings that the security and integrity of the judicial files were breached. Although the judicial files are maintained by year and in alphabetical order by student name, all hazing files were separately maintained in a separate filing cabinet albeit by year and alphabetical order by student name.

Although this method of maintaining our files has proven sufficient and reliable for the needs of the Judicial Office, the Judicial Office for several months has been exploring and researching electronic index systems to augment the current filing system.

Responsible Employee: Henry Kirby, Associate Vice President for Student Affairs and Dean of Students

Corrective Action Date: May 2013

Written Policies and Procedures Judicial Affairs

Some written policies and procedures for handling hazing complaints do exist. These procedures rely upon a review or investigation of hazing complaints by the FAMU Police Department. When complaints of hazing are received by the Judicial Affairs Office, the procedures require referral to the FAMU Police Department for investigation. In the majority of cases, Judicial Affairs would take no action, including a determination whether immediate suspension of Students allegedly involved in hazing from the Band warranted their immediate suspension from the University until the Police investigation was completed and a report issued.

Response

The Office of Judicial Affairs took action on all hazing cases that it received. Whether such action occurred before or after a police investigation and/or report was received, each case was handled and processed pursuant to the Student Code of Conduct, on a case-by-case basis. The determination of when an alleged violation is appropriately processed should be based upon, among other things, available facts, evidence, witnesses or corroborating witnesses, etc. that may or may not be present from a report. We are not aware nor have we been made aware of any cases that were not actually processed by the Office of Judicial Affairs. Written policies and procedures will be developed to codify the current practices. The procedures will include a requirement that Judicial Affairs will review all allegations prior to referral to the FAMU DPS or immediately upon receipt of notice from the FAMU DPS and document its review.

Responsible Employee: Henry Kirby, Associate of Vice President of Student Affairs and Dean of Students
Corrective Action Date: May 2013

Written Policies and Procedures Police Department

The FAMU Police Department is a sworn law enforcement entity responsible for investigation of any suspected criminal activity on the FAMU Campus. Its Officers are authorized to investigate, arrest, and aid in the prosecution of any individual, including Students, alleged to have committed a Violation of Florida Criminal Statutes.

From 2007 to 2011, the FAMU Police Department investigated 17 alleged criminal hazing violations. In eight (8) of these cases, an Investigative Report was issued and then referred to the Judicial Affairs office. In the other nine (9) cases, FAMU Police did not refer the matter to the Judicial Affairs Office and offered no explanation for its failure to do so. Although FAMU Police Department had no written Policies or Procedures that required referral of hazing matters to the Judicial Affairs Office, the members of the Department were aware that Student Code of Conduct violations may have occurred.

Response

The nine (9) cases were found to be unsubstantiated as documented on the case log. We concur that the cases were not referred to Judicial Affairs for review for violations of the Student Code of Conduct. Under the new written procedures, as described below, all cases will be referred to Judicial Affairs for review for potential violations of the Student Code of Conduct, unless prohibited by extenuating circumstances.

- All incident reports alleging students' criminal conduct occurring on-campus will be forwarded to the Office of Judicial Affairs within the next business day, unless extenuating circumstances prohibit. Final investigative and/or supplementary reports will be forwarded to the Office of Judicial Affairs after completions within the next business day, unless extenuation circumstances prohibit.
- All informational reports compiled from outside agency cases alleging students' criminal conduct occurring off-campus will be forwarded to the Office of Judicial Affairs within the next business day, unless extenuating circumstances prohibit. (Note: Informational reports are generated once this agency is notified.)
- All informational reports compiled from an alleged violation of the Student Code of Conduct occurring on or off campus will be forwarded to the Office of Judicial Affairs within the next business day, unless extenuating circumstances prohibit.

Responsible Employee: John Earst, Interim Director of Public Safety
Corrective Action Date: Corrected

Failure to Review for Student Code of Conduct Violations

From 2008 to the fall 2011, there were no reported cases of hazing investigated by the FAMU Police Department or reviewed by the Judicial Affairs Office to determine if violations of the Student Code of Conduct had occurred. In 2006 and 2009, Pursuant to Board of Governors Regulation, the University conducted a review of the Student Code of Conduct Regulation, including the Judicial Affairs process. It is unclear what changes, if any were implemented as a result of the 2006 review. No files or other documents developed during the 2009 review could be located. Although the Board of Governors Regulation Development Procedure for University Board of Trustees requires adopted, amended, or repealed regulations, filed with the University' President or designee.

