BALANCED & FOCUSED

LEADERSHIP

FLORIDA A&M UNIVERSITY MANAGEMENT SEMINAR 2013
BALANCED AND FOCUSED LEADERSHIP

FRIDAY, FEBRUARY 22, 2013

GRAND BALLROOM

8:30 - 9:15  Sign in/Registration
     Continental Breakfast

9:15 - 9:30  Opening Remarks
     Larry Robinson, Interim President

9:30 - 11:00  True Colors
     Arnell Bryant-Willis, Diversity Initiatives Manager, The Florida Bar

11:00 - 11:15  Break

11:15 - 12:15  Travel Procedures Best Practices
     Joseph Bakker, Interim Vice President, Administrative & Financial Services
     Richard Givens, Vice President, Audit and Compliance

12:15 - 1:00  Lunch

1:00 - 2:00  Recent Trends in Employment Cases
     Robert E. Larkin, III, Partner, Allen, Norton & Blue, P.A.

2:00 - 2:45  Effectively Managing Students as Our Customers
     Shirley Range, Associate Vice President, University Advancement
     Yolanda Bogan, Associate Professor and Director, Counseling Services
     Antoneia Roe, Director of Judicial Affairs

2:45 - 3:00  Break

3:00 - 5:00  Foreign Counterintelligence and Cyber Intrusion
     Richard J. Roberson, Jr., Special Agent, FBI
     Jason M. Bolin, Special Agent, FBI
SPECIAL ACKNOWLEDGEMENTS

Dr. Larry Robinson
Mrs. Ora Mukes
Mr. Rodner Wright
Mr. Richard Givens
Dr. Thomas Haynes
Ms. Shirley Q. Range
Dr. William E. Hudson, Jr.
Mr. Henry L. Kirby
Dr. Yolanda Bogan
Antoneia Roe, Esq.
Ms. Pamela Zackery
Shira R. Thomas, Esq.
David C. Self, II, Esq.
Iris Elijah, Esq.
Ms. Carrie Gavin
Mr. Jim Jacoby
Ms. Abigail Raddar
Ms. Elma Williams
Mr. Christian Whitaker
Ms. Victoria Ash
Ms. Charlan Waldron
Ms. Kashari Cone
Mr. Joseph Bakker
Mr. Ray Moody
Ms. Bridget Roberts
Mr. Jerome Swaine
Mr. Kelvin Rosier
Mr. Charles Williams
Mr. Michael Williams
Mr. Arthur Ingram
Mr. John Kirby
Mr. Vernon Bryant
Mr. Eugene LeBoeuf
Ms. Cheryl Thomas

Mr. Daniel Andrew
Mr. Ronald Henry
Mr. Sammie Morris

Robert E. Larkin, III, Esq.

Mr. Jason M. Bolin
Mr. Richard J. Roberson, Jr.
Ms. Arnell Bryant-Willis
Mr. J.W. Mitchell
SEMINAR OUTLINES

1. True Colors
2. Travel Procedures Best Practices
3. Effectively Managing Students as Our Customers
4. Identifying and Referring Students in Distress
TrueColors

Keys to Personal Success
True Colors Evolution

1978  Don Lowry ➤ True Colors

Don becomes aware of the work of David Keirsey. He believed there were Fundamental and Universal applications of Keirsey’s work.

But...to remember it, it needed to be FUN!

True Colors is born.

ORANGE ♦ GOLD ♦ BLUE ♦ GREEN
Card Sort
What Are My Colors?
What is Your True Color Spectrum Today?

Card Sort Results

NOTE: Be sure to Record your True Colors Spectrum on Page 20!
What is Your True Color Spectrum Today?

Word Cluster Sort

<table>
<thead>
<tr>
<th>Word Cluster</th>
<th>Orange</th>
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TOTAL ORANGE: ![Orange](#) TOTAL GOLD: ![Gold](#) TOTAL BLUE: ![Blue](#) TOTAL GREEN: ![Green](#)

(See Pgs. 12-13)
(See Pgs. 14-15)
(See Pgs. 16-17)
(See Pgs. 18-19)

NOTE: Be sure to record your True Colors Spectrum on Page 20!
**What is Your True Color Spectrum Today?**

**Final Tally**

Add Each Column Down

What’s My Color?

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**Word Cluster Sort**

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<th>PRACTICAL SENSIBLE DEFERRABLE</th>
<th>UNIQUE EMPATHETIC COMMUNICATIVE</th>
<th>CURIOUS CONCEPTUAL KNOWLEDGEABLE</th>
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<th>DARING IMPULSIVE FUN</th>
<th>CONSCIOUS PROCEDURAL COOPERATIVE</th>
<th>TENDER INSPIRATIONAL DRAMATIC</th>
<th>DETERMINED COMPLEX COMPOSED</th>
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<th>SYMPATHETIC SYMPATHETIC</th>
<th>PHILOSOPHICAL PRINCIPAL RATIONAL</th>
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<thead>
<tr>
<th>TOTAL ORANGE (See Pgs. 11-12)</th>
<th>TOTAL GOLD (See Pgs. 13-15)</th>
<th>TOTAL BLUE (See Pgs. 16-17)</th>
<th>TOTAL GREEN (See Pgs. 18-19)</th>
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**NOTE:** Be sure to Record your True Colors Spectrum on Page 20!
Core Needs & Values

ORANGE

Skillfulness
Freedom
Attributes ➤ ORANGE

- Playful
- Energetic
- Charming
- Risk-taker
- “Just do it”
- Test limits
- Quick witted
- Master negotiator
- Creative, inventive
- “Let’s make a deal”
- A natural entertainer
- High need for mobility
- Visual and kinesthetic

- Pushes the boundaries
- Natural nonconformist
- Thrives on competition
- Likes tangible rewards
- External focus of control
- Stimulates the economy
- Impulsive and spontaneous
- Appreciates immediate feedback
- Tends to be left/right brain integrated
- Most productive in informal environments
<table>
<thead>
<tr>
<th>Reframing ➤ ORANGE</th>
</tr>
</thead>
</table>

**OTHERS MAY PERCEIVE ORANGE AS:**
- Goofing off too much
- Manipulative
- Untrustworthy
- Unable to stay on task
- Scattered
- Taking unnecessary risks
- Resisting closure or decisions
- Obnoxious
- Immature
- Self-centered

**ORANGE MAY PERCEIVE SELF AS:**
- Flexible, easy-going
- Having a playful attitude
- Exploring new possibilities
- Clever, good negotiator
- Open to change
- Having many interests
- Able to do many things
- Adventurous, courageous
- Valuing freedom
- Bold, assertive
- Fun-loving, enjoying life
- Independent
Core Needs & Values ➞ GOLD

Duty
Responsibility
Attributes ➤ GOLD

- “Be prepared”
- Loves to plan
- Detail-oriented
- Service-oriented
- Values family traditions
- Helpful and trustworthy
- Conservative and stable
- “Should” and “should not”
- Rarely breaks the speed limit
- Strives for a sense of security

- Punctual, predictable, precise
- Value order and the status quo
- Duty, loyalty, useful, responsible
- There is a right way to do everything
- Tends to be left-brained and analytical
- Strong belief in policies, procedures, rules
- Most comfortable with a formal environment
## Reframing GOLD

<table>
<thead>
<tr>
<th>OTHERS MAY PERCEIVE GOLD AS:</th>
<th>GOLD MAY PERCEIVE SELF AS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rigid, inflexible</td>
<td>Consistent</td>
</tr>
<tr>
<td>Controlling, bossy</td>
<td>Providing structure</td>
</tr>
<tr>
<td>Too serious</td>
<td>Goal-oriented</td>
</tr>
<tr>
<td>Resistant to change</td>
<td>Firm or traditional</td>
</tr>
<tr>
<td>Opinionated</td>
<td>Knowing right from wrong</td>
</tr>
<tr>
<td>System-bound</td>
<td>Loyal to organization</td>
</tr>
<tr>
<td>Lacking imagination</td>
<td>Realistic</td>
</tr>
<tr>
<td>Judgmental</td>
<td>Decisive, seeking closure</td>
</tr>
<tr>
<td>Boring</td>
<td>Dependable</td>
</tr>
<tr>
<td>Uptight</td>
<td>Concerned about security</td>
</tr>
<tr>
<td>Predictable</td>
<td>Following a routine</td>
</tr>
<tr>
<td>Autocratic</td>
<td>Having leadership ability</td>
</tr>
</tbody>
</table>
Core Needs & Values ➤ BLUE

Relationships
Authenticity
Attributes ➤ BLUE

- Mediators
- Optimistic
- Caretakers
- Passionate
- Peacemakers
- True romantics
- Cause-oriented
- Need to feel “special”
- Always has a kind word

- Enjoys symbols of romance
- Strong sense of spirituality
- Sensitive to needs of others
- Peace, harmony, relationships
- Motivate and encourage others
- Cooperative rather than competitive
Reframing ➤ BLUE

OTHERS MAY PERCEIVE BLUE AS:
- Very emotional
- Overly sensitive
- Mushy
- Too tender-hearted
- Easily persuaded
- Too nice
- Too trusting
- Smothering
- Too soft, too giving
- Weak
- Talking too much
- Illogical

BLUE MAY PERCEIVE SELF AS:
- Having feelings
- Compassionate
- Romantic
- Idealistic
- Empathetic
- Caring
- Seeing best in others
- Nurturing
- Liking to please people
- Wanting harmony
- Great communicator
- Valuing feelings
Core Needs & Values ➔ GREEN

Intellectual Competence
Knowledge
Attributes ➢ GREEN

- “Should be able to”
- “Why?”
- Intellectual
- Theoretical
- Idea people
- Philosophical
- Very complex
- Perfectionists
- Standard setters
- Visionaries, futurists
- Can never know enough
- Cool, calm and collected

- Work is play - play is work
- Often not in the mainstream
- Abstract, conceptual, global
- Need for independence and private time
- Explores all facets before making decisions
- Knows how to spell and pronounce “big” words
- Approaches interpersonal relationships in a logical manner
Reframing ➢ GREEN

OTHERS MAY PERCEIVE GREEN AS:

- Arrogant, a know it all
- Cold, hard
- Insensitive
- Head in the clouds
- Cool, aloof, unfeeling
- Afraid to open up
- Critical, fault-finding
- Lacking compassion
- Unappreciative of others
- Intellectually demanding
- Argumentative
- Absent minded

GREEN MAY PERCEIVE SELF AS:

- Confident
- Mentally tough, strong
- Logical, rational
- Visionary, inventive
- Self-controlled
- Enjoying one’s own company
- Good at analysis
- Objective
- Having ability to reprimand
- Having high expectations
- Knowledgeable
- Thinking deeply
Brightening Your True Color

GOAL:
- To better understand yourself and learn about others.

PROCESS:
- Arts and Crafts: Create a representation of your color spectrum.
- Break into groups of brightest color. Select a leader to record your comments and ideas.
- In your color groups discuss:
  1. What are your strengths, joys, values and needs?
  2. What are your stressors and frustrations?
- Report out.
MANAGEMENT SEMINAR 2013

TRAVEL PROCEDURES

Best Practices
Travel Authorizations

• Roles & Responsibilities
  – Traveler
    • Request to Travel
  – Department Travel Rep
    • Enter the travel request in the Travel & Expense Module and submit for approval
  – ASAP (Department Travel Approver)
    • Review the Travel Authorization for accuracy and compliance
    • Approve and submit to next level of approval
Travel Authorizations

• Roles & Responsibilities (continued)
  – Expense Manager
    • Department Heads, VP, Deans
  – PI Approval
  – Title III Approval – Title III Projects
  – Sponsored Programs Approval – Contracts & Grants
Travel Authorizations

– Travel Office
  • View to verify approved authorization to travel & process Cash Advances, Air Fare and Registration
  • Travel Office *does not* approve travel authorizations

*Note: Department Representatives are responsible for deleting any incomplete or unused transactions.*
Expense Report

• Roles & Responsibilities
  - Same approval process as travel authorization except the Travel Office is the final approver for payment
Critical Facts for Approvers

Must make sure:

• Traveler use the most economical means when traveling on behalf of the University

• Expenditures are allowable and validated before approval (critical when traveling on grants)

• Any item paid for in advance (i.e. P-Card) by the University is not submitted on the expense report for reimbursement
Travel Policy and Procedure Questionnaire

Read each question carefully, and then write T (true) or F (false) on the line next to the question.

1. Foreign travel requires only the traveler and Dean/VP Signatures?
2. Map Mileage is calculated as the number of miles for the entire trip?
3. Cash advances should be requested at least 5 business days before the planned travel start date?
4. Meals provided at a conference/convention are eligible for reimbursement?
5. The preferred rental car agency for transportation is Enterprise?
6. When returning the rental car, you may have the rental agency refuel the car because you will be reimbursed?
7. The preferred rental car is a full size car?
8. Only receipts from the hotel, air fare and car rental are to be provided after return from the conference or convention?
9. Per diem for foreign travel is reimbursed at the same rate as domestic per diem?
10. A roster for group travel is required for FAMU students, to include names and students ID number upon return from travel?
I. FAMU Operational findings
   a. Travel reimbursement vouchers were not submitted timely
   b. Band travel involved ineligible individuals
   c. Travel to training in California when comparable training could have been obtained locally
   d. Travel vouchers submitted for meals included in registration fees
II. We are having a higher level of scrutiny of travel, partially as a result of increased interest from the legislature relating to travel. Areas of concern:

a. Meals included with program

b. Necessity and purpose of travel. Specific areas of concern include:
   i. Could the travel be avoided or cost reduced by using other means to accomplish the objectives
   ii. The number of travelers to the same meeting, conference, etc.
   iii. Travel incurred before and after the primary purpose of the travel

c. Personal type expenses
III. To answer the question whether the travel is necessary and serves a public purpose, we must consider principles prescribed in law for considering whether travel is ordinary and necessary.

a. Travel must be accompanied by a signed statement by the traveler’s supervisor stating that such travel is on the official business of the state and also stating the purpose of such travel.

b. Travel expenses shall be limited to those expenses necessarily incurred in the performance of a public purpose authorized by law and must be within the limitations prescribed by law.

c. All travel must be by a usually traveled route. In case a person travels by an indirect route, for his or her convenience, any extra costs shall be borne by the traveler; and reimbursement for expenses shall be based only on such charges as would have been incurred by a usually traveled route.
To answer the question whether the travel is necessary and serves a public purpose, we must consider principles prescribed in law for considering whether travel is ordinary and necessary.

d. Travel should be by the most economical method for each trip, keeping in mind the following conditions:
   i. The nature of the business
   ii. The most efficient and economical means of travel, considering time of the traveler, impact of the productivity of the traveler, cost of transportation, and per diem or subsistence required
   iii. The number of persons making the trip and the amount of equipment or materials to be transported
IV. It is the responsibility of the traveler to substantiate that the charges were proper and necessary.

V. How we can improve
   a. Know the requirements yourself.
   b. Supervisors must do a more thorough job of review.
VI. FRAUDULENT CLAIMS.— any claim authorized or required to be made under any provision of Section 112.061 shall contain a statement that the expenses were actually incurred by the traveler as necessary travel expenses in the performance of official duties and shall be verified by a written declaration that it is true and correct as to every material matter; and any person who willfully makes and subscribes any such claim which he or she does not believe to be true and correct as to every material matter, or who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under the provisions of this section of a claim which is fraudulent or is false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such claim, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Whoever shall receive an allowance or reimbursement by means of a false claim shall be civilly liable in the amount of the overpayment for the reimbursement of the public fund from which the claim was paid.
RECENT TRENDS IN EMPLOYMENT CASES

Robert E. Larkin, III
Allen, Norton & Blue, P.A.
906 North Monroe Street
Tallahassee, Florida 32301
rlarkin@anblaw.com
Overview

• Importance of Evaluations!
  – Faculty and Tenured Faculty
  – A&P employees
  – USPS employees

• Pitfalls with Faculty/Administrator Use of Social Media.
EVALUATIONS

• SOURCES OF AUTHORITY:
• University Regulation 10.119 Evaluations for Faculty, Administrative and Professional including the Executive, Service, and University Support Personnel System Employees.
• Articles 10 and 15 of the Faculty CBA.
• Article 14 of AFSCME CBA.
GENERAL RULES:
- Identify employee’s strengths and weaknesses;
- Use Objective performance criteria.
- Evaluate all 12 months (or relevant time period).
- Do not give inflated performance evaluations – take your time, these documents are critical to you, the employee and to the University.
- Provide realistic and candid evaluations.
- Be objective and consistent – review prior evaluations!
FACULTY EVALUATIONS

• **PURPOSE**: to assess and communicate the nature and extent of an employee’s performance of assigned duties as it relates to teaching effectiveness, contribution to the discovery of new knowledge, the development of new educational techniques, service, and other forms of creative activity.
FACULTY EVALUATION RULES

- Faculty SHALL be evaluated at least once annually.
- Faculty SHALL be advised of the academic term during which the evaluation will be made.
- Evaluations MUST be given to the faculty member within 30 days after the end of the academic term which the evaluation is made.
- Faculty member SHALL be offered the opportunity to discuss the evaluation with the evaluator PRIOR to it being finalized and placed in the faculty member’s evaluation file.
- The evaluation SHALL be signed and dated by the evaluator.
- Faculty member MAY attach a concise comment to the evaluation.
- Faculty member MAY request, in writing, a meeting with the next higher level administrator to discuss issues of concern not resolved by evaluator.
FACULTY EVALUATIONS

• SOURCES AND METHODS OF EVALUATION:
  – Evaluator may consider information from the immediate supervisor, peers, students, the faculty member/self, other University officials who have responsibility for supervision of the faculty member and individuals to whom the faculty member may be responsible in the course of their assignments.
• SOURCES AND METHODS OF EVALUATION:
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FACULTY EVALUATIONS

• EVALUATION CRITERIA:
  – Teaching effectiveness. Evaluator may consider student exams, syllabi, course materials, lectures, peer evaluations
  – Contributions to the discovery of new knowledge or development of techniques: Research, publications and faculty member’s productivity.
  – Public Service that extends professional or discipline-related contributions to the community.
  – Participation in the governance processes of FAMU – committees, councils, boards, agencies, commissions, etc.
  – Other assigned duties as reflected in position description.
• POST-EVALUATION IMPROVEMENT:
  – Upon written request, from any Faculty member seeking improvement, the persons responsible for supervising and evaluating a faculty member shall endeavor to assist the faculty member in correcting any major performance deficiencies reflected in the annual evaluation.
  – A faculty member receiving an unsatisfactory evaluation in any area shall be responsible to demonstrate improvement in the area of unsatisfactory
In addition to the Annual Evaluation:

- Tenured faculty members shall receive sustained performance evaluations once every seven years following the award of Tenure.
- Purpose: To document sustained performance during the previous six (6) years of post-tenure assigned duties and to encourage professional growth and development.
- Faculty members who have received satisfactory annual evaluations for the previous six years shall not be rated below satisfactory in the sustained performance evaluation.
• **ARTICLE 15 of the Collective Bargaining Agreement.**
  – All Tenure earning/eligible faculty members shall be given a copy of the criteria for tenure and shall be apprised in writing once each year of their progress.
  – The appraisal shall be included as a separate component to the annual evaluation.
  – **Purpose:** To provide assistance and counseling to help qualify for tenure.
  – Faculty member may request, in writing, a meeting with an higher level administrator if their concerns are not resolved by the evaluator.
**A&P EVALUATIONS**

- **University Regulation 10.119(3)**
  - All A & P Employees should be evaluated once annually.
  - Good time to review Position Descriptions for accuracy.
  - The A & P employee should have completed a minimum of 6 months of A & P service to be eligible to receive an evaluation.
  - The evaluation shall be considered in making personnel decisions relating to salary, retention and assignment or promotion to other responsibilities.
A&P EVALUATIONS

• University Regulation 10.119(3)
  – If no evaluation is conducted: The employee’s rating shall be considered to be satisfactory or the same rating that he or she received during the last evaluation period, whichever is higher.

  – This is not helpful.
USPS EVALUATIONS

• **10.119(4) and ARTICLE 14 of the Collective Bargaining Agreement.**
  – University Regulation 10.119(4)(a) states that evaluations SHALL be done annually by immediate supervisor.
  – PERFORMANCE EVALUATION RATINGS: 1 (does not meet) – 4 (Greatly achieves).
  – The employee SHALL be provided with information regarding the basis of the evaluation and copies of any documents that were considered in completing the evaluation. (You should review Position Description at same time for accuracy).
  – Evaluation SHALL be discussed with employee and given an opportunity to respond.
  – Evaluations are subject to the Grievance Procedure.
• Use of Social Media continues to rise.
  – Babsen Survey Research Group 2012 Survey:
  – 64.4% of faculty use social media for personal lives;
  – 33.8% of faculty use it for teaching related activities;
SOCIAL MEDIA CONCERNS

• Use of Social Media continues to rise.
  – Younger faculty (under 35) use more than older faculty (over 55);
  – Faculty in Humanities, Arts, Professions and Applied and Social Sciences use more than those in Natural Sciences, Mathematics and Computer Sciences.
SOCIAL MEDIA CONCERNS

• Professor/Faculty and Student Social Media Relationships:

  – Current Students:
    • Should you have a policy of No Friends/Follows?
    • If you accept student Friends; the Student should be the one making the request of “Friend” Status;
    • Set boundaries of appropriate use up front – perhaps in-class announcement or in your course syllabus;
    • Consider your own privacy issues;
    • Do you want access to Student’s personal life and problems in personal life?
SOCIAL MEDIA CONCERNS

• Professor/Faculty and Student Social Media Relationships:
  • Consider your own privacy issues;
    – Do you want student to have access to your personal likes/dislikes, friends, pictures, family?
  • Do you want access to Student’s personal life and problems in personal life?
    – Favoritism issues.
    – Inappropriate posts/interactions on social media seen by all.
SOCIAL MEDIA CONCERNS

• Professor/Faculty and Student Social Media Relationships:
  • Former Students:
  • “Give Me Everything You Have” – James Lasdun
    – Memoir of true story of college professor stalked by one of his former students.
    – Former graduate student “Nasreen” re-acquaints with Professor 2 years after graduating through social media;
    – Sent him draft of her novel to review;
Give Me Everything You Have

- Relationship changes from Professor – student to first name basis;
- Frequency of e-mails and communications increase; language becomes flirtatious.
- Happily married Professor attempts to distance himself from Nasreen;
- Nasreen does not relent and the tone of her responses becomes increasingly dark, angry and threatening.
Give Me Everything You Have

- Nasreen begins to use the internet to infuse rumors of sexual harassment and affairs with his students;
- Anonymously accuses him of plagiarism with his prior works;
- She contacts the University and his colleagues to damage his relationship with them;
- Her e-mails become increasingly threatening.
- He contacts Police and FBI, but they say there is nothing they can do.
- He endures her actions for seven (7) years.
- Read the Book!
Effectively Managing Students as our Customers
I. Overview of The Division of University Advancement
II. National alumni giving patterns since the economic downturn
III. Overview of FAMU’s giving history
IV. The Students’ Experience – Surviving FAMU

a. Navigating FAMU

b. Student Life at FAMU

c. Alumni Life AFTER FAMU

(presented by the FAMU Student Foundation)
GIVING THEN versus GETTING NOW
V. THE CONFLICT – The Traditional Giving Model at FAMU vs. Generation X/Y and their priorities
VI. THE ASK – 1980-2012 Alumni – Our new main pool of givers and how to successfully engage them in the giving process
VII. Conclusion
Student Mental Health

Statically speaking, it is highly likely that each faculty member will teach a student who is at-risk for psychological distress.

- More than **1,350** suicides per year for college students\textsuperscript{1}
- Suicide is the **2nd leading cause** of death for college students\textsuperscript{1}
- Almost **7%** seriously considered suicide in the past 12 months\textsuperscript{2}
- **1.1%** say they actually attempted suicide\textsuperscript{2}
- Almost **80%** of today’s students that commit suicide aren’t seen by a counselor\textsuperscript{1}
- Psychological distress can also compromise students’ academic achievements affecting their ability to stay in school.

This means that **770** students in our school have seriously considered suicide in the past year

More information can be found at
1. *Turning Violence Inward: Understanding and Preventing Campus Suicide* (Silverman 2008)
Impediments to Academic Performance

Top 10 Impediments to Academic Performance

Last School Year

- Stress: 32%
- Cold/flu/sore throat: 26%
- Sleep difficulties: 24%
- Concern about family/friend: 18%
- Relationship difficulties: 16%
- Depression/anxiety: 16%
- Internet use/games: 15%
- Sinus infection: 8%
- Death of a friend/family: 9%
- Alcohol use: 7%

7 of top 10 are emotional/social issues

More data found at: http://www.acha-ncha.org
Research-based approach

- Teaches techniques for identifying and approaching distressed students in order to take appropriate action, such as making a referral to the school counselor.

