

FLORIDA **A&M** UNIVERSITY  
Board of Trustees

**Audit and Compliance Committee Meeting**  
Thursday, March 6, 2024  
2:15 p.m.

**Committee Members:** Michael White, Chair  
Otis Cliatt, II; John Crossman (Vice Chair); Natlie G. Figgers; Kristin Harper;  
Londe Mondelus; Belvin Perry

**AGENDA**

- |     |               |                       |
|-----|---------------|-----------------------|
| I.  | Call to Order | Trustee Michael White |
| II. | Roll Call     | Ms. Debra Barrington  |

**ACTION ITEMS**

- |      |  |               |
|------|--|---------------|
| III. | Minutes: Consideration of Approval – December 6, 2023            | Trustee White |
| IV.  | University Regulation 1.022- Title IX and Formal Hearing Process | Rica Calhoun  |

**INFORMATIONAL ITEMS**

- |                                  |  |  |
|----------------------------------|--|--|
| Office of Compliance and Ethics: | Rica Calhoun                           |  |
| V.                               | Office of Compliance and Ethics Update |  |
| Division of Audit:               | J. Maleszewski/D. Melton               |  |
| VI.                              | Audit and Investigative Follow-up      |  |
| VII.                             | External Audit Updates                 |  |
| VIII.                            | Standards Update                       |  |
| IX.                              | ERM Update                             |  |
| X.                               | Division of Audit Update               |  |
| XI.                              | Adjournment                            |  |

**Florida Agricultural and Mechanical University  
Board of Trustees**



**Audit & Compliance Committee Meeting**

**Trustee Michael White, Chair**

**Grand Ballroom**

**Wednesday, December 6, 2023 at 9:45 a.m.**

**Committee Minutes**

**Committee Members:** Trustee Michael White (Chair); Trustee Otis Cliatt, II; Trustee John Crossman (Vice Chair); Trustee Natlie G. Figgers; Trustee Kristin Harper; Trustee Londe Mondelus (Student Member); Trustee Belvin Perry

Chair White, called the meeting to order. Ms. Debra Barrington called the roll. A quorum was established. Chair White acknowledged three (3) action items:

1. Consideration of Approval for the October 11, 2023 Meeting Minutes;
2. Division of Audit Workplan Updates; and
3. University Regulation 2.034- Name, Image, and Likeness.

**The first action item** – Chair White acknowledged consideration of the Wednesday, October 11, 2023, Audit and Compliance Committee Meeting Minutes. The minutes were moved by Trustee Perry, and seconded by Trustee Mondelus. The motion carried and the October 11, 2023, minutes were approved.

**The second action item** – Chair White asked VP Maleszewski to present the Division of Audit Workplan Updates for consideration of approval. The Division of Audit Workplan Updates document was included in the Board and Committee member's materials. VP Maleszewski reminded committee members that the Division of Audit Workplan was previously presented during the Wednesday, October 11, 2023 meeting. Strategic adjustments to the approved work plan were made, prioritizing essential focus areas. As a result, specific projects and initiatives were removed or scaled back in the current fiscal year. At the October meeting, Trustee Belvin Perry directed VP Maleszewski to bring back a revised update for consideration during the December 6, 2023, Audit and Committee Compliance Committee Meeting. Updates were provided as requested. Importantly, two ERM projects related to the development of an Athletics Risk Toolkit and a Cybersecurity Risk Toolkit were added back to the revised Division of Audit Workplan.

Trustee Harper moved approval of the revised Division of Audit Workplan Updates. Trustee Perry seconded the motion. The motion carried and the Division of Audit Workplan Updates were approved.

Chair White shared that this is an action item requiring full Board's approval.

**The third action item** – Chair White requested Chief Compliance and Ethics Officer Rica Calhoun present, for consideration of approval, University Regulation 2.034 – Name, Image, and Likeness. Chief Compliance and Ethics Officer Calhoun presented from the materials provided.

Trustee Harper motioned to approve University Regulation 2.034 – Name, Image, and Likeness. Trustee Perry seconded the motion. The motion carried. Chair White shared that the University Regulation 2.034 will be included in the consent agenda for full Board consideration.

**Adjournment** Chair White adjourned the Audit and Compliance Committee Meeting as there was no further business before the committee.



FLORIDA A&M UNIVERSITY  
OFFICE OF COMPLIANCE  
AND ETHICS

# Board of Trustees Report

March 2024



# OFFICE ACTIVITIES

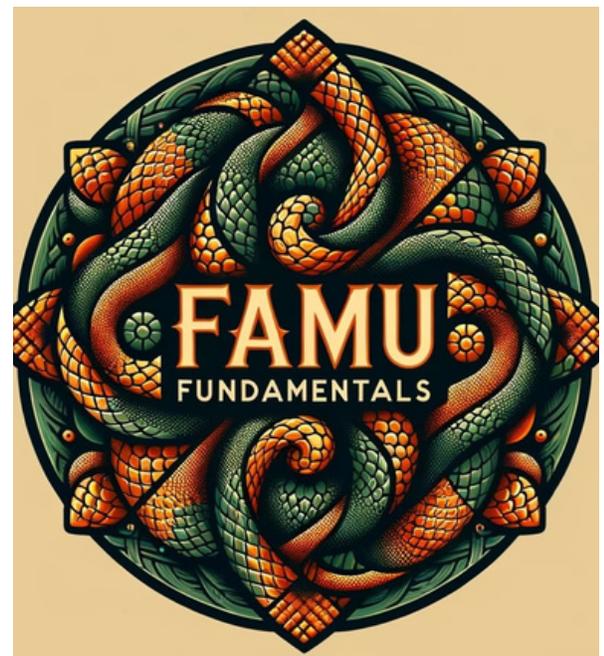


The Office of Compliance and Ethics (OCE) continues to work with compliance partners across the University on initiatives to assist in identifying and mitigating compliance risks across the institution. Since the December meeting, we have continued our work, teaming up with University divisions and units to provide compliance and ethics education, investigate and report misconduct, conduct compliance risk assessments, and gather feedback regarding our efforts.

---

## HIGHLIGHTS

- FAMU Fundamentals 2024
- Investigations
- Key Initiatives
  - Title IX Policy Review and Revision
  - Data Privacy Awareness Week
  - Compliance Chronicles (February 2024)



# FAMU Fundamentals 2024

## Why Mandatory University Compliance Training?

Board of Governors' Regulation 4.003 requires all universities to establish and implement an effective compliance and ethics program. Compliance training is a key requirement of such a program. Per the regulation:

“University employees and board of trustees’ members shall receive training regarding their responsibility and accountability for ethical conduct and compliance with applicable laws, regulations, rules, policies, and procedures.”

OCE appreciates the full support of the University Board of Trustees and the President’s Senior Leadership Team in the implementation of mandatory training for all University employees. OCE partnered with the School of Journalism & Graphic Communication to produce several of the modules this year.

The Modules for 2024 include:

- Compliance and Ethics: Cornerstone Topics;
- Clery Awareness;
- Rights, Respect, and Responsibilities with Equal Opportunity Programs;
- Fraud and Internal Controls Awareness;
- Cybersecurity Awareness;
- Emergency Management: Empowerment through Emergency Preparedness;
- Guiding Principles in the Art of Policy Management; and,
- Foreign Influence Primer \*\* ( Researchers and Research Support Positions ONLY)



Remaining timeline highlights:

January-February 2024: Production and implementation on learning platform

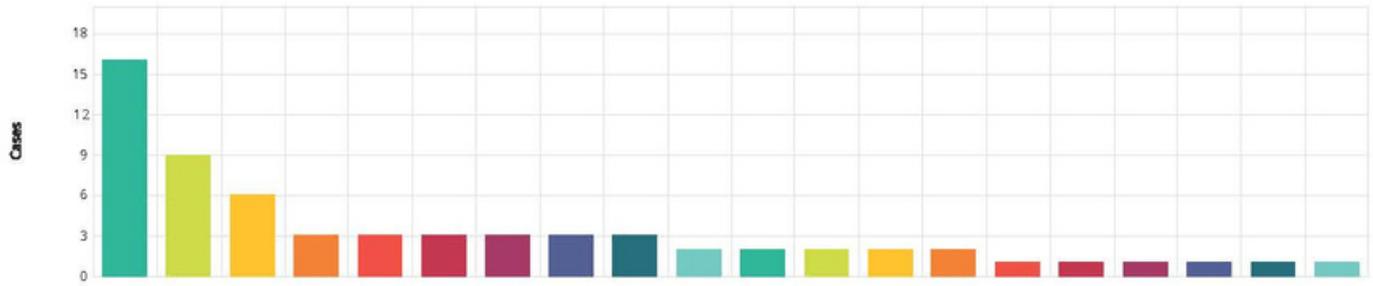
March 1-31, 2024: Mandatory training window opens for all employees and select student employees.

OCE will report completion to University managers and senior leadership throughout the training period, with a final report in April 2024.

# Investigations

Summary - Issue Type February 2024

Date Range 07/01/2023 - 02/26/2024



Issue	Count (%)
Other	16 (24.62%)
Employee Misconduct	9 (13.85%)
General Concern	6 (9.23%)
Accounting and Auditing Matters	3 (4.62%)
Credentials Misrepresentation	3 (4.62%)
Discrimination or Harassment	3 (4.62%)
Legacy Case Follow-Up	3 (4.62%)
Misuse of University Resources	3 (4.62%)
Workplace Harassment	3 (4.62%)
Academic Misconduct	2 (3.08%)
Falsification of Contracts, Reports or Records	2 (3.08%)
Fraud	2 (3.08%)
Misuse of Resources	2 (3.08%)
Student Safety	2 (3.08%)
Data Privacy	1 (1.54%)
Healthcare: Fraud, Waste & Abuse or Billing Concerns	1 (1.54%)
Misrepresentation of Information	1 (1.54%)
Time Abuse	1 (1.54%)
Violence or Threat	1 (1.54%)
Workplace Retaliation or Retribution	1 (1.54%)
<b>Total</b>	<b>65</b>

OCE manages the University's Compliance and Ethics Hotline. We intake concerns of misconduct for referral to other University enforcement offices or for investigation by OCE. Since July 1, the hotline has logged 65 complaints. Open investigations in OCE include allegations of misconduct due to conflicts of interest, retaliation, and employee misconduct. Across enforcement offices\*, 26 complaints have been closed and 39 are in process. OCE is currently monitoring closed investigations in the Division of Academic Affairs (management plan implementation) and Athletics (management response).

\*Includes the Offices of Compliance and Ethics, HR, EOP, and the Division of Audit

# Key Initiatives



# The Evolution of FAMU's Compliance and Ethics Program

The evolution of the Compliance and Ethics Program at FAMU represents a critical journey toward ensuring the highest standards of integrity, transparency, and accountability within its academic and administrative frameworks. As the nation's #1 public HBCU with a storied history and a vibrant community, FAMU remains committed to upholding the values that foster an environment of compliance, fairness, and respect.

The maturation of FAMU's Compliance and Ethics Program is not just a response to regulatory requirements; it is a proactive strategy to align the University's operations with its core values and mission. This journey reflects a deep understanding that a robust compliance and ethics program is vital to creating a culture where every stakeholder feels valued, protected, and empowered to contribute to the University's success.

Central to this work has been the commitment to continuous improvement and adaptability. Recognizing that the landscape of higher education is ever-changing, FAMU has invested in the development of policies, procedures, and training programs that are not only responsive to current challenges but also anticipatory of future needs. This forward-thinking approach ensures that the University remains a step ahead in addressing the complexities of compliance and ethics in K-20 education.

The program's growth is a testament to FAMU's dedication to open dialogue and transparency. By fostering an environment where students, faculty, and staff are encouraged to voice concerns and participate in the compliance process, the University strengthens its community and reinforces trust. This participatory approach demystifies compliance and ethics, making it a shared responsibility rather than a top-down mandate. Initiatives like the Enterprise Compliance Committee (ECC) underscores this commitment.

The strategic integration of Athletics Compliance and Equal Opportunity Programs under the Compliance and Ethics umbrella further exemplifies FAMU's holistic approach. This integration supports the University's focus on fairness and integrity, from the workplace and classroom to the athletic field, and beyond.

As FAMU's Compliance and Ethics Program continues to mature, it serves as a beacon for how institutions of higher education can navigate the complexities of compliance and ethics with grace, resilience, and an unwavering commitment to their core values. This journey, while challenging, is deeply rewarding, as it lays the foundation for a university that is not only compliant but ethically robust, inclusive, and prepared to lead by example in the broader academic community.



# Celebrating Data Privacy Week

From January 22-26, we celebrated FAMU's inaugural Data Privacy Week, a dedicated time to raise awareness about the significance of data privacy and the steps we can take to uphold it. This annual observance served as a reminder of the constant vigilance required to protect the privacy and confidentiality of the data we handle.

Data breaches and privacy lapses can have far-reaching consequences, impacting individuals and eroding trust. By actively participating in Data Privacy Week, we demonstrated our collective dedication to fostering a culture of data protection within our FAMU community.

On Tuesday, January 23rd, the President and his Senior Leadership team pledged their commitment to privacy by completing Privacy Champion Pledge forms to become Data Privacy Champions. Becoming a Data Privacy Champion shows a recognition of the critical importance of privacy and data governance in maintaining the trust and safety of students, faculty, and staff.

On Wednesday, January 24th, we had an in-person Privacy Workshop at the Efferson Student Union where we had lunch and learned more about Privacy best practices from our speakers, La'Tonya Baker and Deidre Melton. We engaged in various activities, and discussions aimed at enhancing our understanding of data privacy best practices. These efforts empowered us to make informed decisions and implement robust measures to mitigate potential risks.

Finally, we created an Instagram reel! Throughout the week, individuals recorded and submitted videos highlighting their take on what it means to be a Data Privacy Champion. Check it out [here](#) on the @famu\_1887 Instagram page.

## DATA PRIVACY WEEK RECAP



# Key Initiatives

## Compliance Focus: 23-24 Compliance Risk Assessment

Area	Issue	Risk Level	Status
Administration	Administrative Leave	Medium-High	Compliance Focus: (Compliance Review)
Administration	Conflict of Interest	Medium	Compliance Focus: (Compliance Review Process Review and Enhancement)
Governance	Training	Medium	Compliance Focus: (Additional Training Opportunities)
Research	Foreign Gift Reporting	Medium	Compliance Focus: (REDUCED risk level) (established process effectiveness review and implementation)
Compliance	Retaliation	Medium	Compliance Focus: (Follow-up related to retaliation through micro-learning and FAMU Fundamentals)
Academic Affairs	Ch. 2023-82, 2023 Fla. Laws	Medium-High	Compliance Focus: Monitor compliance with law and accompanying BOG guidance
Research	Foreign Influence	High	Compliance Focus: Adapting to changing legislation and continued monitoring and recommendations to ensure compliance with screening and travel requirements.