Response

We concur that reported cases of hazing were not being reviewed for violations of the Student Code of Conduct until the DPS completed its investigation. As described above, the DPS's written procedures have been revised to require that all reported instances be referred to the Office of Judicial Affairs so that a review can be performed to determine if disciplinary action should be taken for violations of the Student Code of Conduct. Upon receipt of a referral from FAMU DPS, Judicial Affairs will review the allegation for potential violations of the Student Code of Conduct and document its review.

Pursuant to Board of Governors Regulation, the University, via a Committee, conducted a review of the University Student Code of Regulation in 2006. The recommended changes were adopted by the FAMU Board of Trustees, during May 2006. In 2009, the University, via Committee, conducted another review of the Student Code of Conduct. Dean Henry Kirby and Ms. Saundra Inge, former Director of Student Activities, co-chaired the Committee. Dean Kirby believes that the Committee recommended **no** changes to the Student Code of Conduct; but the files documenting the Committee's review could not be retrieved due to a virus in the host computer. Currently, the University Student Code of Conduct Review Committee, which was established on May 30, 2012, has had several meetings and more meetings are scheduled for January through March 2013, before the Committee anticipates finalizing its review.

Responsible Employee: Henry Kirby, Associate Vice President for Student Affairs and Dean of Students
Corrective Action Date: July 2013

Failure to Suspend Students Involved in Hazing

On or about October 8, 2011, the former Director of Bands, Dr. White, became aware of possible hazing activity by members of the Trombone Section of the Band. Dr. White sent suspension letters, date, November 8, 2011, to the Students, with copies to various members of the Senior Team; including then – President James Ammons, Dr. Hughes-Harris, Dr. William Hudson, and the Chief of Police Calvin Ross. The letters notified the Students they could not participate in Band performances and were subject to further disciplinary actions, pursuant to the Student Code of conduct. Dr. White reported the alleged hazing to the FAMU Police Department and followed up with additional written communications. However, Dr. White did not send the suspension letters to the Judicial Affairs Officer or Dean of Students, Mr. Henry Kirby.

The FAMU Police Department initiated an investigation on November 15, 2011, that included interviews of approximately 26 Freshman Members of the Trombone Section. The case was

closed on January 12, 2012, due to a lack of evidence. All Students denied participating in any hazing activity or being a victim of hazing.

On or about November 1, 2011, a female Student Member of the Band was subjected to a ritual or initiation process by other members of the Band that included blows to her legs or thighs. She reported this incident to the FAMU Police Department on November 7, 2011 as hazing, identifying several individuals who struck her. One of these individuals had been charged with hazing in 2007 and dismissed from the Band, but was subsequently reinstated by Dr. White. The complaint of hazing and initiation was not referred to the Judicial Affairs Office until December 12, 2011. During the investigation, Officers confirmed that one of the individuals involved in the incident had been mistakenly identified by the victim. The investigation later determined that in fact another member of the Band had been involved. This individual was on the Band Roster and had been approved to participate in the Florida Classic on November 19, 2011. He was one of the 11 persons charged with felony hazing, including the incident involving Mr. Champion.

Response

The FAMU DPS referred the case to the Tallahassee Police Department due to the alleged activities occurring off Campus. The FAMU DPS administrative report was forwarded to the Judicial Affairs Office on December 1, 2011.

The individual who was on the band roster and approved to participate in the Florida Classic was not identified as an individual involved in November 1, 2012 hazing incident prior to the Florida Classic. After the Florida Classic, the individual was identified as being involved in the hazing incident, and disciplinary action was taken.

Responsible Employee: John Earst, Interim Director of Public Safety
Corrective Action Date: Corrected

The November 16th Meeting

At the request of Dr. Ammons, the former provost convened a meeting on November 16, 2011. The President was made aware of potential hazing activity at the upcoming Florida Classic game upon receipt of an email from a Band Staff Member. He directed the Provost, Dr. Hughes-Harris, to meet with other Senior Staff to discuss the matter.