- A “gatekeeper” is someone who has significant contact with students and, therefore, is ideally situated to notice warning signs of emotional distress.

- **Potential Gatekeepers**: Faculty, Adjuncts, TAs, Staff, Campus Safety

Benefits:

- Reduce stigma associated with emotional distress.
- Increase academic performance and student retention.
- Increase faculty comfort with approaching students about concerns.
Features:

• Online, 24/7 accessibility
• Includes simulated conversations with emotionally responsive student avatars
• Built-in program assessment and tracking

• Materials for on-campus promotion
• Utilized by 270+ institutions, listed in SPRC Best Practices Registry, and evaluated in a national study.
Learning Objectives

Learning objectives derived from best practices allowing faculty and staff to:

1. Learn to recognize the common signs of emotional distress
2. Approach students with greater skill and confidence
3. Effectively refer students to the campus counseling center
4. Learn about own college specific counseling center and referral process
1. Assume the role of a faculty member who is concerned about five of his students, three of whom need to be referred to the counseling center.

2. Analyze profiles of the five virtual students.

3. Engage in simulated conversations with the ones you suspect are at-risk and, if necessary, refer them to the campus counseling center.

4. Learn about our school’s counseling center

Course is completed once user refers the 3 at-risk students
Users assume the role of a faculty member named Professor Hampton, who is concerned about five of his students, three of whom need to be referred to the counseling center.
Symptoms exhibited by student avatars correlate to the most common and severe psychological illnesses among young adults:

1. Alcohol/Substance Abuse
2. Bipolar Disorder
3. Borderline Personality Disorder
4. Depression
5. Eating Disorders
6. Panic Disorder
7. Post Traumatic Stress Disorder
8. Schizophrenia
9. Social Phobia
Step 2: Examine Student Profiles

Users can click on any student for more information, such as changes in their academics, behavior, and appearance.
Users engage in conversations with the **student avatars**.

Practice and learn to use open-ended questions, reflective listening and other **motivational interviewing** techniques to effectively:

1. **Broach the topic** of psychological distress

2. **Motivate the student** to seek help

3. **Avoid common pitfalls** such as attempting to diagnose the problem or giving unwarranted advice
The learner controls the conversation by choosing what topic to bring up and what specific things to say. Learners receive instant feedback through the student’s verbal responses and body language ...
... as well as encouragement and constructive criticism on their decisions from a virtual coach. Critical errors lead to immediate corrective feedback as well as the opportunity to undo and correct their decision.
Step 4: Summary Feedback

Upon concluding each conversation, users receive narrated and animated feedback, which includes an analysis of the student and a review of their symptoms in class and in conversation.
At-Risk for Faculty Study Included:

68 universities and colleges

420 faculty and staff members

1. After taking the course, participants were asked to respond to a post-training survey. They were contacted again 3-4 months later and asked to fill out a follow-up survey.

2. Demographics consistent between groups

3. Download research summary report at www.kognito.com/atrisk/research.html
Levels remained high across samples and almost unchanged over time. 82% of participants in the post-training survey rated their preparedness to refer students at-risk as high or very high, compared to 79% in the follow-up survey.

### Fig.4: Preparedness to act to prevent suicide

Mean comparison of responses on a 4-point Likert scale (low to very high)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Post-training (420)</th>
<th>Follow-up (131)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identify behavior associated with students’ psychological distress</td>
<td>2.9</td>
<td>2.7</td>
</tr>
<tr>
<td>Approach students exhibiting signs of psychological distress</td>
<td>2.9</td>
<td>2.7</td>
</tr>
<tr>
<td>Motivate students exhibiting signs of psychological distress to seek help</td>
<td>2.95</td>
<td>2.8</td>
</tr>
<tr>
<td>Refer students exhibiting signs of psychological distress</td>
<td>3.0</td>
<td>2.9</td>
</tr>
</tbody>
</table>
97% reported the simulated conversations were realistic representations of conversations they had with at-risk students.

96% would recommend At-Risk to their colleagues.

Download Complete Report at:
www.kognito.com/atrisk/research.html
Accessing the Course: Step 1

Step 1: go to http://www.kognitocampus.com/faculty and click “Access Training”
Step 2: Choose your status

Is this your first time accessing this course?

- No, I have an account already
- Yes, create my account
Accessing the Course: Step 3

Log in as Existing User

Create New Account

Enrollment key: hbcu32
Take Course
45-minute, saves user’s progress, follow-up survey
1. Look for invitation by email or flyer
2. Click Link: http://www.kognitocampus.com/faculty
3. Click “Access Training”
4. Fill out form using enrollment key: hbcu32
5. Follow on screen instructions
6. Take course (45-min, can be completed in multiple sittings)
7. Complete post-training survey
8. Print certificate of completion
9. Return to the course as many times as you wish

Training Available: [February 1, 2013]
Contact Info

Dr. Yolanda K. H. Bogan
Assoc. Professor and Director
College of Education/Counseling Services
850-599-3145
Yolanda.bogan@famu.edu
OUR ROLE

- The Office of Judicial Affairs is focused on student success and development through responsible community conduct.
- Work collaboratively with the University community to create a safe and secure scholarly atmosphere.
- Educate the University community and implement the Student Code of Conduct through disciplinary action where violations have occurred.
AUTHORITY

- FAMU BOT Regulation 2.012 Student Code of Conduct
- FAMU BOT Regulation 2.013 Due Process
- The FANG, Student Handbook
JURISDICTION

- University campus
- University owned or controlled property
- University premises, including but not limited to fraternities, sororities, and organizations property
- Activities sponsored by the University wherever they may occur
- Activities officially approved by the University that are conducted by University chartered organizations wherever they may occur and activities occurring off-campus either University or non-university related
REPORTING AN ALLEGED VIOLATION

- Anyone with knowledge can report a violation of the Student Code of Conduct.
- Submit Judicial Complaint Form which can be found on our webpage; call our office; fax or e-mail a statement.
- Be specific and include your contact information.
OVERVIEW OF JUDICIAL PROCESS

- Receipt of Report
- Investigation
- If allegations are merited a request to appear is issued to the offending student for an information briefing.
- Information Briefing
- Administrative Hearing (panel consists of 3-5 members who are faculty/staff and students)
- Appeal to Associate Vice President and Dean of Students
JUDICIAL PROCESS CON’T

- Final University appeal to President or Vice President for Student Affairs
- In cases where the student’s conduct is detrimental to University and involves disruption of the University process; conduct dangerous to health, safety, welfare or property of University Community the President or Vice President for Student Affairs can summarily suspend or expel a student from the University pending a hearing at a later date.
- Students are afforded due process throughout the entire judicial process, see FAMU BOT Regulation 2.013
HOW YOU CAN HELP

- Notify students of your expectations and subsequent consequences through Syllabus. Inform students if conduct/professionalism is part of grade
- Be consistent in administration of consequences when students don’t meet conduct expectations outlined in syllabus
- Be familiar with the Student Code of Conduct
- Join administrative hearing panel
CONTACT US

- 101 H. Manning Efferson Student Union Building
- Office  850-599-3541
- Fax     850-561-2169
- E-Mail  antoneia.roe@famu.edu
FAMU BOT POLICIES

2005-15  Separation and Return of Academic Administrators to Faculty
2005-22  Tuition Reimbursement Policy
2005-23  Benefits and Leaves
<table>
<thead>
<tr>
<th>Policy #</th>
<th>Name of Policy</th>
<th>BOT Committee</th>
<th>Date Approved</th>
<th>Location</th>
<th>Brief Description of Policy Focus</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005-01</td>
<td>Elimination of Direct Payment to Persons/Vendors</td>
<td>Budget &amp; Finance</td>
<td>2/25/2005</td>
<td><a href="http://www.famu.edu/BOT/BOT_Policy_-_Elimination_of_Direct_Payment.pdf">http://www.famu.edu/BOT/BOT_Policy_-_Elimination_of_Direct_Payment.pdf</a></td>
<td>All payments to persons or vendors shall be through the use of purchase orders and shall comply with any policies and procedures adopted and instituted by the University President in furtherance of this policy.</td>
</tr>
<tr>
<td>2005-04</td>
<td>Electronic Transfer of Funds</td>
<td>Budget &amp; Finance</td>
<td>2/25/2005</td>
<td><a href="http://www.famu.edu/BOT/BOT_Policy_-_Electronic_Transfer_of_Funds.pdf">http://www.famu.edu/BOT/BOT_Policy_-_Electronic_Transfer_of_Funds.pdf</a></td>
<td>This policy sets forth guidelines which apply to all financial transactions performed using an electronic medium, as required by Section 1010.11, F.S. In all undertakings of this type, the policies and procedures shall be designated to protect the assets of the University and integrity of the data.</td>
</tr>
<tr>
<td>2005-05</td>
<td>Preparation and Submission of Budget</td>
<td>Budget &amp; Finance</td>
<td>12/3/2009</td>
<td>20Budget%20policy%20Dec%202009.pdf</td>
<td>The Board of Trustees desires to implement policies and procedures designed to fulfill requirements for budgeting pursuant to the Board of Governors Regulations, Board policies and regulations and provisions of the General Appropriations Act, to facilitate the effective discharge of its fiduciary responsibility to the University.</td>
</tr>
<tr>
<td>2005-06</td>
<td>Change Orders for Construction Contract</td>
<td>Facilities Planning</td>
<td>6/30/2005</td>
<td><a href="http://www.famu.edu/BOT/BOT_Policy-Change_Orders_for_Construction_Projects.pdf">http://www.famu.edu/BOT/BOT_Policy-Change_Orders_for_Construction_Projects.pdf</a></td>
<td>Trustees finds it is important that the University takes steps to scrutinize the cost of change orders during the life of a construction project, ensure that change orders are justified and cost-efficient and ensure change orders are reviewed and controlled to protect the University’s and state’s interest.</td>
</tr>
<tr>
<td>2005-07</td>
<td>Campus Master Plan Hearings</td>
<td>Facilities Planning</td>
<td>6/30/2005</td>
<td><a href="http://www.famu.edu/BOT/BOT_Policy-Campus_Master_Plan_Hearings.pdf">http://www.famu.edu/BOT/BOT_Policy-Campus_Master_Plan_Hearings.pdf</a></td>
<td>The University seeks to ensure its presence does not create adverse impacts on the public facilities and services of the local governments. The intent of this policy is to ensure all informal sessions and public hearings on the University Campus Master Plan and its amendments will be conducted in accordance with Sec. 1013.30, Florida Statutes and this policy.</td>
</tr>
<tr>
<td>2005-07A</td>
<td>Professional Consultants Selection Process for Construction Projects</td>
<td>Facilities Planning</td>
<td>6/30/2005</td>
<td><a href="http://www.famu.edu/BOT/BOT_Policy_Professional_Consultants_Selection_Process.pdf">http://www.famu.edu/BOT/BOT_Policy_Professional_Consultants_Selection_Process.pdf</a></td>
<td>The University construction projects generally fall within the following three categories: correcting existing deficiencies, replacing exhausted or obsolete facilities and accommodating desired future growth. Thus, the University has the ongoing need to provide for the selection and retention of architects, engineers and other professional and design consultants.</td>
</tr>
<tr>
<td>2005-08</td>
<td>Sponsored Grants and Contracts Policy</td>
<td>Academic Affairs</td>
<td>6/30/2005</td>
<td><a href="http://www.famu.edu/BOT/BOT_Policy-Sponsored_Grants_and_Contracts_Policy.pdf">http://www.famu.edu/BOT/BOT_Policy-Sponsored_Grants_and_Contracts_Policy.pdf</a></td>
<td>To be accepted, grants and contracts must adhere to applicable University rules and relevant federal laws and regulations and the terms and conditions of the specific sponsored grant or contract policies and internal operating memoranda procedures.</td>
</tr>
<tr>
<td>2005-09</td>
<td>Principal Investigator Eligibility</td>
<td>Academic Affairs</td>
<td>6/30/2005</td>
<td><a href="http://www.famu.edu/BOT/BOT_Policy-Principal_Investigator_Eligibility.pdf">http://www.famu.edu/BOT/BOT_Policy-Principal_Investigator_Eligibility.pdf</a></td>
<td>The status of Principal Investigator (PI) is granted as a matter of privilege to the academic faculty, and therefore certain procedures must be instituted to ensure that a faculty member granted such status understands clearly the University’s expectations in the fulfillment of such role.</td>
</tr>
<tr>
<td>2005-10</td>
<td>Cost Policy Direct and Indirect Costs (Facilities and Administrative Costs)</td>
<td>Academic Affairs</td>
<td>6/30/2005</td>
<td><a href="http://www.famu.edu/BOT/BOT_Policy-Cost_Policy_Direct_and_Indirect_Costs.pdf">http://www.famu.edu/BOT/BOT_Policy-Cost_Policy_Direct_and_Indirect_Costs.pdf</a></td>
<td>This policy is to ensure compliance with federal, state and university regulations governing the consistent treatment of direct and indirect costs to sponsored projects. The purpose of this policy is to ensure that expenditures are consistent with the intent of the awards as well as any contractual requirements and governmental regulations that govern the use of such funds.</td>
</tr>
<tr>
<td>2005-11</td>
<td>Cost Sharing for Sponsored Agreements</td>
<td>Fiscal Affairs</td>
<td>6/30/2005</td>
<td><a href="http://www.famu.edu/BOT/BOT_Policy-Cost_Sharing_for_Sponsored_Agreements.pdf">http://www.famu.edu/BOT/BOT_Policy-Cost_Sharing_for_Sponsored_Agreements.pdf</a></td>
<td>Cost sharing is that portion of the total project costs of a sponsored agreement borne by Florida A &amp; M University, rather than by the sponsor. Cost sharing of direct expenditures represents a possible redirection of departmental school resources from teaching or other departmental and school activities to support sponsored agreements. It is essential that the use of cost sharing does not overburden departmental resources and facilities and administrative recoveries.</td>
</tr>
<tr>
<td>2005-12</td>
<td>Effort Reporting Policy</td>
<td>Academic Affairs</td>
<td>6/30/2005</td>
<td><a href="http://www.famu.edu/BOT/BOT_Policy-Effort_Reporting_Policy_for_Sponsored_Projects.pdf">http://www.famu.edu/BOT/BOT_Policy-Effort_Reporting_Policy_for_Sponsored_Projects.pdf</a></td>
<td>Ensure an accurate and reasonable system is maintained for reporting the percentage of time (i.e. effort) that employees devote to federally sponsored projects, as required by OMB Circular A-21.</td>
</tr>
</tbody>
</table>
### Florida A&M University
Board of Trustees Approved Policies

<table>
<thead>
<tr>
<th>Policy #</th>
<th>Name of Policy</th>
<th>BOT Committee</th>
<th>Date Approved</th>
<th>Location</th>
<th>Brief Description of Policy Focus</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005-13</td>
<td>Cost Transfer Policy</td>
<td>Fiscal Affairs</td>
<td>6/30/2005</td>
<td><a href="http://www.famu.edu/BOT/BOT_POLICY-2005-23%20Cost_Transfer_Policy_for_Sponsored_Projects.pdf">http://www.famu.edu/BOT/BOT_POLICY-2005-23%20Cost_Transfer_Policy_for_Sponsored_Projects.pdf</a></td>
<td>It is the policy of Florida A &amp; M University that costs should be charged to the appropriate federal award when first incurred. Any errors in the allocation of direct costs to sponsored agreements shall be identified, corrected and documented in a timely and consistent manner. Cost transfers shall be kept to a minimum and shall not be a routine method of account management.</td>
</tr>
<tr>
<td>2005-14</td>
<td>Financial Conflict of Interest Governing Research</td>
<td>Academic Affairs</td>
<td>6/7/2012</td>
<td><a href="http://www.famu.edu/BOT/Finanical%20Conflict%20Interest%20Policy%20final%206-18-2012.pdf">http://www.famu.edu/BOT/Finanical%20Conflict%20Interest%20Policy%20final%206-18-2012.pdf</a></td>
<td>To assure that research conducted under the auspices of the University is always of the highest integrity, and in response to federal government regulations, Florida A&amp;M University has developed this policy on Financial Conflicts of Interest in Research and Other Sponsored Programs.</td>
</tr>
<tr>
<td>2005-15</td>
<td>Separation and Return of Academic Administrators to Faculty</td>
<td>Academic Affairs</td>
<td>6/30/2005</td>
<td><a href="http://www.famu.edu/BOT/Policy_2005-15_Separation_and_Return_to_Faculty.doc">http://www.famu.edu/BOT/Policy_2005-15_Separation_and_Return_to_Faculty.doc</a></td>
<td>This policy applies to employees holding both a tenured faculty position and serving as an academic administrator of the University (hereinafter referred to as “administrator”), but who are leaving their administrative and academic office to return to the tenured faculty.</td>
</tr>
<tr>
<td>2005-16</td>
<td>Audit of University Athletics Finances</td>
<td>Budget &amp; Finance</td>
<td>10/6/2005</td>
<td><a href="http://www.famu.edu/BOT/BOT-POLICY-2005-16_Audit_of_University_Athletics_Finances.pdf">http://www.famu.edu/BOT/BOT-POLICY-2005-16_Audit_of_University_Athletics_Finances.pdf</a></td>
<td>All sources and expenditure of funds associated with the University’s Intercollegiate Athletic Programs shall be annually audited by an independent outside auditor, as mandated by NCAA Constitution 6.2.3. Periodic, internal audits of the University’s Athletic Department shall also occur.</td>
</tr>
<tr>
<td>2005-17</td>
<td>Intercollegiate Athletics Policy</td>
<td>Budget &amp; Finance</td>
<td>10/6/2005</td>
<td><a href="http://www.famu.edu/BOT/BOT-POLICY-2005-17_Intercollegiate_Athletics_Policy.pdf">http://www.famu.edu/BOT/BOT-POLICY-2005-17_Intercollegiate_Athletics_Policy.pdf</a></td>
<td>Intercollegiate Athletics shall have a mission consistent with the mission of the University, emphasizing the pursuit of academic and athletic excellence while honoring the highest commitment of integrity.</td>
</tr>
<tr>
<td>2005-18</td>
<td>University Athletics Boosters Policy</td>
<td>Budget &amp; Finance</td>
<td>10/6/2005</td>
<td><a href="http://www.famu.edu/BOT/BOT-POLICY-2005-18_University_Athletics_Boosters_Policy.pdf">http://www.famu.edu/BOT/BOT-POLICY-2005-18_University_Athletics_Boosters_Policy.pdf</a></td>
<td>All athletic booster organizations or clubs associated with or connected with Florida A &amp; M University must be organized and operated within the purview of the University’s Athletic Department. All booster organizations or clubs must be consolidated to have one accounting and organizational entity.</td>
</tr>
<tr>
<td>2005-19</td>
<td>University Payroll</td>
<td>Budget &amp; Finance</td>
<td>10/6/2005</td>
<td><a href="http://www.famu.edu/BOT/BOT-POLICY-2005-19_University_Payroll.pdf">http://www.famu.edu/BOT/BOT-POLICY-2005-19_University_Payroll.pdf</a></td>
<td>The University expects that every operating unit will exercise the greatest of care in the prevention of unauthorized or improper expenditure of its funds. Thus, it is expected that proper internal controls for the paying of all University employees.</td>
</tr>
<tr>
<td>2005-20</td>
<td>Additional Employment</td>
<td>Budget &amp; Finance</td>
<td>10/6/2005</td>
<td><a href="http://www.famu.edu/BOT/BOT-POLICY-2005-20_Additional_Employment.pdf">http://www.famu.edu/BOT/BOT-POLICY-2005-20_Additional_Employment.pdf</a></td>
<td>The responsibility of an employee/faculty member is the full and competent performance of all duties pertinent to his/her employment with the University. Additional employment which may interfere with the primary obligations and responsibilities of the employee/faculty member may create a conflict of interest in responsibilities and obligations are prohibited.</td>
</tr>
<tr>
<td>2005-21</td>
<td>Leave of Absence Without Pay</td>
<td>Academic Affairs</td>
<td>10/6/2005</td>
<td><a href="http://www.famu.edu/BOT/Policy_2005-21_Leave_of_Absence_Policy.doc">http://www.famu.edu/BOT/Policy_2005-21_Leave_of_Absence_Policy.doc</a></td>
<td>This policy governs voluntary leaves of absence without pay for regular, full-time employees of the University. It further provides a means for departments to offer employees excused leave without pay when exceptional circumstances as education, family or other unusual personal or health needs are deemed justified.</td>
</tr>
<tr>
<td>2005-22</td>
<td>Tuition Reimbursement Policy</td>
<td>Budget &amp; Finance</td>
<td>10/6/2005</td>
<td><a href="http://www.famu.edu/BOT/BOT-POLICY-2005-22_Tuition_Reimbursement.pdf">http://www.famu.edu/BOT/BOT-POLICY-2005-22_Tuition_Reimbursement.pdf</a></td>
<td>This policy offers opportunities for regular, full-time employees of Florida A &amp; M University (FAMU) to take courses at FAMU and other universities in the Florida State University System. It also enables employees of other Florida state universities and State of Florida agencies to take courses at FAMU. The continuation of this program is contingent upon the University’s continuing ability to workload requirements and meeting the financial obligations of the program.</td>
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<tr>
<td>2005-24</td>
<td>Media Policy</td>
<td>DSO</td>
<td>12/1/2005</td>
<td><a href="http://www.famu.edu/BOT/BOT_Policy_-_Media_Policy.pdf">http://www.famu.edu/BOT/BOT_Policy_-_Media_Policy.pdf</a></td>
<td>Recognizing the broad authority and responsibility vested in the Board of Trustees for the governance and operations of the University, the Board of Trustees seeks to ensure that accurate and consistent information is provided to members of the media seeking news stories in a smooth, efficient and effective manner. The Board of Trustees recognizes that the President is the primary spokesperson for the University, and the chair of the Board of Trustees is the only person authorized to speak for the Board of Trustees.</td>
</tr>
<tr>
<td>2006-01</td>
<td>Policy on Fundraising Campaigns</td>
<td>Budget &amp; Finance</td>
<td>6/29/2006</td>
<td><a href="http://www.famu.edu/BOT/BOT-POLICY_-_Fundraising_Campaigns.pdf">http://www.famu.edu/BOT/BOT-POLICY_-_Fundraising_Campaigns.pdf</a></td>
<td>The University desires to ensure that any proposed fundraising campaigns or mass solicitations of prospective donors are appropriate to the University’s mission and are not in conflict with other activities and campaigns of the University. This policy applies to all forms of fundraising campaigns for the benefit of the University whether conducted by the University, the University’s Foundation, Alumni Association, University employees or organizations, or individuals or organizations outside the University. This policy does not apply to instances when family or friends of a deceased person announce that contributions may be sent to the University in lieu of other remembrances.</td>
</tr>
<tr>
<td>2006-03</td>
<td>Guiding Principles for Fiscal Affairs</td>
<td></td>
<td>12/7/2006</td>
<td><a href="http://www.famu.edu/BOT/BOT%20Policy%20Guiding%20Principles%202006-03.pdf">http://www.famu.edu/BOT/BOT%20Policy%20Guiding%20Principles%202006-03.pdf</a></td>
<td>The University is committed to conducting business in a fiscally responsible manner under the highest ethical standards. The following guiding principles are the foundation on which all of the University’s fiscal policies, procedures, and activities will be built and governed. All University employees will be expected to uphold and exemplify these fundamental principles.</td>
</tr>
<tr>
<td>2006-04</td>
<td>Purchasing Cards</td>
<td></td>
<td>12/7/2006</td>
<td><a href="http://www.famu.edu/BOT/Amendment%20BOT-Purchasing%20Cards%2006-04%20Purchasing%20Cards_revised%2004%20062010.pdf">http://www.famu.edu/BOT/Amendment%20BOT-Purchasing%20Cards%2006-04%20Purchasing%20Cards_revised%2004%20062010.pdf</a></td>
<td>Florida A&amp;M University sponsors a Purchasing Card program to enable authorized employees to make business-related purchases of goods, supplies and standard (not professional) services paid for directly by the University. An individual who is assigned a Purchasing Card has been granted the privilege to spend the University's funds for business related expenses without a pre-transaction review.</td>
</tr>
<tr>
<td>2006-05</td>
<td>Motor Pool and Vehicle Use Policy</td>
<td></td>
<td>9/23/2010</td>
<td><a href="http://www.famu.edu/BOT/REVISED%20VEHICLE%20POLICY%202004-10%200clean.pdf">http://www.famu.edu/BOT/REVISED%20VEHICLE%20POLICY%202004-10%200clean.pdf</a></td>
<td>This policy provides the basic guidelines regarding the acquisition, ownership and use of University owned and operated vehicles. The proper utilization of University vehicles minimizes University transportation costs and liability, and helps ensure the safeguarding of University personnel and resources. This policy seeks to provide for the safe operation of University vehicles as well as their appropriate stewardship.</td>
</tr>
<tr>
<td>2007-01</td>
<td>Student Fee Waiver</td>
<td>Budget &amp; Finance</td>
<td>5/24/2007</td>
<td><a href="http://www.famu.edu/BOT/2007_01_Student_Fee_Waiver.pdf">http://www.famu.edu/BOT/2007_01_Student_Fee_Waiver.pdf</a></td>
<td>To support and enhance the mission of the University and assist qualified students in defraying the cost of higher education, the Board of Trustees hereby adopts this policy governing any waiver of tuition for such students as qualified by these provisions. Such waivers shall cover the tuition or out-of-state portion of assessed fees only. Out-of-state tuition waivers are awarded based on the availability of funds and the University’s objectives regarding recruitment, retention, diversity and service.</td>
</tr>
<tr>
<td>Policy #</td>
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<tr>
<td>2008-01</td>
<td>University Communication and Media Policy</td>
<td>ISO</td>
<td>2/11/2008</td>
<td><a href="http://www.famu.edu/BOT/POLICY%20-%20Communications_Media.pdf">http://www.famu.edu/BOT/POLICY%20-%20Communications_Media.pdf</a></td>
<td>Faculty and staff are encouraged to give interviews to the media when asked, and to provide information on matters within their field of expertise in a timely and courteous manner. The Office of Public Relations serves as a tool to help reporters find the right person to interview for a topic. As a courtesy, however, if faculty/staff agree to participate in an interview, please contact the Office of Public Relations so we may obtain a copy of the article and keep it in our files.</td>
</tr>
<tr>
<td>2008-02</td>
<td>FAMU Assessment Policy</td>
<td>Academic Affairs</td>
<td>6/12/2008</td>
<td><a href="http://www.famu.edu/BOT/2008-02%20Assessment_Policy.pdf">http://www.famu.edu/BOT/2008-02%20Assessment_Policy.pdf</a></td>
<td>The University recognizes the importance of university-wide assessment activities for continuous improvement and institutional effectiveness. A major goal of assessment at FAMU is to support the University’s mission of “Excellence With Caring” and accountability to internal and external stakeholders by emphasizing the importance of systematically planning, implementing, analyzing, documenting, and reflecting on the results to improve student outcomes and support services effectiveness.</td>
</tr>
<tr>
<td>2008-03</td>
<td>Write off of Missing and Stolen Property</td>
<td>Budget &amp; Finance</td>
<td>6/12/2008</td>
<td><a href="http://www.famu.edu/BOT/2008-03%20Write%20off%20missing%20and%20stolen%20property.pdf">http://www.famu.edu/BOT/2008-03%20Write%20off%20missing%20and%20stolen%20property.pdf</a></td>
<td>Before an item of tangible personal property can be considered for write-off, the property must have been documented as missing for at least two consecutive inventory cycles. Provided that, property reported as stolen through a recognized police incident report shall be eligible for immediate write-off.</td>
</tr>
<tr>
<td>2008-04</td>
<td>Direct Payment to Persons/Vendors</td>
<td>Budget &amp; Finance</td>
<td>6/12/2008</td>
<td><a href="http://www.famu.edu/BOT/2008-04%20Direct%20Payments%20Persons%20Vendors.pdf">http://www.famu.edu/BOT/2008-04%20Direct%20Payments%20Persons%20Vendors.pdf</a></td>
<td>The University is hereby authorized to legally disburse funds for payment to vendors, persons and other governmental entities with appropriate documentation. All disbursements are subject to the requirements of federal and state laws and regulations.</td>
</tr>
<tr>
<td>2008-05</td>
<td>Naming Opportunities Policy</td>
<td>Budget &amp; Finance</td>
<td>6/12/2008</td>
<td><a href="http://www.famu.edu/BOT/2008-05%20Naming%20opportunities%20Policy.pdf">http://www.famu.edu/BOT/2008-05%20Naming%20opportunities%20Policy.pdf</a></td>
<td>Provides the manner by which any building, structure, road, bridge, park, recreational complex or any tangible property, or any component thereof (hereafter “Facility”) or, college, school, department, institute, center, or program (hereafter “Program”) or any other property or property right under the control of the Board of Trustees may be named for an individual or other entity.</td>
</tr>
<tr>
<td>2008-06</td>
<td>Faculty Credentialing Policy</td>
<td>Academic Affairs</td>
<td>8/11/2008</td>
<td><a href="http://www.famu.edu/BOT/2008-06%20Faculty%20Credentialing%20Policy.pdf">http://www.famu.edu/BOT/2008-06%20Faculty%20Credentialing%20Policy.pdf</a></td>
<td>The credentials requirements stated in the policy ensure that the University employs competent faculty members who are qualified to carry out the goals and mission of the University in teaching, research and service.</td>
</tr>
<tr>
<td>2008-07</td>
<td>Student Fingerprinting Screening Policy</td>
<td>Academic Affairs</td>
<td>8/11/2008</td>
<td><a href="http://www.famu.edu/BOT/2008-07%20Student%20Fingerprinting%20Policy.pdf">http://www.famu.edu/BOT/2008-07%20Student%20Fingerprinting%20Policy.pdf</a></td>
<td>This policy governs student fingerprinting, background screenings, and drug screenings that are required by academic programs and/or affiliation agreements and is applicable to undergraduate and graduate students. It also provides a means for academic programs to provide screenings through select vendors.</td>
</tr>
<tr>
<td>2008-09</td>
<td>Animal Welfare</td>
<td>Academic Affairs</td>
<td>8/11/2008</td>
<td><a href="http://www.famu.edu/BOT/2008-09%20Animal%20Welfare.pdf">http://www.famu.edu/BOT/2008-09%20Animal%20Welfare.pdf</a></td>
<td>This policy governs the University's research, teaching and service activities involving animals when conducted by the University faculty, staff or students or when using University facilities or equipment.</td>
</tr>
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<td>Policy #</td>
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<td>Date Approved</td>
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<tr>
<td>2008-13</td>
<td>Payroll Charges</td>
<td>Academic Affairs</td>
<td>8/11/2008</td>
<td><a href="http://www.famu.edu/BOT/2008-13%20Payroll%20Charges.pdf">http://www.famu.edu/BOT/2008-13%20Payroll%20Charges.pdf</a></td>
<td>The policy of the University is to be in compliance with university, state, and federal regulations governing the charging of payroll to sponsored charges.</td>
</tr>
<tr>
<td>2009-02</td>
<td>Authority of the President to Write off</td>
<td></td>
<td></td>
<td><a href="http://www.famu.edu/BOT/2009-42%20Authority%20of%20the%20President%20to%20Write%20off.pdf">http://www.famu.edu/BOT/2009-42%20Authority%20of%20the%20President%20to%20Write%20off.pdf</a></td>
<td>Provide the manner by which the President, or the President’s designee, may settle or write off accounts receivable without action of the Board of Trustees.</td>
</tr>
</tbody>
</table>
FAMU BOT POLICY