# Key Initiatives

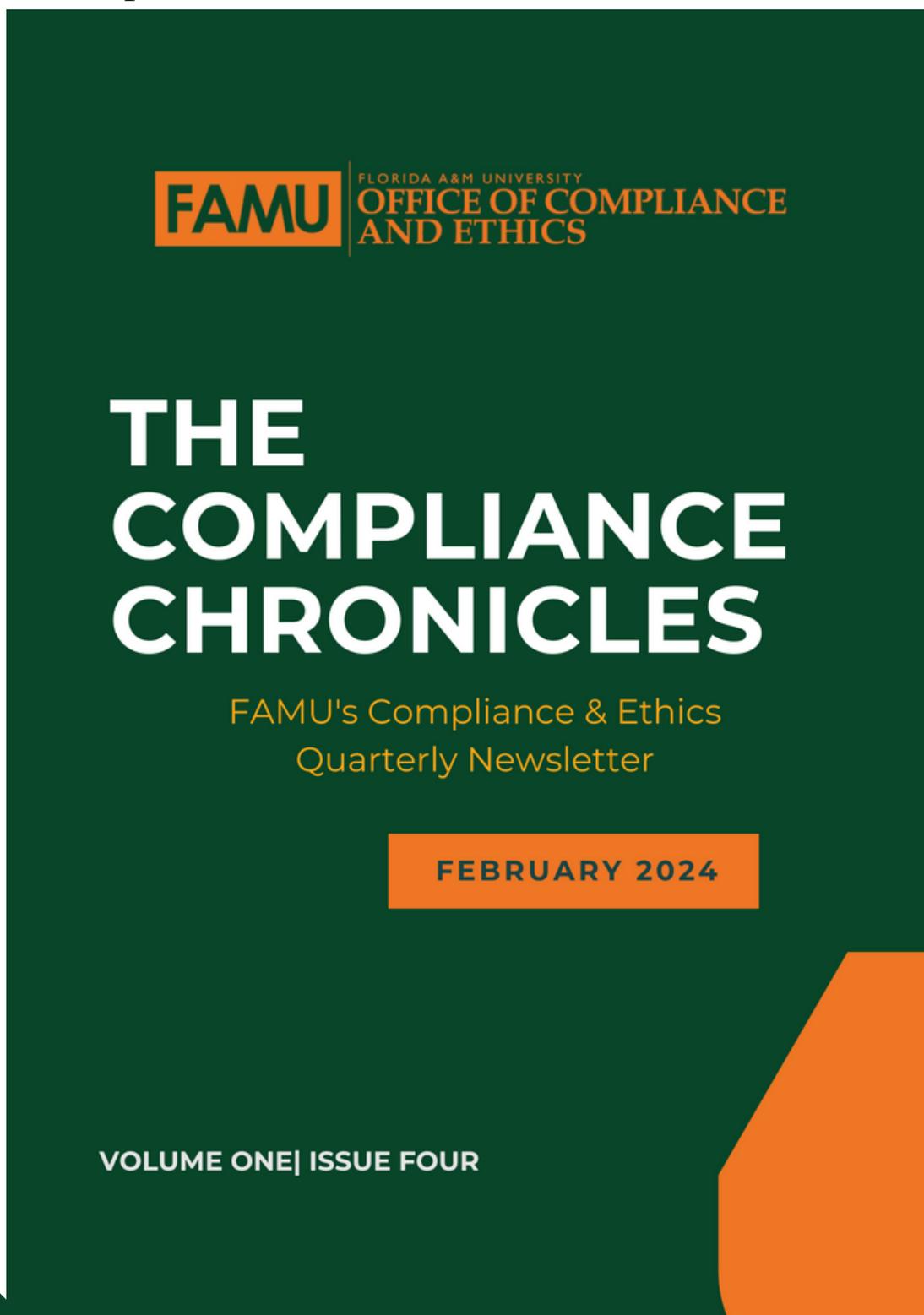
## Compliance Focus: 23-24 Compliance Risk Assessment (continued)

Area	Issue	Risk Level	Status
Research/ITS	Research Security and Compliance	Medium-High	Compliance Focus: (Assist ITS in NIST 800-171; centralized cloud solution for research data)
ITS/ Administration	Data Privacy	Medium-High	Compliance Focus: Development of privacy program; GDPR review update and other reviews incorporated into the program.
Athletics	Probation and Reporting	Medium	Compliance Focus: Coordinating with external firm to complete annual review of probation progress (currently in final year)
Athletics	Athletics Plan	Medium-High	Compliance Focus: Effective implementation of areas identified in the athletics plan
Athletics	NCAA and Title IX compliance	Medium	Compliance Focus: Monitor and assist in the achievement of equity goals and reporting (USDOE Equity in Athletics Data Analysis and Florida report).
FAMU DRS	Policy and Legislative Changes	Medium	Compliance Focus: Monitor and implement recommendations through Enterprise Compliance Committee (ECC) working group.

# Key Initiatives (Continued)

## Outreach

OCE released its most recent installment of the quarterly newsletter, Compliance Chronicles, in February 2024. You can view the newsletter at the end of this report.



# Key Initiatives (Continued)

## Compliance and Ethics Assessment 2023

OCE last administered the compliance and ethics culture survey in 2021. We continue with our biennial Compliance and Ethics Survey, which provides an opportunity for us to identify participant demographics and solicit feedback around the following areas:

1. **Familiarity with Resources** (providing resource links, as well);
2. **Employee Perceptions** (policies, behavioral expectations, with separate tracks for managers and employees);
3. **Comfort Voicing Concerns** (reporting avenues and retaliation concerns); and
4. **Employee Perception of Organizational Response to Concerns** (pressures to violate law or policy, direct observations of misconduct, University response, retaliation).



# Compliance and Ethics Assessment 2023

Our response rate increased in 2023 over 2021 and we observed some helpful feedback from the responses we did receive to compare.

## Familiarity with Resources

We saw an increase in the percentage of respondents who were aware of the compliance and ethics hotline, reporting avenues, and the University Code of Conduct.

## Employee Perceptions

A majority of respondents felt that the training they receive and University policies are easy to understand and prepare them for navigating their workplace.

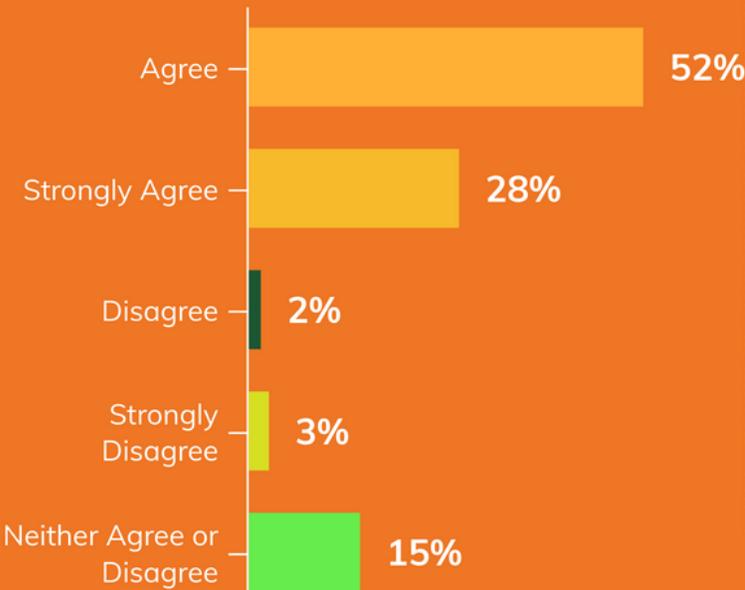
## Reporting

Across all administrations of the survey, a majority of respondents were comfortable reporting their concerns to their immediate supervisors or using one of the internal reporting mechanisms. A majority of survey participants were also consistent across surveys in their perception that they would not be retaliated against for reporting their concerns.

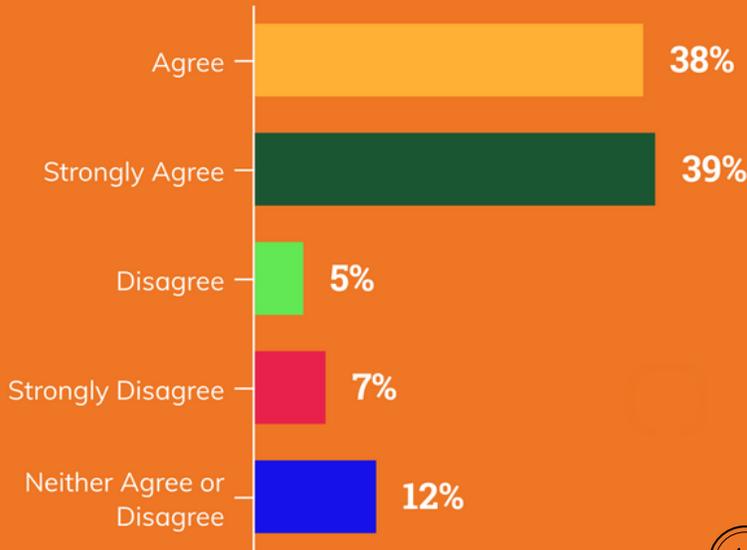
## Organizational Response

A majority of respondents felt assistance was readily available. When asked what would make a person hesitant to report observed misconduct, a majority of respondents indicated that inaction would impact their willingness to report.

I believe that FAMU's Code of Conduct clearly communicates expectations.



I feel comfortable reporting incidents or concerns of non-compliance to my manager.





ACTION  
ITEMS

# ACTION ITEM: Univ. Reg. 1.022

This amended Regulation addresses the process for promptly responding to persons who are alleged to have experienced sex discrimination and/or Sexual Misconduct pursuant to Title IX of the Education Amendments of 1972. The Regulation has been amended to: clarify its applicability; add and amend definitions; incorporate the role of the advisor in the process; amend the formal complaint process; outline disciplinary sanctions; incorporate an administrative resolution process, and make technical and grammatical changes.

**RECOMMENDATION: It is recommended that the Board of Trustees approves the revisions to University Regulation 1.022**

## Florida A&M University Regulation



### 1.022 Title IX Sex Discrimination and Sexual Misconduct Prohibition, and Formal Hearing Process.

- (1) Florida A&M University is committed to providing an educational and work environment free from discrimination and harassment on the basis of sex, sexual orientation, gender identity, and gender expression.
- (2) In accordance with federal regulations implementing Title IX of the Education Amendments Act of 1972, Florida A&M University will promptly respond to persons individuals who are alleged to have experienced Sexual Misconduct by offering Supportive Measures; follow a fair resolution process to resolve Sexual Misconduct allegations; and provide remedies to victims of Sexual Misconduct. All members of the University Community are required to comply with this Regulation, both on and off campus. This extends to vendors, contractors (including the employees of third parties), guests, applicants, volunteers, or others on the University's campus and at any University sponsored or related function or activity.
- (3) Other allegations of Sexual Harassment, discrimination, and misconduct that occurs between University students or employees during activities or at locations not listed in paragraph (76) below or which give rise to additional non-Sexual Misconduct violations of University Regulations, will be resolved in accordance with University Regulations 10.103 Non-discrimination Policy and Discrimination and Harassment Complaint Procedures, University Regulation 10.111 Disruptive Conduct, Regulation 1.019 University Code of Conduct and Regulation 2.012 Student Code of Conduct and/or other applicable regulations.

- (4) All ~~questions-matters related to regarding~~ sex discrimination in Athletics and other Title IX issues not described under this Regulation will be resolved in accordance with University Regulations 10.103 Non-discrimination Policy and Discrimination and Harassment Complaint Procedures, Regulation 1.019 University Code of Conduct and Regulation 2.012 Student Code of Conduct, University-Regulation 10.111 Disruptive Conduct, and/or other applicable regulations.
- (5) All questions or concerns about this Regulation, conduct that may violate this Regulation, and/or complaints based on sex discrimination in Athletics should be directed to the Title IX Coordinator:

Letitia McClellan  
1700 Lee Hall Drive| Suite 308, Foote-Hilyer Administration Center  
Tallahassee, Florida 32307  
(850) 599-3076  
[TitleIX@famu.edu](mailto:TitleIX@famu.edu)

- (6) Any ~~person-individual~~ may report Sexual Misconduct, discrimination, or other misconduct whether or not the ~~individualperson~~ reporting is ~~the person~~ alleged to be the victim of the conduct that could constitute Sexual Misconduct, discrimination, or other misconduct.
- (7) Jurisdiction: ~~;-~~ -This Regulation applies to Sexual Misconduct that occurs 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, any building owned or controlled by a recognized student organization or direct support organization;
  - (d) Activities sponsored by the University wherever they occur;
  - (e) Activities officially approved by the University that are conducted by University recognized organizations and direct-support organizations; and/or
  - (f) Activities occurring on or off campus as a part of the University's operations including virtual or online platforms.
- (8) Definitions.
- (a) **Actual Knowledge:** ~~n~~Notice of Sexual Misconduct or allegations of Sexual Misconduct to the Title IX Coordinator or any official who has authority to institute

corrective measures on behalf of the University. This standard does not apply when the only University official with actual knowledge is the Respondent.

~~(b)~~ **Advisor** - Any person individual chosen by the Complainant or Respondent to assist throughout the Sexual Misconduct process (e.g., faculty, staff, parent/guardian, attorney, friend, alumni, or any other individual person who is not a witness in the process).

~~(c)~~ **Campus Security Authority:** As referred to in the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act of 1990, 20 U.S.C. §1092(f) ~~Act~~ (Clery Act), an official of an institution who has significant responsibility for student and campus activities, including, but not limited to, campus security, student housing, student discipline, and campus conduct/judicial proceedings.

~~(b)~~~~(d)~~ **Coercion:** Persuading an individual by using force, threats, intimidation, manipulation, blackmail, and/or pressure to initiate or continue sexual activity against an individual's will.

~~(e)~~~~(e)~~ **Complainant:** aAn person-individual(s) who is/are alleged to be the victim(s) of conduct that could constitute Sexual Misconduct.

~~(d)~~~~(f)~~ **Confidential Employee:** aAn employee who is not required to report, with identifying information, any incident of Sexual Misconduct to the Title IX Coordinator. This includes employees at Student Health Services, the Office of Counseling Services, and the University Victim Advocate.

~~(e)~~~~(g)~~ **Consent:** Consent to sexual activity must be knowing, intelligent, unambiguous, and voluntary. Consent is active, not passive. This means there must be clear and willing participation, through words or actions, for each sexual act. Submission to sexual activity that is the result of force, coercion, incapacity, or threats is not valid consent.

1. Consent to one type of sexual activity does not imply consent to other types of sexual contact. There must be consent at every stage of the sexual encounter.
2. Past consent to sexual activity does not imply consent to future sexual activity.

3. Consent can be withdrawn at any time, including in the middle of a sexual encounter, if the withdrawal of consent is clearly indicated by words or actions.

~~Persons—Individuals~~ who are incapacitated cannot make knowing, intelligent, unambiguous, and voluntary decisions, and therefore cannot give consent (e.g. cannot understand the: who, what, when, where, why, or how of the sexual interaction. An individual can be incapacitated by voluntary or involuntary use of drugs (legal, illegal, or prescription) or alcohol, illness, mental impairment/disability, or by a state of being asleep or unconscious by voluntary or involuntary alcohol or drug use (legal, illegal, or prescription), asleep, unconscious, mentally impaired by disease or illness, or. In addition, an individual under 18 years old cannot give consent to sexual conduct (no matter what they say or do). If there is any question regarding whether ~~an person—may~~ individual may be incapacitated, do not engage in any type of sexual activity with that ~~individualperson.~~

**(h) Dating Violence:** ~~v~~Violence committed by an ~~individualperson~~ who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the ~~individuals~~ persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

**(i) Day:** Means business day when the university is in normal operation.

**(j) Decision-maker:** The individual or panel who hears evidence, determines relevance, and make the Final Determination of whether this policy has been violated and/or assigns sanctions.

**(k) Deputy Title IX Coordinator:** Individual designated to assist with the reporting and coordination of Title IX related matters in specific compliance programs or departments within the University. The Deputy Title IX Coordinator may have delineated roles such as senior woman administrator (athletics), Senior Associate

Athletic Director, compliance officer, etc.

~~(f)~~(l) **Domestic Violence:** ~~v~~Violence committed by:

1. a current or former spouse or intimate partner of the victim;
2. a person with whom the victim shares a child in common;
3. a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
4. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the Sstate of Florida;
5. any other individual person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the Sstate of Florida.

To characterize an incident as domestic violence, the relationship between the perpetrator and the victim must be more than just two people living together as roommates. The individualspeople cohabitating must be current or former spouses or have or had an intimate relationship.

~~(g)~~(m) **Formal Complaint:** ~~a~~A document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Misconduct against a Respondent and requesting that the University investigate the allegation of Sexual Misconduct. At the time of filing a formal complaint, a Complainant must be participating or attempting to participate in the University's education program or activity.

~~(h)~~(n) **Hearing Officer:** ~~t~~The chairperson of the hearing panel or a University official(s) or designee who will act as the decision-maker.

~~(i)~~(o) **Hearing Panel:** ~~i~~In a disciplinary proceeding, the individualspersons authorized by the University to determine whether a Respondent has violated this Regulation and to determine sanctions.

~~(p)~~ **Notice:** ~~a~~A report of Sexual Misconduct to the Title IX Coordinator.

~~(q)~~ **Program or aActivity:** All of the operations of a college, universitypostsecondary institution; or other postsecondary institution, or local education system (institution), to include locations, events or circumstances over which the institution exercised substantial control over both the Rrespondent and the context

in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution ~~a public system of higher education.~~

~~(j)~~(r) **Relevant Evidence:** Evidence that tends to prove (inculpatory) or disprove (exculpatory) an issue in the complaint.

~~(k)~~(s) **Remedies:** Actions designed to restore or preserve equal access to the University's education program or activity. Such remedies may include Supportive Measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent. ~~For issues involving allegations of sex discrimination, refer to University Regulation 10.103.~~

~~(l)~~(t) **Respondent:** ~~An individual person~~ who has been reported to be the perpetrator of conduct that could constitute Sexual Misconduct.