The substance of the conversation widely varies on several key points, depending on the interview subject.

Response

As noted in the narrative, the substance of the conversation widely varies on several key points. The participants have a different recollection discussions held during the meeting. As described above, the University has revised its anti-hazing program and implemented policies and procedures that include the best practices for anti-hazing.

Responsible Employee: Larry Robinson, Interim President
Corrective Action Date: Corrected

Pre-drill and Orientation Packet

Band staff further related that an Anti-hazing Agreement Form was signed at the beginning of the Fall School Semester. The Anti-hazing Workshop provided the Band members with information about FAMU's Anti-hazing Policy and Penalties. However, this form did not specify how to report alleged acts of hazing. Band staff stated that reporting procedures are discussed at the pre-drill orientation. However, there are no documented instructions

regarding the process for reporting hazing incidents. A review of the pre-drill and orientation packet contained anti-hazing instructions, but no procedures for reporting incidents were provided.

Response

The Marching Band Pre-drill and Orientation Anti-hazing Section has been revised to include instructions and University procedures for reporting incidents of hazing.

Responsible Employee: Kawachi Clemons, Interim Chair of the Department of Music
Corrective Action Date: Corrected

Failure to Monitor Enrollment

It was also determined that Band Administrators did not properly monitor the enrollment requirement for an organized Student Organization. Officials gave conflicting testimony that Band members provided the Senior Band Equipment Manager or Sectional Directors their class schedules to indicate their enrollment at FAMU, Florida State University, or, Tallahassee Community College, and Enrollment in the Marching Band Class MUN 1110 or MUN 3110 through Cooperative Education or Dual Enrollment. Band Administrators stated that a Master Roster was created once Band members provided their Semester Course Schedule printout. At no time did anyone confer with the FAMU, FSU, or TCC Registrars' offices to validate students' enrollment status. Testimony indicated that no one was sure whose responsibility it was to verify the students' status. Band staff further testified that at no point during the Semester is the Students' enrollment status verified. Band Officials could not attest, or provide documentation, to the requirements to become a member of the Band. The pre-drill packet is given to freshman and upperclassmen at the beginning of the Semester and only mentions the requirement to maintain a 2.0 GPA with regard to Financial Aid Assistance.

Response

The university established a compliance officer position for the Department of Music, which is expected be filled by March 2013. This position will be responsible for ensuring that members of the ensembles meet all eligibility requirements, including enrollment and grade point average.

Responsible Employee: Special Assistant to the President, effective February 1, 2013;
Department of Music Compliance Officer (Unfilled)
Corrective Action Date: Ongoing

Implementation of 1998 Directive

Case Study #1 – The FAMU Division of Bands Anti-Hazing Directive (the Directive) listed 10 directives or internal controls regarding Band member eligibility and consequences for hazing. Based upon the investigation, the OIG found five (5) directives were not followed.

Response

As described above, during the 2012 year, the University adopted an anti-hazing program that incorporates the current best anti-hazing practices. This plan will be memorialized in University regulations, handbooks, policies and procedures. Since the new anti-hazing plan incorporates the provisions of the 1998 directive that are considered to be best practices, the directive will be rescinded. The Department of Music Handbook was revised September 25, 2012, to require that all ensemble members be enrolled as full-time students to be eligible to practice, perform, receive financial aid or scholarships, and meet all of the additional academic progress requirements and adhere to university grade point average standards required for "good academic standing" applicable to all students in the university. All music scholarship

recipients must maintain a cumulative minimum 2.5 GPA, beginning after the spring 2013. Implementation of the various elements of the plan is discussed in more detail related to specific findings.

Responsible Employee: Larry Robinson, Interim President, Bryan Smith, Special Assistant to the President (effective February 1, 2013) Director of Marching and Pep Bands (unfilled), Rodner Wright, Interim Provost
Corrective Action Date: Corrected

Procedures for Referral of Hazing Cases

The OIG reviewed Band suspension letters for the Years of 2007 through 2011. It was determined that the FAMU Police Department received and reviewed the allegations of hazing and abuse that were documented in the suspension letters.