2005-15

SEPARATION AND RETURN OF ACADEMIC ADMINISTRATORS TO FACULTY
Subject: Separation and Return of Academic Administrators to Faculty

Authority: Section 7(d), Article IX, Florida Constitution; Board of Governors Resolution adopted January 7, 2003

I. Rescinding of FAMU Internal Management Memorandum No. 2002-10

FAMU Internal Management Memorandum No. 2002-10, Transfer of University President or Academic Administrator to the faculty or an Administrative & Professional Position, is hereby repealed or rescinded effective at the time of adoption of this policy.

II. Application

This policy applies to employees holding both a tenured faculty position and serving as an academic administrator of the University (hereinafter referred to as “administrator”), but who are leaving their administrative and academic office to return to the tenured faculty. Examples of such positions are the provost, vice presidents, assistant or associate vice presidents, deans, assistant or associate deans, and directors.

III. Lack of Property Interest In Administrative Appointment

An employee has no property interest in his or her appointment as an administrator; thus, the President may not comport to confer on any such administrator any property interest in such employment. Tenure status as a member of the faculty held concurrently by any administrator is separate and distinct from the administrative office, and such tenure status is governed by the provisions of Regulation 10.204 and the Florida A&M University Board of Trustees (FAMU BOT) – United Faculty of Florida (UFF) Collective Bargaining Agreement. Tenure shall not extend to administrative appointments in the General Faculty or Administrative & Professional classification plans. However, the President may extend a multi-year appointment to an administrator as approved by the FAMU BOT and consistent with all applicable federal and state laws, and Florida Board of Governors and FAMU BOT rules, regulations and policies. Any instrument affecting the employment of an administrator must clearly state that the incumbent’s administrative duties are subject to removal at any time as determined by the President or the President’s designee.
IV. **Salary upon Change in Assignment to a Faculty Position**

A. **New Hire as Administrator**

If the employee was hired upon initial appointment as an administrator, his or her new salary will be the median salary of the employees within the same professorial rank and discipline.

B. **Tenured Faculty Prior to Becoming an Administrator**

If the employee was previously a tenured faculty member prior to becoming an administrator, his or her new salary will be the salary held by the employee immediately prior to the time of the administrative appointment and any increases received by the faculty during the time of service as an administrator. These separate compensations will be noted in the appointment letter.

C. **Other Consideration**

Notwithstanding the provisions of IV.A. and IV.B., any agreed upon salary arrangement negotiated by the President or President’s designee upon appointment as an administrator shall also be considered.

V. **Reappointment of an Administrator without Faculty Return Rights.**

An employee leaving a position that is categorized as “at will” has no claim to a position at the university; however, there may be circumstances in which assignment to another administrative or teaching position would be beneficial for both the university and the employee. In these cases, the new salary should be appropriate to the subsequent assignment, if any.
FAMU BOT POLICY

2005-22

TUITION REIMBURSEMENT POLICY
Florida Agricultural & Mechanical University
Board of Trustees Policy

Board of Trustees Policy Number: 2005-22
Date of Adoption/Revision: October 6, 2005

<table>
<thead>
<tr>
<th>Subject</th>
<th>Tuition Reimbursement Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authority</td>
<td>Section 1001.74, Florida Statutes</td>
</tr>
<tr>
<td>Applicability</td>
<td>Regular, full-time faculty and staff members with the exception of those employees governed by a collective bargaining agreement</td>
</tr>
</tbody>
</table>

**Summary**

This policy offers opportunities for regular, full-time employees of Florida A & M University (FAMU) to take courses at FAMU and other universities in the Florida State University System. It also enables employees of other Florida state universities and State of Florida agencies to take courses at FAMU.

Please note that this policy is distinct from the State of Florida Department of Management Services State Employees Education Voucher Program created by the 2001 Florida Legislature. The 2001-02 Appropriations prohibits tuition waivers for university employees as used in the past. This policy is an entirely independent opportunity funded through limited existing university resources and is not a condition of employment, but rather a privilege determined solely by the university.

Section headings in this policy are:

1. Purpose
2. Eligibility
3. Exclusions
4. Scheduling
5. Approval for Participation
6. Participant's Responsibilities
7. Financial Obligations
8. Termination of Program/Participation

1. **Purpose**

   To encourage Florida A & M University (FAMU) staff and faculty to pursue educational opportunities for professional growth and development and to enhance the performance of faculty and staff members and their work units.

2. **Eligibility**

   a. **Eligibility Criteria.** To be eligible, staff and faculty must meet the following criteria:

   1. Be a regular, full-time FAMU employee classified as A&P, Executive Service, Faculty or USPS.
   2. Be in good standing;
   3. Employed for at least one (1) year, at the time of enrollment for the course(s);
   4. Be admitted to the enrolling institution as a degree or non-degree seeking student;
   5. Take educational courses which enhance the employee’s job duties;
6. Take the educational course(s) for credit and successfully complete the course(s);
7. Intends to, and does, remain on the active payroll in one of the above classifications during the entire term of the class, as a regular full-time employee;
8. Successfully completes the course, which is defined for purposes of this policy as receiving a grade of “C” for undergraduate courses and grade of “C” for graduate courses; and
9. Provide the required documentation and approvals in a timely fashion.

b. Eligible hours. Eligible employees can apply for enrollment in up to six (6) credit hours of instruction each fall and spring semester, at FAMU or another state university in Florida.

c. Enrollment Period. The University will establish the periods of enrollment each semester for employees registering for courses at FAMU to be paid for by this program. However, late fees associated with registration outside of the established registration period shall not be covered by the university.

3. Qualifying Courses
To qualify for tuition reimbursement, the course must be job related. A job related course is a course that meets any of the following requirements:
• Will contribute toward enhanced performance in the employee’s present position;
• Will have the employee qualify for consideration for a higher level position at the University to which the employee may reasonably aspire and for which there is probable opportunity for advancement;
• Is a required or elective course taken to complete the requirements for a bachelor’s degree; and
• Is a required or elective course taken to complete a Master’s degree in a field related to the staff member’s current job duties.

4. Exclusions
a. This program is not available to OPS, part-time personnel, or employees assigned temporary, visiting or probationary appointments.
b. Faculty members are not eligible to use this program to enroll in community college or a vocational technical center class.
c. The costs associate with non-credit courses, workshops, seminars, private consultant refresher courses, management development programs, special exams for admissions to a degree program, courses in graduate professional programs as law, pharmacy, dentistry and courses in any degree program beyond the master’s level are specifically excluded from this tuition reimbursement program.
d. FAMU's fee petition and fee refund policies and procedures are not applicable to courses taken through this program. Therefore, there is not a petition process for a refund of fees paid.

5. Scheduling
Faculty or staff members must take courses scheduled at times that will not require absence from work during regular work hours.
6. **Approval for Participation**

An employee’s department chair, division director, or supervisor must certify that:

a. Each course involved is job-related. Courses may be viewed individually or as part of the overall degree program meant to improve job skills.
b. The employee meets the employment requirements for participation.
c. The time used is covered by appropriate leave or schedule adjustment.

7. **Employee’s Responsibilities**

As a precondition for approving an employee’s request to participate in this program, the university shall require the employee to complete all the necessary forms required by the University to participate. An employee is reimbursed upon the completion of the course in accordance with policy and submission of an official transcript to the Division of Human Resources.

8. **Financial Obligations**

Unless otherwise required by applicable law or regulation, the value of courses in which the employee has enrolled under the provisions of this program will not be used to compute the employee regular rate of pay; however, certain courses may be subject to taxes as defined by the United States Internal Revenue Service. Employees are responsible for any individual tax liability that may result from participation in this tuition program and should refer any tax questions to their tax advisor.

a. **University’s Responsibilities.** The reimbursement for a maximum of six (6) semester hours to qualified employees. The University will be responsible only for the instate tuition rate, regardless of the residency status of the faculty or staff member, and is based upon the tuition rate in effect at the time of the request.

9. **Termination of Program Participation**

a. The continuation of this program is contingent upon the University’s continuing ability to workload requirements and meeting the financial obligations of the program.
b. Participation in a course by an employee is contingent upon the department’s or work unit’s continuing ability to meet workload requirements. At any time, with 5 days notice, the university may discontinue an individual’s participation in this program.
FAMU BOT POLICY

2005-23

BENEFITS AND LEAVES
Board of Trustees Policy Number: 2005-23
Date of Adoption/Revision: October 6, 2005; September 13, 2007; December 3, 2009

Subject | BENEFITS AND LEAVES
---|---
Authority | Chapters 110, 117, 1012 and Sections 92.142, 110.121, 110.118, 110.122, 110.222, Florida Statutes; Fair Labor Standards Act (FLSA) of 1938, as amended, Family and Medical Leave Act (FMLA) of 1993; Americans with Disabilities Act (ADA) of 1990.

Applicability | This policy applies to all University employees.

### 1. BENEFITS AND HOURS OF WORK

(a) Benefits made available to Faculty, A&P, and USPS employees include paid and unpaid leave, holidays, State- and University-sponsored insurance programs and retirement. Benefits and hours of work requirements shall be administered consistent with the provisions set forth herein.

(b) Each employee is expected to work the number of hours in the employee's established workweek unless on approved leave. Benefits shall be provided proportionate to the time on the payroll.

(c) The regular workweek is 40 hours for full-time employees. Holiday pay (maximum of eight hours) and paid leave are not considered overtime and are paid at the employee's regular pay rate. Approved leave may be adjusted to ensure an employee's workweek will not exceed 40 hours. Overtime shall be paid no later than the end of the following pay period in which the overtime was worked.

(d) All eligible Faculty and A&P, including the Executive Service employees are enrolled in the Optional Retirement Program (ORP) for the first ninety (90) days of employment. If the employee wishes to remain in the ORP, he/she must elect to do so prior to the end of the 90-day period. All eligible USPS employees are enrolled in the Florida Retirement System, except those who remain in the State and County Officers and Employees Retirement System or Faculty employees who remain in the Teachers Retirement System.

(e) All eligible Faculty, A&P including the Executive Service and USPS employees may participate in the various employee group insurance plans as a result of their employment with the University.
2. COMPENSATORY LEAVE

Compensatory leave shall consist of the following types:

(a) Regular compensatory leave shall be provided to a USPS exempt employee for work beyond 40 hours on an hour-for-hour basis.

(b) Special compensatory leave is provided to USPS as follows:
   1. Special compensatory leave is provided to compensate an employee for a State holiday when the employee observed the holiday and worked 40 hours the week during which the holiday occurred; the holiday falls on the employee's regularly scheduled day off; or the employee is required to work the holiday.
   2. Special compensatory leave is provided to compensate an employee for administrative leave for jury duty or court appearance when the employee worked 40 hours the week during which the jury duty or court appearance occurred.
   3. Special compensatory leave is provided to employees required to perform essential duties during an emergency closing for the hours worked during the closing.
   4. An employee who separates from employment shall not be paid for accrued special compensatory leave.

(c) Overtime compensatory leave is provided to nonexempt USPS employees who work in excess of 40 hours during the workweek.

3. PAID HOLIDAYS

The following holidays shall be observed by the University as paid annual holidays:

- New Year's Day
- Veteran's Day
- Martin Luther King, Jr., Birthday
- Thanksgiving Day
- Memorial Day
- Friday after Thanksgiving
- Independence Day
- Christmas Day
- Labor Day

4. WINTER BREAK

Winter break refers to that period of time between the end of the fall semester and the beginning of the spring semester. During the winter break, the President, in consultation with the Vice President for Administration and Financial Services, may provide all salaried employees up to five (5) paid personal holidays in addition to the officially designated holidays for December 25 and January 1. The President shall inform the Board of Trustees of the decision regarding the winter break as soon as practicable.
5. **REPORTING LEAVE**

All salaried employees are required to report all leave taken during the pay period in which the leave was used. Employees on official University business are required to properly report such leave.

Failure to report leave taken may result in disciplinary action up to and including dismissal from employment.

6. **LEAVES OF ABSENCE**

   (a) An employee shall be paid proportionate to the time in pay status for all holidays designated for University employees.

   (b) Leave shall be accrued while in pay status and shall be credited on the last day of that pay period or, in the case of separation, on the last day the employee is on the payroll.

   (c) During approved unpaid leave for parental, foster care, medical, or military reasons, an employee may use accrued leave to continue the contributions to State benefits and other expenses.

   (d) Unless agreed otherwise, an employee shall be employed in the same or similar status upon completion of the approved leave period. While on paid leave, an employee may not be employed elsewhere unless prior approval is obtained.

7. **SICK LEAVE**

   (a) Sick leave accrual for full-time employees shall be as follows with proportionate accrual for less than full-time.

   **Hours Accrued During Pay Period**

<table>
<thead>
<tr>
<th></th>
<th>Monthly</th>
<th>Biweekly</th>
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<tbody>
<tr>
<td>Faculty</td>
<td>8.667</td>
<td>4</td>
</tr>
<tr>
<td>A&amp;P</td>
<td>8.667</td>
<td>4</td>
</tr>
<tr>
<td>Ex. Service</td>
<td>10.833</td>
<td>5</td>
</tr>
<tr>
<td>USPS</td>
<td>8.667</td>
<td>4</td>
</tr>
</tbody>
</table>

   (b) Sick leave shall be accrued before use unless available through a sick leave pool. There is no maximum on the amount of sick leave that can be accrued. Sick leave accrued prior to October 1, 1973, shall be used prior to any sick leave accrued after that date.

   (c) Sick leave is authorized for the following purposes:

   1. The employee's personal illness, injury, exposure to a contagious disease, a disability where the employee is unable to perform assigned duties or appointments with health care providers.
2. The illness, injury, appointments with health care providers, or death of a member of the employee's family.

(d) Notice of absence due to illness, injury, disability, or exposure to a contagious disease shall be given on the first day of absence.

(e) Transfer of Sick Leave

1) All unused sick leave accrued in another Florida governmental entity or University for which payment has not been received will be transferable provided no more than 31 days have elapsed between employments or if reemployed by the University within 100 days.

2) An individual who resigns from a governmental entity within Florida and is employed in the USPS within 31 calendar days, may transfer up to 480 hours of accrued unused sick leave as follows:
   i. 80 hours upon date of hire
   ii. 80 hours upon completion of each succeeding year

3) Accrued sick leave from a governmental entity for Faculty and A&P is not permitted, unless a reciprocal agreement is in effect at the time of employment.

(f) Payment for unused Sick Leave

1) Upon separation, an employee with 10 or more years of creditable service shall be paid for one-eighth of all unused sick leave accrued prior to October 1, 1973, and one-fourth of unused sick leave up to a total of 480 hours accrued after October 1, 1973. Sick leave payment shall be made at the employee’s current rate of pay in accordance with Section 110.122, Florida Statutes.

2) An employee with less than 10 years of creditable service who separates from the University shall not be paid for any unused sick leave and such unused sick leave shall be forfeited unless the employee is reemployed by the University within 100 days or recalled from layoff by the University within one year.

3) Upon layoff, an employee with 10 or more years of creditable service shall be paid for unused sick leave, unless the employee requests in writing that sick leave credits be retained pending reemployment. For an employee who is reemployed by the University within one year following layoff, all unused sick leave shall be restored to the employee, provided the employee requests such action in writing and repays the full amount of any lump-sum leave payments received at the time of layoff.
4) In the event of the death of an employee, payment for sick leave unused at the time of death should be made to the employee’s beneficiary, as provided by Section 110.122, Florida Statutes.

(g) An employee is required to first use accrued compensatory leave before using accrued sick leave.

8. **ANNUAL LEAVE**

(a) Annual leave for full-time employees shall be as indicated below with proportionate accrual for less than full-time employees. An academic year (39 weeks) employee and a Developmental Research School employee shall not accrue annual leave. Hours of accrual for USPS employees are based on years of creditable service and such service shall be awarded as one month of service credit for each calendar month that the employee is on the salaried (non-OPS) payroll of the University or other State agency or during authorized unpaid leave.

<table>
<thead>
<tr>
<th>Hours Accrued During</th>
<th>Pay Period</th>
<th>Year End Maximum</th>
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<td>Monthly</td>
<td>Biweekly</td>
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<tr>
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<tr>
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<td>Monthly</td>
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<tr>
<td>USPS (Months of Service)</td>
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<tr>
<td>Over 120</td>
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</tbody>
</table>

(b) Annual leave shall be accrued prior to use.

(c) Upon transfer from an annual leave-accruing position to a non leave-accruing position, the employee shall be paid for unused annual leave, unless the employee elects to retain all unused annual leave, for up to two years.
(d) Annual leave accrued in any other State University System institution or governmental agency shall not be transferable to the University.

(e) An employee who separates from employment shall be paid for all unused annual leave hours up to 240 hours for USPS; 352 hours for Faculty and A&P and 480 hours for Executive Service employees.

(f) An employee is required to first use accrued compensatory leave before using accrued annual leave.

9. LEARNING OPPORTUNITIES

Eligible full-time Faculty and A&P employees may participate in learning opportunities which include:

(a) Sabbaticals - Sabbaticals for professional development will be made available to full-time tenured faculty employees, with at least six years of full-time service with the University. The requirements for Sabbaticals are as outlined in the Collective Bargaining Agreement shall apply.