(u) **Responsible Employees:** Employees who must promptly report any incident, in detail, of Sexual Misconduct that they become aware of to the Title IX Coordinator. The employee must report all known information, including the identities of the parties, the date, time, and location, and any details about the reported incident to the Title IX Coordinator. Confidential Employees are exempt.

~~(m)~~(v) **Retaliation:** Intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX because the individual made a report or complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under this ~~Regulation~~ or any companion University regulation. Retaliation could also include actions taken against someone who has intervened as a bystander to stop or attempt to stop misconduct.

~~(n)~~(w) **Sexual Assault:** Any attempted or actual sexual act directed against another ~~person~~ individual, without consent of the victim, including instances of coercion or where the victim is incapable of giving consent.

1. Rape is the ~~P~~penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another ~~person~~ individual, without the consent of the victim. This offense includes

the rape of both males and females.

2. Fondling is the touching of the private body parts of another ~~person~~ individual for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
3. Incest is sexual intercourse between ~~persons~~ individuals who are related to each other within the degrees wherein marriage is prohibited by law.
4. Statutory rape is sexual intercourse with an individual ~~person~~ who is under the statutory age of consent.

~~(e)~~(x) **Sexual Exploitation:** Sexual exploitation occurs when an ~~person~~ takes individual takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the ~~person~~ individual being exploited, and that behavior does not otherwise constitute one of the preceding Sexual Misconduct offenses. Examples include, but are not limited to: Prostitution of another ~~person~~ individual, non-consensual visual or audio-recording of sexual activity, or non-consensual distribution of photos, other images, or information of an individual's ~~person's~~ sexual activity.

~~(e)~~(y) **Sexual Harassment:** Conduct on the basis of sex that satisfies one or ~~f~~ more of the following:

1. An employee conditioning the provision of an aid, benefit, or service of the University on an ~~person's~~ individual's participation in unwelcome sexual conduct. In expansion, sexual harassment can also occur as quid pro quo when submission to such conduct or request is made either explicitly or implicitly a term or condition of a status in a course, program, or activity, or of academic achievement; or submission to such conduct or request is made either explicitly or implicitly a term or condition of an individual's employment, salary increase, position advancement or other employment related benefits; or submission to or rejection of such conduct or request by an individual is used as the basis for an academic decision or employment

decision affecting such individuals.

2. Unwelcome conduct determined by a reasonable ~~person~~individual to be so severe, pervasive, and objectively offensive that it effectively denies an individual ~~person~~ equal access to the University's education program and activity. ~~In expansion, sexual harassment can also occur as quid pro quo when submission to such conduct or request is made either explicitly or implicitly a term or condition of a status in a course, program, or activity, or of academic achievement; or submission to such conduct or request is made either explicitly or implicitly a term or condition of an individual's employment, salary increase, position advancement or other employment related benefits; or submission to or rejection of such conduct or request by an individual is used as the basis for an academic decision or employment decision affecting such individuals.~~

3. Any instance of Sexual Assault as defined in the Clery Act, including dating violence, domestic violence, or stalking, as defined in the Violence Against Women Act (VAWA).

4. Examples of unwelcome conduct include but is not limited to:

- i. Suggestive or inappropriate sex-based communications, notes, letters, electronic mail, text messages, contact through social media, or other written materials.
- ii. Sexual innuendo, comments, or remarks about an individual's clothing, body, or activities which places an individual in fear of imminent physical or psychological harm or injury.
- iii. Inappropriate touching or brushing against the body of another including, but not limited to patting, fondling, massaging, caressing, pinching, attempted or actual kissing.

~~(e)(z)~~ **Sexual Misconduct:** Any sexual contact toward another without the ~~person's~~individual's consent and includes, but is not limited to, Sexual Assault, inducing incapacitation for sexual purposes, Statutory Rape, Sexual Harassment, Coercion, Stalking and other forms of Sexual Exploitation. Sexual Misconduct may

constitute crimes (i.e. sexual battery, rape and related sex crimes) and/or civil complaints (i.e. sexual harassment) and can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship.

**(+)(aa) Stalking:** Engaging in a course of conduct directed at a specific ~~person~~ individual that would cause a reasonable ~~person-individual~~ to:

1. Fear for the ~~person's-individual's~~ safety or the safety of others; or
2. Suffer substantial emotional distress;
3. For the purposes of this definition:
  - a. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about an individual-person, or interferes with an individual's a-person's property.
  - b. Reasonable ~~person-individual~~ means a reasonable ~~person-individual~~ under similar circumstances and with similar identities to the victim.
  - c. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

**(s)(bb) Statutory Rape:** Non-forcible sexual intercourse with an individual a ~~person~~ who is under the statutory age of consent. There is no force or coercion used in Statutory Rape; the act is not an attack.

**(cc) Supportive Measures:** Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent before or after the filing of a Formal Complaint, or ~~when~~ no Formal Complaint has been filed.

**(+)(dd) Title IX Coordinator:** The individual University official with the primary responsibility for coordinating and administering the University's Title IX program.

**(ee) Voyeurism:** To trespass, spy, eavesdrop, or otherwise invade the privacy of

another for the purpose of personal sexual arousal.

(ff) **Written Determination:** A conclusion by the standard of proof that the alleged conduct did or did not violate policy or occur as alleged.

(u) : The individual University official with the primary responsibility for coordinating and administering the University's Title IX program.

#### (9) Reporting Sexual Misconduct.

- (a) If you believe that you have experienced Sexual Misconduct, notify the Title IX Coordinator as soon as possible after the incident. You do not have to tolerate unacceptable behavior, regardless of who is creating the situation. There is no specific time frame for ~~persons—individuals~~ who have experienced Sexual Misconduct to make a report pursuant to this Regulation. ~~Persons—Individuals~~ are, however, encouraged to make a report soon after the incident in order to maximize the University's ability to investigate and resolve the matter.
- (b) Responsible Employees and those designated ~~as—Campus~~ Campus Security Authorities must report allegations of Sexual Misconduct to the Title IX Coordinator. Additionally, anyone who interacts in our University Community and ~~has—learned~~ has learned of or witnessed a violation of this Regulation, is **strongly encouraged** to report the matter to the Title IX Coordinator.
- (c) Any ~~person—individual~~ may report Sexual Misconduct (whether or not the ~~individual~~ person reporting is the ~~individual~~ person alleged to be the victim of alleged Sexual Misconduct) in person, by mail, by telephone, by Title IX email at TitleIX@famuedu, or to the Title IX Coordinator, Letitia McClellan at Letitia.mcclellan@famuedu, using the contact information for the Title IX Coordinator as listed in this Regulation, or by using the Office of Compliance and Ethics Hotline portal at <https://secure.ethicspoint.com/domain/media/en/gui/74408/index.html?reloadPage=1> <https://www.compliance-helpline.com/famu.jsp?reloadPage=1>.
- (d) ~~Persons—Individuals~~ may make an anonymous report concerning an instance of Sexual Misconduct as well. Reports about Sexual Misconduct do not have to be

formal, signed complaints. However, an anonymous report may limit the University's ability to investigate, respond, and act. Responsible Employees and Campus Security Authorities who are relaying another ~~individual person~~'s incident of Sexual Misconduct must report all known details of the incident, including the identities of the ~~persons-individuals~~ involved.

- (e) If you are not sure whether an incident of Sexual Misconduct has occurred, you may contact the Title IX Coordinator for assistance in determining the nature of the incident and whether it should be reported pursuant to this Regulation. The University will promptly respond to every report of Sexual Misconduct through its Title IX Coordinator or designee.

(10) **Supportive Measures.** Upon receiving information alleging Sexual Misconduct, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant's wishes with respect to Supportive Measures, and explain to the Complainant the process for filing a Formal Complaint. It is not necessary to file a Formal Complaint to receive Supportive Measures.

~~(a) Supportive Measures are designed to ensure equal educational access, enforce safety, and deter Sexual Misconduct. For students, the University attempts to avoid depriving any student of their education. For employees, the University attempts to provide a safe working environment. The measures needed by the parties may change over time to ensure that they are necessary and effective based on each person's evolving needs. Ongoing coordination with the Title IX Coordinator is strongly encouraged.~~

~~(b)~~(a) Supportive Measures are offered to the Complainant and Respondent. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the Complainant and Respondent; changes in work or on-campus housing locations, leaves of absence, monitoring of certain areas of the campus, and other similar measures. ~~Where appropriate, the Title IX Coordinator will also offer Supportive Measures to~~

~~Respondents.~~ The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

~~(e)(b)~~ The University will keep any Supportive Measures provided to the Complainant or Respondent confidential to the extent that maintaining such confidentiality would not impair the ability of the University to provide Supportive Measures.

~~(11) Advisors.~~ During the grievance sexual misconduct process, the Complainant and Respondent may have an Advisor of their choice accompany them to any related meeting or proceeding. Advisors have the role(s) explicitly provided in this Regulation. Meetings or proceedings may not be unreasonably delayed due to the selection or schedule of an Advisor, and it is the responsibility of the Complainant or Respondent to communicate relevant information to their Advisor and ensure that their Advisor comports themselves in a manner which respects this educational-administrative process. After an appropriate warning, the University reserves the right to stop a meeting or proceeding and remove an Advisor whose presence disrupts the meeting or proceedings, and then begin the meeting or proceedings without the Advisor. During a hearing held pursuant to this Regulation, an Advisor will be provided by the University for cross-examination purposes only if the Complainant or Respondent does not already have an Advisor.

~~(11)(12)~~ **Formal Complaint.** At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in the University's education program or activity, both on and/or off campus. This extends to vendors, contractors (including the employees of third parties), guests, or others on the University's campus and at any University sponsored or related function or activity. The Formal Complaint must contain the Complainant's physical or digital signature. The University emphasizes the importance of treating Complainants and Respondents equitably upon receipt of a Formal Complaint. There is a presumption that -the Respondent is not responsible for the alleged conduct.

(a) In response to a Formal Complaint, the University will follow the Formal Hearing process or Informal Resolution process noted below. Once a Formal Complaint is filed, the University may take formal action in regards to the allegations of Sexual Misconduct. The University may initiate its own review of an incident, even if a

Formal Complaint has not been filed, and take appropriate action should such be deemed warranted under the circumstances presented.

(b) Upon receipt of a Formal Complaint, the University will provide written notice to the Complainant and Respondent of:

1. The Formal Hearing process, as well as Informal Resolution as outlined in this Regulation;
2. The allegations of Sexual Misconduct, including sufficient details known at the time, and provide the Complainant and the Respondent sufficient time to prepare a response before any initial interview;
3. Notice of any additional allegations that arise during the course of an investigation.

(c) The University reserves the right to consolidate Formal Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents when the complaint implicate a pattern, collusion, and/or shared or similar actions. re the allegations arise out of the same or similar facts or circumstances.

~~(d)~~ For cases in which there is an overlap of charges between Regulations 2.012, 1.019, 10.103, 10.111 and this Regulation, a joint- investigation will commence for efficiency purposes and to preserve University resources. The details of the investigation involving the other University Regulation will be included in the Title IX investigative report.

~~(12)~~(13) **Privacy and Confidentiality.** To the greatest extent possible, the University will keep confidential the identity of any person-individual who has made a report or complaint of Sexual Misconduct, any Complainant, any Respondent, and any witness.

(a) Privacy. The University is committed to protecting the privacy of all persons individuals involved in a report of Sexual Misconduct. However, as described in this section, the University cannot guarantee complete confidentiality and anonymity in all circumstances. If an individual-person desires confidentiality, meaning that no information will be shared, then that individualperson must either

contact a Confidential Employee or their off-campus equivalent, who will maintain the confidentiality to the extent permitted by law. Please remember that if an individual~~person~~ informs a Responsible Employee or Campus Security Authority, that Responsible Employee or Campus Security Authority **must** report the allegation to the Title IX Coordinator and cannot promise confidentiality.

- (b) Confidentiality. The University will only disclose information to ~~persons~~ individuals with a legitimate need to know in order to review, investigate, and resolve reports of Sexual Misconduct, or as permitted or required by law. The University may release information about Sexual Misconduct in certain circumstances without permission in order to warn and protect the University Community. For example, under the Clery Act, the University must issue timely warnings for reported incidents that pose a substantial threat of bodily harm or danger to other members of the campus community. The University will make every effort to ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.
- (c) The University reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status or of another matter as otherwise permitted under applicable Family Educational Rights and Privacy Act, (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) regulations.
- (d) An individual~~person~~ reporting Sexual Misconduct has the right not to proceed with filing a Formal Complaint; however, the Title IX Coordinator may have an obligation to file their own Formal Complaint, investigate, and take remedial action, even if the individual~~person~~ no longer participates or is unwilling to participate in the investigation. This would be true, for example, if the reported Sexual Misconduct indicated that there was a reasonably anticipated risk that the reported ~~person~~individual would commit additional acts of Sexual Misconduct or other violence; whether the Sexual Misconduct was reportedly engaged in by multiple ~~persons~~individuals; whether a weapon was involved; and whether there is an indication of a pattern of misconduct. A lack of participation may, however,

limit the University's ability to investigate and resolve concerns.

- (e) As explained in this Regulation, if a Formal Complaint is filed, the University has an obligation to identify the parties and the substance of the Complaint to comply with due process and the federal Title IX regulations.

~~(13)~~(14) **Dismissal.** The University will notify the Complainant and Respondent in writing of any complaint dismissal and the reasons therefore.

- (a) The University will dismiss the complaint if the conduct alleged in the Formal Complaint:

1. would not constitute Sexual Misconduct as defined above even if proven;
2. did not occur within the University's jurisdiction; or
3. did not occur against an individual~~person~~ in the United States.

- (b) The University may also dismiss the Formal Complaint or any allegations therein, if at any time during the investigation or hearing:

1. The Complainant notifies the Title IX Coordinator, in writing, that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
2. The Respondent is no longer enrolled or employed by the University; and/or;
3. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or the allegations therein.

- ~~(e)~~The University reserves the right to dismiss a Formal Complaint and re-open/reinstate the complaint under any applicable regulation, policy or rule, including, but not limited to, University Regulation 1.019 University Code of Conduct, University Regulation 10.103 Non-Discrimination Policy and Discrimination and Harassment Complaint Procedures, Regulation 2.012 Student Code of Conduct, and/or University Regulation 10.111 Disruptive Conduct. ~~For example, in situations where both the Complainant and the Respondent are~~

~~employees, and/or in situations where the Formal Complaint includes allegations of Sexual Misconduct and nNon-Sexual Misconduct, the complaint may be reinstated. If the individual reenrolls or is reemployed by the University, the complaint or proceedings may be reinstated.~~

~~(14)~~**(15) Investigation.** The burden of proof and burden of gathering evidence rest on the University and not on the parties.

- (a) The investigator will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which University does not intend to rely in reaching a determination regarding responsibility. The investigator will also provide inculpatory or exculpatory information to the parties and their advisors, if any, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
- (b) The investigator will provide the information in electronic format or hard copy and the parties will be given at least ten (10) business days to submit a written response. The investigator will consider ~~any~~all written responses prior to completion of the investigative report, and make any necessary amendments.
- (c) The University will also make all ~~directly related~~ evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
- (d) The investigator will send the parties and their advisors an investigative report that impartially ~~fairly~~ summarizes ~~r~~Relevant ~~e~~Evidence, and will provide with at least ten (10) ~~business calendar~~ days for the parties to respond, prior to a hearing or determination of responsibility.

~~(15)~~**(16) Conflict or Bias.** The University prohibits the Title IX Coordinator, investigators, decision-makers, and any ~~individual person~~ facilitating an informal resolution process from

having a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. In the event of a conflict or bias, the University will appoint an alternate ~~person~~ individual so that the process is free of conflicts of interest and bias.

~~(16)~~(17) **Resolution.** There are two avenues of resolution once a Formal Complaint has been filed:

(a) **Informal Resolution.** If a Formal Complaint is filed, Informal Resolution may be offered or facilitated by the University at any time prior to reaching a determination of responsibility. Informal Resolution does not involve a full investigation ~~and adjudication~~ and determination of responsibility.