According to the Judicial Affairs Office testimony, an alleged hazing violation was not reviewed by that office unless a final report was received from the FAMU Police Department. However, Student Code of Conduct Regulation 2.012 states that the Judicial Affairs Office should review all alleged violations of the Student Conduct Code.

Response

As described above, the FAMU DPS's written procedures have been revised to require that all reported cases of hazing be referred to the Office of Judicial Affairs Office for review to determine if the Student Code of Conduct was violated. Upon receipt of a referral from FAMU DPS, Judicial Affairs will review the allegation for potential violations of the Student Code of Conduct and document its review.

Responsible Employee: Henry Kirby, Associate Vice President for Student Affairs and Dean of Students
Corrective Action Date: Corrected

Monitoring Eligibility for Band Participation

Band staff could not identify who was responsible for monitoring the Student status to participate in the Band. According to FAMU's website regarding Student Organizations, participating Students are required to be in good standing and maintain an overall GPA of 2.0.

Response

The University has established a Special Assistant to the President and a Compliance Officer for the Department of Music. These positions will be responsible for monitoring the student status to participate in the band as well as all music ensembles.

Responsible Employee: Larry Robinson, Interim President; Special Assistant to the President, effective February 1, 2013; Department of Music Compliance Officer (Unfilled)
Corrective Action Date: March 2013

Implementation of Anti-Hazing Directive

The 1998 Division of Bands Anti-Hazing Directive is discussed, but not properly followed. Although various Band staff aware of the Directive, they were unsure of its contents.

Response

Since the new anti-hazing plan incorporates the provisions of the 1998 directive that are considered best practices, the directive will be rescinded.

The University has begun a vigorous ongoing education process to inform all students, faculty, and staff of the University's policies and procedures governing hazing. Education activities have included town hall meetings, meetings with student organizations, and presentations in student orientations. The newly established position of special assistant to the president is responsible for implementation of the anti-hazing program, including methods and procedures to communicate the anti-hazing program.

Responsible Employee: Larry Robinson, Interim President; Henry Kirby, Associate Vice President of Student Affairs and Dean of Students; Special Assistant to the President, effective February 1, 2013; Department of Music Compliance Officer (Unfilled); Director of Judicial Affairs, effective February 1, 2013

Corrective Action Date: Ongoing

Referral of Hazing Cases to Judicial Affairs

The language above from the "Judicial Affairs Procedure/Process" document contradicts the provisions of the Student Code of Conduct. Based upon review of documents and interviews with staff, in numerous instances, the Judicial Affairs Office did not receive immediate notification from the FAMU Police Department that the Student Code of Conduct may have been violated by individuals being investigated for alleged crimes. Although a complaint of hazing clearly warrants an investigation to determine if a criminal violation can be proven, the Student Code of Conduct specifically states that all violations "shall be referred to the University judicial officer." Even if the criminal investigation does not produce sufficient proof for prosecution, the Judicial Affairs Office should review it to determine whether a disciplinary proceeding should be initiated under the Student Code of Conduct.

Response

The statement, "Any reports of criminal activity are reported immediately to Law Enforcement for proper Investigation," which was taken from the Judicial Procedure/Process document (i.e., an internal document) was correct. The Office of Judicial Affairs reports criminal activity to law enforcement. The language from the "Judicial Affairs Procedure/Process" will be revised to also require that incidents of alleged hazing received by the Office of Judicial Affairs will be investigated for violations of the Student Code of Conduct. As noted above the FAMU DPS has revised its written procedures to require that all cases of potential violations of the Student Code of Conduct received by the DPS will be referred to the Office Judicial Affairs. Upon receipt of a referral from FAMU DPS, Judicial Affairs will review the allegation for potential violations of the Student Code of Conduct and document its review.
Responsible Employee: Henry Kirby, Associate Vice President of Student Affairs and Dean of Students; John Earst, Interim Director of Public Safety; Director of Judicial Affairs
Corrective Action Date: April 2013

Indexing of Files in Judicial Affairs

Following a site visit and interviews with the University judicial officer, the OIG learned that the Judicial Affairs Office does not have a centralized database to maintain a digital copy or history of students who went through the disciplinary process. All Judicial files are maintained in hard copy and stored alphabetically by Student name and year of occurrence. Should anyone request a copy of a particular file, not knowing the year, the University Judicial Officer would need to manually review each year to locate the file.