(b) Faculty Development Leave Program - The Faculty Development Leave Program provides for faculty employees the opportunity to take a period of months, as determined by the University and the faculty employee, for purposes of professional renewal, planned study, formal education research, writing or other experience of professional value. Eligible faculty employees must have achieved the rank of assistant professor or higher and have six years of full-time service at the University. The requirements for participation in the Faculty Development Program as outlined in the Collective Bargaining Agreement shall apply to employees who are members of the collective bargaining unit.

(c) Professional Development Leave Program - All Faculty and A&P employees who have six or more years of service, except those who are serving in tenure-earning or tenured positions, shall be eligible for professional development leave and may apply for the professional development program at full pay for up to one semester for purposes of taking academic course work, performing individual research, or other relevant activities which shall improve the employee's professional experience. Employees whose positions are funded through contracts or grants may be eligible for Professional Development leave provided the contract or grant allows for such leave. The terms of the Collective Bargaining Agreement shall apply to employees who are members of the collective bargaining unit.
10. **COMPULSORY DISABILITY LEAVE**

   Compulsory leave provisions shall be consistent with the following:
   
   (a) Medical certification by an approved health care provider may be required.
   
   (b) Notice shall be provided to the employee identifying duration of the leave, the conditions for return to the position, and whether such leave shall count toward FMLA entitlements.
   
   (c) The employee may be allowed to use paid leave during compulsory leave to continue the contributions to State benefits and other expenses.
   
   (d) Unless agreed otherwise, an employee shall be employed in the same or similar status upon completion of the approved leave period and upon receipt of medical certification.
   
   (e) Employees who fail to meet the conditions of the compulsory leave or who fail to obtain medical certification and are unable to perform duties may be offered part-time employment, placed on unpaid leave or have such leave extended, requested to resign, or be dismissed for inability to perform the duties of the position.

11. **FAMILY AND MEDICAL LEAVE**

   Employees are provided with twelve unpaid workweeks of Family and Medical Leave within a 12-month period in compliance with the Family and Medical Leave Act (FMLA) of 1993 (Public Law 103-3) and the Final Regulations of the Family and Medical Leave Act of 1993 (29 CFR Part 825). Employees may use their accrued sick and annual leave for FMLA purposes. The 12-month period is defined as the fiscal year (July 1 - June 30). Faculty, A&P, and USPS employees may use paid leave for an FMLA event and such shall be counted toward the entitlement.

12. **PARENTAL LEAVE**

   Employees shall be provided with up to six months unpaid parental leave during which time the employee may use paid leave when the employee becomes a biological or adoptive parent. Parental leave shall begin two weeks prior to the expected date of the child's arrival unless otherwise approved by the Chief Administrative Officer.

13. **ADMINISTRATIVE AND MILITARY LEAVE**

   Administrative leave is not accrued, and shall not cause the full-time employee to exceed 40 hours during the workweek. Employees are provided paid administrative leave as follows:
(a) Administrative leave for jury duty shall not exceed the number of hours in the employee's normal workday. If jury duty does not require absence for the entire workday, the employee shall return to work immediately upon release by the court. If the jury duty does not coincide with the regular work schedule, the employee shall be granted administrative leave based on the total hours served on jury duty and such leave shall be granted on the next scheduled work shift. Any jury pay shall be retained by the employee.

(b) Administrative leave shall be provided to an employee summoned as a witness in a matter not involving personal interests. Administrative leave shall not be provided to an employee serving as an expert witness. Witness pay shall be retained by the employee.

(c) Administrative leave for athletic competition in Olympic events shall be provided in accordance with Section 110.118, F.S.

(d) Administrative leave up to two days shall be provided to an employee upon the death of an immediate family member. Immediate family is defined as the mother, father, sister, brother, child, grandparents of both the employee and the employees spouse.

(e) Administrative leave shall be provided for official emergency closing of University facilities. Special Compensatory leave shall be provided to USPS employees required to perform essential services during the emergency closing. Only employees scheduled to work during the time of the emergency closing shall be provided leave.

(f) The President or President’s designee may provide administrative leave for Florida Disaster Volunteers in accordance with Section 110.120, F.S.

(g) The President or President’s designee may grant administrative leave for civil disorder or disaster for an employee who is a member of a volunteer emergency response team.

(h) The President or President’s designee may authorize employees who live at such distance from the work location as to preclude voting outside of regular work hours up to two hours of administrative leave. Any other employee may be granted up to one hour of administrative leave with pay for such purpose.

(i) The President or President’s designee may place an employee under investigation on leave up to the length of the investigation.

(j) The President may place an employee on administrative leave with or without pay between the notice of reduction in pay, suspension, or dismissal and the effective date of such action.
(k) The President or President’s designee may place an employee on administrative leave with or without pay when the employee's presence in the workplace may result in damage to property, or injury to the employee or others.

(l) The President or President’s designee shall upon presentation of a copy of employees' official orders, grant seventeen (17) working days in any one federal fiscal year of administrative leave to employees who are members of the United States Armed Forces Reserve.

14. JOB RELATED DISABILITY LEAVE

Workers' Compensation benefits for an injury compensable under the Florida Workers' Compensation Law shall be provided consistent with the following:

(a) An employee shall remain in full pay status for a period up to a maximum of forty (40) hours without being required to use accrued leave credits. If, during that period, the employee receives Workers' Compensation benefits then the employee shall reimburse the University the amount of the benefits. Such reimbursement shall not include payments for expenses related to medical, surgical, hospital, or nursing treatment or payments of disability losses.

(b) An employee may elect to use paid leave to supplement Workers' Compensation payments up to the employee's regular salary.

(c) The period of paid or unpaid job-related disability leave shall be in accordance with Chapter 440, F.S.

(d) An employee, who was injured in the workplace, may be returned to alternate duty consistent with established University policies or procedures.

(e) If at the end of the leave period, an employee is unable to return from leave to work full-time and perform the duties of the position, the President or President’s designee may offer the employee a part-time appointment, place the employee on unpaid leave or extend the leave status, request the employee's resignation, or terminate the employee from employment.
FAMU BOT REGULATIONS

1.019 University Code of Conduct

2.012 Conduct, Student Code of

2.013 Due Process, Other Rights and Responsibilities

2.028 Anti-hazing

10.103 Non-Discrimination Policy and Discrimination and Harassment Complaint Procedures

10.105 Recruitment, Selection and Employment of University Faculty, Administrative and Professional, Executive Service, University Support Personnel System and Other Personal Services Employees

10.106 Non-reappointment and Separation of Administrative & Professional (A&P) Employees

10.112 Consensual Relationships

10.122 Outside Employment/Activities; Financial Interests and Other Conflicts

10.131 Employee Background Screening and Fingerprinting
FAMU BOT REGULATION

1.019

UNIVERSITY CODE OF CONDUCT
1.019 University Code of Conduct

(1) **Applicability.** This Code of Conduct applies to the following members of the University community: a) faculty, staff and students who are paid for working for the University; b) consultants, vendors and contractors and other individuals using University resources or facilities, or receiving funds administered by the University; and c) individuals who perform services for the University as volunteers and who assert an association with the University. Any reference to the University community as provided in this policy shall refer to all of the above persons.

(2) **Preamble.** As members of the Florida Agricultural and Mechanical University (University) community, all faculty, staff, students, members of the Board of Trustees, University officers and affiliates are responsible for sustaining the highest ethical standards of professional conduct and integrity for this institution, and for the broader community in which we function. We share responsibility for this institution and of its enterprises. The values we hold as essential to responsible professional behaviour include: integrity, honesty, respect and fairness in dealing with other people, and loyalty toward the ethical principles espoused by the Florida Code of Ethics for Public Officers and Employees in Chapter 112, Part III, Florida Statutes. Therefore, adherence by officers, faculty, staff, student employees and others acting on behalf of the University to standards set forth in this Code of Conduct is an integral part of the University’s goal of attracting quality students, faculty and staff, ensuring the use of hazardous materials.

Members also have an obligation to report any noncompliance of regulations that are observed. We are cognizant of and shall comply with the applicable standards, policies, rules, regulations and state and federal laws that govern and guide our work. This Code of Conduct describes standards to guide us in our daily University activities and provides guidelines for those acting on behalf of the University.

(3) **Compliance with Laws and University Rules and Policies.** All members of the University community will strive to ensure that all activity conducted by, at or on behalf of the Institution is in full compliance with applicable federal, state and local laws, and the official rules and policies of the University. Administrators, supervisors and managers...
are responsible for teaching and monitoring compliance. The acceptance of an agreement, including sponsored project funding, may create a legal obligation on the part of the University to comply with the terms and conditions of the agreement and applicable laws and regulations. Therefore, only individuals who have authority delegated by an appropriate University official are authorized to enter into agreements on behalf of the University.

(4) Conflict of Interest and Commitment. Faculty and staff of the University owe their primary professional allegiance to the University and its mission to engage in education, scholarship and research. The University has obligations to parents and students, government, external organizations, and donors to use its resources responsibly and, where required, for designated purposes. Thus, all officers, faculty, principal investigators, staff, student employees and others acting on behalf of the University hold positions of trust, and the University expects them to carry out their responsibilities with the highest level of integrity and ethical behavior. In order to protect the University’s mission, members of the University community with private or other professional or financial interests which conflict with applicable State of Florida's, state or federal laws and University rules and policies must disclose them in compliance with the University’s conflict of interest/conflict of commitment policies and the Florida Code of Ethics for Public Officers and Employees.

(5) Confidentiality and Privacy. The University community shall use confidential information acquired in the course of University affiliation only for official or legal purposes, and not for personal or illegal advantage, during or after such affiliation. It is imperative that each community member complies with all federal laws, state laws, agreements with third parties, and University policies and procedures pertaining to the use, protection and disclosure of such information, and such policies apply even after the community member’s relationship with the University ends.

(6) Protection of Assets. The University community will strive to preserve, protect and enhance the University’s assets by making prudent and effective use of University resources and property and by accurately reporting its financial condition. All funds provided for research must be spent in ways consistent with funding requirements and in compliance with guidelines on allowable costs.

Specific Authority: 120.54, 1001.74, FS. Law Implemented 120.54, 1001.74 FS. History–New
(7) Reporting Suspected Violations.
   
a. Reporting to management. The University community should report suspected violations of applicable laws, regulations, government contract and grant requirements of this Code. This reporting should normally be made initially through normal management channels, beginning with one’s immediate supervisor. If it is not appropriate to report to the immediate supervisor, e.g., the suspected violation is by the manager, individuals may go to a higher level of management within the college of department.

b. Other Reporting. Violations may be reported internally to the Office of the Inspector General, or its successor office, or the Office of the General Counsel. In addition, any suspected violations of state and federal laws may also be reported to the Florida whistleblower’s Hotline.

c. Confidentiality. Such reports may be made confidentially, and even anonymously.

d. Cooperation. All employees are expected to cooperate fully in the investigation of any misconduct.
FAMU BOT REGULATION

2.012

CONDUCT, STUDENT CODE OF
2.012 Conduct, Student Code of.

(1) All student conduct regulations of the University shall be printed in a form or forms which make them available to all students and shall be applicable only upon publication in the Student Handbook, FANG, or other reasonable means of written or electronic notification such as the FAMU Website. The Student Code of Conduct shall hereinafter be referred to as the “Code”.

(2) As members of the academic community, students enjoy the rights and privileges that accrue to such membership including, but not limited to, academic freedom and participation in the decision-making processes of the University. Additionally, students are subject to the obligations and duties that accompany this membership and are responsible for compliance with the requirements of law and with all governance by students, faculty, and staff. It is incumbent upon members of the campus community to notify the appropriate judicial body or officials of a violation of these regulations, to encourage all to comply with them, and assist in their enforcement by testifying as witnesses when called upon to do so. 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. If the Judicial Officer or his/her designee believes after an investigation of the allegations that the allegations have merit, the student will be issued, in writing, an administrative request to appear at an information briefing before the Judicial Officer or his/her designee. At the information briefing, the Judicial Officer or his /her designee will explain to the students the elements of due process that will be afforded to the student.

(3) Discipline may be imposed for offenses against the Code occurring at any of the following locations or activities:

(a) University campus;
(b) University owned or controlled property;
(c) University premises, including but not limited to fraternities, sororities, and organizations property;
(d) Activities sponsored by the University wherever they may occur;
(e) Activities officially approved by the University that are conducted by University chartered organizations wherever they may occur;
(f) Activities occurring off campus, either university or non-university related.

(4) Felony – a serious offense against the University for which a student, upon a finding of responsible, shall be punished by:
(a) Expulsion from the University; or
(b) Dismissal from the University for a period not to exceed five years; or
(c) Suspension from the University for a period not to exceed three years; or
(d) Community service, not to exceed 15 hours per week and not to exceed a total of 11 weeks; or
(e) Probation for a specified period, or for a period not to exceed a total of time needed by the student to complete requirements for graduation; or
(f) Restitution for the loss, damage or injury; or
(g) Discretionary sanctions; or
(h) Counseling—The University can require the student to seek professional counseling in order to remain at the University; or
(i) Any combination of the foregoing that the majority of the hearing body or the University Judicial Officer may, under the circumstances, consider fair and appropriate.

(5) Misdemeanor – an offense against the University for which the student, upon a finding of responsible, shall be punished by:
(a) Suspension from the University for a period not to exceed two semesters; or
(b) Community service, not to exceed 15 hours per week and not to exceed a total of 11 weeks; or
(c) Probation for a specified period, or for a period not to exceed one year; or
(d) A letter of reprimand; or
(e) Restitution for the loss, damage or injury; or
(f) Discretionary sanctions; or
(g) Counseling—The University can require the student to seek counseling from a professional counselor in order to remain at the University; or
(h) Mediation; or
(i) Any combination of the foregoing that the hearing body or judicial officer may, under the circumstances, consider fair and appropriate.

(6) Definition of student conduct terms – The following terms are defined as follows:
(a) Expulsion – a student shall be deprived of his/her opportunity to reenter the University. The student is permanently separated from the University.
(b) Dismissal – separation of the student from the University for a period not to exceed five years. Readmission is conditioned by the recommendation of an ad hoc review board appointed by the President or Vice President for Student Affairs.
(c) Suspension – separation of the student from the University for a definite period of time. The duration of the period of suspension shall not exceed three years and shall be in direct proportion to the degree of seriousness attached to the misconduct.
(d) Probation – an official warning that the student’s conduct violated the code of conduct of the University and requires the withdrawal of special privileges, participation in inter-collegiate activities, and others. The student may not be elected to office during the period of probation. If the student is holding an office, he/she must vacate the office for the term of probation. The penalty of probation may also include a specified monetary fine from $100.00 to $350.00.
(e) Reprimand – a formal rebuke and official recognition by letter to the student of misconduct as charged by the University.
(f) Community service – hours the student may be required to perform in specified areas of service.
(g) Restitution – Compensation for loss, damage, or injury. This may be in the form of monetary or material replacement.
(h) Discretionary sanctions – Work assignments, essays or other related discretionary assignments.
(i) Student—Any person matriculated to the University; any person who enrolls in any course or program in any school, college, institute or unit of Florida A&M University; or any person who has enrolled in any course or program at the University and continues to be
associated with the University because he/she has not completed the course or program at the University. The term “student” will also refer to student clubs and organizations.

(j) University official – Any person employed by the University, performing administrative or professional responsibilities.

(k) Faculty member—Any person hired by the University to conduct classroom instruction and/or research activities or who is otherwise considered by the University to be a member of its faculty.

(l) University—The Florida A&M University whose main campus is located in Tallahassee, Florida and any of its satellite or branch campuses.

(m) University premises—All buildings, land, facilities, and any other property owned, leased, operated, controlled or supervised by the University.

(n) University sponsored activity—Any activity on or off campus which is initiated, aided, authorized or supervised by the University.

(o) Hearing body—Any person or persons who have been authorized by the University to determine whether a student has violated the Code and to recommend sanctions that may be imposed when a Code violation has been committed.

(p) Club and/or organization—Any number of students who have complied with the University requirements for recognition or registration. The term “club or organization” also will refer to student.

(q) Accused Student –The student accused of violating this Code.

(r) Complainant—Any person who submits a charge alleging that a student violated this Code.

(s) The word, “Shall”, is used in the imperative sense.

(t) The word, “Will” is used in the imperative sense.

(u) The word, “May” is used in the permissive sense.

(v) Mediation—This is the actual mediation in which all parties involved in a dispute seek to reach a resolution with the aid of neutral mediators. Agreements reached are based on the interests of all parties so that everyone reaches a satisfactory compromise or settlement of the dispute.

(w) Judicial hold—This prevents the student from conducting any form of registration.
(x)  Sanction—A penalty imposed upon a student after the student has admitted that he/she is responsible or has been determined responsible by the Judicial Officer or a hearing body for violating a provision(s) of the Code.

(y)  Preponderance of Evidence—The term “preponderance of evidence” means that evidence considered as a whole indicates the fact sought to be proved is more probable than not.

(z) “Responsible”—The term “responsible” means that the Accused Student has been found responsible or accepted responsibility for violating a provision(s) of the Code.

(aa) “Not responsible”—The term “not responsible” means that the Accused Student has not been found responsible or did not accept responsibility for the alleged violation(s) of a provision(s) of the Code.

(bb) All code of conduct definitions not included in this Code are in accordance with definitions found in the most recent edition of Blacks Law Dictionary in effect at the time of the violation of the Code.

(7)  A student convicted of a second misdemeanor while on probation shall be liable for punishment of a felony.

(8)  The hearing body or judicial officer may recommend suspension of sanction(s) for a specified period of time where circumstances warrant. A probationary period must be imposed.

(9)  The President of the University or the Vice President for Student Affairs may expel, dismiss or suspend any student when the student’s conduct is detrimental to the University and involves disruption of the University process or is dangerous to the health, safety and morals of the University community.

(10)  Offenses Classified as Felonies and Their Definitions.

(a)  The offense affray is defined as the fighting of two or more students in a public or private place, voluntarily or not, to the disturbance of others. Penalty: Probation up to expulsion.

(b)  The offense assault and battery is defined as the unlawful and intentional application of force to the person of another. This includes physically contacting another person without his/her consent and causing or intending to cause injury or imminent fear of injury. Penalty: Probation up to expulsion.

(c)  The offense assaulting a University official is defined as the unlawful attempt or offer to do bodily harm to an official of the University when the official is in the execution of his office. Penalty: Probation up to expulsion.
(d) The offense disobeying a University official is defined as an intentional defiance of authority. The offense includes disobeying orders of the University official or the use of contemptuous words toward the University official. Penalty: Probation up to expulsion.

(e) The offense breaking and entering is defined as the unlawful breaking into of a building or structure of another, with intent to commit an offense therein. The word building includes a room, classroom, office, store, or trailer. A break includes any removal of any part of the building designed to prevent entry. Opening a closed door or window or other similar fixture, or cutting out the glass or the netting of a screen is defined as breaking. Penalty: Probation up to expulsion.

(f) The student who knowingly, with the intent to deceive, falsifies records or gives misleading information, oral or written, is subject to charges of deliberate deception. Penalty: Probation up to expulsion.

(g) The offense destruction of property is defined as willful and malicious defacement, damage or destruction of University property or the private property of another. It includes vandalizing, misusing or intentional losses of University or private property.

In addition to being subject to disciplinary action, students or student organizations responsible for such damage may be financially liable. The value of the property referred to must be $100.00 or more. Penalty: Probation up to expulsion.

(h) The offense hazing is defined as noted in FAMU Regulation 2.028. Penalty: See subsections (3) and (4) of said regulation.

(i) Stealing is defined as the intent to deprive or defraud the true owner of his/her property or to appropriate the same to the use of the taker or someone other than the true owner. It is taking from the possession of another or obtaining from a person value of any kind, appropriating the same to personal use or to the use of another person other than the true owner. The property alleged as being stolen must be of a value of $100.00 or more. Penalty: Probation up to dismissal.

(j) Lewd and Lascivious Behavior is defined as such behavior as indicated under Section 800.03, Florida Statutes. Penalty: Probation up to expulsion.

(k) Use and/or possession of firearms, ammunitions, explosives, knives, firecrackers, fireworks or any other instrument as a weapon in a reckless manner is prohibited. Firecrackers or fireworks may be used only when approved by appropriate University officials.
1. “Firearm” means any weapon (including a starter gun, BB gun, and) which will, is
designed to, or may readily be converted to expel a projectile by the action of an explosive; the
frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive
device; or any machine gun. The term “firearm” does not include an antique firearm unless the
antique firearm is used in the commission of a riot; the inciting or encouraging of a riot; or the
commission of any felony under this Rule.

2. “Fireworks” means and includes any combustible or explosive composition or substance
or combination of substances, or except as hereinafter provided, any article prepared for the
purpose of producing a visible or audible effect by combustion, explosion, deflagration, or
detonation. The term includes blank cartridges and toy cannons in which explosives are used, the
type of balloons which require fire underneath to propel them, firecrackers, torpedoes,
skyrockets, roman candles, incense, dago bombs, and any fireworks containing any explosives or
flammable compound or any tablets or other device containing any explosive substance. The
term “fireworks” does not include sparklers; toy pistols, toy canes, toy guns.

3. The term “sparkler” means a device which emits showers of sparks upon burning, does
not contain any explosive compounds, does not detonate or explode, is hand-held or ground-
based, and cannot propel itself through the air. Penalty: Probation up to expulsion.

(l) The opening and removing of the mail of another person without authority is a violation
of Federal law. University penalties may also be imposed for such a violation. Penalty: Probation
up to expulsion.

(m) The student convicted of a felony by an off-campus court of competent jurisdiction may
be subject to sanctions by the University. Penalty: Probation up to expulsion.

(n) Violations of the terms of disciplinary action imposed as a result of previous disciplinary
proceedings under the provision of this Code will subject the student to additional sanctions.
Penalty: Probation up to dismissal.

(o) The offense conspiracy is defined as planning with one or more fellow students to
commit an act or acts that violate(s) the University Code of Conduct. Penalty: Probation up to
expulsion.

(p) Identification violations include:

1. To fail to present identification when requested by a University Law Enforcement Officer
or other university official who identifies him/herself. Penalty: Probation up to dismissal.
2. To alter, illegally use or attempt to illegally use an identification card, library card, decal or other means of identification not issued to the student. Penalty: Probation up to dismissal.

3. The student who knowingly, with intent to deceive, allows another to use his/her student identification card, decal or other means of identification. Penalty: Probation up to dismissal.

(q) Stalking:
1. Any person who willfully, maliciously, and repeatedly follows or harasses another person commits the offense of stalking. Penalty: Probation up to suspension.

2. Any person who willfully, maliciously, and repeatedly follows or harasses another person, and who makes a credible threat with the intent to place that person in fear of bodily injury or loss of life; or who fails to comply with an off-campus court order to cease and desist with any such conduct toward subject person or that person’s property commits the offense of aggravated stalking. Penalty: Suspension up to expulsion.

(r) Sexual Battery – The non-consensual oral, anal or vaginal penetration by, or union with the sexual organ of another or the anal or vaginal penetration with an object by another; however, sexual battery does not include an act done for a bona fide medical purpose. Penalty: Suspension up to expulsion.

1. “Victim” means a person who has been the object of a sexual battery.

2. “Alleged Offender” means the person who has been accused of committing sexual battery.

3. Unless expressly prohibited by law, the University is committed to affording the victim of a sexual assault the following rights:
   a. To not require the corroboration of the victim’s testimony.
   b. To prohibit the victim’s past sexual history from being admitted as testimony in university proceedings.
   c. To allow the victim to submit to the Hearing Body during the penalty phase a victim impact statement.
   d. To authorize the Vice President for Student Affairs or Associate Vice President for Student Affairs or Director of Housing to modify living arrangements in cases where the victim and alleged offender live in the same housing complex.
e. To authorize the Vice President for Student Affairs or Associate Vice President for Student Affairs, or the University Judicial Official to issue an immediate administrative restraining order, forbidding the alleged offender from all contact with the victim.
f. To authorize the University provost and/or the academic deans to establish an immediate reassignment of classes for the alleged offender when both alleged offender and victim attend the same classes.
g. To provide on-campus counseling services to victims of sexual assault.
h. To close the proceedings from the public as provided in all other disciplinary proceedings.

(s) Academic Honesty Violations:

1. An academic honesty violation shall include a student who gives or takes information or material and wrongfully uses it to aid himself/herself or another student in academic endeavors. It shall further include receiving unauthorized written or oral information from a fellow student. Additionally, it shall include stealing, buying, selling, or referring to a copy of an examination before it is administered.