1. The Complainant and Respondent must provide voluntary, written consent to the Informal Resolution process. Informal Resolution is not available when a Complainant is a student alleging that a University employee has engaged in Sexual Misconduct.
2. The University will provide the parties a written notice disclosing the allegations, and the requirements of the Informal Resolution process, including the circumstances under which, upon reaching an agreed resolution, it precludes the parties from resuming a Formal Complaint arising from the same allegations.
3. However, at any time prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and resume the Formal Hearing process with respect to the Formal Complaint. The University will also explain any action resulting from participating in the Informal Resolution process, including the records that will be maintained or could be shared.
4. The Informal Resolution process must be completed within fifteen (15) business days of the parties agreeing to pursue such a process. If not completed by that deadline, in the absence of any approved extensions, the Formal Complaint will continue to be investigated and processed for a

Formal Hearing as described in this Regulation.

(b) **Formal Hearing Process.** The University's Formal Hearing process described herein is ~~designed-intended~~ to address behavior that may constitute a violation of Title IX; therefore, separate violations arising out of the same facts of the Student Code of Conduct or other University regulations and policies will be addressed independently of any penalty imposed- under this Regulation.

1. Formal Complaints that have not been dismissed or informally resolved will result in a live (or virtual) hearing. The ~~De~~decision-maker will explain each participant's rights and options and assure that fairness and procedural due process are observed throughout the hearing. For example, witnesses may only be present during the time they are being questioned. Note that the hearing process is not the same as a criminal or civil proceeding as the hearing is an administrative hearing proceeding. Procedures governing Florida's criminal or civil courts, including formal rules of evidence, are not applicable.
2. University Regulations 2.012 and 2.013 require due process for all ~~individuals~~persons,<sup>†</sup> which ensures that all ~~persons-individuals~~ receive proper notice. The Respondent shall be provided with written notice of the ~~charges-allegations~~ against them in sufficient detail and in sufficient time to prepare for a hearing before a hearing panel or Hearing Officer. The Complainant shall be sent a copy of the notice of charges at the same time as the Respondent. This notice shall be presented no less than five (5) business days prior to the hearing, except in cases of emergency hearings, where the notice will be provided as soon as possible.
3. The notice of charge will also ~~allow-inform~~ the Complainant or Respondent ~~to request an administrative information briefing to discuss of~~ the options for resolution, ~~either-which are~~ Informal or Formal Resolution. In the event that neither party, ~~requests an administrative information briefing and have~~

---

<sup>†</sup>~~All definitions not included herein or in Regulation 2.012 are in accordance with definitions found in the Merriam-Webster's dictionary.~~

~~not elected~~has requested to participate in Informal Resolution, the University will schedule a Formal Hearing, within five (5) business days from the date of the notice of charges, on the merits of the case, i.e. whether the Respondent committed the alleged offense(s) under Title IX.

4. All hearings must be recorded and a copy of the recording or transcript must be provided to either party upon request.

(c) Emergency Processes.

The Respondent shall be entitled to a prompt hearing before a hearing panel, as established by the University.

1. Emergency Removal. The University may remove a Respondent from the University on an emergency basis after undertaking an individualized safety and risk analysis and determining that an immediate threat to the physical health or safety of any individual person arising from the allegations justifies removal. If a Respondent is removed pursuant to this section, the University will provide the Respondent with written notice and an opportunity to challenge the decision immediately following the removal. The Respondent shall have three (3) business days from receipt of the notice of emergency removal to submit, in writing to the Title IX Coordinator, the basis of their challenge to the removal and request an emergency hearing. The Title IX Coordinator will provide a copy of the Respondent's challenge to removal to the Complainant.

2. Emergency Hearings.

Upon receipt of the Respondent's challenge to removal and request for an Emergency Hearing, the University will appoint a decision-maker to hold an emergency hearing without delay, as soon as possible given the circumstances, but no later than five (5) business ~~(5)~~ days later. The decision-maker will provide written notice to the parties of the date and time of the hearing, provide both parties the opportunity to be heard at the hearing, and issue its written decision no later than five (5) business days after the hearing. The Respondent may show cause why their continued

presence on the University campus is not a threat pursuant to the individualized safety and risk analysis. If a Respondent is removed, pursuant to this emergency removal procedure, the Respondent retains all rights to an investigation and hearing as set forth in this Regulation prior to any ultimate finding of responsibility and sanctions.

3. Administrative Leave. The University may place an employee Respondent on administrative leave during the pendency of the Formal Hearing process above.

(c) Administrative Resolution. An Administrative Resolution determines whether University policies have been violated. If so, the University will promptly implement effective remedies designed to end the misconduct, prevent recurrence, and address the effects in accordance with University Regulation 10.103 Non-discrimination Policy and Discrimination and Harassment Complaint Procedures, Regulation 10.111 Disruptive Conduct, Regulation 1.019 University Code of Conduct, Regulation 2.012 Student Code of Conduct, and/or other applicable regulations. An Administrative Resolution can be pursued at any time during the sexual misconduct process and may be initiated:

1. After the Title IX Coordinator has reviewed the Title IX Formal Complaint and supporting documentation and identified other potential University Policy violations.
2. During the course of fact finding in the sexual misconduct process there are identified University Policy violations.
3. If the hearing panel or Decision-maker(s) identifies University Policy violations separate from the sexual misconduct process, the hearing panel or Decision-maker(s) shall make a recommendation to address the misconduct.

~~(17) Administrative Information Briefing. After the investigative report is completed, the parties will be given a notice of any charges that includes an opportunity to request an administrative information briefing before the University Conduct Officer, Title IX Coordinator, or designee.~~

~~(a) Either the Complainant or Respondent must request the administrative information briefing within five (5) business days from the date of the notice of charges with~~

~~the University Conduct Officer, Title IX Coordinator or designee. The parties' advisors may accompany them to the briefing.~~

~~(b) The University Conduct Officer, Title IX Coordinator or designee will explain the elements of due process that will be afforded and the options for resolution, Formal Hearing or Informal Resolution.~~

**(18) Disclosure of Information.**

(a) The parties shall have the opportunity to inspect all information related to Emergency Removal, whether or not it will be presented at the hearing, at least one (1) business day prior to an emergency hearing. The University shall also have the right to inspect all related information at least one (1) business day prior to the emergency hearing.

(b) For Formal Hearings, the parties shall have the opportunity to inspect all -related information including, but not limited to, information that will be presented during the hearing. Inspection of the information shall occur at least three (3) business days before the Formal Hearing. The University shall also have the right to inspect any information the student intends to use at least three (3) business days before the Formal Hearing or meeting.

~~(c)~~ If either party fails to notify the other that they have information to present, and/or fails to allow the other party to inspect the information ~~that the party intends to use at the hearing~~ within the allotted times stated above ~~before the hearing~~, it may cause a delay in the hearing or require that the hearing be continued.

(19) ~~continued.~~ **Timeline for an Investigation and Determination:** It is the University's intention to complete a Title IX investigation and reach a determination within sixty (60) business days, although the school/University's good-faith efforts to conduct a fair, impartial investigation in a timely manner may require a different timeline depending on the circumstances.

(20) **Extensions of Timeframe:** Extensions of the timeframe stated herein may occur for good cause upon written notice to the Complainant and the Respondent. Notice must state the reasons for the extension.

(a) Examples of good cause may include, but are not limited to, considerations such as the absence of a party, ~~a party's a~~Aadvisor, or a witness; concurrent law enforcement activity; University closures and/or breaks between semesters; newly discovered information or evidence; or the need for language assistance or accommodation of disabilities. The University is not required to postpone the proceedings pending the outcome of a criminal or other outside proceeding.

**(21) Hearing/Meeting Procedures.** The parties may, at their own expense and initiative, \_\_\_\_\_ have an ~~a~~Aadvisor of the party's choice present during the Formal Hearing process who may be an attorney.

~~(b)~~(a) \_\_\_\_\_ If the Complainant or Respondent is unable to or fails to obtain an ~~A~~Aadvisor, the University will provide an ~~a~~Aadvisor on their behalf for the purpose of cross examination of any witnesses. The ~~a~~Aadvisor may accompany the party to any meeting or hearing during the Informal or Formal Hearing process. The parties, and not the ~~A~~Aadvisors, shall coordinate the scheduling of the hearing.

~~(e)~~(b) \_\_\_\_\_ The party may present relevant information on their own behalf during the hearing or Informal Resolution meeting. Only relevant information will be allowed during the hearing. The Hearing Officer will make a relevance determination prior to allowing the witness to answer any questions. The ~~a~~Aadvisor ~~may shall~~ cross examine witnesses who testify at the hearing. The Respondent shall not be forced to present testimony, which would be self-incriminating. The Respondent is presumed not responsible for the alleged conduct. A determination regarding responsibility is made at the conclusion of the Formal Hearing process.

~~(d)~~(c) \_\_\_\_\_ The Complainant and Respondent will be provided an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, and have an ~~a~~Aadvisor of their choice present during any Formal Hearing proceeding or related meeting.

~~(e)~~(d) \_\_\_\_\_ The hearing panel shall question witnesses throughout the hearing, excluding during cross examination when advisors are required to ask questions of the witnesses. An ~~a~~Aadvisor may also act as a witness. An ~~a~~Aadvisor must comply with all rules of decorum as set forth by the University for the hearing. In the event

that the ~~a~~Advisor attempts to disrupt a proceeding by speaking or presenting information in an unprofessional or uncivilized manner, the ~~a~~Advisor may be asked to leave. In such event, the proceeding will continue with another advisor, who may be provided by the University. Absent an alternate advisor, the hearing will be rescheduled.

~~(f)~~(e) The ~~H~~Hearing ~~P~~Panel shall be comprised of only University official(s) or designee(s).

~~(g)~~(f) All participants must comply with the rules of decorum during all proceedings. The rules of decorum will be provided by the Title IX Coordinator.

~~(21)~~(22) **Standard of Review.**

The Hearing Officer will apply the “preponderance of the evidence” standard to determine whether it is more likely than not that the alleged conduct occurred. The Respondent is presumed not responsible unless the preponderance of the evidence shows otherwise. Proceedings are conducted to consider the totality of all evidence available from all relevant sources.

~~(22)~~(23) **Written Determination.**

- (a) The Hearing Officer will issue a written determination that identifies the allegations potentially constituting Sexual Misconduct, describes the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held and findings of fact supporting the determination.
- (b) Conclusions regarding the application of the University’s ~~rules~~policies and regulations to the facts, including conclusions as to whether the alleged conduct occurred should also be noted in the determination. A statement of, and rationale for, the result as to each allegation may also be included. The Hearing Officer must decide the issue of responsibility and state the procedures and available bases for appeal.

- (c) The determination will include any disciplinary sanctions the University imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided to the Complainant (without disclosing the nature of those remedies except to the extent a remedy also imposes requirements on the Respondent).
- (d) The University will provide the written determination to the parties simultaneously within fourteen (14) business days from the conclusion of the hearing. The Hearing Officer will also provide a copy of the written determination to the Title IX Coordinator.
- (e) The determination of Responsible or Not Responsible shall be based solely on the information presented during the proceedings and collected during the Title IX investigative process. The Hearing Officer ~~is not permitted to~~ shall consider any statements provided by either party or witnesses that has not been subject to cross-examination at the live hearing. ~~For example, a~~ The Hearing Officer at a postsecondary institution shall consider statements made by the parties and witnesses during the investigation, emails or text exchanges between the parties leading up to the alleged sexual harassment, and statements about the alleged sexual harassment that satisfy these Regulation's relevance rules, regardless of whether the parties or witnesses submit to cross-examination at the live hearing. A decision-maker, or Hearing Officer, may also consider police reports, sexual assault nurse examiner documents, medical reports, and other documents even if these documents that contain statements of a party or witness who is not cross-examined at the live hearing.

(24) **Disciplinary Sanctions.** In reaching a determination regarding sanctions, consideration will be given regarding the severity and/or pervasiveness of the circumstances. All sanctions will be in accordance to applicable University Regulations, including without limitation, University Regulations 2.012, 10.111, or 10.302, as applicable. Student Conduct and Conflict Resolution will oversee disciplinary sanctions for students as set forth in University Regulations 2.012 and 1.019. Human Resources will oversee

disciplinary sanctions for ~~non-student~~employees as set forth in University Regulations 1.019, 10.103, ~~and~~ 10.111 and 10.302 and applicable collective bargaining agreements. Nothing in this Regulation shall be construed as preventing the University President from taking any action which may be deemed necessary to meet the goals of this Regulation. The President may change the outcome and/or sanctions for any matter under the jurisdiction of this \*Regulation. \*

~~(23)~~(25) **Appellate Rights.** In the event that either party is dissatisfied with the outcome of the hearing (or dismissal of the Formal Complaint), ~~the University will offer~~ either party ~~an~~may appeal on the following bases:

- (a) Procedural irregularity that affected the outcome of the matter;
- (b) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- (c) The Title IX Coordinator, investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or
- (d) The sanctions are extraordinarily disproportionate to the violation committed.
- (e) The Appeal Process will be implemented for each party equally and is outlined below:

1. Appeal Process ~~\_~~when the student is the Respondent:

- a. The Complainant or Respondent has ten (10) business days from the date of the written determination to ~~make file~~ their written appeal ~~in writing and file the appeal~~ with the ~~Office of the~~ Dean of Students or other designated University official. ~~and a~~ A copy of the appeal must be sent to the Hearing Officer and Title IX Coordinator. Once the Complainant or Respondent files an appeal, the ~~Hearing Officer~~Title IX Coordinator must notify the other party in writing that an appeal has been filed and send them a copy of the appeal. The party who did not file an appeal has ten (10) business days from the date of receipt of the appeal to

respond to the appeal.

- b. The written appeal must specify reason(s) why consideration should be granted and should refer to the appeal bases in section (2542). ~~Decisions of the hearing panel are appealed to the Dean of Students or other designated University official along with a copy sent to the Hearing Officer.~~ At the conclusion of the appeals process, the decision of the Dean of Students, or other designated University official, shall be final, and the Vice President for Student Affairs shall sign a final order of decision.
- c. No student's final penalty shall begin to run until all University appeals are exhausted or denied.
- d. If the student chooses to appeal, the recording of the Formal Hearing shall be made available to the Respondent, Complainant and the Dean of Students.
- e. Final appellate decisions resulting in a suspension or expulsion of a student must include notice to the student of the student's right to appeal to an external judicial forum.

## 2. Appeal Process when Employee is the Respondent:

- a. The Complainant or the Respondent has ten (10) business days from the date of the written notification to make their appeal in writing and file the appeal with the Office of Human Resources along with a copy to the Title IX Coordinator.
- b. The written appeal must specify reason(s) why consideration should be granted and should refer to the appeal bases in section (252). Decisions of the hearing panel are appealed to the Office of Human Resources for review by the Associate Vice President for Human Resources =designated ~~University official~~. At the conclusion of the appeals process, the decision of the University official shall be final, and the

appropriate Vice President shall notify the Respondent of their decision. \*\*

- c. Any disciplinary action imposed by the University will begin after all University appeals are exhausted under this Regulation.
- d. Final appellate decisions resulting in disciplinary action of an employee must include notice to the employee of their right to appeal under applicable University regulations, policies and collective bargaining agreements.

(24)(26) Retaliation. Members of the University community are prohibited from engaging in retaliation against one another for reporting a Title IX violation or participating in a Title IX investigation.

- (a) Findings of retaliation are independent of the underlying claim of Sexual Misconduct and will result in disciplinary action, up to and including termination and/or expulsion, in accordance with applicable University regulations, policies and collective bargaining agreements.
- (b) Complaints alleging Retaliation will follow the same Formal Hearing process outlined in this Regulation. The exercise of rights protected under the First Amendment does not constitute Retaliation. Charging an individual-person with a code of conduct violation for making a materially false statement in bad faith in the course of a Title IX Formal Hearing proceeding does not constitute Retaliation; however, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.

(27) Recordkeeping. Florida A&M University will maintain for a period of seven years records of:

- (a) Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required, any disciplinary sanctions imposed on the ReComplainant designed to restore or preserve equal access to the university's education program or activity;
- (b) Any appeal and the result therefrom; and

(c) Any informal resolution and the result therefrom.

(25)(28) University Resources.