Response

Although the Judicial files are maintained by year and alphabetical order by student name, all hazing files were separately maintained in a separate filing cabinet, albeit by year, and alphabetical order by student name. The Office of Judicial Affairs for several months has been exploring and researching an electronic index system to augment the current filing system.

The Office of Judicial Affairs will secure an Electronic Database System for tracking of its files by no later than the end of spring semester 2013 and will train staff on the utilization of the system.

Responsible Employee: Henry Kirby, Associate Vice President of Student Affairs and Dean of Students; Director of Judicial Affairs
Corrective Action Date: June 2013

Judicial Affairs Staffing Level

According to the University Judicial Officer, since the Retirement in 2007, of the Director of Judicial Affairs (whose position was not filled due to budget restrictions), the only person responsible for all judicial disciplinary reviews is an Administrative Assistant. This position did not receive a new title, nor a salary increase upon receiving all of the duties set forth in the Student Code of Conduct from 2007 until present.

Response

After a search and interview process by the Committee and a subsequent interview of the finalists, the University has offered the position and the offer has been accepted by the new Director of Judicial Affairs who will begin employment on February 1, 2013. The Coordinator of Judicial Affairs should be filled by no later than March 15, 2013.

Responsible Employee: Larry Robinson, Interim President; Henry Kirby, Associate Vice President for Student Affairs and Dean of Students
Corrective Action Date: March 2013

Review of Student Code of Conduct

According to Dean Kirby, the FAMU disciplinary process contained in the Student Code of Conduct Regulation was reviewed in 2006 and 2009, and another review is currently underway. Dean Kirby stated that the documentation for the 2009 review could not be located therefore was not provided. The Board of Governors Regulation Development Procedure for University Boards of Trustees requires adopted, amended, or repealed regulations be filed with the University's President or Designee. It is unknown if the University's President or his Designee has the information available.

Response

With reference to statements or comments regarding FAMU Code of Conduct Regulation review in 2006 and 2009, please see response provided under the heading Office of Judicial Affairs, Section C. Also, the Office of Judicial Affairs is currently conducting an independent review of the student disciplinary process via the Student Code of Conduct Review Committee, which is chaired by the Dean of Students. The new Director of Judicial Affairs will be added as Co-chair after beginning date of employment. Changes to the disciplinary process resulting in adopted, amended, or repealed regulations will be filled with the University president or designee.

Responsible Employee: Henry Kirby, Associate Vice President for Student Affairs and Dean of Students
Corrective Action Date: July 2013

Referral of Hazing Cases to Judicial Affairs

Of the 17 hazing complaints received by the FAMU Police Department, nine (9) were not provided to the Judicial Affairs Office for further review. No explanation was provided as to why the complaint files were not sent to that office.

Response

We concur that the cases were not referred to the Office of Judicial Affairs for review for violations of the Student Code of Conduct. The reports alleging “HAZING” were not provided to the Judicial Affairs Office since they did not identify “Victims”, “Suspects”, or “Witnesses”. Accordingly, the nine (9) cases were found to be unsubstantiated as documented on the case log. Under the new written procedures, as described below, all cases will be referred to Judicial Affairs for review for potential violations of the Student Code of Conduct.

- All incident reports alleging students’ criminal conduct occurring on-campus will be forwarded to the Office of Judicial Affairs within the next business day, unless extenuating circumstances prohibit. Final investigative and/or supplementary reports will be forwarded to the Office of Judicial Affairs after completions within the next business day, unless extenuation circumstances prohibit.
- All informational reports compiled from outside agency cases alleging students’ criminal conduct occurring off-campus will be forwarded to the Office of Judicial Affairs within the next business day, unless extenuating circumstances prohibit. (Note: Informational reports are generated once this agency is notified.)
- All informational reports compiled from an alleged violation of the Student Code of Conduct occurring on or off campus will be forwarded to the Office of Judicial Affairs within the next business day, unless extenuating circumstances prohibit.