2. In the instance of papers written outside of the class, academic honesty violations shall include plagiarism. Plagiarism may be specifically defined for the purposes of any course by the instructor involved. Unless otherwise defined, plagiarism shall include failure to use quotation marks or other conventional markings around material quoted from any source. Plagiarism shall also include paraphrasing a specific passage from a specific source without indicating accurately what that source is. Plagiarism shall further include letting another person compose or rewrite a written assignment.

3. A student who assists in any of the academic honesty violations mentioned above shall be considered equally as responsible as the student who accepts such assistance.

4. For procedural information regarding academic honesty violations, students should consult with the academic dean or director in the respective school or college.

5. The penalties for academic honesty violations shall include: reprimand, reduction of grade; denial of academic credit; invalidation of university credit or of the degree based upon such credit; probation; suspension; dismissal; or expulsion. In addition to any other penalties that may be imposed, the individual or student may be denied admission or further registration, and the University may invalidate academic credit for work done by a student and may invalidate or
revoke the degree based upon such credit if it is determined that the student has made false, fraudulent, or incomplete statements in the application, residence affidavit, or accompanying documents or statements in connection with, or supplemental to, the application for admission to or graduation from the University.

(t) Theft or other abuse of computer facilities and resources, including but not limited to:
   1. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
   2. Unauthorized transfer of a file.
   3. Use of another’s individual’s identification and/or password.
   4. Use of computing facilities and resources to send obscene or abusive messages.
   5. Use of computing facilities or resources to interfere with normal operation of the University computing system.
   6. Penalties—Written reprimand up to suspension.

(u) Abuse of the Student Judicial System, including but not limited to:
   1. Failure to obey the notice from the University Judicial Officer to appear for a information briefing or hearing as part of the student judicial system.
   2. Falsification, distortion, or misrepresentation of information before a hearing body.
   3. Disruption or interference with the orderly conduct of a judicial hearing.
   4. Attempting to discourage an individual’s proper participation in, or use of, the student judicial system.
   5. Attempting to influence the impartiality of a member of a hearing body prior to, during, and/or after a judicial hearing.
   6. Harassment, verbal or physical, and/or intimidation of a member of the hearing body or a witness prior to, during, and/or after a judicial hearing.
   7. Influencing or attempting to influence another person to commit an abuse of the student judicial system.
   8. Penalties—Written reprimand up to suspension.

(v) Participating in an on-campus or off-campus demonstration, riot, or activity that disrupts or obstructs the normal operations of the University and/or infringes upon the rights of other members of the University community; leading or inciting others to disrupt scheduled
and/or normal activities within any campus building or area. Penalty: Probation up to Suspension.

(w) Obstruction of the free flow of pedestrian or vehicular traffic on University premises. Penalty: Written reprimand up to suspension.

(x) Use, possession, manufacturing, or distribution of illegal drugs and/or substances.

1. The University has a Zero Tolerance Policy for the use, possession, manufacturing or distribution of illegal drugs and/or substances.

2. Zero Tolerance means that the student may be removed from University housing, and up to suspension or expulsion from the University.

(y) Use, possession, manufacturing, or distribution of alcoholic beverages, or public intoxication. Penalty: Probation up to dismissal.

(z) Harassment—Words, conduct or action of a repeated nature being directed at a male or female, that annoys, alarms or causes substantial emotional distress to the male or female. Penalty: Probation to Suspension.

(aa) Extortion – The act or practice of obtaining something or compelling some action by force, coercion, intimidation or threat.

(11) Offenses Classified as Misdemeanors and Their Definition.

(a) The offense assault is defined as an unlawful offer or attempt to do bodily harm toward the person of another. Penalty: Letter of reprimand up to suspension.

(b) The student who gives or takes any information or material with the intention of wrongly using it to aid himself/herself or another student in academic endeavors shall be subject to the charge of cheating. This includes falsifying, tampering, altering, forging, or misusing any University record or official document or knowingly supplying false or misleading information to a University official. Penalty: Letter of reprimand up to suspension.

(c) The offense destruction of property is defined as willful and malicious defacement, damage or destruction of University property or the property of another. It includes vandalizing, misusing or intentional loss of University or private property. In addition to being subject to disciplinary action, students or student organizations responsible for such damage may be financially liable. The value of the property referred to must be less than $100.00. Penalty: Letter of reprimand up to suspension.
(d) The offense disorderly conduct encompasses the act or acts, disorders and neglect which affect the peace, harmony, and well being of the University community to the prejudice of good order and discipline. Disorderly conduct includes, but is not limited to the use of profanity in public, drunkenness in University buildings and grounds and the use of insulting or defamatory language. Penalty: Letter of reprimand up to suspension.

(e) The offense stealing is defined as the intent to deprive or defraud the true owner of his/her property or to appropriate the same to the use of the taker or someone other than the true owner. It is taking from the possession of another or obtaining from a person value of any kind, appropriating the same to personal use or to the use of another person other than the true owner. The property alleged as being stolen must be of a value of less than $100.00. Penalty: Letter of reprimand up to suspension.

(f) The possession of firearms, ammunitions, explosives, firecrackers or fireworks, or the possession of a knife or other discharges or weapons of whatever kind or character is in violation of the code of conduct. Penalty: Letter of reprimand up to suspension.

(12) The time limit for filing a charge against a student for violation of the Code should be filed within twenty days of the date the violation was committed or discovered, whichever is later. The University Judicial Officer may exercise professional discretion when applying the time limit for filing a charge against a student when there are circumstances that warrant a waiver of the twenty days from the date of discovery. Circumstances that may warrant a waiver include but are not limited to: stalking, sexual battery, or relationship violence, in which the delay may be related to issues of victimization. The written notice of the charge of violation to the accused student should proceed the actual hearing date or information briefing with the accused student by no less than three workdays, except in an emergency. A hearing shall normally be scheduled with ten workdays of the date of the notice of the charge of violation to the accused student, unless the accused student and the Judicial Officer or his/her designee agree in writing to a later hearing date or unless there are extenuating circumstances. Extenuating circumstances that may warrant a delay of a hearing include, but not limited to: unavailability of witnesses, illnesses, death, pending civil or criminal proceedings which might prejudice University findings, an on-going related law enforcement investigation, and written requests for continuance from an attorney secured by the accused student or from university attorney.
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.

Violation of residence hall policies and procedures are punishable as misdemeanors. Violation of the Visitation Policy as found in the Residence Life Handbook shall carry either an arrest for trespassing, suspension or probation and the removal from residing in University housing facilities.

The President or Vice President for Student Affairs may summarily dismiss or expel any student, pending a hearing at a later date if requested, who is convicted of or pleaded guilty to a criminal offense of a kind which interferes with the educational orderly operation of the University, or a kind which, if the student were allowed to remain enrolled, would endanger the health, safety, or property of the members of the academic community.

A student who fails to respond to an administrative request to appear shall be prohibited from attending classes and participating in extra-curricular activities until compliance with the administrative request to appear is effected.

If a student charged with a violation of the Student Code of Conduct, regardless of which judicial body may hear the matter, wishes to have the hearing postponed because there is pending or possible civil or criminal litigation which he/she feels might be prejudiced by the findings of the University hearing, such postponement may be granted provided the student requests it in writing and agrees to accept the imposition of probation, suspension or withdraws from the University voluntarily, depending upon the gravity of the offense. Such probation, suspension or withdrawal will be determined and activated by the University Judicial Officer with recommendations to the Vice President for Student Affairs. Action taken shall remain in force until such time as the student requesting a hearing appears before the appropriate hearing body.
and a hearing is held. The student shall be informed whether he/she would be placed on probation or would be suspended prior to his making a decision to postpone the hearing.

18) Students are required to carry a Florida A&M University picture identification card at all times. Failure to do so, may subject them to a reasonable detention by appropriate University authorities.

19) In addition to the right of University officials to enter a student’s room in University housing pursuant to the terms of the Housing and Board Agreement, officials may enter when an emergency exists, where there is reasonable cause to believe there is a clear and present danger or where there is a reasonable belief that contraband is present which interferes with the educational process of the University, or where the health, safety and morals of the University community are in imminent and apparent danger.

20) In the event a student charged with an offense wishes to waive, in writing, his/her right to a hearing and/or an appeal of a hearing to the appropriate official or hearing body and the University Judicial Officer wishes to accept jurisdiction, the University Judicial Officer may make a determination of facts and, if the student is found responsible for the offense, make a recommendation of penalty. The student’s written waiver shall be obtained after being given an explanation of the charges against him/her and of his/her rights to a hearing and appeal under the Student Code of Conduct. The student shall have two (2) workdays from the date of signing the waiver to rescind, in writing, his/her waiver and request a hearing. In the absence of a rescission of waiver, the student shall be informed in writing of the decision of his/her case within ten (10) workdays from the date of the waiver.

21) When a student is accused of a violation, which in the opinion of the University Judicial Officer, if proven, would not warrant a penalty in excess of probation, the University Judicial Officer may channel the case to the Student Government Association Supreme Court.

22) In the event the offense charged is within the jurisdiction of more than one primary hearing body, the University Judicial Officer shall determine which primary hearing body shall hear the charge.

23) Decisions of the Student Supreme Court pursuant to subsection (21) above, Residence Life informal hearing panels and administrative hearing panels are appealed to the Associate Vice President for Student Affairs. The final appeal within the University is to the President or Vice President for Student Affairs.
(a) The student has ten (10) workdays from the date of the written notification of the decision by the hearing body to make his/her appeal in writing and file same with the Office of the Dean of Students.

(b) The written appeal must specify reason(s) why consideration should be granted and should only deal with matters of record, procedure, testimony and/or evidence.

(c) No student’s final penalty shall begin to run until all University appeals are exhausted or denied, except as specified under (13) above.

(24) A tape/video recording or verbatim recording of each hearing will be made and preserved until the appeal process has been exhausted. Deliberations shall not be recorded. During the appeal period the accused, with or without the company of legal counsel, and/or advisor, and/or parent with the written authorization of the Accused Student will be granted permission to listen to the recorded testimony under arrangements as determined by the University Judicial Officer, with the express understanding that the record is to remain confidential to the extent provided by law. The student may, at his/her own expense, arrange for the making of a full transcript of the hearing by employment of a stenographer and/or videographer. Other than the above modes of recording the hearing, other mechanical, electronic devices for recording or broadcasting shall be excluded from the hearing. If the student chooses to appeal, the record shall be made available to the accused and the President or Vice President for Student Affairs or his designee. Refer to University Regulation 2.012 for additional information regarding disciplinary records.

(25) The President of the University or Vice President for Student Affairs reserves the right to appoint an ad hoc committee to hear matters regarding, but not specifically limited to, the subject matter of subsections (9), (13), and (15) above. The chairperson of the committee, who may be an academic dean or director, shall be appointed by the President or Vice President for Student Affairs.

(a) The student shall have five workdays from the date of the notice to request in writing an emergency hearing at which the student may show cause why his or her continued presence on the University campus is not a threat pursuant to Section (13) of the Student Code of Conduct.

(b) The emergency hearing shall be held within five workdays of receipt of the written request from the student for an emergency hearing. The emergency hearing shall not abrogate the right of the student to request in writing a regular (non-emergency) hearing on the merits of the case, i.e., whether the student committed the alleged offense or offenses under the Student Code
of Conduct. The written request form the student for a regular (non-emergency) hearing on the merits of the case must also comply with the specified time period for requesting a regular (non-emergency) hearing as stated in the notice to the student.

(26) The hearing body, ad hoc committee or University Judicial Officer shall afford the accused student with due process as, provided by FAMU Regulation 2.013, and/or Board of Governors Regulation 6C-6.0105(5). The regulations or codes implementing the due process provisions as well as other matters referenced in said rules but not included herein shall be printed in the student handbook, the FANG, under the section entitled “Student Rights, Responsibilities and Code of Conduct.”

(27) Students who have a change of address after registration must file a change of address form at the Office of the University Registrar and/or via Our FAMU. All notices, decisions and outcomes of judicial matters connected with the disciplinary process will be mailed to the student’s last known local address as filed with the Registrar’s Office and/or via Our FAMU. All notices, decisions and outcomes of judicial matters connected with the disciplinary process will be mailed to the student’s permanent home address when there is no local address furnished to the Office of the Registrar and/or via Our FAMU by the Accused Student. This method shall constitute proper notification to the Accused Student.

(28) Disciplinary hearings shall be conducted in accordance with the following guidelines:

(a) All hearings shall be closed to the public unless required by law.

(b) The Complainant, Accused Student and his/her advisor, if any, shall be allowed to attend the entire portion of the hearing at which information is received, excluding deliberation. Admission of any person to the hearing shall be at the discretion of the University Judicial Officer or chairperson of the hearing body.

(c) In judicial hearings involving more than one Accused Student, the University Judicial Officer or the chairperson, in his or her discretion, may permit the hearing concerning each student to be conducted separately or jointly.

(d) The Complainant and the Accused Student have the right to be assisted by an advisor they choose, at their own expense. The advisor may be an attorney. The Complainant and/or the Accused Student are responsible for presenting his or her own information and, therefore advisors are not permitted to speak or participate directly in any hearing before a judicial hearing body. A student should select an advisor whose schedule allows attendance at the scheduled date
and time of the hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor. The student must provide, in writing, to the University Judicial Officer or the chairperson of the hearing body, the name, mailing or email address, and phone number of his/her advisor at least three workdays days prior to the hearing date.

(e) The Complainant, the Accused Student and may arrange for witnesses to present pertinent information to the hearing body. The University will try to arrange the attendance of possible witnesses who are members of the University community, if reasonably possible and who are identified by the Complainant and/or the Accused Student at least three workdays prior to the judicial hearing. Witnesses will provide information to and answer questions from the hearing body and the Accused Student. No witness may be compelled to provide self-incriminating information.

(f) If the Accused Student fails to appear at the hearing after being properly notified, the hearing body may hear the case on the basis of evidence accumulated as a result of witnesses and shall notify the Accused Student of the decision. In the absence of the Accused Student, the plea of not responsible shall be entered on the student’s behalf by the chairperson of the hearing body.

(g) An Accused student may request only one postponement of a judicial hearing by contacting in writing the University Judicial Officer at least three workdays prior to the hearing. Postponement of the hearing shall be at the discretion of the University Judicial Officer or his/her designee.

(h) Witnesses shall not serve as advisors at any judicial hearing. At the time of the hearing, an automatic postponement shall be granted if the composition requirements of the hearing body are not met.

(i) If any member of the hearing body feels that he or she had previous contact with the case or with the students involved so that a fair judgment cannot be rendered, the member must request that he or she not serve for the hearing. The Accused Student may request that any member of the hearing body be excused whenever the student can show a bias on the part of the member. The chairperson of the hearing body will decide on such challenges and, if appropriate, ask the member to excuse him or herself. If the chairperson of the hearing body is challenged by the student, the hearing body will decide by a majority vote whether or not the chairperson should be requested to excuse him or herself, notwithstanding that the chairperson does not vote on whether the Accused Student is responsible or not responsible for violating the Code.
(j) An Accused student may be diverted from the disciplinary process or hearing if prior to or during the disciplinary process or hearing, it is determined by Associate Vice President for Student Affairs pursuant to Sections (6-13) of University Regulation 2.007, Voluntary and Involuntary Withdrawal, that the Accused student has a mental disorder and the objectionable behavior appears to be a result of the mental disorder.

(k) Pertinent records, exhibits, and written statements may be accepted as information for consideration at the discretion of the chairperson of the hearing body.

(l) All procedural questions are subject to the final decision of the chairperson of the hearing body.

(m) After the portion of the judicial hearing concludes in which all pertinent information has been received, the hearing body shall determine by a majority vote whether the Accused Student is responsible or not responsible for violating each section of the Code which the Accused Student is charged. The chairperson of the hearing body cannot vote.

(n) Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court proceedings, are not used in Student Code of Conduct hearings.

(o) The burden of proof in all judicial hearings shall be on the accuser. A “preponderance of evidence” shall constitute the burden of proof standard in all judicial hearings.

(p) The University Judicial Officer and/or the chairperson of the hearing body, under extraordinary circumstances, may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Accused Student, and/or witnesses during the hearing by providing separate waiting rooms and/or by permitting participation, when feasible, by video conferencing, videotape, audio tape, or other means.

(q) The disciplinary hearing body is comprised of faculty members, staff members, administrators and students. The composition is variable from 3 to 5 persons, depending upon the nature of the violation. At least one of the members must be a student.

(r) The above guidelines for conducting a judicial hearing are not exhaustive. Therefore, the University Judicial Officer may adopt additional guidelines for the conduct of judicial hearings that are not inconsistent with the provisions of this Code. Such procedural guidelines must be approved by the Vice President for Student Affairs or his/her designee and must be in writing and made available to the Accused Student and all witnesses at least three workdays prior to the hearing.
(29) Victim Rights- Victim is defined as the person harmed by a violation of the Code by the Accused Student. Victims of violations of the Code have the following rights in accordance with all federal and state laws:

(a) To have an advisor of the alleged victim’s choice accompany him/her when presenting information to the hearing body and to any other relevant meetings held throughout the disciplinary process.

(b) To submit a victim impact statement to the hearing body. This information may be used only in the sanctioning phase of deliberations, if the Accused Student is found responsible for the violations/charges. If the Accused Student appeals the decision on the basis of severity of the sanction imposed, he/she will have the right to view the victim’s impact statement upon written request.

(c) To have unrelated past behavior excluded from the hearing. The University Judicial Officer or chairperson of the hearing body will decide if such information is unrelated.

(d) To submit questions to the Judicial Office at least three workdays prior to the hearing. The University Judicial Officer will decide whether the questions are relevant and should be presented at the hearing.

(e) To be present throughout the hearings, or portions thereof, at the discretion of the University Judicial Officer.

(f) To have personal property returned to them if in the current possession of the University. The determination of when this property may be returned is left to the University Judicial Officer and/or University Department of Law Enforcement.

(g) To be notified of the outcome, including both the decisions and the sanctions of the disciplinary process.

(h) For victims of sexual battery, refer to additional rights noted under Section (10) r above.

(30) Unless specifically stated otherwise herein, the provisions of this Code should be read and interpreted broadly, and are not intended to define misconduct in exhaustive terms.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(10)(e), 1006.60, 1006.61, 1006.62, 1006.63 FS. History–New 10-1-75, Repromulgated 3-8-76, Amended 8-6-78, 12-22-83, Formerly 6C3-2.12, Amended 9-14-87, 1-26-04, Amended June 29, 2006. Cf. BOR University Rule 6C3-2.028, F.A.C., on anti-hazing
FAMU BOT REGULATION

2.013

DUE PROCESS, OTHER RIGHTS AND RESPONSIBILITIES
2.013 Due Process, Other Rights and Responsibilities.

(1) The due process requirements contained below shall be applicable in all cases involving academic dishonesty and matters involving alleged violations of the Student Code of Conduct. Due process as applied by the University and its schools and colleges shall include, as a minimum, the following:

(a) The student shall be provided with written notice of the charges against him/her in sufficient detail and in sufficient time to prepare for a hearing before an appropriate committee or hearing body, as established by the University or its colleges, schools, or institutes, or before the appropriate University official;

(b) The University or its colleges and schools shall establish a minimum number of days in advance of the hearing to present the written notice of charges, but in no case will this notice be less than three days, except in cases of emergency as specified below;

(c) The Student shall be entitled to a prompt hearing before an appropriate committee or hearing body, as established by the University or its colleges, schools or institutes; or the student shall have the option to request adjudication of the matter by an appropriate official designated by the University or its colleges, schools or institutes;

(d) The student and his/her advisor may inspect all of the evidence that will be presented against the student at least three (3) workdays before the student disciplinary hearing. The University shall also have the right to inspect any information the student intends to use at least three (3) workdays before the student disciplinary hearing;

(e) The student may present evidence on his/her own behalf;

(f) The student may hear and question adverse witnesses;

(g) The student shall not be forced to present testimony which would be self-incriminating; however, the university and/or its colleges and schools is not required to postpone the proceedings pending the outcome of any outside prosecution and a disciplinary penalty or
sanction imposed under the university’s code of conduct is in addition to any penalty imposed by the courts for the criminal system;

(h) The student may have an advisor of the student’s choice present at the hearing;

(i) The decision of responsible or not responsible on the charges shall be based solely on the evidence presented at the hearing;

(j) The decisions of any committee or hearing body, or of any university official, shall be presented to the student in writing and within fourteen business days following the hearing;

(k) The student may appeal the decision of any committee or hearing body or of any university official, within a period specified by the university or its colleges, schools or institutes in the written procedures, to the president or the president’s designee; and

(l) The student’s status will remain unchanged pending the university’s final decision in the matter, except where the president or president’s designee determines that the safety, health or general welfare of the student or the university is involved. A student’s enrollment status may be changed only in cases where the president or president’s designee determines that an emergency exists, which affects the safety, health or general welfare of the student or other students or the university and/or its employees.

(m) At the conclusion of the appeals process, the decision of the president or the president’s designee shall be final.

(2) Additional due process protections as may be provided by regulation or policy of the Board of Governors shall also be applicable to cases involving academic dishonesty or violations of the Student Code of Conduct as indicated by said regulation. Refer to Board of Governors Regulation 6C-6.0105(5).

(3) All students enrolled at the university shall be accorded the basic rights as set forth below.

(a) The right of respect for personal thoughts; the right of freedom from indignity of any type; the right to expect an education of the highest quality; and the right to make the best of one’s talents and time toward the objectives which brought him/her to the University.

(b) The right to inquire about and to recommend improvements in University policies, regulations and procedures through established protocol.

(c) The right to participate in the self-governing process of student organizations pursuant to the procedures of the University and affected organizations.
(d) The right to be represented on University-wide committees in accordance with University procedures.

(e) The right of freedom of expression and peaceful assembly as defined and governed by the constitutions of the United States and the State of Florida and the regulations of the University.

(f) The right to participate in dialogue during public discussions that provide a diversity of opinions.

(g) The right to join University clubs and organizations for educational, political, social, religious and cultural purposes in accordance with the guidelines, procedures and regulations of the University and the respective clubs and organizations.

(h) The right of due process.

(i) The right of freedom of press and media to publish and distribute materials in accordance with the constitutions of the United States and the State of Florida and the regulations of the University.

(4) Florida A&M University encourages its students to help maintain a healthy academic climate where students can intellectually grow and develop as mature and responsible individuals. Concomitant with student rights are student responsibilities. These responsibilities include but are not limited to the following:

(a) The responsibility of making the most of their educational opportunities by attending classes and laboratory periods on regular basis and by completing all academic requirements, in a satisfactory manner, as stated in each course syllabus while taking advantage of the many opportunities provided in a University environment for all around personal growth, development, and maturation.

(b) The responsibility of knowing and observing all published university policies, procedures and regulations (e.g. the General Catalog of the University and Student Handbook, etc.) as well as state and federal laws and requirements.

(c) The responsibility of taking the initiative in exercising the democratic processes to include, but not be limited to, voting and performing community or volunteer services.

(d) The responsibility of ensuring the orderly operation of the university through appropriate conduct in and out of the classroom.

(e) The responsibility of assuming the consequences of one’s own actions, and to avoid conduct detrimental in its effect upon fellow students and members of the university community.
Specific Authority 1001.74(4) FS. Law Implemented- 1001.74(4) 1006.60, 1006.61, 1006.62FS. History–New 10-1-75, Formerly 6C3-2.13, Amended 9-14-87. Amended June 29, 2006.
FAMU BOT REGULATION

2.028

ANTI-HAZING
2.028 Anti-hazing.

(1) It is the policy of Florida Agricultural and Mechanical University that any student(s), group(s) of students, or student organization(s) affiliated with the Florida Agricultural and Mechanical University are prohibited from engaging in any form(s) of hazing activities.

(2) The term hazing shall include, but not be limited to, pressuring or coercing the student into violating state or federal law, any brutality of a physical nature, such as striking in any manner, whipping, beating, branding, exposure to the elements, forced consumption of food, liquor, drugs, or other substances, or other forced physical activities that would adversely affect the health or safety of the student and also includes any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contacts, forced conduct that would be demeaning or results in extreme embarrassment or any other forced activity that could adversely affect the mental health or dignity of the student. Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective. For purposes of this section, any activity as described above, or any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes, including, but not limited to, initiation or admission into or affiliation with a university sanctioned organization, shall be presumed to be hazing and a “forced” activity, the willingness or consent of an individual to participate in such activity notwithstanding.