- Department of ~~Public Safety~~ Campus Safety & Security 850-599-3256  
<https://www.famu.edu/administration/campus-services/campus-police/index.php>
- <http://www.famu.edu/publiessafety> The FAMU Police are available to respond to emergency calls, to report a crime and for crime investigations. This office also maintains the Annual Security Report pursuant to the Jeanne Clery Act.
- **Office of Counseling Services** 850-599-3145 <https://www.famu.edu/students/student-resources/health-and-wellbeing/counseling-services/index.php>  
<http://www.famu.edu/counseling>  
The Office of Counseling Services provides confidential counseling services and referrals. They also provide a victim advocate who is available to support students that have been victims of a crime, including Sexual Assault. Victim advocates can be reached after hours through the FAMU Department of Public Campus Safety and Security.
- Office of Equal Opportunity Programs 850-599-3076 <https://www.famu.edu/about-famu/leadership/division-of-legal-affairs/equal-opportunity-programs-and-labor-relations/index.php>
- <http://www.famu.edu/EOP> The Office of Equal Opportunity Programs investigates complaints of discrimination and harassment based on protected class issues.
- **Title IX Coordinator, ~~Carrie Gavin-Letitia McClellan~~** 850-599-3076  
Carrie Gavin-Letitia McClellan is the Title IX Coordinator at FAMU and can be reached at [titleix@famu.edu](mailto:titleix@famu.edu). This office is responsible for investigation of sex-based discrimination and misconduct including, but not limited to, issues in Athletics, sexual harassment, and violence.
- **Student Health Services** 850-599-3777 <https://www.famu.edu/students/student-resources/health-and-wellbeing/health-services/index.php> [www.famu.edu/shs](http://www.famu.edu/shs)  
Student Health Services (SHS) provide medical services to students. With a Sexual Assault nurse examiner (SANE) on staff, SHS will address health concerns related to an assault,

including STI/STD testing, and emergency contraception. Evidentiary examinations (rape kits) are performed at Tallahassee Memorial Hospital.

- **Dean of Students** 850-599-3183

The Dean of Students has oversight for many areas including University Housing, student organizations and the Office of Student Conduct and Conflict Resolution.

- **Office of Student Conduct and Conflict Resolution** 850-599-3541

<https://www.famu.edu/administration/division-of-student-affairs/office-of-student-conduct-and-conflict-resolution/index.php>

<http://www.famu.edu/index.cfm?officeofstudentconduct>

The Office of Student Conduct has the responsibility of enforcing the Student Code of Conduct to ensure that all students have an opportunity to live and learn in a safe and scholarly environment.

- **FAMU Compliance and Ethics Hotline** 866-445-4968

<https://secure.ethicspoint.com/domain/media/en/gui/74408/index.html?reloadPage=1>

<https://www.compliancehelpline.com/famu.jsp?reloadPage=1>

- The FAMU Compliance hotline allows an ~~individual person~~ to anonymously report by phone or online, suspected issues of misconduct or violations of University Regulations.

- Case Management Services 850-599-8513 <https://www.famu.edu/administration/division-of-student-affairs/case-management-services/index.php> Case Management works as a liaison to connect students with the appropriate resources on and off campus.

- **Victim Advocate Program** ~~850-412-5667~~ 850-599-8785

- ~~<https://www.famu.edu/students/student-resources/victim-advocate-program/index.php>~~

<http://www.famu.edu/index.cfm?vap>

The Victim Advocate Program serves as a confidential resource and support service for anyone in the University community who has been a victim of a crime.

~~(26)~~ (29) Community Resources.

- **Tallahassee Police Department** 911 (in case of emergency) or (850) 891-4200 (non-emergency)
- **Leon County Sheriff's Office** 911 (in case of emergency) or (850) 606-3300 (non-

emergency)

- **Refuge House** (850) 681-2111 (24-hour hotline)
- **Tallahassee Memorial Hospital** (850) 431-1155 (general)
- ~~Capital Regional Medical Center~~ **HCA Florida Capital Hospital** (850) 325-5000 (general)

*Specific Authority: Article IX, section 7(c), Florida Constitution, Board of Governors Regulation 1.001; 6.0105; History: New October 3, 2020; March 1, 2022 Technical Amendment (Coordinator Name Change), Amended 3-xx-24.*



CLEAN  
VERSION

## Florida A&M University Regulation



### **1.022 Title IX Sex Discrimination and Sexual Misconduct Prohibition, and Formal Hearing Process.**

- (1) Florida A&M University is committed to providing an educational and work environment free from discrimination and harassment on the basis of sex, sexual orientation, gender identity, and gender expression.
- (2) In accordance with federal regulations implementing Title IX of the Education Amendments Act of 1972, Florida A&M University will promptly respond to individuals who are alleged to have experienced Sexual Misconduct by offering Supportive Measures; follow a fair resolution process to resolve Sexual Misconduct allegations; and provide remedies to victims of Sexual Misconduct. All members of the University Community are required to comply with this Regulation, both on and off campus. This extends to vendors, contractors (including the employees of third parties), guests, applicants, volunteers, or others on the University's campus and at any University sponsored or related function or activity.
- (3) Other allegations of Sexual Harassment, discrimination, and misconduct that occurs between University students or employees during activities or at locations not listed in paragraph (7) below or which give rise to additional non-Sexual Misconduct violations of University Regulations, will be resolved in accordance with University Regulation 10.103 Non-discrimination Policy and Discrimination and Harassment Complaint Procedures, Regulation 10.111 Disruptive Conduct, Regulation 1.019 University Code of Conduct and Regulation 2.012 Student Code of Conduct and/or other applicable regulations.
- (4) All matters related to sex discrimination in Athletics and other Title IX issues not described

1.022 Title IX Sex Discrimination and Sexual Misconduct Prohibition, and Formal Hearing Process

under this Regulation will be resolved in accordance with University Regulations 10.103 Non-discrimination Policy and Discrimination and Harassment Complaint Procedures, Regulation 1.019 University Code of Conduct and Regulation 2.012 Student Code of Conduct, Regulation 10.111 Disruptive Conduct, and/or other applicable regulations.

- (5) All questions or concerns about this Regulation, conduct that may violate this Regulation, and/or complaints based on sex discrimination in Athletics should be directed to the Title IX Coordinator:

Letitia McClellan  
1700 Lee Hall Drive| Suite 308, Foote-Hilyer Administration Center  
Tallahassee, Florida 32307  
(850) 599-3076  
[TitleIX@famu.edu](mailto:TitleIX@famu.edu)

- (6) Any individual may report Sexual Misconduct, discrimination, or other misconduct whether or not the individual reporting is alleged to be the victim of the conduct that could constitute Sexual Misconduct, discrimination, or other misconduct.

- (7) Jurisdiction: This Regulation applies to Sexual Misconduct that occurs 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, any building owned or controlled by a recognized student organization or direct support organization;
- (d) Activities sponsored by the University wherever they occur;
- (e) Activities officially approved by the University that are conducted by University recognized organizations and direct-support organizations; and/or
- (f) Activities occurring on or off campus as a part of the University's operations including virtual or online platforms.

- (8) Definitions.

- (a) **Actual Knowledge:** Notice of Sexual Misconduct or allegations of Sexual Misconduct to the Title IX Coordinator or any official who has authority to institute corrective measures on behalf of the University. This standard does not apply when the only University official with actual knowledge is the Respondent.

- (b) **Advisor** - Any individual chosen by the Complainant or Respondent to assist throughout the Sexual Misconduct process (e.g., faculty, staff, parent/guardian, attorney, friend, alumni, or any other individual).
- (c) **Campus Security Authority:** As referred to in the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act of 1990, 20 U.S.C. §1092(f) (Clery Act), an official of an institution who has significant responsibility for student and campus activities, including, but not limited to, campus security, student housing, student discipline, and campus conduct/judicial proceedings.
- (d) **Coercion:** Persuading an individual by using force, threats, intimidation, manipulation, blackmail, and/or pressure to initiate or continue sexual activity against an individual's will.
- (e) **Complainant:** An individual(s) who is/are alleged to be the victim(s) of conduct that could constitute Sexual Misconduct.
- (f) **Confidential Employee:** An employee who is not required to report, with identifying information, any incident of Sexual Misconduct to the Title IX Coordinator. This includes employees at Student Health Services, the Office of Counseling Services, and the University Victim Advocate.
- (g) **Consent:** Consent to sexual activity must be knowing, intelligent, unambiguous, and voluntary. Consent is active, not passive. This means there must be clear and willing participation, through words or actions, for each sexual act. Submission to sexual activity that is the result of force, coercion, incapacity, or threats is not valid consent.
1. Consent to one type of sexual activity does not imply consent to other types of sexual contact. There must be consent at every stage of the sexual encounter.
  2. Past consent to sexual activity does not imply consent to future sexual activity.
  3. Consent can be withdrawn at any time, including in the middle of a sexual encounter, if the withdrawal of consent is clearly indicated by words or actions.

Individuals who are incapacitated cannot make knowing, intelligent, unambiguous, and voluntary decisions, and therefore cannot give consent (e.g. cannot understand the: who, what, when, where, why, or how of the sexual interaction. An individual can be incapacitated by voluntary or involuntary use of drugs (legal, illegal, or prescription) or alcohol, illness, mental impairment/disability, or by a state of being asleep or unconscious. In addition, an individual under 18 years old cannot give consent to sexual conduct (no matter what they say or do). If there is any question regarding whether an individual may be incapacitated, do not engage in any type of sexual activity with that individual.

- (h) **Dating Violence:** Violence committed by an individual who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the individuals involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- (i) **Day:** Means business day when the university is in normal operation.
- (j) **Decision-maker:** The individual or panel who hears evidence, determines relevance, and make the Final Determination of whether this policy has been violated and/or assigns sanctions.
- (k) **Deputy Title IX Coordinator:** Individual designated to assist with the reporting and coordination of Title IX related matters in specific compliance programs or departments within the University. The Deputy Title IX Coordinator may have delineated roles such as senior woman administrator (athletics), Senior Associate Athletic Director, compliance officer, etc.
- (l) **Domestic Violence:** Violence committed by:
  - 1. a current or former spouse or intimate partner of the victim;
  - 2. a person with whom the victim shares a child in common;
  - 3. a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

4. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Florida;
5. any other individual against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Florida.

To characterize an incident as domestic violence, the relationship between the perpetrator and the victim must be more than just two people living together as roommates. The individuals cohabitating must be current or former spouses or have or had an intimate relationship.

- (m) **Formal Complaint:** A document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Misconduct against a Respondent and requesting that the University investigate the allegation of Sexual Misconduct. At the time of filing a formal complaint, a Complainant must be participating or attempting to participate in the University's education program or activity.
- (n) **Hearing Officer:** The chairperson of the hearing panel or a University official(s) or designee who will act as the decision-maker.
- (o) **Hearing Panel:** In a disciplinary proceeding, the individuals authorized by the University to determine whether a Respondent has violated this Regulation and to determine sanctions.
- (p) **Notice:** A report of Sexual Misconduct to the Title IX Coordinator.
- (q) **Program or Activity:** All of the operations of a postsecondary institution or other postsecondary institution, or local education system (institution), to include locations, events or circumstances over which the institution exercised substantial control over both the Respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.
- (r) **Relevant Evidence:** Evidence that tends to prove (inculpatory) or disprove (exculpatory) an issue in the complaint.
- (s) **Remedies:** Actions designed to restore or preserve equal access to the University's education program or activity. Such remedies may include Supportive Measures;

however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

- (t) **Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute Sexual Misconduct.
- (u) **Responsible Employees:** Employees who must promptly report any incident, in detail, of Sexual Misconduct that they become aware of to the Title IX Coordinator. The employee must report all known information, including the identities of the parties, the date, time, and location, and any details about the reported incident to the Title IX Coordinator. Confidential Employees are exempt.
- (v) **Retaliation:** Intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX because the individual made a report or complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under this Regulation or any companion University regulation. Retaliation could also include actions taken against someone who has intervened as a bystander to stop or attempt to stop misconduct.
- (w) **Sexual Assault:** Any attempted or actual sexual act directed against another individual, without consent of the victim, including instances of coercion or where the victim is incapable of giving consent.
  1. Rape is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another individual, without the consent of the victim. This offense includes the rape of both males and females.
  2. Fondling is the touching of the private body parts of another individual for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
  3. Incest is sexual intercourse between individuals who are related to each other within the degrees wherein marriage is prohibited by law.
  4. Statutory rape is sexual intercourse with an individual who is under the

statutory age of consent.

(x) **Sexual Exploitation:** Sexual exploitation occurs when an individual takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the individual being exploited, and that behavior does not otherwise constitute one of the preceding Sexual Misconduct offenses. Examples include, but are not limited to: Prostitution of another individual, non-consensual visual or audio-recording of sexual activity, or non-consensual distribution of photos, other images, or information of an individual's sexual activity.

(y) **Sexual Harassment:** Conduct on the basis of sex that satisfies one or more of the following:

1. An employee conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct. In expansion, sexual harassment can also occur as quid pro quo when submission to such conduct or request is made either explicitly or implicitly a term or condition of a status in a course, program, or activity, or of academic achievement; or submission to such conduct or request is made either explicitly or implicitly a term or condition of an individual's employment, salary increase, position advancement or other employment related benefits; or submission to or rejection of such conduct or request by an individual is used as the basis for an academic decision or employment decision affecting such individuals.
2. Unwelcome conduct determined by a reasonable individual to be so severe, pervasive, and objectively offensive that it effectively denies an individual equal access to the University's education program and activity.
3. Any instance of Sexual Assault as defined in the Clery Act, including dating violence, domestic violence, or stalking, as defined in the Violence Against Women Act (VAWA).
4. Examples of unwelcome conduct include but is not limited to:
  - i. Suggestive or inappropriate sex-based communications, notes, letters, electronic mail, text messages, contact through social media,

or other written materials.

- ii. Sexual innuendo, comments, or remarks about an individual's clothing, body, or activities which places an individual in fear of imminent physical or psychological harm or injury.
- iii. Inappropriate touching or brushing against the body of another including, but not limited to patting, fondling, massaging, caressing, pinching, attempted or actual kissing.

(z) **Sexual Misconduct:** Any sexual contact toward another without the individual's consent and includes, but is not limited to, Sexual Assault, inducing incapacitation for sexual purposes, Statutory Rape, Sexual Harassment, Coercion, Stalking and other forms of Sexual Exploitation. Sexual Misconduct may constitute crimes (i.e. sexual battery, rape and related sex crimes) and/or civil complaints (i.e. sexual harassment) and can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship.

(aa) **Stalking:** Engaging in a course of conduct directed at a specific individual that would cause a reasonable individual to:

- 1. Fear for the individual's safety or the safety of others; or
- 2. Suffer substantial emotional distress;
- 3. For the purposes of this definition:
  - a. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about an individual, or interferes with an individual's property.
  - b. Reasonable individual means a reasonable individual under similar circumstances and with similar identities to the victim.
  - c. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

(bb) **Statutory Rape:** Non-forcible sexual intercourse with an individual who is

under the statutory age of consent. There is no force or coercion used in Statutory Rape; the act is not an attack.

- (cc) **Supportive Measures:** Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent before or after the filing of a Formal Complaint, or when no Formal Complaint has been filed.
- (dd) **Title IX Coordinator:** The individual University official with the primary responsibility for coordinating and administering the University's Title IX program.
- (ee) **Voyeurism:** To trespass, spy, eavesdrop, or otherwise invade the privacy of another for the purpose of personal sexual arousal.
- (ff) **Written Determination:** A conclusion by the standard of proof that the alleged conduct did or did not violate policy or occur as alleged.

**(9) Reporting Sexual Misconduct.**

- (a) If you believe that you have experienced Sexual Misconduct, notify the Title IX Coordinator as soon as possible after the incident. You do not have to tolerate unacceptable behavior, regardless of who is creating the situation. There is no specific time frame for individuals who have experienced Sexual Misconduct to make a report pursuant to this Regulation. Individuals are, however, encouraged to make a report soon after the incident in order to maximize the University's ability to investigate and resolve the matter.
- (b) Responsible Employees and those designated as Campus Security Authorities must report allegations of Sexual Misconduct to the Title IX Coordinator. Additionally, anyone who interacts in our University Community and has learned of or witnessed a violation of this Regulation, is *strongly encouraged* to report the matter to the Title IX Coordinator.
- (c) Any individual may report Sexual Misconduct (whether or not the individual reporting is the individual alleged to be the victim of alleged Sexual Misconduct) in person, by mail, by telephone, by Title IX email at [TitleIX@famuedu](mailto:TitleIX@famuedu), or to the

Title IX Coordinator, Letitia McClellan at [Letitia.mcclellan@famu.edu](mailto:Letitia.mcclellan@famu.edu), or by using the Office of Compliance and Ethics Hotline portal at <https://secure.ethicspoint.com/domain/media/en/gui/74408/index.html?reloadPage=1>.