Responsible Employee: John Earst, Interim Director of Public Safety; Henry Kirby, Associate Vice President for Student Affairs and Dean of Students
Corrective Action Date: Corrected

Delay in Referring Case to Judicial Affairs

Additionally, the final FAMU Police Department reports provided to the Judicial Affairs Office were not provided immediately. In one instance (2007-874), the subject was arrested on December 5, 2007, and the Judicial Affairs Office did not receive notification until, January 22, 2008. FAMU Police Department staff provided no explanation for the delays and none could be ascertained from the case file review.

Response

The report made mention of above (Case #2007-874/December 5, 2007 Arrest) was provided to the Judicial Affairs Office on December 6, 2007, the day following the arrest.

Responsible Employee: John Earst, Interim Director of Public Safety
Corrective Action Date: Corrected

Determination of Level of Safety Concern

There are two sections of the Student Code of Conduct that state the University, the President, or, Vice President of Student Affairs or Designee, may expel, dismiss, or suspend a Student for certain violations. (See Sections 9 and 13). The only applicability is if the conduct is dangerous to the “health, safety, and morals.” In instances of bodily harm (FAMU Police Department Case No. 2011-943), the level of concern for the safety of the University Student Body should be determined immediately.

Response

The revisions made to the policies and procedures of the DPS, Office of Judicial Affairs including the Student Code of Conduct, as described under the headings “Referral of Hazing Cases to Judicial Affairs” and “Office of Judicial Affairs Section C”, will result in the immediate determination of the level of concern for the safety of the University student body.

Responsible Employee: John Earst, Interim Director of Public Safety; Henry Kirby, Associate Vice President for Student Affairs and Dean of Students
Corrective Action Date: Corrected

Clarification of Police Role in Student Code of Conduct

Although the “Judicial procedures/Process” description obtained from Dean Kirby, which is an internal document, states that “Any reports of criminal activity are reported immediately to Law Enforcement for proper investigation.” The Student Code of Conduct, accessible to all Students and University staff, does not. The Code states, the Student Code of Conduct, is accessible to all Students and University staff, does not. The Code states, “Accordingly, all alleged violations of the Code shall be referred to the University Judicial Officer. Students, Faculty and Staff members may allege violations of the Code and make their report in writing to the Judicial Office.” (Emphasis added) This clearly places the responsibility on the Judicial Officer to determine whether the student violated the Student Code of Conduct. It is concerning that the Student Code of Conduct does not specifically address the responsibility of the FAMU Police Department and their role in investigations. The Code, as written, appears to reflect that the investigations will be conducted by the university Judicial Officer.

Response

It is correct that the Judicial Affairs “Internal” document states that all reported cases (that it receives) are immediately referred to Law Enforcement for Investigation. Additionally, the Departmental General order 2, Chapter 11, was amended on January 8, 2013, to include language encompassing the following written policies:

- All incident reports alleging students’ criminal conduct occurring on-campus will be forwarded to the Office of Judicial Affairs within the next business day, unless extenuating circumstances prohibit. Final investigative and/or supplementary reports will be forwarded to the Office of Judicial Affairs after completions within the next business day, unless extenuation circumstances prohibit.
- All informational reports compiled from outside agency cases alleging students’ criminal conduct occurring off-campus will be forwarded to the Office of Judicial Affairs within the next business day, unless extenuating circumstances prohibit. (Note: Informational reports are generated once this agency is notified.)
- All informational reports compiled from an alleged violation of the Student Code of Conduct occurring on or off campus will be forwarded to the Office of Judicial Affairs within the next business day, unless extenuating circumstances prohibit.

The role of the FAMU DPS in investigations will be added to the recommendations that will flow from the Student Code of Conduct Review Committee that is currently reviewing the Code.

Responsible Employee: Henry Kirby, Associate Vice President for Student Affairs and Dean of Students

Corrective Action Date: July 2013

Zero Tolerance Term Related to Hazing

The only mention of the term “zero tolerance” in the Code is found in the section about illegal drugs and/or substances. The term is not used within the Code for hazing violations.

Response

Although the term “zero tolerance” is not used within the Code for hazing violations, the Amended FAMU Anti-Hazing Regulation, 2.028, at Section (1) has always made it clear that hazing is prohibited in any form.