(3) Penalties – Any student(s), student group(s), or student organization(s) which are affiliated with the Florida Agricultural and Mechanical University, on campus or off-campus, that are found responsible for hazing will be subject to appropriate sanctions by the university, which may include the imposition of fines; withholding of grade(s), transcripts and/or diplomas pending payment of fines or pending compliance with the current Student Code of Conduct, Regulation 6C3-2.012,
F.A.C., of which this Regulation becomes a part of; the imposition of counseling, probation, suspension, dismissal or expulsion of said person(s) or organization(s), and/or the rescission of permission for the University sanctioned organization(s) to operate on the Florida A&M University campus or to otherwise operate under the sanction of the University.

(4) All penalties imposed by the University do not absolve the student(s), group(s) of students, or student organization(s) from any penalty imposed for violation of criminal laws of the State of Florida, including but not limited to such criminal penalties prescribed in s. 1006.63, Florida Statutes, for penalties imposed in civil proceedings or for violation of any other university Regulation(s) to which the violator(s) may be subject. It shall not be a defense that the consent of the victim to participate was obtained, the conduct or activity that resulted in the death or injury of the person was not part of an official university organizational event or was not otherwise sanctioned or approved by the university organization or the conduct or activity that resulted in death or injury of the person was not done as a condition of membership to a university organization.

(5) All existing university sanctioned organizations are required to amend their existing by-laws to include an anti-hazing section, and all future university sanctioned organizations must include the same in their by-laws. A copy of the by-laws shall be kept on file in the Office of Student Activities. Advisors and each member of a university sanctioned organization must attend one Fall semester and one Spring semester hazing workshop each academic year.

(6) Any person, including trustees, administrators, faculty, staff, students, members of direct support organizations, vendors, guests and volunteers having knowledge of or receiving information regarding any activity which may constitute hazing or a violation of this regulation must contact the FAMU Department of Public Safety within twenty-four (24) hours at (850) 599-3256. Any person who fails to report any activity of hazing shall be in direct violation of this regulation.

(7) It shall be expressly prohibited for any person, including trustees, administrators, faculty, staff, students, members of direct support organizations, vendors, guests and volunteers, to retaliate against a person because that person has been a victim of hazing, reported hazing, refused to
participate in hazing, assisted in the investigation of hazing, or participated in the prosecution of any alleged hazing.

(8) Any person who has experienced retaliation for reporting any activity, which may constitute hazing or a violation of this regulation, shall have the right to file a retaliation complaint with the Division of Audit and Compliance within twenty-four (24) hours of becoming aware of the act of retaliation at (866) 445-4968.

Specific Authority: Article IX, Section 7(c), Florida Constitution, 1006.60, 1006.61, 1006.62, 1006.63 FS. History: New 4-3-83, Formerly Rule 6C3-2.028, Amended 1-26-04, 5-9-12.
FAMU BOT REGULATIONS

10.103

NON-DISCRIMINATION POLICY AND DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURES
10.103 Non-Discrimination Policy and Discrimination and Harassment Complaint Procedures.

(1) It is the policy of Florida A & M University that each member of the University community be permitted to work or attend class in an environment free from any form of discrimination including race, religion, color, age, handicap, disability, sex, marital status, national origin, veteran status, and sexual harassment, as prohibited by state and federal statutes. Organizations using University facilities, support or services must assure that they do not illegally discriminate in their membership with respect to race, color, religion, age, handicap, disability, sex, marital status, national origin, and veteran status. This commitment applies to all areas affecting students, faculty, administrative and professional (A &P) employees, Executive Service employees, University Support Personnel System (USPS) employees and Other Personal Services (OPS) employees. It is also relevant to the University’s selection of contractors, to suppliers of goods and services, and any employment conditions and practices.

(2) Definition of Discrimination and Harassment.

(a) Discrimination shall include, but not be limited to:

1. Limiting, segregating or classifying students, employees, applicants for admission, or applicants for employment, in such a way as to deprive individuals of educational or employment opportunities or otherwise adversely affect individuals because of their race, religion, color, age, handicap, disability, sex, marital status, national origin or veteran status;

2. Denying educational or employment opportunities to individuals because of their race, religion, color, age, handicap, disability, sex, marital status, national origin or veteran status;

3. Providing unequal educational or employment opportunities to individuals because of their race, religion, color, age, handicap, disability, sex, marital status, national origin or veteran status;

4. Providing unnecessary separate educational programs or activities for individuals because of their race, religion, color, age, handicap, disability, sex, marital status, national origin or veteran status;

5. Entering into contractual or other arrangements which utilize criteria or
administrative methods which have the effect of subjecting individuals to
discrimination or which otherwise adversely affect individuals because of their race,
religion, color, age, handicap, disability, sex, marital status, national origin or veteran
status;

6. The application of any policy or procedure, or taking of any admission or
employment action, that adversely affects a student, employee, applicant for
admission, applicant for employment, a group of students, or a group of employees
based on race, religion, color, age, handicap, disability, sex, marital status, national
origin or veteran status.

(b) Harassment shall include, but not be limited to:

1. Any slurs, innuendoes or other verbal or physical conduct reflecting on an
individual’s race, ethnic background, gender or handicapping condition which has the
purpose or effect of creating an intimidating, hostile or offensive educational or work
environment; has the purpose or effect of unreasonably interfering with the
individual’s work or school performance or participation; or otherwise adversely
affects an individual’s employment or educational opportunities.

2. The denial of or the provision of aid, benefits, grades, rewards, employment,
faculty assistance, services, or treatment on the basis of sexual advances or requests
for sexual favors.

3. Sexual advances, requests for sexual favors, and other verbal or physical
conduct of a sexual nature when submission to such conduct is made either explicitly
or implicitly a term or condition of an individual’s employment or educational career;
submission to or rejection of such conduct is used as a basis for educational or
employment decisions affecting the individual; or such conduct has the purpose or
effect of unreasonably interfering with an individual’s work or educational
performance or creating an intimidating, hostile or offensive working or educational
environment.

(3) Dissemination and Implementation of the Regulation.

(a) The Office of Equal Opportunity Programs shall disseminate this regulation or
portions of it to the University community which shall comply and adhere to its provisions.
All units shall also take appropriate action to implement the provisions set forth in this
regulation.

(4) Procedures for Filing a Complaint.

(a) Any individual who believes that he/she is a victim of discrimination or harassment
may seek guidance from the Equal Opportunity Programs (EOP) Officer who has been
delegated authority by the President to receive and investigate EEO discrimination and
harassment complaints based on a protected class issue. The EOP Officer shall inform
prospective complainants of the formal and informal options by which his/her concern can be
addressed and resolved. Issues handled informally will not normally invoke the investigatory procedures set forth in this regulation. Issues handled formally, shall include the full range of processes and reviews that are necessary to ascertain the facts.

(b) A formal complaint shall be filed on the Charge of Discrimination/Harassment Form and submitted to the EOP Officer within 60 calendar days after the alleged occurrence of the discrimination/harassment incident. The form may be obtained from the EOP Office.

(c) No formal action may be undertaken unless and until a formal complaint is filed. This provision shall not limit the University in any way from initiating its own review of the complaint and taking appropriate action should such be deemed warranted under the circumstances presented.

(d) After receiving the signed written complaint, the EOP Officer shall notify, in writing, the complainant and the person against whom the complaint was filed of the allegations; provide the person against whom the complaint was filed an opportunity to respond; conduct a complete investigation; and, determine a resolution to the complaint within thirty (30) working days of receipt of the written complaint.

(e) The complaint will be dismissed if it is determined that the allegations are without merit. If disciplinary action is warranted, the EOP Officer shall prepare written notices to both parties (complainant and person against whom the complaint was filed). The written notice shall include the proposed disciplinary action, the reasons for the disciplinary actions, and the right of the person against whom the complaint has been filed to request, within ten (10) working days of receipt of the proposed disciplinary action, an investigatory interview before a University hearing board.

(f) The University hearing board, when charged to review the complaint, shall file with the President or President’s designee their findings and recommendations. The hearing board will notify both parties of its recommendations.

(g) The Complainant or the person against whom the complaint has been filed may upon receipt of the hearing board’s decision make an appeal to the President, or the President’s designee, for a review of the decision. Any appeals to the President or President’s designee must be filed in writing within ten (10) working days of receipt of the hearing board’s written decision. Any additional information provided to the President or President’s designee can only be provided in conjunction with the written appeal addressed to the President or President’s designee. The President or President’s designee shall render, within working twenty (20) working days of receipt of the hearing board’s recommendation, a final written
decision either dismissing the complaint or taking appropriate disciplinary action. The President or President’s designee shall have the right to affirm, modify or reverse any prior decisions.

(5) **Disciplinary Actions.**

(a) Any employee or student of the University who is found to have discriminated against or harassed a student, an employee or an applicant for admission or employment will be subject to counseling or disciplinary action. Disciplinary action may include a written reprimand, probation, suspension, expulsion, or dismissal. The nature of the counseling or disciplinary action shall be guided by the seriousness of the offense.

(b) Any employee in a supervisory capacity who has knowledge of a complaint involving another supervisor, subordinate, employee(s) supervised by another supervisor, or student(s) in the class(es) of another supervisor and who does not take appropriate corrective action or report the matter directly to the President or University EOP Officer will be subject to counseling or disciplinary action. Disciplinary action may include a written reprimand, suspension or dismissal. The nature of the counseling or disciplinary action shall be guided by the seriousness of the offense.

(c) Any employee or student who knowingly files a false complaint of discrimination or harassment or who knowingly provides false testimony under this regulation shall be subject to disciplinary action. Disciplinary action may include a written reprimand, probation, suspension, expulsion or dismissal. The nature of the disciplinary action shall be guided by the seriousness of the offense.

(6) **Retaliation Procedure.**

(a) Complainants who feel that they have been retaliated against for exercising their rights under this regulation shall have the right to file a retaliation complaint with the EOP Officer.

(b) Retaliation complaints shall be handled in the same manner and utilizing the same procedures set forth above in Section 4 of this regulation.

(7) **Election of Remedies.**

(a) The doctrine of election of remedies shall apply to complaints filed pursuant to this regulation. Should a Complainant elect to pursue an available alternative remedy, including the filing of a grievance pursuant to the collective bargaining agreement, the filing of any such grievance shall operate as a waiver of the Complainant’s right to file a complaint and
avail the Complainant of the procedures available under this regulation. Should a grievance be filed pursuant to an alternative remedy and subsequent to the filing of a complaint under this regulation but before proceedings under this regulation have been completed, the filing of any such grievance nonetheless will act as a waiver, and proceedings pursuant to this regulation shall be terminated.

(b) The doctrine of election of remedies shall also apply to appeals filed by persons against whom a complaint has been filed. The filing of an appeal pursuant to an alternative remedy by a person against whom a complaint has been filed, including the filing of a grievance under the collective bargaining agreement or the filing of a petition for a hearing pursuant to Section 120.569, F.S., shall operate as a waiver of the right to appeal to the President or President’s designee pursuant to this regulation.

Specific Authority  1001.74(4), 1006.60(5), 1012.92(3)FS.  Law Implemented 1000.05, 1001.74(10)(a),(19),(20) and (34) FS.  History– New 5-6-82, Amended 7-15-87, 6-27-96, 12-1-05, ________.
FAMU BOT REGULATION

10.105

RECRUITMENT, SELECTION AND EMPLOYMENT OF UNIVERSITY FACULTY, ADMINISTRATIVE AND PROFESSIONAL, EXECUTIVE SERVICE, UNIVERSITY SUPPORT PERSONNEL SYSTEM AND OTHER PERSONAL SERVICES EMPLOYEES
10.105 Recruitment, Selection and Employment of University Faculty, Administrative and Professional, Executive Service, University Support Personnel System and Other Personal Services Employees.

(1) Generally.

(a) The Office of Human Resources (Human Resources) is responsible for the recruitment, examination, screening and selection for referral of all applicants for positions with the University. Human Resources shall make available to departments or units only those applicants who appear to meet the minimum qualifications for a vacancy and any special qualifications specific to the vacant position as outlined by the hiring department or unit. Educational qualifications and credentials, work experience, background check, fingerprinting and references must be verified as part of the job offering.

(b) Any person providing false or misleading information in order to meet the qualifications for a position shall be immediately dismissed for the position, if the person has been hired; or, the person shall be disqualified from any further consideration for the position in question.

(c) The President, or the President’s designee, shall establish sanctions for the willful falsifications or willful nondisclosures related to job qualifications or responsibilities. The discipline imposed shall be based upon the circumstances.

(2) Announcement of Vacant Positions.

Human Resources will review and authorize job vacancy announcements and distribute such announcements to reach as diverse an applicant group as possible in accordance with all University policies.

(a) The University will announce all Faculty, A&P and USPS position vacancies for a minimum of seven (7) calendar days. The President, or the President’s designee, will determine which positions have special advertising requirements to meet the
University Affirmative Action Plan or Equity Accountability Plan. The University President or designee may waive the announcement of a position when a waiver is in the best interest of the University.

(b) All applicants must meet the minimum qualifications listed in the University's class specifications and the additional competencies required for the specific position, unless a waiver has been requested and approved by the Office of Human Resources. The applicant must have education, training, and experience deemed to be equivalent and appropriate for a waiver to be approved. The applicant must also meet any occupational requirements or special qualifications established for the position. The University will determine the required level of education, training, and experience appropriate for a specific position.

(c) An applicant’s consideration will be discontinued when it is determined that the applicant does not meet the minimum requirements, has falsified or failed to complete an application accurately, has an unsatisfactory employment record, has a criminal history related to the position for which the applicant has applied, or which may jeopardize the safety of students, faculty, staff, or the safekeeping of confidential records and university accounts.

(d) Any person who has been convicted of a felony involving the sale of or trafficking in, or conspiracy to sell or traffic in, a controlled substance as described in Chapter 893, F.S., is disqualified from employment unless conditions outlined in Section 775.16, F.S., are met. Failure to disclose such conviction is cause for dismissal.

(e) Employees hired into positions requiring random drug testing are subject to dismissal upon the return of positive test results.

(f) The University seeks to ensure the spoken English language competence of all prospective and current Faculty involved in classroom instruction, other than courses conducted primarily in a foreign language.

(3) Appointments.

(a) The President or President’s designee shall have the authority to:

(1) Authorize and establish positions within the employee group classifications of Faculty, A & P and USPS. However, no position shall be filled until it has been
authorized and classified.

(2) Hire Faculty, A & P and USPS employees in accordance with these provisions;
(3) Assign Administrative and Professional positions to an appropriate pay range; and
(4) Reclassify current authorized and established positions.

(b) The offer of employment to a Faculty, Executive Service, A & P, or USPS employee shall be made by the President or President’s designee.

(a) Appointments to the Executive Service, however, shall be made only by the President. The offer of employment to Faculty and A & P employees shall be made by means of a contract or appointment document, and conditioned on the return of a duly executed copy of the contract or written acceptance of the appointment by a specified date.

(b) Employees appointed to the Executive Service shall not have tenure and no expectation of appointment beyond a 60 days notice period. Executive Service positions shall be policy-making at the executive level and report directly to the President.

(c) OPS employees may be appointed to meet temporary or non-permanent employment needs. OPS employees have no right, interest or expectancy of continued employment. OPS employees shall not be assigned to a specific classification other than exempt (salaried) or non-exempt (hourly).

(d) The President or President’s designee may for the best interest of the University, and at any time, assign a faculty to other institutional assignment(s). This change in assignment will take place only after consultation with the employee and the departments or other affected units. Regardless of the change in assignment, however, the University is committed to compensate the employee. Change in assignments in conjunction with a nonreappointment shall be made pursuant to Regulation 10.207.

(e) No appointment shall create any right, interest, or expectancy of continued employment. At any time during any appointment, faculty, A & P, and Executive Service employees may be non-renewed upon written notice in compliance with these regulations and consistent with any relevant collective bargaining agreement.
Appointment Modifiers.

The University shall use the following appointment modifiers, which define the conditions of an employee's appointment. Such appointment modifiers apply to the appointment of a qualified employee unless otherwise stated. Appointments shall be made only to positions that have been established in accordance with the University's Classification Plan.

a. **Regular** - A continuing appointment or an original temporary appointment, which may be followed by a continuing appointment. The appointment modifier is not included in the title.

b. **Acting/Interim** - A limited time appointment to a position primarily assigned administrative duties until a regular appointment is made.

c. **Adjunct** - An appointment paid from OPS. Adjunct appointments may not be for more than 50% of the time throughout an academic year or full-time for more than twenty-six weeks of a fiscal year, unless approved by the President. Such appointments are for temporary or part-time employment and the term of employment is only for the period specified in the offer.

d. **Permanent** – The status earned in a class after successful completion of the designated probationary period where applicable.

e. **Visiting** - An appointment of a person as a faculty member who have distinguished professional qualifications, when either the person or the position is not expected to be available for more than a limited period of time. No person shall be appointed to be visiting position beyond four (4) years.

f. **Joint** - An appointment when the person is regularly participating in the teaching and/or graduate supervision responsibilities of more than one academic department/unit.

g. **Research** - An appointment when the person is engaged primarily in research.

h. **Clinical** - An appointment in conjunction with a professional position in a hospital or other clinical environment.

i. **Courtesy** - An unpaid appointment which may include special academic privileges such as voting in departmental affairs. Persons appointed with this status may or may not be otherwise affiliated with the University.

j. **Honorary/Honoris Causa** - An unpaid appointment of an individual having...
distinction and honor in his/her field, but who does not possess the normal requirements for the position.

k. Emeritus - An honorary title which may be conferred at retirement in recognition of distinguished service.

l. Affiliate - An appointment when a person participates in some functions of other academic departments/units.

m. Joint College - An appointment to a college/unit administered jointly by more than one university. Although appointed and employed by only one of the participating universities, each person so designated is considered an employee of the other participating universities for purposes of carrying out the teaching, research, and service responsibilities of the college/unit.

n. Phased Retirement - An appointment under the provisions of the Phased Retirement Program.

o. Regular - A continuing appointment after successful completion of the designated probationary period for the class.

p. Probationary - An appointment to a position in a class for the designated period, where the employee meets the minimum qualifications for the position.

q. Temporary - An appointment to provide a nonpermanent assignment to a vacant position; to replace an employee on leave, temporarily promoted or reassigned; or to overlap one employee with another for training purposes.

r. Time-limited - An appointment to a position funded by contract and grant, auxiliaries, or local funds, as appropriate, for a particular project, enterprise, or specified period. Such designation must be made to the position at the time of recruitment. A time-limited position shall have the same rights as a position with a regular appointment modifier, except such position shall not have rights provided for layoff and recall.

(5) **Probationary Period for A&P and USPS employees.**

(a) The initial appointment for of a new employee to an A&P or a USPS position shall be for a probationary period of six (6) months, with the exception of employees in law enforcement positions who shall serve an initial twelve (12) month probationary period. During this probationary period, the appointment may be terminated at any time without any
requirements of notice and without any rights of appeal or access to any complaint procedure as provided in these regulations.

(b) Probationary employees are not eligible to apply for promotion or transfer until they have been employed continuously for 180 days.

Specific Authority 1001.74(4)FS. Law Implemented 1001.74(4), (19, 1001.75(3) FS. History–New 5-6-82, Amended 7-15-87, 6-27-96, 12-1-05, ______.
FAMU BOT REGULATION

10.106

NON-REAPPOINTMENT AND SEPARATION OF ADMINISTRATIVE & PROFESSIONAL (A&P) EMPLOYEES

(1) The President or President's designee may choose not to renew the employment of Administrative and Professional (A&P) employees, including the Executive Service. The notice of non-reappointment or intention not to reappoint an A&P employee shall be in writing. On or before March 1st of each contract year, the President or the President’s designee shall notify any employee who will be non-reappointed.

   (a) Administrative and Professional (A&P) employees appointed to positions of Head Athletic Coach, Associate Head Athletic Coach, or Assistant Athletic Coach, may be non-reappointed as provided in section 1 above, unless their employment contracts provide otherwise.

   (b) A&P employees who are appointed to established positions with an appointment status modifier or type, other than Regular (for example, Acting, Temporary or Visiting) are not entitled to a notice of non-reappointment.

   (c) A&P employees who are issued an employment contract with a clause providing that employment will cease on the date indicated and further notice is not required, are not entitled to the notice of non-reappointment referenced in this regulation.

   (d) The notice of non-reappointment shall include the expiration date of the current contract and the last date of employment with the University. Non-reappointment actions are not subject to appeal or any access to any complaint procedural steps.

   (e) The President or President's designee may, in the best interest of the University, at any time, assign such A&P employee to other University assignments.

(2) Following the receipt of notice of non-reappointment, an A & P employee may be reassigned to other duties and responsibilities, placed on administrative leave, or paid an amount, less withholding, equal to the compensation s/he would have received prior to the effective date of the non-reappointment notice.
(3) Notwithstanding the provisions of section 1 herein, an A&P employee may be separated from University employment. An A&P employee shall not have tenure and no expectation of appointment beyond a sixty (60) days’ notice.

Specific Authority 1001.74(4) FS. Law Implemented 1001.75(3) FS; History - New 6-27-96, Amended 12-01-05.
FAMU BOT REGULATION

10.112

CONSENSUAL RELATIONSHIPS
10.112 Consensual Relationships.

1. In General

(a) Consensual sexual relationships between supervisors and employee, faculty-student, employee-student, do not violate laws prohibiting sex-based discrimination. However, such relationships are a concern because of the significant risk, ethical and administrative problems that can be posed when there is an institutional power difference between the parties involved, as between a supervisor and employee, employee and student, faculty and student, senior faculty and junior faculty, mentor and trainee, coach and athlete or academic advisor or counselor and advisee or counselee, and the individuals who supervise the day-to-day living environment and student residents. Because of the conflict or the potential for conflict of interest, exploitation, favoritism, and bias, such relationships may undermine the real or perceived integrity of the supervision, education and evaluation provided. They can lead to a complaint of sexual harassment when the student or employee feels that she or he has been exploited; thus being less consensual than the individual whose position confers power or authority believes. As a matter of sound judgment and professional ethics, all employees have a responsibility to avoid any apparent or actual conflict of interest between their professional responsibilities and personal relationships with students or other employees.

(b) As to students, the integrity of the teacher-student relationship is the foundation of the University’s educational mission. This relationship vests considerable trust in the teacher, who, in turn, bears authority and accountability as a mentor, educator and evaluator. The unequal institutional power inherent in this relationship heightens the vulnerability of the student and the potential for coercion. The pedagogical relationship between teacher and student must be protected from influences or activities that can interfere with learning consistent with the goals and ideals of the University. Consequently, the University prohibits a sexual or romantic relationship between a teacher and student, even where
consensual, if the faculty member has direct supervisory or evaluative responsibilities over the student.

(c) Likewise, the University prohibits sexual or romantic relationships between employees and students and between supervisors and their employees.

(d) Through this policy, Florida A & M University asserts its right to protect the integrity of its operations from conflicts of interest, disruptions in its academic and employment environments that can arise from consensual sexual activity involving members of the University community, and to protect persons from the kind of injury that either a subordinate or superior party to such a relationship can suffer. Most of all, this policy seeks to ensure that each member of the Florida A & M University community is treated with dignity and without regard to any factors that are not relevant to the person’s work.

(e) For such relationships, recusal is required, the recusing party must also notify his or her supervisor, department chair or dean, so that such chair, dean or supervisor can exercise his or her responsibility to evaluate the adequacy of the alternative supervisory or evaluative arrangements to be put in place.

2. Failure to Comply

A failure to comply with the recusal and notification requirements is a violation of this policy, and therefore grounds for discipline commensurate with the severity of the offense, up to and including termination of employment.

3. Sexual Harassment Complaints

Non-consensual situations or sexual harassment are covered under the University’s policy on Sexual Harassment, as provided in Regulation 10.103.

4. Delegation of Authority

The President or the President’s designee shall establish further policies and procedures, including such recusal and notification requirements, to implement this policy.

*Specific Authority 1001.74(4) FS; Law Implemented 1001.74(19), 1001.75(3) FS; History – New 12-1-05; Amended ____.*
FAMU BOT REGULATION

10.122

OUTSIDE EMPLOYMENT/ACTIVITIES; FINANCIAL INTERESTS AND OTHER CONFLICTS
10.122 Outside Employment/Activities; Financial Interests and Other Conflicts.

(1) Definitions.

(a) “Outside employment/activity,” as used herein, means any employment entered into in addition to employment at the University. Such employment/activity includes private practice, private consulting, teaching, research, business (including managerial interests or positions), or other activity, compensated or uncompensated, which is not part of the employee’s assigned duties and for which the University provides no compensation.

(b) “Conflict of interest” mean:

1. Any conflict between the private interests of the employee and the public interests of the University, including conflicts as specified in Florida laws; or

2. Any outside activity or financial interest which interferes with the full and faithful performance of the employee’s professional and institutional responsibilities or obligations.