- (d) Individuals may make an anonymous report concerning an instance of Sexual Misconduct as well. Reports about Sexual Misconduct do not have to be formal, signed complaints. However, an anonymous report may limit the University's ability to investigate, respond, and act. Responsible Employees and Campus Security Authorities who are relaying another individual's incident of Sexual Misconduct must report all known details of the incident, including the identities of the individuals involved.
  - (e) If you are not sure whether an incident of Sexual Misconduct has occurred, you may contact the Title IX Coordinator for assistance in determining the nature of the incident and whether it should be reported pursuant to this Regulation. The University will promptly respond to every report of Sexual Misconduct through its Title IX Coordinator or designee.
- (10) **Supportive Measures.** Upon receiving information alleging Sexual Misconduct, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant's wishes with respect to Supportive Measures, and explain to the Complainant the process for filing a Formal Complaint. It is not necessary to file a Formal Complaint to receive Supportive Measures.
- (a) Supportive Measures are offered to the Complainant and Respondent. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the Complainant and Respondent; changes in work or on-campus housing locations, leaves of absence, monitoring of certain areas of the campus, and other similar measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.
  - (b) The University will keep any Supportive Measures provided to the Complainant or

Respondent confidential to the extent that maintaining such confidentiality would not impair the ability of the University to provide Supportive Measures.

(11) **Advisors.** During the sexual misconduct process, the Complainant and Respondent may have an Advisor of their choice accompany them to any related meeting or proceeding. Advisors have the role(s) explicitly provided in this Regulation. Meetings or proceedings may not be unreasonably delayed due to the selection or schedule of an Advisor, and it is the responsibility of the Complainant or Respondent to communicate relevant information to their Advisor and ensure that their Advisor comports themselves in a manner which respects this educational-administrative process. After an appropriate warning, the University reserves the right to stop a meeting or proceeding and remove an Advisor whose presence disrupts the meeting or proceedings, and then begin the meeting or proceedings without the Advisor. During a hearing held pursuant to this Regulation, an Advisor will be provided by the University for cross-examination purposes only if the Complainant or Respondent does not already have an Advisor.

(12) **Formal Complaint.** At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in the University's education program or activity, both on or off campus. This extends to vendors, contractors (including the employees of third parties), guests, or others on the University's campus and at any University sponsored or related function or activity. The Formal Complaint must contain the Complainant's physical or digital signature. The University emphasizes the importance of treating Complainants and Respondents equitably upon receipt of a Formal Complaint. There is a presumption that the Respondent is not responsible for the alleged conduct.

(a) In response to a Formal Complaint, the University will follow the Formal Hearing process or Informal Resolution process noted below. Once a Formal Complaint is filed, the University may take formal action in regards to the allegations of Sexual Misconduct. The University may initiate its own review of an incident, even if a Formal Complaint has not been filed, and take appropriate action should such be deemed warranted under the circumstances presented.

(b) Upon receipt of a Formal Complaint, the University will provide written notice to the Complainant and Respondent of:

1. The Formal Hearing process, as well as Informal Resolution as outlined in this Regulation;
  2. The allegations of Sexual Misconduct, including sufficient details known at the time, and provide the Complainant and the Respondent sufficient time to prepare a response before any initial interview;
  3. Notice of any additional allegations that arise during the course of an investigation.
- (c) The University reserves the right to consolidate Formal Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents when the complaint implicate a pattern, collusion, and/or shared or similar actions.

For cases in which there is an overlap of charges between Regulations 2.012, 1.019, 10.103, 10.111 and this Regulation, a joint investigation will commence for efficiency purposes and to preserve University resources. The details of the investigation involving the other University Regulation will be included in the Title IX investigative report.

**(13) Privacy and Confidentiality.** To the greatest extent possible, the University will keep confidential the identity of any individual who has made a report or complaint of Sexual Misconduct, any Complainant, any Respondent, and any witness.

- (a) **Privacy.** The University is committed to protecting the privacy of all individuals involved in a report of Sexual Misconduct. However, as described in this section, the University cannot guarantee complete confidentiality and anonymity in all circumstances. If an individual desires confidentiality, meaning that no information will be shared, then that individual must either contact a Confidential Employee or their off-campus equivalent, who will maintain the confidentiality to the extent permitted by law. Please remember that if an individual informs a Responsible Employee or Campus Security Authority, that Responsible Employee or Campus Security Authority **must** report the allegation to the Title IX Coordinator and cannot promise confidentiality.
- (b) **Confidentiality.** The University will only disclose information to individuals with a legitimate need to know in order to review, investigate, and resolve reports of

Sexual Misconduct, or as permitted or required by law. The University may release information about Sexual Misconduct in certain circumstances without permission in order to warn and protect the University Community. For example, under the Clery Act, the University must issue timely warnings for reported incidents that pose a substantial threat of bodily harm or danger to other members of the campus community. The University will make every effort to ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

- (c) The University reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status or of another matter as otherwise permitted under applicable Family Educational Rights and Privacy Act, (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) regulations.
- (d) An individual reporting Sexual Misconduct has the right not to proceed with filing a Formal Complaint; however, the Title IX Coordinator may have an obligation to file their own Formal Complaint, investigate, and take remedial action, even if the individual no longer participates or is unwilling to participate in the investigation. This would be true, for example, if the reported Sexual Misconduct indicated that there was a reasonably anticipated risk that the reported individual would commit additional acts of Sexual Misconduct or other violence; whether the Sexual Misconduct was reportedly engaged in by multiple individuals; whether a weapon was involved; and whether there is an indication of a pattern of misconduct. A lack of participation may, however, limit the University's ability to investigate and resolve concerns.
- (e) As explained in this Regulation, if a Formal Complaint is filed, the University has an obligation to identify the parties and the substance of the Complaint to comply with due process and the federal Title IX regulations.

(14) **Dismissal.** The University will notify the Complainant and Respondent in writing of any complaint dismissal and the reasons therefore.

(a) The University will dismiss the complaint if the conduct alleged in the Formal Complaint:

1. would not constitute Sexual Misconduct as defined above even if proven;
2. did not occur within the University's jurisdiction; or
3. did not occur against an individual in the United States.

(b) The University may also dismiss the Formal Complaint or any allegations therein, if at any time during the investigation or hearing:

1. The Complainant notifies the Title IX Coordinator, in writing, that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
2. The Respondent is no longer enrolled or employed by the University; and/or
3. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or the allegations therein.

The University reserves the right to dismiss a Formal Complaint and re-open the complaint under any applicable regulation, policy or rule, including, but not limited to, University Regulation 1.019 University Code of Conduct, University Regulation 10.103 Non-Discrimination Policy and Discrimination and Harassment Complaint Procedures, Regulation 2.012 Student Code of Conduct, and/or University Regulation 10.111 Disruptive Conduct.

(15) **Investigation.** The burden of proof and burden of gathering evidence rest on the University and not on the parties.

(a) The investigator will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which University does not intend to rely in reaching a determination regarding responsibility. The investigator will also provide inculpatory or exculpatory information to the parties and their advisors, if any, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior

to conclusion of the investigation.

- (b) The investigator will provide the information in electronic format or hard copy and the parties will be given at least ten (10) business days to submit a written response. The investigator will consider all written responses prior to completion of the investigative report, and make any necessary amendments.
- (c) The University will also make all evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
- (d) The investigator will send the parties and their advisors an investigative report that impartially summarizes Relevant Evidence, and will provide at least ten (10) calendar days for the parties to respond, prior to a hearing or determination of responsibility.

(16) **Conflict or Bias.** The University prohibits the Title IX Coordinator, investigators, decision-makers, and any individual facilitating an informal resolution process from having a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. In the event of a conflict or bias, the University will appoint an alternate individual so that the process is free of conflicts of interest and bias.

(17) **Resolution.** There are two avenues of resolution once a Formal Complaint has been filed:

- (a) **Informal Resolution.** If a Formal Complaint is filed, Informal Resolution may be offered or facilitated by the University at any time prior to reaching a determination of responsibility. Informal Resolution does not involve a full investigation and determination of responsibility.

1. The Complainant and Respondent must provide voluntary, written consent to the Informal Resolution process. Informal Resolution is not available when a Complainant is a student alleging that a University employee has engaged in Sexual Misconduct.
2. The University will provide the parties a written notice disclosing the

allegations, and the requirements of the Informal Resolution process, including the circumstances under which, upon reaching an agreed resolution, it precludes the parties from resuming a Formal Complaint arising from the same allegations.

3. However, at any time prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and resume the Formal Hearing process with respect to the Formal Complaint. The University will also explain any action resulting from participating in the Informal Resolution process, including the records that will be maintained or could be shared.
4. The Informal Resolution process must be completed within fifteen (15) business days of the parties agreeing to pursue such a process. If not completed by that deadline, in the absence of any approved extensions, the Formal Complaint will continue to be investigated and processed for a Formal Hearing as described in this Regulation.

(b) **Formal Hearing Process.** The University's Formal Hearing process described herein is intended to address behavior that may constitute a violation of Title IX; therefore, separate violations arising out of the same facts of the Student Code of Conduct or other University regulations and policies will be addressed independently of any penalty imposed under this Regulation.

1. Formal Complaints that have not been dismissed or informally resolved will result in a live (or virtual) hearing. The Decision-maker will explain each participant's rights and options and assure that fairness and procedural due process are observed throughout the hearing. For example, witnesses may only be present during the time they are being questioned. Note that the hearing process is not the same as a criminal or civil proceeding as the hearing is an administrative proceeding. Procedures governing Florida's criminal or civil courts, including formal rules of evidence, are not applicable.
2. University Regulations 2.012 and 2.013 require due process for all

individuals, which ensures that all individuals receive proper notice. The Respondent shall be provided with written notice of the allegations against them in sufficient detail and in sufficient time to prepare for a hearing before a hearing panel or Hearing Officer. The Complainant shall be sent a copy of the notice of charges at the same time as the Respondent. This notice shall be presented no less than five (5) business days prior to the hearing, except in cases of emergency hearings, where the notice will be provided as soon as possible.

3. The notice of charge will also inform the Complainant or Respondent of the options for resolution, which are Informal or Formal Resolution. In the event that neither party, has requested to participate in Informal Resolution, the University will schedule a Formal Hearing, within five (5) business days from the date of the notice of charges, on the merits of the case, i.e. whether the Respondent committed the alleged offense(s) under Title IX.
4. All hearings must be recorded and a copy of the recording or transcript must be provided to either party upon request.

(c) Emergency Processes.

The Respondent shall be entitled to a prompt hearing before a hearing panel, as established by the University.

1. Emergency Removal. The University may remove a Respondent from the University on an emergency basis after undertaking an individualized safety and risk analysis and determining that an immediate threat to the physical health or safety of any individual arising from the allegations justifies removal. If a Respondent is removed pursuant to this section, the University will provide the Respondent with written notice and an opportunity to challenge the decision immediately following the removal. The Respondent shall have three (3) business days from receipt of the notice of emergency removal to submit, in writing to the Title IX Coordinator, the basis of their challenge to the removal and request an emergency hearing. The Title IX

Coordinator will provide a copy of the Respondent's challenge to removal to the Complainant.

2. Emergency Hearings.

Upon receipt of the Respondent's challenge to removal and request for an Emergency Hearing, the University will appoint a decision-maker to hold an emergency hearing without delay, as soon as possible given the circumstances, but no later than five (5) business days later. The decision-maker will provide written notice to the parties of the date and time of the hearing, provide both parties the opportunity to be heard at the hearing, and issue its written decision no later than five (5) business days after the hearing. The Respondent may show cause why their continued presence on the University campus is not a threat pursuant to the individualized safety and risk analysis. If a Respondent is removed, pursuant to this emergency removal procedure, the Respondent retains all rights to an investigation and hearing as set forth in this Regulation prior to any ultimate finding of responsibility and sanctions.

3. Administrative Leave. The University may place an employee Respondent on administrative leave during the pendency of the Formal Hearing process above.

(c) Administrative Resolution. An Administrative Resolution determines whether University policies have been violated. If so, the University will promptly implement effective remedies designed to end the misconduct, prevent recurrence, and address the effects in accordance with University Regulation 10.103 Non-discrimination Policy and Discrimination and Harassment Complaint Procedures, Regulation 10.111 Disruptive Conduct, Regulation 1.019 University Code of Conduct, Regulation 2.012 Student Code of Conduct, and/or other applicable regulations. An Administrative Resolution can be pursued at any time during the sexual misconduct process and may be initiated:

1. After the Title IX Coordinator has reviewed the Title IX Formal Complaint and supporting documentation and identified other potential University Policy violations.
2. During the course of fact finding in the sexual misconduct process there are identified University

Policy violations.

3. If the hearing panel or Decision-maker(s) identifies University Policy violations separate from the sexual misconduct process, the hearing panel or Decision-maker(s) shall make a recommendation to address the misconduct.

**(18) Disclosure of Information.**

(a) The parties shall have the opportunity to inspect all information related to Emergency Removal, whether or not it will be presented at the hearing, at least one (1) business day prior to an emergency hearing. The University shall also have the right to inspect all related information at least one (1) business day prior to the emergency hearing.

(b) For Formal Hearings, the parties shall have the opportunity to inspect all related information including, but not limited to, information that will be presented during the hearing. Inspection of the information shall occur at least three (3) business days before the Formal Hearing. The University shall also have the right to inspect any information the student intends to use at least three (3) business days before the Formal Hearing or meeting.

(19) If either party fails to notify the other that they have information to present, and/or fails to allow the other party to inspect the information within the allotted times stated above, it may cause a delay in the hearing or require that the hearing be continued. **Timeline for an Investigation and Determination:** It is the University's intention to complete a Title IX investigation and reach a determination within sixty (60) business days, although the University's good-faith efforts to conduct a fair, impartial investigation in a timely manner may require a different timeline depending on the circumstances.

(20) **Extensions of Timeframe:** Extensions of the timeframe stated herein may occur for good cause upon written notice to the Complainant and the Respondent. Notice must state the reasons for the extension.

(a) Examples of good cause may include, but are not limited to, considerations such as the absence of a party, or a witness; concurrent law enforcement activity; University

closures and/or breaks between semesters; newly discovered information or evidence; or the need for language assistance or accommodation of disabilities. The University is not required to postpone the proceedings pending the outcome of a criminal or other outside proceeding.

(21) **Hearing/Meeting Procedures.** The parties may, at their own expense and initiative, have an Advisor of the party's choice present during the Formal Hearing process who may be an attorney.

- (a) If the Complainant or Respondent is unable to or fails to obtain an Advisor, the University will provide an Advisor on their behalf for the purpose of cross examination of any witnesses. The Advisor may accompany the party to any meeting or hearing during the Informal or Formal Hearing process. The parties, and not the Advisors, shall coordinate the scheduling of the hearing.
- (b) The party may present relevant information on their own behalf during the hearing or Informal Resolution meeting. Only relevant information will be allowed during the hearing. The Hearing Officer will make a relevance determination prior to allowing the witness to answer any questions. The Advisor shall cross examine witnesses who testify at the hearing. The Respondent shall not be forced to present testimony, which would be self-incriminating. The Respondent is presumed not responsible for the alleged conduct. A determination regarding responsibility is made at the conclusion of the Formal Hearing process.
- (c) The Complainant and Respondent will be provided an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, and have an Advisor of their choice present during any Formal Hearing proceeding or related meeting.
- (d) The hearing panel shall question witnesses throughout the hearing, excluding during cross examination when advisors are required to ask questions of the witnesses. An Advisor may also act as a witness. An Advisor must comply with all rules of decorum as set forth by the University for the hearing. In the event that the Advisor attempts to disrupt a proceeding by speaking or presenting information in an unprofessional or uncivilized manner, the Advisor may be asked to leave. In

such event, the proceeding will continue with another advisor, who may be provided by the University. Absent an alternate advisor, the hearing will be rescheduled.

- (e) The Hearing Panel shall be comprised of only University official(s) or designee(s).
- (f) All participants must comply with the rules of decorum during all proceedings. The rules of decorum will be provided by the Title IX Coordinator.

**(22) Standard of Review.**

The Hearing Officer will apply the “preponderance of the evidence” standard to determine whether it is more likely than not that the alleged conduct occurred. The Respondent is presumed not responsible unless the preponderance of the evidence shows otherwise. Proceedings are conducted to consider the totality of all evidence available from all relevant sources.