Responsible Employee: Henry Kirby, Associate Vice President of Student Affairs and Dean of Students

Corrective Action Date: Corrected

Investigation for Potential Violations of Student Code of Conduct

The “Judicial Procedure/Process” specifically relates that action taken by the office is dependent upon the final disposition/investigative report from Law Enforcement. Additionally, in testimony from Dean Kirby and the Judicial Affairs Officer, the Judicial Affairs Office relies on the completed Investigative Report from the FAMU Police Department before determining appropriate actions.

The “Judicial Affairs Procedure Chart” outlines the disciplinary process for the Student should a violation of Section 13 occur or if another violation of the Student Code of Conduct occurs. The chart specifies the review for “immediate threat,” however, this term is not found within the Code. It appears that the university Judicial Officer makes the decision as to whether the alleged violation is an “immediate threat.”

Response

The statement in the document, Judicial Procedures/Process, actually reads as follows:

“Any reports of *criminal activity* are reported immediately to Law Enforcement for proper investigation. The Judicial process begins when Law Enforcement/Report (*usually a Police Report*) is forwarded to the University Judicial office regarding possible violations of the “Student Code of Conduct.” (Italics/emphasis supplied).

Again, the Office of Judicial Affairs handles cases on a case by case basis. The determination of when an alleged violation is appropriately processed should be based upon, among other things, available facts, evidence, witnesses or corroborating witnesses, etc. that may or may not be present from a report. The Judicial Procedures/Process will be revised to require the Judicial Affairs Office to initiate a judicial review to determine if disciplinary action is warranted when notified by the FAMU Department of Public Safety (DPS) that a complaint was received, rather than completion of the DPS investigation.

The Judicial Officer makes the initial determination of whether the violation is an immediate threat. We concur that the “immediate threat” is not included in the Student Code of Conduct. However, the Student Code of Conduct (2.012) provides guidelines as follows:

The University may summarily dismiss or expel any student or group of students, pending a hearing at a later date if requested, under the following circumstances:

- (a) The continued presence of the student on campus is likely to create interference with the educational process and/or the orderly operation of the University; or
- (b) The continued presence of the student on campus is likely to endanger the health, safety, welfare or property of the University community.
- (c) The offense or conduct committed by the student is of such a serious, heinous or repulsive nature, as to adversely affect the University community and the student's suitability as a member of the academic community.

Responsible Employee: Henry Kirby, Associate Vice President for Student Affairs and Dean of Students

Corrective Action Date: Corrected

FAMU Department of Public Safety

Referral of Cases to Judicial Affairs

FAMU Department of Public Safety investigations are governed by General order 4, Chapter 9, Section 101.97, Florida Statutes, University Police and Mutual Aid Agreements between the FAMU Police Department, the Tallahassee Police Department, and Leon County Sheriff's Office. These general orders, Florida Statutes, and Mutual Aid Agreements govern how the FAMU Police Department conducts its investigation and defines where they are able to exercise this authority.

According to testimony from the FAMU Police Department staff, it is FAMU's Police Department's practice to turn all cases that involve criminal activity over to the Judicial Affairs Office upon completion of their investigation and issuance of an investigative report. However, there are no written directives, or, Policies and Procedures that memorialize this practice.

Response

The Departmental General Order 2, Chapter 11, was amended on January 8, 2013, to include language encompassing the following written policies:

- All incident reports alleging students' criminal conduct occurring on-campus will be forwarded to the Office of Judicial Affairs within the next business day, unless extenuating circumstances prohibit.
- All informational reports compiled from outside agency cases alleging students criminal conduct occurring off-campus will be forwarded to the office of Judicial Affairs within the next business day, unless extenuating circumstances prohibit. (Note: Informational reports are generated once this agency is notified.)
- All informational reports compiled from an alleged violation of the Student Code of Conduct occurring on-or-off Campus will be forwarded to the office of Judicial Affairs within the next business day, unless extenuating circumstances prohibit.