(2) The responsibility of the University employee is the full and competent performance of all duties pertinent to his/her employment with the University. Outside employment/activities or financial interests which interferes with the employee’s obligations to the University is prohibited. Employees of the University should avoid actual or apparent conflict of interest between their University obligations and their outside employment/activities or financial interests.

(3) Any employee who proposes to engage in any outside employment must report in writing to the President or President’s designee via the employee’s supervisor as soon as practicable in advance of such employment, by completing the Florida A & M University report of Outside Employment form (FAM UPO-402 EFF. 7/91, as now of hereafter amended), which is incorporated herein by reference. The President or President’s designee shall determine whether the proposed outside employment appears to constitute a conflict of interest or other interference with the employee’s duties. If it is determined that the proposed outside employment appears to constitute such a conflict of interest or interference, the President or President’s designee shall notify the employee that he/she may not engage in the
proposed activity while employed as an employee of the University.

(4) No employee shall claim to be an official University representative in connection with any outside employment.

(5) All University employees are bound to observe, in all official acts, the highest standards of ethics consistent with the code of ethics of the State of Florida, Chapter 112, Part III, Florida Statutes, the advisory opinions rendered with respect thereto, and the rules of the University.

(6) No employee shall solicit or accept anything of value that is based on an understanding that the official action or judgment of the employee would be influenced thereby.

(7) No employee shall have an employment or contractual relationship or engage in a business or personal activity that will create a continuing or frequently recurring conflict between that employee’s private interest and the performance of the employee’s official duties.

(8) An employee engaging in an outside employment/activity must take reasonable precautions to ensure that the outside employer or other recipient of services understands that the employee is engaging in such outside activity as a private citizen and not as an employee, agent or spokesperson of the University.

(9) Any employee who requests to use University facilities must complete the application to use University equipment, facilities and services in conjunction with outside activity/employment (FAM UPO-402, EFF. 7/91, as now or hereafter amended). Approval of such a request will warrant that reimbursement be made for any additional costs to the University occasioned thereby.

(10) An employee, who engages in outside employment as described herein, shall be responsible for adhering to the requirements of Florida conflict of interest law, Section 112.313, F.S.

(11) An employee serving on the board of directors of a for profit corporation shall disclose in writing to the University President, or the President’s designee, any compensation received from such for profit corporation for the value of his or her board service.

Specific Authority: 1001.74(4) FS. and 1001.75, FS; 112.313 and 112-3185, FS. History—New 12-1-05 (formerly Rules 6C3-10.134 and 6C3-10.137).
FAMU BOT REGULATION

10.131

EMPLOYEE BACKGROUND SCREENING AND FINGERPRINTING
Regulations of
Florida A&M University

10.131 Employee Background Screening and Fingerprinting.

(1) Purpose of Intent

The purpose of this regulation is to specify the protocols and responsibilities of Florida A&M University (University) in conducting security checks/screening on job candidates to whom an offer of employment has been extended for positions of special trust or responsibility or positions located in safety sensitive areas. Security background checks/screenings involving current employees and volunteers are also addressed. This regulation supplements the employment and education verification process performed in support of the University’s hiring process.

(2) Statement of Policy

(a) Security background checks/screenings will be conducted on all job candidates to whom an offer of employment has been made for positions of special trust or responsibility or positions located in safety sensitive areas whose duties may include one or more of the following:

1. Working with children/minors (National Child Protection Act 1993 as amended). A child/minor is defined as any person under the age of 18 in accordance with Section 827.01, Florida Statutes;
2. Access to cash, credit card numbers and/or demand deposits;
3. Access to campus buildings, including residences as a result of being assigned building master keys;
4. Access to surplus property;
5. Ability to complete final processing of payroll or payroll corrections, investments, security access transactions or purchase orders;
6. Ability to process a payment, print or distribute checks;
7. Ability to update, prepare, generate or enter a transaction that will result in one of the following: refund, wire transfer, automatic clearing house transaction, vendor add/change or vendor address change; or
8. Ability to access underlying codes/processing protocol supporting the University’s Enterprise Information Technology (EIT) systems applications or complete final processing of EIT security access transactions.
The post-offer, pre-employment background check/screening will include:

1. Name and Address Verification
2. Social Security Number Verification
3. Potential Criminal History via Fingerprinting Search (state and/or national).

(b) A security background check/screening shall also apply to employees in designated positions of special trust or responsibility or positions located in safety sensitive areas and accepted volunteers in positions whose duties may include one or more of the duties specified in section (2)(a) 1.- 8. above.

(c) A security background check/screening to verify that the candidate possesses a valid driver’s license and verify the candidate’s driving history will be performed on candidates offered positions whose duties include, but are not limited to operating licensed motor vehicles owned by the University at least one or more times per week. Drivers license/driving record checks will be performed annually at the discretion of University management.

(d) If the security background check/screening reveals that an applicant has pled nolo contendere (no contest) to, or been convicted of, a first-degree misdemeanor or a felony, or adverse driving history where applicable, the following factors will be considered to determine whether the convictions are grounds for denying or continuing employment or acceptance as a volunteer:

1. The nature and gravity of the offense(s) for which convicted;
2. The time period that has lapsed since the conviction;
3. The nature of the position being considered; and
4. Falsification of employment and personnel-related documents.

(e) A security background check/screening may be conducted on a current employee if University management has reason to believe an employee falsified his or her employment application and/or other personnel-related documents; if the employee occupies a position of special trust or responsibility or positions located in safety sensitive areas and a security background check/screening was not conducted at the time of hire; or for other justifiable reasons. Except for ongoing police investigations, the Office of Human Resources will be responsible for conducting any security background checks/screenings on current employees. Should a security background check/screening reveal any felony or first degree misdemeanor convictions not previously divulged by an employee/volunteer, the Office of Human Resources will consult with the appropriate hiring authority regarding the individual’s continued employment.

(f) Current employees and volunteers shall notify University management of any felony or first degree misdemeanor to which they have pled nolo contendere or guilty or are convicted of, or if applicable to their position, if their driver’s license is

10.131 Employee Background Screening and Fingerprinting
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suspended subsequent to their employment or volunteer work with the University. Such notification must be made within three (3) working days of the conviction or driver’s license suspension. Factors identified in paragraph (2)(d) above will be considered in determining the individual’s continued employment.

(g) This regulation applies to all employees and volunteers in positions of special trust or responsibility or positions located in safety sensitive areas provided, however, that its application is subject to the terms and conditions of any existing applicable collective bargaining agreements.

(3) Procedures

(a) The Office of Human Resources will coordinate all employee and volunteer security background checks and screening activities, with the exception of those required for the Florida A&M University Department of Public Safety.

(b) When any hiring authority submits a Position Vacancy Announcement (PVA) to the Office of Human Resources, the PVA will specify whether a driver’s license/records check is to be completed in addition to name, address and social security number verification and potential criminal history check/screening.

(c) All advertisements for positions will inform applicants of the security background checks/screenings required. The requirement to undergo a security background check/screening will be contained in the official position description.

(d) Costs for any security background checks or additional screenings will be incurred by the hiring authority, candidate, employee or volunteer.

(e) Post offer, pre-employment employees will sign a release form which allows the Office of Human Resources to conduct a background check/screening and review the results. Employment is contingent upon the results of the background check/screening.

(f) Upon acceptance of OPS employees or volunteers into a program or department, the department utilizing the OPS employee or volunteer will be responsible for notifying the Office of Human Resources of any circumstances pertaining to their duties that require a security background check/screening as noted in paragraph (2)(b) above. The OPS employee or volunteer will be referred to the Office of Human Resources to facilitate the appropriate security background check/screening. Each will sign a release form and the security check/screening processing will begin.

(g) If a candidate or volunteer begins working in the position prior to receipt of the background check/screening results, the hiring authority shall inform the candidate/volunteer that continued employment or acceptance is contingent upon the results.
(h) Results of all background checks/screening will be kept confidential and will be disclosed only to the extent necessary to administer and enforce this regulation or pursuant to applicable federal and state law.

(i) If results are of concern, the Office of Human Resources will evaluate the information in conjunction with the Office of the General Counsel and consult with the hiring authority. If the employee, candidate or volunteer is not to continue employment or volunteering with the University, the Office of Human Resources will notify the appropriate hiring authority.

(j) Prior to making an offer of employment for positions of special trust or responsibility or positions located in safety sensitive areas involving law enforcement positions, the Florida A&M University Department of Public Safety will complete and obtain results from background checks/screenings with specific criteria set forth by Criminal Justice Standards and Training Commission (CJSTC) and enforced by Florida Department of Law Enforcement (FDLE) in accordance with Florida Statutes, on candidates being considered for employment in said department. Records of those results will be retained in the University’s Department of Public Safety. All other records will be kept in a separate, secured file in the Office of Human Resources.

Specific Authority Board of Governors Regulation Development Procedure Dated July 21, 2005. Law Implemented Article IX, Florida Constitution, Board of Governors Resolution Adopted January 7, 2003, Chapters 435, Chapter 943 and Section 827.01, Florida Statutes History-New 8-12-08.
<table>
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<tr>
<th>Year</th>
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<tr>
<td>07-01</td>
<td>Collection and Disclosure of Social Security Numbers Pursuant to Section 119.071(5)(a), Florida Statutes</td>
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<tr>
<td>11-01</td>
<td>Protocol for Assisting Outside Law Enforcement Agencies Conducting Investigations</td>
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<td>13-01</td>
<td>Subpoenas, Summons, Court Orders, and Other Written Requests for Information</td>
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Attached is a copy of Section 119.071(5)(a), Florida Statutes (F.S.), which governs the use and disclosure of social security numbers. Please review the above-cited statutory provision in its entirety and take all appropriate action. Specifically, examine Section 119.071(5)(a)2.a., F.S., which prohibits the collection of social security numbers, except as authorized by law or as imperative for the performance of the agency’s duties and responsibilities as prescribed by law.

To the extent any Departments/Areas within the University are collecting social security numbers, such Departments/Areas must provide individuals with a statement of the purpose or purposes for which the social security number is being collected and used as set forth in Section 119.071(5)(a)3., F.S. This Office will be available to review such statements as drafted.

Although the University may have a legitimate reason for the initial collection of social security numbers, social security numbers should not be used as the primary or sole employee or student identifier. It should be noted that the iRattler System has a component by which alternate employee and student identifiers are assigned. Given that alternate employee and student identifiers are being assigned by the iRattler System, Department/Areas should discontinue the collection of social security numbers for the sole purpose of identification and utilize the alternate employee and student identifiers. Other universities within the State University System have taken similar measures to designate alternative student and employee identifiers.

Please distribute this advisory to the relevant units in your area. If you have any questions, please telephone the Office of the General Counsel at (850) 599-3591.
The 2007 Florida Statutes

Title X
PUBLIC OFFICERS, EMPLOYEES, AND RECORDS

Chapter 119
PUBLIC RECORDS

View Entire Chapter

119.071 General exemptions from inspection or copying of public records.--

(1) AGENCY ADMINISTRATION.--

(a) Examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure, certification, or employment are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. A person who has taken such an examination has the right to review his or her own completed examination.

(b) 1.a. Sealed bids or proposals received by an agency pursuant to invitations to bid or requests for proposals are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of a decision or intended decision pursuant to s. 120.57(3)(a) or within 10 days after bid or proposal opening, whichever is earlier.

b. If an agency rejects all bids or proposals submitted in response to an invitation to bid or request for proposals and the agency concurrently provides notice of its intent to reissue the invitation to bid or request for proposals, the rejected bids or proposals remain exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of a decision or intended decision pursuant to s. 120.57(3)(a) concerning the reissued invitation to bid or request for proposals or until the agency withdraws the reissued invitation to bid or request for proposals. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2011, unless reviewed and saved from repeal through reenactment by the Legislature.

2.a. A competitive sealed reply in response to an invitation to negotiate, as defined in s. 287.012, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of a decision or intended decision pursuant to s. 120.57(3)(a) or until 20 days after the final competitive sealed replies are all opened, whichever occurs earlier.

b. If an agency rejects all competitive sealed replies in response to an invitation to negotiate and concurrently provides notice of its intent to reissue the invitation to negotiate and reissues the invitation to negotiate within 90 days after the notice of
of current or former guardians ad litem, as defined in s. 39.820, and the names, home addresses, telephone numbers, and places of employment of the spouses and children of such persons, are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, if the guardian ad litem provides a written statement that the guardian ad litem has made reasonable efforts to protect such information from being accessible through other means available to the public. This subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.

7. The home addresses, telephone numbers, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, senior juvenile detention officers, juvenile detention officer supervisors, juvenile detention officers, house parents I and II, house parent supervisors, group treatment leaders, group treatment leader supervisors, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice; the names, home addresses, telephone numbers, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2011, unless reviewed and saved from repeal through reenactment by the Legislature.

8. An agency that is the custodian of the personal information specified in subparagraph 1., subparagraph 2., subparagraph 3., subparagraph 4., subparagraph 5., subparagraph 6., or subparagraph 7. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 1., subparagraph 2., subparagraph 3., subparagraph 4., subparagraph 5., subparagraph 6., or subparagraph 7. shall maintain the exempt status of the personal information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written request for maintenance of the exemption to the custodial agency.

(5) OTHER PERSONAL INFORMATION.--

(a)1.a. The Legislature acknowledges that the social security number was never intended to be used for business purposes but was intended to be used solely for the administration of the federal Social Security System. The Legislature is further aware that over time this unique numeric identifier has been used extensively for identity verification purposes and other legitimate consensual purposes.

b. The Legislature recognizes that the social security number can be used as a tool to perpetuate fraud against an individual and to acquire sensitive personal, financial, medical, and familial information, the release of which could cause great financial or personal harm to an individual.
c. The Legislature intends to monitor the use of social security numbers held by agencies in order to maintain a balanced public policy.

2.a. An agency may not collect an individual's social security number unless the agency has stated in writing the purpose for its collection and unless it is:

(I) Specifically authorized by law to do so; or

(II) Imperative for the performance of that agency's duties and responsibilities as prescribed by law.

b. Social security numbers collected by an agency may not be used by that agency for any purpose other than the purpose provided in the written statement.

3. An agency collecting an individual's social security number shall provide that individual with a copy of the written statement required in subparagraph 2.

4.a. Each agency shall review whether its collection of social security numbers is in compliance with subparagraph 2. If the agency determines that collection of a social security number is not in compliance with subparagraph 2., the agency shall immediately discontinue the collection of social security numbers for that purpose.

b. Each agency shall certify to the President of the Senate and the Speaker of the House of Representatives its compliance with this subparagraph no later than January 31, 2008.

5. Social security numbers held by an agency are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to social security numbers held by an agency before, on, or after the effective date of this exemption.

6. Social security numbers may be disclosed to another agency or governmental entity if disclosure is necessary for the receiving agency or entity to perform its duties and responsibilities.

7.a. For purposes of this subsection, the term:

(I) "Commercial activity" means the provision of a lawful product or service by a commercial entity. Commercial activity includes verification of the accuracy of personal information received by a commercial entity in the normal course of its business; use for insurance purposes; use in identifying and preventing fraud; use in matching, verifying, or retrieving information; and use in research activities. It does not include the display or bulk sale of social security numbers to the public or the distribution of such numbers to any customer that is not identifiable by the commercial entity.

(II) "Commercial entity" means any corporation, partnership, limited partnership, proprietorship, sole proprietorship, firm, enterprise, franchise, or association that performs a commercial activity in this state.
b. An agency may not deny a commercial entity engaged in the performance of a commercial activity access to social security numbers, provided the social security numbers will be used only in the performance of a commercial activity and provided the commercial entity makes a written request for the social security numbers. The written request must:

(I) Be verified as provided in s. 92.525;

(II) Be legibly signed by an authorized officer, employee, or agent of the commercial entity;

(III) Contain the commercial entity's name, business mailing and location addresses, and business telephone number; and

(IV) Contain a statement of the specific purposes for which it needs the social security numbers and how the social security numbers will be used in the performance of a commercial activity. The aggregate of these requests shall serve as the basis for the agency report required in subparagraph 9.

c. An agency may request any other information reasonably necessary to verify the identity of a commercial entity requesting the social security numbers and the specific purposes for which the numbers will be used.

8.a. Any person who makes a false representation in order to obtain a social security number pursuant to this paragraph, or any person who willfully and knowingly violates this paragraph, commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

b. Any public officer who violates this paragraph commits a noncriminal infraction, punishable by a fine not exceeding $500 per violation.

9.a. Every agency shall file a report with the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31 of each year.

b. The report required under sub-subparagraph a. shall list:

(I) The identity of all commercial entities that have requested social security numbers during the preceding calendar year; and

(II) The specific purpose or purposes stated by each commercial entity regarding its need for social security numbers.

c. If no disclosure requests were made, the agency shall so indicate.

10. Any affected person may petition the circuit court for an order directing compliance with this paragraph.

11. This paragraph does not supersede any other applicable public records exemptions
existing prior to May 13, 2002, or created thereafter.

(b) Bank account numbers and debit, charge, and credit card numbers held by an agency are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to bank account numbers and debit, charge, and credit card numbers held by an agency before, on, or after the effective date of this exemption.

(c) Any information that would identify or help to locate a child who participates in government-sponsored recreation programs or camps or the parents or guardians of such child, including, but not limited to, the name, home address, telephone number, social security number, or photograph of the child; the names and locations of schools attended by such child; and the names, home addresses, and social security numbers of parents or guardians of such child is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Information made exempt pursuant to this paragraph may be disclosed by court order upon a showing of good cause. This exemption applies to records held before, on, or after the effective date of this exemption.

(d) All records supplied by a telecommunications company, as defined by s. 364.02, to an agency which contain the name, address, and telephone number of subscribers are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(e) Any information provided to an agency for the purpose of forming ridesharing arrangements, which information reveals the identity of an individual who has provided his or her name for ridesharing, as defined in s. 341.031, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(f) Medical history records and information related to health or property insurance provided to the Department of Community Affairs, the Florida Housing Finance Corporation, a county, a municipality, or a local housing finance agency by an applicant for or a participant in a federal, state, or local housing assistance program are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Governmental entities or their agents shall have access to such confidential and exempt records and information for the purpose of auditing federal, state, or local housing programs or housing assistance programs. Such confidential and exempt records and information may be used in any administrative or judicial proceeding, provided such records are kept confidential and exempt unless otherwise ordered by a court.

(g) 1. Biometric identification information held by an agency before, on, or after the effective date of this exemption is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. As used in this paragraph, the term "biometric identification information" means:

a. Any record of friction ridge detail;

b. Fingerprints;

c. Palm prints; and
Outside law enforcement agencies are best served when accurate information is disseminated at first contact and all appropriate administrators within the University are notified, up to and including the President. When there is a need to assist an individual from, or a division of, a law enforcement agency not affiliated with Florida A&M University (University or FAMU), it is important that the appropriate University office with custodial responsibility for the information or records be contacted. This advisory is not applicable to public records requests, which is processed through the Office of Communications.

Policy:

It is the policy of this University that all inquiries for information from outside law enforcement personnel or agencies be directed by the Department of Public Safety (DPS) or the Office of the General Counsel (OGC), to the office that has primary responsibility as the custodian of information or record that is being sought.

In addition, the University may require a subpoena, search warrant, or other court order for all information released to law enforcement agencies, except for public records and/or student directory information. Student directory information may be released unless a student has specifically requested that it not be released. Student directory information is defined in the University’s FERPA Policy. To serve the appropriate person or department with a subpoena, summons, court order, or other written request for information, see OGC Advisory 13-01. The OGC shall assist in determining the validity of the subpoena, search warrant or other court orders. The DPS should also be consulted to determine the validity of search warrants.

Procedure:

University personnel who are contacted by outside law enforcement agencies conducting investigations of any nature on the campus of Florida A&M University shall promptly direct the outside law enforcement agency to the DPS or to the OGC.
The DPS or the OGC will facilitate the request or ensure the investigating law enforcement agency follows proper protocol while conducting their investigation on FAMU’s campus. Prior to the release of the requested information, University personnel should contact the referenced office(s).

Process servers requesting to present University personnel with subpoenas, warrants or court documents involving official University business must be directed to the appropriate person or department pursuant to OGC Advisory 13-01.

When notified, the DPS or the OGC will assist, as appropriate, by escorting or making appropriate contact with the necessary individuals on campus to ensure a non-disruptive process for the investigating outside agency.

If University personnel are presented with a search warrant and neither the DPS nor the OGC can be reached and personnel are confronted with an immediate demand to search, personnel should check the identification/credentials of the person(s) demanding data, review the served documentation to see whether anything appears suspicious or obviously invalid, make a copy of the search warrant with the date and time served noted on the warrant, preserve copies of the data and system integrity as much as possible, comply with the demand as written and immediately document what happened. Personnel should continue to attempt to contact the DPS or the OGC while the search is taking place. Once contacted, the employee should give the DPS or the OGC copies of the documentation noted above.

University personnel are advised that persons executing the warrant may ask them questions. Personnel may choose whether or not they want to speak with an agent and are not required to do so.
## Purpose:

The purpose of this Contract Procedures Advisory (Advisory) is to provide guiding principles and procedures regarding contract review by the Office of the General Counsel (OGC). This Advisory applies to all contracts concerning the Florida A&M University Board of Trustees (FAMU or University) or its resources and includes, but is not limited to, contracts involving payment to or by the University and contracts funded from University sources except University Direct Support Organizations.

## Policy:

The University routinely enters into contracts. The OGC reviews contracts to ensure that the legal terms are appropriate and favorable and to protect FAMU’s legal and financial interests. Certain contracts are prepared using OGC approved standard forms or templates. If a department uses a standard contract form or template without any modification, the OGC is not required to review and sign the contract. To the extent that there is modification or a nonapproved contract, the OGC must review and approve the document.

Further, FAMU Regulations require that all contracts for commodities and services be submitted to the OGC for review and approval as to form and legality, unless, as noted above, the contract is an approved unmodified template.

## Authority to Execute Contracts:

Appropriate authority is essential to FAMU as a public body corporate. All authorities must be expressly granted; implied or apparent authority does not exist. Pursuant to the Florida Constitution, Florida Board of Governors (BOG) and FAMU regulations, the President is the chief executive officer responsible for the operation and administration of the University. The President's authority includes the approval and execution of all contracts, agreements, memoranda of understanding, and other documents legally committing the University on behalf of the FAMU Board of Trustees. Therefore, the President is authorized to sign contracts on behalf of the University in accordance with FAMU regulations. However, the President has delegated to a limited group of senior University administrators (Provost and Vice Presidents) specific written authority to execute contracts, within the limits of their delegation. The list of contract delegations is on the OGC website under the “Delegation of Authority” tab. Delegated authority is only valid within the limits of the express authority.

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**OGC ADVISORY NO. 11-02**

**INITIAL ISSUANCE DATE:** 07/25/11

**ATTACHMENT(S):** OGC Contract Cover Sheet

**REVISION DATE(S):**

**TO:** University Administrators, Faculty, Staff and Volunteers

**FROM:** Avery D. McKnight, General Counsel

**SUBJECT:** Contract Procedures
delegation. Signature authority cannot be sub-delegated.

As expressly delegated, the President, Provost or Vice Presidents must sign all contracts, agreements, memoranda of understanding, and other documents regarding legal assurances, commitments, and obligations on behalf of FAMU. Consequently, University employees must not sign such contracts unless they have been expressly delegated the authority to do so by the President. University personnel must be careful not to misrepresent to a third party that they are in a position to commit the University. Any improper transactions conducted outside a delegated authority or contrary to the state laws or the BOG or FAMU regulations are invalid because the individual signing for the public entity was operating without authority. An employee is subject to personal liability and possible disciplinary action for improperly signing contracts or obligating the University. The President shall sign all contracts in the absence of an express delegation.

Contracts: Definition/Types of Contracts Reviewed

A contract is any agreement between the FAMU and another party creating an obligation to do or refrain from doing a particular thing and which is recognizable at law, regardless of its title as a "contract." Terms synonymous with "contract" include, but is not limited to: "agreement," "letter of agreement," "letter of understanding," "memorandum of understanding/agreement," "operating agreement," "teaming agreement," etc. A contract essentially binds the parties to their agreement. However, the terms "contract" and "agreement" are often used interchangeably.

The elements of a contract include: an offer, acceptance, consideration and mutual assent. There must be a meeting of the minds, i.e. contract terms are to be stated clearly and unambiguously and must contain material terms.