**(23) Written Determination.**

- (a) The Hearing Officer will issue a written determination that identifies the allegations potentially constituting Sexual Misconduct, describes the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held and findings of fact supporting the determination.
- (b) Conclusions regarding the application of the University’s policies and regulations to the facts, including conclusions as to whether the alleged conduct occurred should also be noted in the determination. A statement of, and rationale for, the result as to each allegation may also be included. The Hearing Officer must decide the issue of responsibility and state the procedures and available bases for appeal.
- (c) The determination will include any disciplinary sanctions the University imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the University’s education program or activity will be provided to the

Complainant (without disclosing the nature of those remedies except to the extent a remedy also imposes requirements on the Respondent).

- (d) The University will provide the written determination to the parties simultaneously within fourteen (14) business days from the conclusion of the hearing. The Hearing Officer will also provide a copy of the written determination to the Title IX Coordinator.
  - (e) The determination of Responsible or Not Responsible shall be based solely on the information presented during the proceedings and collected during the Title IX investigative process. The Hearing Officer shall consider any statements provided by either party or witnesses that has not been subject to cross-examination at the live hearing. The Hearing Officer shall consider statements made by the parties and witnesses during the investigation, emails or text exchanges between the parties leading up to the alleged sexual harassment, and statements about the alleged sexual harassment that satisfy this Regulation's relevance rules, regardless of whether the parties or witnesses submit to cross-examination at the live hearing. A decision-maker, or Hearing Officer, may also consider police reports, sexual assault nurse examiner documents, medical reports, and other documents that contain statements of a party or witness who is not cross-examined at the live hearing.
- (24) **Disciplinary Sanctions.** In reaching a determination regarding sanctions, consideration will be given regarding the severity and/or pervasiveness of the circumstances. All sanctions will be in accordance to applicable University Regulations, including without limitation, University Regulations 2.012, 10.111, or 10.302, as applicable. Student Conduct and Conflict Resolution will oversee disciplinary sanctions for students as set forth in University Regulations 2.012 and 1.019. Human Resources will oversee disciplinary sanctions for employees as set forth in University Regulations 1.019, 10.103, 10.111 and 10.302 and applicable collective bargaining agreements. Nothing in this Regulation shall be construed as preventing the University President from taking any action which may be deemed necessary to meet the goals of this Regulation. The President may change the outcome and/or sanctions for any matter under the jurisdiction

of this Regulation.

(25) **Appellate Rights.** In the event that either party is dissatisfied with the outcome of the hearing (or dismissal of the Formal Complaint), either party may appeal on the following bases:

- (a) Procedural irregularity that affected the outcome of the matter;
- (b) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- (c) The Title IX Coordinator, investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or
- (d) The sanctions are extraordinarily disproportionate to the violation committed.
- (e) The Appeal Process will be implemented for each party equally and is outlined below:

1. Appeal Process when the student is the Respondent:

- a. The Complainant or Respondent has ten (10) business days from the date of the written determination to file their written appeal with the Dean of Students or other designated University official. A copy of the appeal must be sent to the Hearing Officer and Title IX Coordinator. Once the Complainant or Respondent files an appeal, the Title IX Coordinator must notify the other party in writing that an appeal has been filed and send them a copy of the appeal. The party who did not file an appeal has ten (10) business days from the date of receipt of the appeal to respond to the appeal.
- b. The written appeal must specify reason(s) why consideration should be granted and should refer to the appeal bases in section (25). At the conclusion of the appeals process, the decision of the Dean of Students, or other designated University official, shall be final, and the Vice President for Student Affairs shall

sign a final order of decision.

- c. No student's final penalty shall begin to run until all University appeals are exhausted or denied.
- d. If the student chooses to appeal, the recording of the Formal Hearing shall be made available to the Respondent, Complainant and the Dean of Students.
- e. Final appellate decisions resulting in a suspension or expulsion of a student must include notice to the student of the student's right to appeal to an external judicial forum.

2. Appeal Process when Employee is the Respondent:

- a. The Complainant or the Respondent has ten (10) business days from the date of the written notification to make their appeal in writing and file the appeal with the Office of Human Resources along with a copy to the Title IX Coordinator.
- b. The written appeal must specify reason(s) why consideration should be granted and should refer to the appeal bases in section (25). Decisions of the hearing panel are appealed to the Office of Human Resources for review by the Associate Vice President for Human Resources =. At the conclusion of the appeals process, the decision of the University official shall be final, and the appropriate Vice President shall notify the Respondent of their decision.
- c. Any disciplinary action imposed by the University will begin after all University appeals are exhausted under this Regulation.
- d. Final appellate decisions resulting in disciplinary action of an employee must include notice to the employee of their right to appeal under applicable University regulations, policies and collective bargaining agreements.

(26) Retaliation. Members of the University community are prohibited from engaging in retaliation against one another for reporting a Title IX violation or participating in a Title IX investigation.

(a) Findings of retaliation are independent of the underlying claim of Sexual Misconduct and will result in disciplinary action, up to and including termination and/or expulsion, in accordance with applicable University regulations, policies and collective bargaining agreements.

(b) Complaints alleging Retaliation will follow the same Formal Hearing process outlined in this Regulation. The exercise of rights protected under the First Amendment does not constitute Retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Title IX Formal Hearing proceeding does not constitute Retaliation; however, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.

(27) Recordkeeping. Florida A&M University will maintain for a period of seven years records of:

(a) Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required, any disciplinary sanctions imposed on the RComplainant designed to restore or preserve equal access to the university's education program or activity;

(b) Any appeal and the result therefrom; and

(c) Any informal resolution and the result therefrom.

(28) **University Resources.**

- **Department of Campus Safety & Security** 850-599-3256 <https://www.famu.edu/administration/campus-services/campus-police/index.php>
- The FAMU Police are available to respond to emergency calls, to report a crime and for crime investigations. This office also maintains the Annual Security Report pursuant to the Jeanne Clery Act.
- **Office of Counseling Services** 850-599-3145 <https://www.famu.edu/students/student-resources/health-and-wellbeing/counseling-services/index.php>

The Office of Counseling Services provides confidential counseling services and referrals. They also provide a victim advocate who is available to support students that have been victims of a crime, including Sexual Assault. Victim advocates can be reached after hours through the FAMU Department of Campus Safety and Security.

- **Office of Equal Opportunity Programs** 850-599-3076 <https://www.famu.edu/about-famu/leadership/division-of-legal-affairs/equal-opportunity-programs-and-labor-relations/index.php>
- The Office of Equal Opportunity Programs investigates complaints of discrimination and harassment based on protected class issues.
- **Title IX Coordinator**, Letitia McClellan 850-599-3076  
Letitia McClellan is the Title IX Coordinator at FAMU and can be reached at [titleix@famu.edu](mailto:titleix@famu.edu). This office is responsible for investigation of sex-based discrimination and misconduct including, but not limited to, issues in Athletics, sexual harassment, and violence.
- **Student Health Services** 850-599-3777 <https://www.famu.edu/students/student-resources/health-and-wellbeing/health-services/index.php>  
Student Health Services (SHS) provide medical services to students. With a Sexual Assault nurse examiner (SANE) on staff, SHS will address health concerns related to an assault, including STI/STD testing, and emergency contraception. Evidentiary examinations (rape kits) are performed at Tallahassee Memorial Hospital.
- **Dean of Students** 850-599-3183  
The Dean of Students has oversight for many areas including University Housing, student organizations and the Office of Student Conduct and Conflict Resolution.
- **Office of Student Conduct and Conflict Resolution** 850-599-3541  
<https://www.famu.edu/administration/division-of-student-affairs/office-of-student-conduct-and-conflict-resolution/index.php>  
The Office of Student Conduct has the responsibility of enforcing the Student Code of Conduct to ensure that all students have an opportunity to live and learn in a safe and scholarly environment.

- **FAMU Compliance and Ethics Hotline** 866-445-4968  
<https://secure.ethicspoint.com/domain/media/en/gui/74408/index.html?reloadPage=1> The FAMU Compliance hotline allows an individual to anonymously report by phone or online, suspected issues of misconduct or violations of University Regulations.
- **Case Management Services** 850-599-8513 <https://www.famu.edu/administration/division-of-student-affairs/case-management-services/index.php> Case Management works as a liaison to connect students with the appropriate resources on and off campus.
- **Victim Advocate Program** 850-599-8785  
<https://www.famu.edu/students/student-resources/victim-advocate-program/index.php>  
The Victim Advocate Program serves as a confidential resource and support service for anyone in the University community who has been a victim of a crime.

(29) Community Resources.

- **Tallahassee Police Department** 911 (in case of emergency) or (850) 891-4200 (non-emergency)
- **Leon County Sheriff's Office** 911 (in case of emergency) or (850) 606-3300 (non-emergency)
- **Refuge House** (850) 681-2111 (24-hour hotline)
- **Tallahassee Memorial Hospital** (850) 431-1155 (general)
- **HCA Florida Capital Hospital** (850) 325-5000 (general)

*Specific Authority: Article IX, section 7(c), Florida Constitution, Board of Governors Regulation 1.001; 6.0105; History: New October 3, 2020; March 1, 2022 Technical Amendment (Coordinator Name Change), Amended 3-xx-24.*

**FAMU**

FLORIDA A&M UNIVERSITY  
**OFFICE OF COMPLIANCE  
AND ETHICS**



**ADDITIONAL  
MATERIALS**



# THE COMPLIANCE CHRONICLES

FAMU's Compliance & Ethics  
Quarterly Newsletter

FEBRUARY 2024

VOLUME ONE | ISSUE FOUR

# TABLE OF CONTENTS

Message from Chief Compliance & Ethics Officer,  
Rica Calhoun

3

What's New: Updates & Highlights

4

Data Privacy Week 2024 Recap

5

Navigating the Digital Landscape: Data Privacy  
Best Practices

6

Equal Opportunity Programs Updates

7

Compliance in Focus:  
Trending Topics

8

How to Ensure a Strong Ethical Campus Culture

10

Employee Spotlight

10

Article: "Fox in Charge of the Hen House?"

11

FAMU Fundamentals Preview

14

Meet the Expanded Compliance and Ethics  
Team!

15



## MESSAGE FROM THE CHIEF COMPLIANCE & ETHICS OFFICER, RICA CALHOUN

Greetings Rattlers,

I am so pleased to present the latest edition of Compliance Chronicles. This newsletter serves as a platform to keep you informed about the work we are doing to promote a culture of compliance and ethical decision-making across FAMU.

As we advance through the Spring 2024 semester, it is crucial to reflect on our shared responsibility to uphold the highest standards of integrity, fairness, and ethical conduct that define FAMU. The Compliance Chronicles Newsletter serves as our bridge to you, providing updates, insights, and guidance on compliance and ethics matters pivotal to our University's mission and daily operations.

At FAMU, our commitment to excellence is paralleled by our dedication to an ethical academic and working environment. Whether it's in research, teaching, or administrative functions, the principles of honesty, respect, and accountability should be ingrained in every aspect of our University operations.

### Key Highlights and Updates:

- Inaugural 2024 Privacy Week
- FAMU Fundamentals
- Department Growth

Our commitment to maintaining an environment where compliance and ethics are seamlessly integrated into our daily actions is unwavering. We thank you for your continuous dedication to these principles. Your knowledge, vigilance, and active participation are integral to not just identifying potential risks but also to embracing best practices that benefit our entire University.

For any questions, concerns, or suggestions regarding compliance and ethics matters, please feel free to reach out to [oce@famuedu](mailto:oce@famuedu). Your input is invaluable in our ongoing journey towards excellence and integrity.

Together, let's continue to nurture a culture at FAMU that stands tall on the pillars of fairness, integrity, and mutual respect, making our University not just a place of learning but ethical standards.

Best,  
Rica Calhoun



OFFICE: (850) 599 8305  
24/7, CONFIDENTIAL HOTLINE:  
866 445 4968



WEBSITE:  
[famuedu/administration/  
compliance-and-ethics/](http://famuedu/administration/compliance-and-ethics/)



E-MAIL:  
[OCE@FAMU.EDU](mailto:OCE@FAMU.EDU)



## WHAT'S NEW

### Get ready for FAMU Fundamentals coming this March!

We are excited to begin our annual mandatory training program designed to enhance your understanding of key compliance principles. In its fourth year, FAMU Fundamentals is an integral part of our commitment to fostering a culture of compliance and integrity. The training covers essential topics to ensure we are all well-versed in the standards that govern our actions. Training is required to be completed between March 1 and March 31, 2024. Members of the University community have already received their first communication explaining expectations. Stay tuned for engaging activities, quizzes, and resources to make your training experience informative and enjoyable. This training is REQUIRED, and we encourage everyone to actively participate, as compliance is a shared responsibility that contributes to the overall success of our institution.

Let's make FAMU Fundamentals a collective effort towards a more compliant and ethical community. Thank you for your dedication to upholding the highest standards in all that we do.

### Office Updates

The Compliance and Ethics team is growing! We want to welcome Mr. Thomas Wood to the Office of Compliance & Ethics team as a Compliance Coordinator. Additionally, we are excited to announce that the Equal Opportunity Programs Team is welcoming Ms. Dicye Baker as an Equal Opportunity Coordinator!

### Thank you

Finally, we want to thank the Office of Communications staff for their invaluable support in crafting our Privacy Week Instagram video! Special thanks to Booker T. Gainor, Christina Compere-Minor, Javonni Hampton & EJ Robinson.



# Celebrating Data Privacy Week

From January 22-26, we celebrated FAMU's inaugural Data Privacy Week, a dedicated time to raise awareness about the significance of data privacy and the steps we can take to uphold it. This annual observance served as a reminder of the constant vigilance required to protect the privacy and confidentiality of the data we handle.

Data breaches and privacy lapses can have far-reaching consequences, impacting individuals and eroding trust. By actively participating in Data Privacy Week, we demonstrated our collective dedication to fostering a culture of data protection within our FAMU community.

On Tuesday, January 23rd, the President and his Senior Leadership team pledged their commitment to privacy by completing Privacy Champion Pledge forms to become Data Privacy Champions. Becoming a Data Privacy Champion shows a recognition of the critical importance of privacy and data governance in maintaining the trust and safety of students, faculty, and staff.

On Wednesday, January 24th, we had an in-person Privacy Workshop at the Efferson Student Union where we had lunch and learned more about Privacy best practices from our speakers, La'Tonya Baker and Deidre Melton. We engaged in various activities, and discussions aimed at enhancing our understanding of data privacy best practices. These efforts empowered us to make informed decisions and implement robust measures to mitigate potential risks.

Finally, we created an Instagram reel! Throughout the week, individuals recorded and submitted videos highlighting their take on what it means to be a Data Privacy Champion. Check it out [here](#) on the @fam\_u\_1887 Instagram page.

DATA PRIVACY WEEK RECAP



## Navigating the Digital Landscape:

# DATA PRIVACY

LaTonya Baker, Chief Privacy Officer

In an era where digital interactions have become integral to our daily lives, safeguarding personal information is more critical than ever. As part of our ongoing commitment to data privacy and compliance, let's explore some best practices to help navigate the digital landscape securely.

Picture this: you're online, browsing through your favorite websites, and suddenly you're prompted to provide personal information. Before you proceed, consider whether the requested data is necessary for the task at hand. Limit the disclosure of sensitive details to what is essential, reducing the risk of potential misuse.

Phishing attempts are prevalent, and recognizing them is paramount. Be cautious of unsolicited emails or messages requesting personal information, and avoid clicking on suspicious links. When in doubt, verify the sender's authenticity before sharing any data.

Regularly updating passwords is a simple yet effective measure. Choose strong, unique passwords for different accounts, and enable two-factor authentication whenever possible. This extra layer of security adds an additional barrier against unauthorized access.

When it comes to devices, ensure that your software is up-to-date. Regularly install updates and patches to address security vulnerabilities, protecting both personal and institutional data.

By collectively adopting these best practices, we contribute to a culture of data privacy, safeguarding our digital community. Stay informed, stay secure!

### Tips for Faculty, Staff, and Students: Faculty:

1. Safeguard research data by using secure networks and encrypted storage solutions.
2. Educate students about the importance of data privacy in research and encourage responsible data handling.

### Staff:

1. Implement secure document disposal practices, ensuring confidential information is properly shredded.
2. Be cautious when sharing information in collaborative digital spaces, verifying access permissions to prevent unauthorized viewing.

### Students:

1. Exercise caution on social media, limiting the personal information shared online.
2. Regularly review privacy settings on digital platforms to control the visibility of personal data.