Responsible Employee: John Earst, Interim Director of Public Safety

Corrective Action Date: Corrected

Referral of Information to Tallahassee Police Department

Analysis of FAMU Police Department Case No. 2011-943 showed that FAMU Band member "Student A" reported on November 7, 2011, to the FAMU Police Department that she was hazed at an off-campus Residence by three (3) Band members. The case was subsequently given to the Tallahassee Police Department (TPD) as the incident occurred off campus. Although the FAMU Police Department report stated that the victim, "Student A," identified "Student B" as the individual that struck her several times on November 2, 2011, the TPD Report stated that "Student A" identified "Student C" as the individual that struck her multiple times. *This information was not relayed by TPD to the FAMU Police Department, nor given to the Judicial Affairs Office in a timely manner.* Thus, "Student C" remained a member of the Band through the investigative process (from November 7 to December 6, 2011) and subsequently traveled with the Band to the Florida Classic. "Student C" was arrested in the alleged hazing incident involving Mr. Champion.

The OIG conducted a comprehensive review of the FAMU Police Department from calendar Year 2007 to 2011. From interviews with lieutenant Angela Kirkland, Records Clerk Calvenia White, and Interim Police Chief John Earst and review of documents collected, it appears the FAMU Police Department received 17 reports of hazing that were investigated. Seven arrests resulted from these investigations. Two (#2011-997 and 2011-943) of the 17 were turned over to TPD for investigation. For Case No. 2011-997, there was a delay of approximately 60 days before being turned over to TPD. The delay of reporting along with an uncooperative witness was cited by the TPD as a reason the case could not be prosecuted.

Response

The former FAMU Police Chief made the decision to not forward the case to the Tallahassee Police Department until pertinent information was obtained. Presently, the mutual aid agreement will facilitate a referral of all cases.

Responsible Employee: John Earst, Interim Director of Public Safety
Corrective Action Date: Corrected

Anti-Hazing Presentations

During the review of the FAMU Police Department's Anti-Hazing Program, the OIG interviewed Sergeant Sherri Luke. She stated that a safety-on-campus program is conducted at every student orientation and when organizations request it. The program includes a Section on Anti-Hazing, in which the State Statute on Anti-Hazing and the University Policy are reviewed. There is no standard presentation, nor does the FAMU Police Department keep track of when they gave the presentations or who attended them.

Response

A template covering all relevant portions of the State Statute on anti-hazing and University policy to be used in all presentations will be developed and used in preparing presentations to ensure that the relevant portions are consistently provided in presentations on anti-hazing.

Responsible Employee: John Earst, Interim Director of Public Safety
Corrective Action Date: April 2013

Policies and Procedures for Referral to Judicial Affairs

The OIG Investigations Revealed:

- There is no policy or procedure on how hazing reports or any other criminal activity are reported from the FAMU DPS to the Office of Judicial Affairs.

- There is no tracking system that shows that one department has received a complaint or information from another department or the outcome of the complaint. Without these policies or procedures and tracking system in place, there have been time lapses in information being reported or information is not reported at all.

Response

The FAMU DPS's practice is to forward hazing reports or any other criminal activity information to the Judicial Affairs Office. Information sent includes a cover transmittal, which is to be signed acknowledging receipt. The FAMU DPS is able to track by fax transmission reports and the signed cover transmittal. The FAMU DPS has amended its departmental general orders to reflect a written policy and/or procedures concerning reporting information to the Office of Judicial Affairs.

The FAMU DPS accepts the recommendations as submitted by the BOG, and will work with the Offices of Judicial Affairs, Student Affairs and President to develop policy or procedures and a tracking system to prevent reporting delays.

Responsible Employee: Larry Robinson, Interim President; John Earst, Interim Director of Public Safety; William Hudson Jr. Vice President for the Division of Student Affairs
Corrective Action Date: Ongoing

FAMU's Future Governance of Anti-Hazing Program

On January 16, 2013, the IG's preliminary report was presented to the BOG's Audit Committee, and at the conclusion of the IG's presentation, The BOG requested the University to address FAMU BOT's role in ensuring that policies and regulations are clearly articulated and complied with going forward.

In January 2011, the BOT appointed Trustee Belinda Shannon as the liaison to the University to develop an anti-hazing plan. This relationship will continue; furthermore, the reconstituted anti-hazing committee will provide additional insight to develop and implement best practices around the university. Weekly meetings have been held to provide updates on the anti-hazing plan.