The OGC reviews the following non-exclusive category of contracts: Affiliation Agreements, Construction Contracts; Leases, Athletic Contracts, Service/Commodity Contracts, Research Contracts, Attorney Services, Film Agreements, Information Technology (Software/Hardware) Contracts, Licensing Contracts, Releases/Waivers, Speaker/Artist/Performer Contracts, Facility Use Agreements, Consultant Services Contracts, Sponsorships Contracts, and Media/Publication Contracts.

Procedure:

Forms or templates drafted or approved by the OGC do not require another legal review or approval. However, nonapproved contracts and standard templates, which have been modified, must be forwarded to the OGC prior to execution by either party.

Please allow at least three (3) weeks for the OGC and the signing authorities to review and process all nonstandard contracts and allow at least two (2) weeks for standard contracts. Any revisions made must be incorporated into the contract or initialed as appropriate. If the other party to a contract has questions regarding the changes made by the OGC, the party should direct them to the OGC.

Once the General Counsel’s Office has completed its legal review, the contracts are returned to the delivering department for additional processing (e.g. to obtain signatures and execution). Contracts must be completed and fully executed (signed by both parties) prior to providing commodities or performing services. Provide a fully executed copy of the Agreement for the OGC file.

Contracts may be hand delivered, mailed, faxed or emailed to the OGC.

Before forwarding the contract to the OGC for review ensure that:

- the contract OGC cover sheet is completed (see Attachment);
the document is reviewed thoroughly to ensure that all terms and conditions are clearly stated in the document; and
to the extent possible, provide an editable version.
Note: Procurement contracts (commodity/service acquisition contracts) must be routed to the OGC from the Purchasing Department.

The following BASIC TERMS AND CONDITIONS must be incorporated in the contract:

- Parties Names (Correct/Legal Name); the University must be identified by its legal name for contracting purposes: “Florida A&M University Board of Trustees” or “Florida A&M University (FAMU), acting for and on behalf of the FAMU Board of Trustees”
- Dates/Term of the contract or Period of Performance;
- The responsibilities and obligations of the parties respectively;
- Payment Terms, if applicable;
- Termination Language/Procedures (e.g., 30 days prior written notice);
- A signature line for the authorized individuals executing the contract; and
- Florida law and jurisdiction.

During the early negotiations phase, please advise the other party that the University cannot accept or agree to the following terms:

- Language that requires FAMU to Indemnify or hold harmless another party.
- Language that requires FAMU to list another entity as an additional insured.
- Confidentiality provisions contrary to Chapter 119, Florida Statutes.
- Alternative Jurisdiction--Governing Law/Venue in another state or county.

Avoid The Common Errors below:

1. Improper Identification of Parties. All parties must be clearly identified and the University must be identified by its legal name: “Florida A&M University Board of Trustees” or “Florida A&M University (FAMU), acting for and on behalf of the FAMU Board of Trustees.”

2. Insufficient Terms. All terms must be clearly defined. For example, many contracts contain the term "travel expenses." However, absent a definition, this can include the more expensive, first class airfare, which the University never intended. If travel expenses include mileage, define the rate of compensation. There must be a "meeting of the minds" of each party as to the contractual terms.

3. Fictitious Names. When a party does business in a name other than its own, it is essential that the name of the party appears as “________ doing business as (d/b/a) __________ (the fictitious name).” Please check www.sunbiz.org to ensure that the vendor can do business legally in Florida.

4. Indemnification/Hold Harmless Clauses: As a state university, FAMU should not indemnify and/or hold harmless other parties. This is comparable to waiving or altering the state’s sovereign immunity. The University cannot alter the state’s sovereign immunity by contract and cannot lend the State's credit; only the Florida Legislature may do so. Section 768.28, F.S., outlines the extent to which FAMU’s sovereign immunity is waived.
5. **Insurance Clauses:** may require higher coverage limit than is authorized by law. We may also need additional coverage.

6. **Tax Clauses:** FAMU is exempt from paying state sales and excise taxes.

7. **Penalty for Early Termination:** Do not accept penalties for early termination of contracts.

8. **Contract Renewals.** Please attach the original contract for every contract renewal. Note: **Renewals/Modifications Post-Contract.** No contract may be modified or renewed after its termination date. Please set up an internal mechanism to monitor contract expiration dates. Once a contract is expired, if work continues at an increase in cost, such work is unauthorized and may not be paid.

9. **Marking/Referencing Attachments.** Ensure that contract attachments included and are not misnumbered and/or mislabeled. Please clearly mark and identify additional provisions/riders. Also, reference the attachments, including number of pages, on the front of the attachment.

10. **Numbering Contract Renewals.** Renewal contracts must have the original contract number with a suffix to indicate it is a renewal. Contracts should also be titled as "Amendment," "Renewals," "Addendum," "Modification," etc.

11. **Unilateral Additions.** At no time may a contract be modified without the explicit consent of both parties. Missing paperwork, which is subsequently added, should be approved by the contractor prior to resending the document to the OGC. Do not add terms and conditions to a contract after it is signed, without conferring with all parties.

12. **Initialing of Changes.** All changes, whether written or added on a separate piece of paper, must be initialed by all parties. Please do not use white-out.

13. **Striking Language.** A broad X over inapplicable language may create questions as to what is excluded in a contract. Please draw lines through each and every inapplicable sentence and have all parties initial the change.

14. **Blanks.** Ensure that all blanks are completed and all information is provided before submitting the contract for review.

15. **Bidding Information.** Bidding information must be included as part of the contract, as applicable. Consult with the Purchasing Department.

16. **Sole Source Contracts.** Please provide clear and detailed statements in the certification form on why a contractor is a sole source contract. Consult with the Purchasing Department.

17. **Term of Contract.** Contract, including renewals, should not exceed five (5) years without prior approval from the Purchasing Department or OGC, as applicable.

18. **Mandatory Clauses.** There are mandatory clauses that should be placed contracts.

*If your office needs a customized contract, please contact the OGC for assistance.*

For further information regarding this Advisory, please contact the Office of the General Counsel.
| Date Submitted to OGC: | ___________________________ | Via: | ___________________________ |
| Type of Contract: | ___________________________ | Attachments: | ___________________________ |
| Contracting Party: | ___________________________ | Contracting Party Contact: | ________ |
| Date review/revision (of Contract) needed: | ___________________________ |
| Date by which Contract must be signed: | ___________________________ |
| Date of Event (if applicable): | ___________________________ |
| FAMU Contact: | ___________________________ | Ext.: | ___________________________ |
| Telephone: | ___________________________ | Email: | ___________________________ |
| Dept/Division: | ___________________________ |
| Cost (if any): | ___________________________ |
| Renewal of an existing contract? | ________ | If yes, term of original contract | ___________________________ |
| Related contracts with this contracting party: | ___________________________ |

By submitting this contract, I am certifying that I have read the contract and that:

- It correctly states my understanding of the business terms with the contracting party.
- There is sufficient funding for this contract and a budget is included, if applicable.
- My concerns about the business terms are noted in comments below or on the contract.
- I do not need to meet with counsel to discuss this contract.

FAMU Contact Signature: | ___________________________ |
Vice President/Dean/Director Signature: | ___________________________ |
Additional Comments/Notes: | ___________________________ |
| ___________________________ |
| ___________________________ |
| ___________________________ |
Purpose:

Florida A&M University (FAMU or University) is occasionally named as a defendant in a lawsuit or as a respondent in an administrative proceeding or other complaint process. To protect the University from legal or monetary liability, it is essential that all subpoenas, summons, court orders, and other written requests for information are timely provided to the correct University personnel. Therefore, it is important that the community, as well as members of the University, know where to deliver subpoenas, summons, court orders, and other written requests for information.

Policy:

After a complaint is filed in court or with an administrative tribunal, the plaintiff or complaining party must provide the University with notice of the complaint by serving a copy of the complaint upon the University. This action is called service of process and may be accomplished by hand-delivery by a process server or by e-mail by an attorney. A complaint is a document that generally sets forth the allegations in the case and is filed with a court or administrative tribunal to commence legal action. A summons is an order to appear in court. A complaint and summons require a response from the University within a specified time frame. It is the policy of the University to serve subpoenas, summons, court documents, and other written requests for information according to the procedure outlined below. A subpoena is court order commanding a person to appear or produce documents.

Procedure:

If process is not served on the Office of General Counsel (OGC), the following procedures must be followed as quickly as possible:

Court Orders, Summons, or Complaints

For lawsuits filed against the FAMU Board of Trustees or FAMU, service must be upon the Chair of the Board of Trustees at 1601 S. Martin Luther King Jr. Blvd., 400 Lee Hall, Tallahassee, FL 32307, telephone number (850) 599-3225. In the absence of the Chair of the Board of Trustees,
Process is to be served on the President of the University at 1601 S. Martin Luther King Jr. Blvd., 400 Lee Hall, Tallahassee, FL 32307, telephone number (850) 599-3225. In the absence of the President, service must be upon an attorney in the OGC at 1601 S. Martin Luther King Jr. Blvd., 300 Lee Hall, Tallahassee, FL 32307, telephone number (850) 599-3591.

Process for lawsuits against individuals is to be served on the named individual. If the individual is being sued for actions taken in the course and within the scope of their employment by the University, then service is upon an attorney in the OGC.

**Subpoenas**

**Employee records**

- A subpoena for employee records should be served upon the Office of Human Resources at 1700 Lee Hall Drive, 211 FHAC, Tallahassee, FL 32307, telephone (850) 599-3611.

**Student records**

- Subpoenas for student records should be sent to the Office of the University Registrar at 1700 Lee Hall Drive, 112 FHAC, Tallahassee, FL 32307, telephone (850) 599-3115.

**Garnishments**

Garnishments are to be served on the Office of Payroll Accounting at 1700 Lee Hall Drive, 201 FHAC, Tallahassee, FL 32307, telephone (850) 412-2960.

**Public Records**

Public records requests should be made to the Office of Media Relations at 1601 S. Martin Luther King Jr. Blvd., 103 Lee Hall, Tallahassee, FL 32307, telephone (850) 412-5211.

**Bankruptcy**

**Student bankruptcy**

- Information regarding a student bankruptcy should be sent to the Controller's Office at 1700 Lee Hall Drive, 201 FHAC, Tallahassee, FL 32307, telephone (850) 561-2949.

**Employee bankruptcy**

- All information should be sent to the Office of Payroll Accounting at 1700 Lee Hall Drive, 201 FHAC, Tallahassee, FL 32307, telephone (850) 412-2960.

**Vendor Bankruptcy**

- Information regarding a vendor bankruptcy should be sent to the Office of Procurement Services at 2380 Wahnish Way, Suite 214, Tallahassee, FL 32307, telephone (850) 599-3203.

**Written Communications**

All other letters, correspondence, or other communications from lawyers or court officials should be forwarded to the OGC for review.
ADDITIONAL INFORMATION


2. Policies and Procedures Governing Clubs and Organizations

3. Changes to Financial Aid
In recent months, a drumbeat of criticism has sounded with respect to how colleges apply the federal Family Educational Rights and Privacy Act, better known as Ferpa. In November, for example, The Chronicle reported that the Student Press Law Center, an organization that advocates for First Amendment rights and open governance on campuses, had accused officials at some universities of using Ferpa as "a catchall excuse to conceal information they wish to keep secret."

That generalization is unfair to institutional officials whose jobs require them to apply Ferpa on a day-to-day basis. Ferpa is, first and foremost, a privacy statute—it's what the "P" stands for. Under the law, an institution is required to adopt the default position that education records cannot be disclosed unless the student who is the subject of the record consents or unless disclosure without consent is explicitly authorized by an exception in the statute.

James L. Buckley, a U.S. senator from New York who sponsored Ferpa in 1974, said he had introduced the legislation "to strengthen the parental role by requiring schools that receive federal funding to provide parents, on request, with all information relating to their children."

From the very beginning, Ferpa has always served two distinct purposes. Its first, simplest, and least controversial purpose is to confer on each student the right to inspect and correct any "education records" (more on that term in a moment) containing the student's name or personally identifiable information about the student. The law's provisions related to this are widely understood and cause little difficulty in practice. Second, it protects students' privacy by prohibiting institutions from engaging in unauthorized disclosure of education records and by imposing on faculty and staff members the obligation to take reasonable precautions to prevent misuse or unauthorized disclosure of education records.

At Ferpa's heart is this easy-to-state but highly restrictive rule: A college or university cannot disclose an education record unless either the student who is identified in the record consents in writing to the disclosure or disclosure is warranted without consent under a specific Ferpa exemption to the consent requirement. For example, the Chronicle article cites incidents in which universities rightly invoked Ferpa, in one case declining to release a copy of a police report about a campus pellet-gun incident, and in another case to withhold records relating to an alleged assault by a university football player.

Ferpa originally applied primarily to academic records. But Congress immediately recognized that the statutory definition of "education records" was too narrow and left important categories of records unprotected. Just weeks after enactment, Congress broadened the statutory definition to include any record, file, document, or other material maintained by the institution that contains any
information directly related to a student. As higher-education lawyers have become accustomed to telling their clients, virtually any document containing the name of a current or former student or other identifying information about the student—any e-mail, letter, disciplinary record, fraternity communication, athletic-department form, or scholarship file—is "Ferpa-protected."

When Ferpa was enacted, in 1974, it contained just five exceptions to the prohibition against nonconsensual disclosure. Over the last 38 years Congress has amended Ferpa 10 times, and today there are 16 circumstances in which disclosure may be made without consent. Some are logical and noncontroversial: The custodian of an education record may share it with other institutional officials who have a "legitimate educational interest" in viewing it, enabling a professor to give a course grade to the registrar, say, or allowing an administrator to cope with a health or safety emergency. Likewise, the directory-information exception enables colleges to compile campus phone directories and athletic-team rosters.

Other exceptions are more controversial. A recent amendment to the statute, for example, permits disclosure of records of disciplinary proceedings to officials at other schools to which the student has applied to do graduate work. Another exception—controversial because of its narrowness, not its breadth—allows an institution to share education records with a student's parents, but only if the student is "dependent" within the meaning of that term in the Internal Revenue Code. Many tuition-paying parents are indignant when institutional officials tell them they are not entitled to see their son's or daughter's report card or disciplinary file—an outcome that ironically conflicts with the law's original intent.

Controversies notwithstanding, Congress enacted those exceptions with thought and care. The U.S. Department of Education has provided lucid guidance about the scope, and in some instances the limitations, of the exceptions to the general statutory presumption of privacy. Ferpa may now be broader than what Senator Buckley intended in 1974, but its prohibitions against disclosure are clear, and the privacy protections it extends to education records are unequivocal.

If critics believe that Ferpa protects too many education records, the appropriate response is not to accuse institutional officials of concealment. It is to tell Congress to change the law.

Lawrence White is vice president and general counsel at the University of Delaware. The author wishes to thank Steven J. McDonald, general counsel at the Rhode Island School of Design, for his assistance with this article.
Clubs and Organizations Membership Recruitment Requirements

All student clubs and organizations at Florida A&M University must be registered with the Office of Student Activities. Clubs and organizations are classified as academic groups, membership recruitment groups, non-membership recruitment groups, and intake groups.

A. **Academic groups** are defined as groups that are directly affiliated with an academic area or major. These groups generally have a national organizational affiliation and their primary activities are directly related to the academic area. Membership in these organizations is obtained by a simple application/registration and may include payment of dues. Academic groups must be approved and/or recognized by the Dean of the School or College.

B. **Non-Membership Recruitment groups** are defined as groups that are not tied directly to an academic major and membership is based solely on a minimal application process. These include, but are not limited to, honor societies, student media, and city/county/state, performing arts programs, cultural, political, religious, recreational, and service groups that do not have a membership recruitment process. The application process may include the payment of dues and/or the demonstration of ability/talent.

C. **Membership Recruitment groups** are defined as organizations that have a formal membership recruitment process. These include performing arts troupes as well as any other group (e.g., dance troupes, modeling troupes, etc.) that hold auditions during membership recruitment and process lasts between two and three weeks.

D. **Intake groups** - National Pan Hellenic Council (NPHC) and/or National Service groups (fraternities and sororities that are governed by national intake procedures).

All Non-Membership Recruitment and Recruitment (as defined above) Organizations must adhere to the following

1) **Eligibility (for ALL Non Academic Clubs and Organizations)** – to be eligible to apply for admission to any non-academic club or organization, a student must have completed his/her freshman year, with a minimum of 24 credit hours, a 2.5 GPA*, and 30 hours of community service. To maintain membership in an organization, students must maintain an overall 2.0 GPA, be in good academic and judicial standing as defined by the university catalog, and accrue 30 documented hours of community service annually. (*The 2.5 GPA rule does not apply to Fall Semester 2012 due to the cessation of membership intake for the Spring Semester 2012 which caused a decrease in membership in various organizations. Students will be required to have a 2.0 GPA for intake until Spring Semester 2013.)*

2) **Membership Recruitment Period** – The membership recruitment period will last three (3) weeks. This period will include an interest meeting, an interview (if required), workshops lasting 1 to 5 days, auditions, and the selection process. Interest meetings will be held on campus. Practices should not exceed more than 8 hours a week. It is required that all meetings be held on campus. All membership recruitment practice activities must cease at 12:00AM (Midnight). There should be no membership and/or practice activities between the hours of 12:00AM and 7:00AM. **Documentation of the entire membership process must be provided to the Office of Student Activities by 5:00 PM one week prior to the beginning of the membership process. This entire membership recruitment process will be kept on file in the Office of Student Activities.**
Membership Recruitment Policies and Procedures

All Membership Recruitment Organizations, Academic Organizations, and Non-Recruitment Clubs and Organizations

All Clubs and Organizations, including but not limited to Campus Wide, Departmental, Academic, City/County/State, Military (Pershing Rifles and Pershing Angels), Performing Arts, Cultural, Political, Religious, Recreational and Volunteer Service, must complete the mandatory certification process and attend an Club and Organization workshop to include Anti-Hazing and Safety Awareness in order to be a recognized organization at Florida A&M University. Activities must adhere to the published schedule that is found within this letter.

The designated new member recruitment period will be held during the fourth week of the Fall/Spring semesters. Each organization will choose one (1) day within the established recruitment period to conduct a formal interest meeting. Organizations not meeting ALL certifications requirements are not eligible to conduct any induction activities. ALL certification must be completed within 30 days of the start of the new semester. All dates, times and locations for recruitment program must be submitted in writing (sealed envelope bearing the name of the organization and signature of the chapter president) to the Clubs and Organization Coordinator in the Office of Student Activities end or the fifth week of the Fall/Spring semesters (no exceptions). Any extensions to the new member installation schedule must be requested in writing to the Coordinator of Clubs and Organizations in the Office of Student Activities.

The following documents must be presented for the membership recruitment process:

1. A letter of intent: (Please adhere to a, b, or c, depending on your club/organization type)
   a. For Membership recruitment organizations, a letter of intent to participate in membership recruitment (including the organization’s president and advisor’s signatures).
   b. For Academic organizations, a letter of intent to be active on campus (including the organization’s president and advisor’s signatures) and must have approval from the Dean of the School or College.
   c. For Non-Membership recruitment clubs and organizations, a letter of intent to hold auditions (if applicable) and to be active on campus for the semester (including the organization’s president and advisor’s signatures).

2. A complete list: (Please adhere to a, b, or c, depending on your club/organization type)
   a. For Membership recruitment organizations, a complete list of prospective candidates.
   b. For Academic organization, a complete list of members, designated as “new” or “continuing.”
   c. For Non-Membership recruitment clubs and organizations, a complete list of continuing members and a separate list of new members or prospective candidates (if auditions are required).

   All of the above lists must include:
   - Full Names
   - GPA’s
   - Student ID Numbers
   - College Majors
   - Local and Permanent Address
   - Telephone Number and email address
   - Parent or Guardian contact information: Name, address, daytime contact numbers
   - Name and telephone number of the Student Induction Process Chairperson/Coordinator

3. A complete schedule: (Please adhere to a, b, or c, depending on your club/organization type)
   a. For Membership recruitment organizations, a complete schedule of the organization’s membership recruitment program and complete process.
   b. For Academic organizations, a copy of the completed membership applications for new members.
   c. For Non-Membership recruitment clubs and organizations, a complete schedule of the organization’s audition process.

4. Email addresses for the organization’s advisor, president, installation chairperson and coordinator.

Special Note: Failure to adhere to these aforementioned policies and deadlines will result in the immediate termination for all intake activities. Further, the group or organization may be placed on inactive status or suspension. There should be no intake during the summer semesters (May 1 – August 31).
Intake Policies and Procedures

Greek Letter Organizations

All National Pan-Hellenic Council (NPHC) members must complete the mandatory certification process and attend an Anti-Hazing/Safety Awareness forum in order to begin membership intake activities. Activities must adhere to the published timeline listed below. The minimum cumulative grade point average (GPA) for prospective candidates into NPHC organizations is 2.50. The number of eligible candidates must not exceed 55. Once the list of eligible candidates has been submitted to the Office of Student Activities in writing, there will be no allowances made for additional candidates by the organization’s national office or the university to replace a rejected candidate.

The designated Rush period will be held during the third week of the Fall/Spring semesters. Each organization will choose one (1) day within the established Rush period to conduct a formal interest meeting. Organizations not meeting ALL certifications requirements are not eligible to conduct any activities. All dates, times and locations for the proposed membership recruitment program must be submitted in writing (sealed envelope bearing the name of the organization and signature of the chapter President and Advisor) to the Greek Life Coordinator in the Office of Student Activities by the end of the fourth week of the Fall/Spring semesters (no exceptions). Any extensions to the intake schedule must be requested in writing to the Coordinator of Clubs and Organizations located in the Office of Student Activities.

The following documents must be presented for the Intake Process.

1. A letter of intent to participate in Intake Process (including the organization’s president. Membership Intake Chair and advisor’s signatures). A letter of approval must be attached to the letter of intent from your organization’s national headquarters.

2. A complete list of prospective candidates which must include:
   - Full Names
   - GPA’s
   - Student ID Numbers
   - College Majors
   - Local and Permanent Address
   - Telephone Number and email address
   - Parent or Guardian contact information: Name, address, daytime contact numbers
   - Name and telephone number of the Student Intake Process Chairperson/Coordinator

3. A complete schedule of the organization’s Intake Program and the entire intake process to include dates, times, and on-campus locations.

4. Phone numbers and e-mail addresses of the organization’s advisor, president, and intake chairperson on and off campus (state, district, or national designee).

Special Note: Failure to adhere to these aforementioned policies and deadlines will result in the immediate termination for all intake activities. Further, the group or organization may be placed on inactive status or suspension. There should be no intake during the summer semesters (May 1 – August 31).

- **Auto-Zero EFC Income Threshold** - Public Law 112-74 amended HEA section 479(c) to reduce the income threshold for an automatic zero expected family contribution (EFC) from $30,000 to $23,000 for the 2012-2013 award year for both dependent and independent students.

- **2012-2013 Federal Pell Grant Amounts** - Public Law 112-74 included funds to establish the maximum Federal Pell Grant award for the 2012-2013 Award Year at $4,860. However, HEA section 401 (b)(7) provides for an automatic increase to the appropriated Federal Pell Grant maximum award for 2012-2013 of $690, resulting in a 2012-2013 maximum award of $5,550.

- **Minimum Federal Pell Grant Award and Maximum EFC** - Public Law 112-74 amended HEA section 401(b)(4) to change the minimum Federal Pell Grant award calculation. Beginning with the 2012-2013 award year, students will not receive a Federal Pell Grant if they are not eligible for at least ten percent of the maximum award for the academic year. This change in the calculation of the minimum award amount results in 4995 being the maximum EFC enabling a student to be eligible to receive a 2012-2013 Federal Pell Grant.

- **Federal Pell Grant Duration of Eligibility** - Public Law 112-74 amended HEA section 401(c)(5) to reduce the duration of a student’s eligibility to receive a Federal Pell Grant from 18 semesters (or its equivalent) to 12 semesters (or its equivalent). This provision applies to all Federal Pell Grant eligible students effective with the 2012-13 award year. The calculation of the duration of a student’s eligibility will include all years of the student’s receipt of Federal Pell Grant funding. This change in the duration of students’ Federal Pell Grant eligibility is not limited only
to students who received their first Federal Pell Grant on or after the 2008-2009 award year, as the HEA previously provided when the duration of eligibility was 18 semesters.

- **Grace Period Interest Subsidy** - Public Law 112-74 amended HEA section 428(a)(3)(A)(i)(I) to temporarily eliminate the interest subsidy provided on Direct Subsidized Loans during the six month grace period provided to students when they are no longer enrolled on at least a half-time basis. This change will be effective for new Direct Stafford Loans for which the first disbursement is made on or after July 1, 2012, and before July 1, 2014.