Test Your  
Knowledge

Think you know about PRIVACY? Test your knowledge:

<https://www.ardentprivacy.ai/quiz/>

# EQUAL OPPORTUNITY PROGRAMS *highlights*

ISSUE 16

## Letitia McClellan

Letitia McClellan attended ATIXA's Winter Symposium and acquired certifications in Sex-Based Harassment Foundations for Higher Education, Gender Equity Foundations for Higher Education and Preparing for the Pending Title IX Regulations for Higher Education Overview to include Implementation, Nuances, and Best Practices. Letitia also maintains a K-12 Title IX Coordinator and Administrator Certification.



**Letitia McClellan**  
Assistant Director,  
Equal Opportunity  
Programs

## EOP Team Expansion

We are delighted to extend a warm welcome to Allysan McGill. The Office of Equal Opportunity Programs is thrilled to have Allysan join us as the EOP Coordinator, and we're excited about the contributions she will make to the Title IX team.



**Allysan McGill**  
EOP Coordinator  
Equal Opportunity  
Programs

Congratulations Allysan!



Greetings everyone!

Allow me to introduce myself – I am Aurea Hughes, a passionate second-year political science major with a minor in criminal justice, originally from the vibrant city of Gainesville, Florida. Currently, I find myself immersed in the dynamic environment of the Equal Opportunity Programs and Title IX Office through an enriching internship.

For me, education has always been the bedrock of my aspirations. My journey at FAMU has been a two-year exploration of knowledge and advocacy. I am fueled by a profound ambition: to make a difference in the lives of children and women subjected to forced arranged marriages in America. The Equal Opportunity Programs and Title IX Office is not just an internship; it's a stepping stone towards achieving this significant goal.

During my time at FAMU, I've actively participated in events that align with my mission. I attended the 90 Days film screening, delving into comprehensive knowledge on HIV prevention, treatment, and the stigma surrounding HIV in the black community. Additionally, I participated in a women's sex conference, creating a supportive and educational space for women to discuss consent and protective measures.

I look forward to the continued growth and enlightenment that the Equal Opportunity Programs and Title IX Office promises. This journey, for me, is not just about personal and academic development; it's a commitment to investigate, educate, and advocate for those who feel they've been harmed or discriminated against. Together, let's pave the way for a more inclusive and equitable future. I am very excited to be working with the Equal Opportunity Programs and Title IX Office.

## MEET THE EOP INTERNS



Greetings,

My name is Jeremiah Coleman-Smith. I am a second-year Graphic Design Scholar from Chicago, Illinois. Some things to know about me include that I love being creative, and being able to make things that are my own is part of the reason why I'm a graphic designer. I like to play video games and I also stream on Twitch in my spare. I love plants and animals, my favorite one being a bonsai tree and my favorite animal being either the orca or panda. I also like to draw anything that catches my eye. I also love anime, and the Japanese culture as a whole. I plan on visiting Japan sometime soon. One of my goals is to get my feet wet in the animation industry sometime in my career. I hope to meet the person reading this bio right now, and if you ever see me on campus don't be afraid to come up to me and have a quick chat. Also funny enough, I don't have my pink hair anymore so I may look a little different from my picture. I look forward to making great things happen on FAMU's campus.

**Need to file a complaint?**  
Call the FAMU Compliance hotline:  
**1-866-445-4968**  
or click here for online reporting.

# COMPLIANCE IN FOCUS

This section shares trending topics in the world of compliance and ethics in higher education. \*



**COMPLIANCE  
STARTS WITH  
YOU.**

## Jan 22: Research Misconduct Allegation:

The Dana-Farber Cancer Institute, a prestigious Harvard teaching school, is moving to retract 6 studies and correct 31 others following allegations of data manipulation. The steps by the Harvard Medical School affiliate come after a molecular biologist published a blog post earlier this month alleging researchers falsified data by manipulating images. More than 50 papers are part of the ongoing review by Dana-Farber into 4 researchers, all of whom have faculty appointments at Harvard Medical School. Four of the papers under review were authored by the Dana-Farber CEO. ([link](#))

## Jan 02: Erroneous Acceptance Letters

Erroneous Acceptance Letters: Dozens of prospective graduate students recently received premature messages of acceptance from Northeastern University in Boston, officials confirmed. According to a university spokesperson, the application process is ongoing, and applicants are not expected to be notified of decisions until January. "Due to a technical error, 48 individuals out of nearly 64,000 applicants for master's degree programs received an erroneous email of acceptance," a spokesperson said. "They were immediately contacted by the university to clarify the mistake. Their applications remain active as reviews are currently underway for all applicants." This is the second consecutive year that the university has sent erroneous acceptance letters to students. ([link](#))

## Jan 01: Discrimination Settlement

The University of Massachusetts Lowell has settled a bias lawsuit with a former student baseball player who alleged that he was dismissed from the team because he complained in his diary about the head coach's alleged racism. Cedric Rose had played in 52 of the team's 58 games last year, including an 18-game hitting streak, and made the New England Collegiate Baseball League All-Star team. The school brought in an outside lawyer to investigate the allegations of racial discrimination. She determined that though former head coach Ken Haring may have directed harsh words toward Rose, who is Black, the coach's behavior did not violate the school's policies on harassment and retaliation. UMass Lowell, however, found that the interactions between coach and player did not "align with the university's commitment to an inclusive and welcoming environment." ([link](#))

## Jan 17: Discrimination Investigation

The U.S. Department of Education is investigating whether discrimination occurred at the University of Minnesota, one month after it received a complaint raising concerns about antisemitism at the Twin Cities campus. The U is one of 99 schools "that are currently under investigation for discrimination involving shared ancestry," a term the department uses to describe incidents that occur based on someone's ancestry or nationality. "An institution named on this list means that [the department's Office for Civil Rights] has initiated an investigation of a case concerning that institution," according to the U.S. Department of Education website. ([link](#))



# COMPLIANCE IN FOCUS

continued



## Jan 23: Student Safety

The NYPD and federal authorities are investigating a possible hate crime targeting pro-Palestinian students who were blasted with suspected "skunk spray" while rallying at Columbia University. The students were part of a coalition of roughly 100 student groups called the Columbia University Apartheid Divest. At around 1:50 p.m., protesters began alerting authorities they'd been hit with what the NYPD believes is "skunk spray," a non-lethal chemical. Six students submitted complaints to police saying the spray irritated their eyes and made them nauseous, according to NYPD Detective Annette Shelton. The students refused medical attention at the time. ([link](#))

## Jan 21: Campus Speech

On October 25, hundreds of people participated in a sit-in at the University of Massachusetts Amherst, "calling on school administrators to cut ties with weapons manufacturers involved in Israel's occupation of Palestine." Campus police arrested 57 of the demonstrators for trespassing because they remained in the university's Whitmore Administration Building after it had closed at 6 p.m. ([link](#))

## Jan 02: Campus Speech

Two University of Texas at Austin teaching assistants (TAs) say they were fired after they provided students with mental health resources in response to the ongoing conflict between Israel and Hamas. The TAs' message was sent through a student portal, which the university argues was "unprofessionally misused." They say they sent the message to students over the school's communication portal, Canvas. The TAs say they then received "reassignment letters" from the dean of the School of Social Work, calling their message inappropriate and unprofessional. The letters also stated that the TAs will not be reappointed as TAs next semester. On Friday, UT told KVUE that the TAs used a platform meant for coursework to send a personal political message. ([link](#))

## Jan 01: Trespassing and Vandalism

Officials at Howard University are investigating a break-in to one of its shuttered buildings on its East Campus in D.C., after a video showing the intrusion and vandalism went viral. The video posted to Instagram has since been taken down, but it showed a group of people breaking into Benjamin E. Mays Hall at 14th and Shepherd streets in Northeast. The building housed the university's School of Divinity until 2015. The video showed the group entering the boarded-up hall. Once inside, the intruders could be seen rummaging through old books and files -- even activating a fire extinguisher. ([link](#))



# HOW TO ENSURE A STRONG ETHICAL CAMPUS CULTURE

1

**Speak It!**

Communicate it. If you desire your organization or department to operate in an ethical manner, have you ever verbalized that to your team? What are the expectations you have as a leader for your team? As George Bernard Shaw famously said, "The single biggest problem in communication is the illusion it has taken place." Never assume your team knows what you expect behaviorally.

2

**Act!**

Live it. Communicating only works if leaders actually live out the ethical culture. People are paying considerably more attention to you and your actions than you likely realize. There is a powerful influence principle called "social proof" that says we look to the behavior of others to determine what is expected for our behavior. This becomes vitally important for leaders promoting ethics.

3

**Improve!**

Correct it. All organizations and people have an innate tendency to drift. Whether it's drifting off our exercise plan or other personal goals, drifting is just a part of life. It's also true with respect to culture and ethics. There will be times where something may not go perfectly, but the important thing is to practice "radical honesty" and deal with it head on. Ignoring issues will only create culture drift momentum that ultimately takes you to the edge of the cliff some of these institutions fell from.

## SEE SOMETHING, SAY SOMETHING

**Do you know a FAMU employee who has demonstrated a commitment to compliance and integrity?**

We believe that ethical behavior starts with individuals who are willing to take a stand when they see something that doesn't align with our values, even when it is difficult or uncomfortable to do so.

We want to celebrate the employees who exemplify a dedicated commitment to integrity and ethics.

Let us know by nominating them for the "See Something, Say Something" Award at [oce@fam.u.edu](mailto:oce@fam.u.edu). and be on the lookout for a feature in our next issue!

## Employee Spotlight



We highlight Mr. Montell Holmes for his dedicated efforts to raise awareness about the Americans with Disabilities Act (ADA) within the FAMU community. Montell has consistently worked hard to address concerns from faculty and staff across all campuses. He proactively visits areas where issues need attention, ensuring efficiency and promoting the overall wellness of the community.

## Fox in Charge of the Hen House?

# SOUNDS LIKE A CONFLICT OF INTEREST

There's an old saying that you should never put a fox in charge of a hen house. A fox with his mind on chicken dinner has a hard time keeping the hen house safe. In effect, the fox has a definite conflict of interest.

Of course, when it comes to making good decisions on the job, you're not a fox planning a chicken dinner but you could face conflict of interest situations anyway. If our decisions are clouded by influence from outside ties – political, financial, social or family – we can lose our ability to make objective judgments that are in the best interests of FAMU.

### **Joe and His Widgets**

Let's consider an example. Suppose your friend owns Joe's Widgets. Joe's prices are competitive and our University could use his products, so you'd like to recommend Joe to supply our widgets. Is this a Conflict of Interest? It's not automatically a conflict of interest if certain conditions are met. First, you have to disclose the possible conflict if you recommend Joe's company. You must tell our University that Joe's Widgets is owned by your friend. Second, it is essential that you remove yourself from the process of deciding whether or not to buy from him. Finally, if Joe is chosen as a vendor, you cannot be involved in supervising him or his employees.

Now, here's a different situation with very different conflict of interest issues. In this case, you are a silent partner in Joe's company. A silent partner is someone who is invested in a company, such as giving a loan to get the business going. Even if you simply loaned Joe money and have nothing to do with the day-to-day operations of Joe's Widgets, you still have an interest. In this case, even if you disclosed your financial relationship as well as your friendship with Joe, the purchasing group would probably choose a more neutral firm. Why? Because of the perception that you could try to influence a decision that would benefit you financially. Joe may be a good supplier but your relationships with him – financial and personal – make it a conflict of interest for you to recommend him to the University.

### **Moonlighting**

You can also run into a conflict of interest if you take a second job, or "moonlight." Working a second job may be just fine as long as it is not occurring during your designated work hours at FAMU and you are still effective and efficient in your job. It could become a problem if your second job takes time and energy from your regular job responsibilities. FAMU doesn't want to interfere in your personal life but expects you to honor your commitment to our organization. Moonlighting could also present a serious conflict of interest if your second job involves a competitor or even a potential competitor, of our University. In that case, the second job would be a conflict of interest



## **Fox in Charge of the Hen House? (Continued)**

even if you can still do your regular job with FAMU without compromising your performance. To avoid any misunderstandings, it's best to discuss the circumstances of second jobs with your supervisor.

### **Other Potential Conflicts**

You should always consider your ties to outside interests when making business decisions. Ask yourself these questions to evaluate potential conflicts.

- Is the outside interest causing you to perform your regular job with less than the expected commitment?
- Are you diverting business from FAMU?
- Is the outside interest competing against one of our University's business activities?
- Are you being influenced to make a decision that is not in FAMU's best interests?
- Are you misusing University resources?

### **Appearances Count**

When it comes to Conflicts of Interest, appearances and perceptions count.

“Even if your actions were unintentional or accidental, the perception of a Conflict of Interest can be just as harmful as an actual conflict,” emphasizes Chief Compliance and Ethics Officer, Rica Calhoun. “When the perception of a conflict exists, it hurts your personal reputation and the reputation of FAMU.”

### **Report When In Doubt**

In order to make objective choices, avoid investments and associations that might cloud your decision-making process. If you aren't sure whether or not an outside interest might be considered a Conflict of Interest, don't wait. Report it now through iRattler. Remember that disclosure, whether or not you have a conflict, is required by July 1 of each year. Your supervisor and appropriate administrative oversight will review the situation with you and be sure there is no Conflict of Interest with your current job responsibilities.



# Fox in Charge of the Hen House? (Continued)

## Question & Answer

### 1. *What are some examples of Conflicts of Interest?*

Some examples of Conflicts of Interest are:

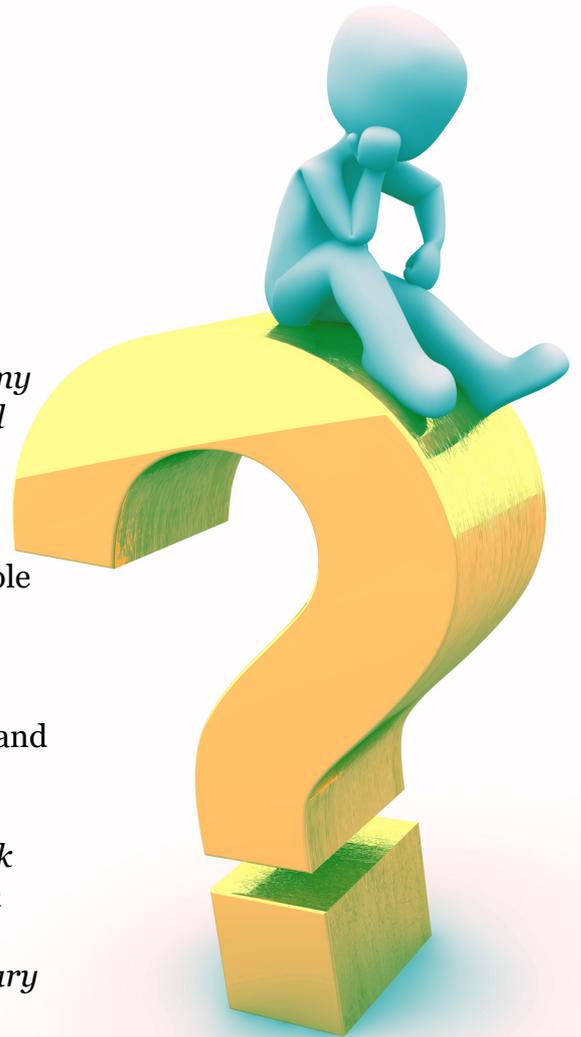
- having a substantial financial interest in a competing organization or a customer or vendor company;
- hiring a supplier managed by a relative;
- working a second job with a competitor of FAMU.

### 2. *A long-time friend recently took a job with one of our University's vendors. We've been friends for years. With my friend's new job, has our friendship turned into an ethical problem?*

University policies are not intended to disrupt personal friendships. However, it could be a problem if you play a role in selecting your friend's company as a supplier, or if you have to deal with your friend on behalf of FAMU. Tell your manager about this friendship and excuse yourself from participating in decisions or negotiations with your friend and the supplier.

### 3. *I'm considering a temporary job that requires me to work nights and weekends. I am usually on call for overtime in the evenings, but my temporary job will make that impossible. Can I say no to regular overtime at my primary job?*

If overtime is part of your job requirement at FAMU, your temporary job will interfere with your ability to perform in a way that meets performance standards. You should not accept the temporary job.



**EPIISODE 1**

**COMPLIANCE AND  
ETHICS**

**EPIISODE 2**

**CLERY**

**EPIISODE 3**

**NON-  
DISCRIMINATION  
AND ANTI-  
HARASSMENT**

**EPIISODE 8**

**FOREIGN  
INFLUENCE  
(RESEARCHERS AND  
SUPPORT ONLY)**

**EPIISODE 4**

**CYBERSECURITY**

**EPIISODE 7**

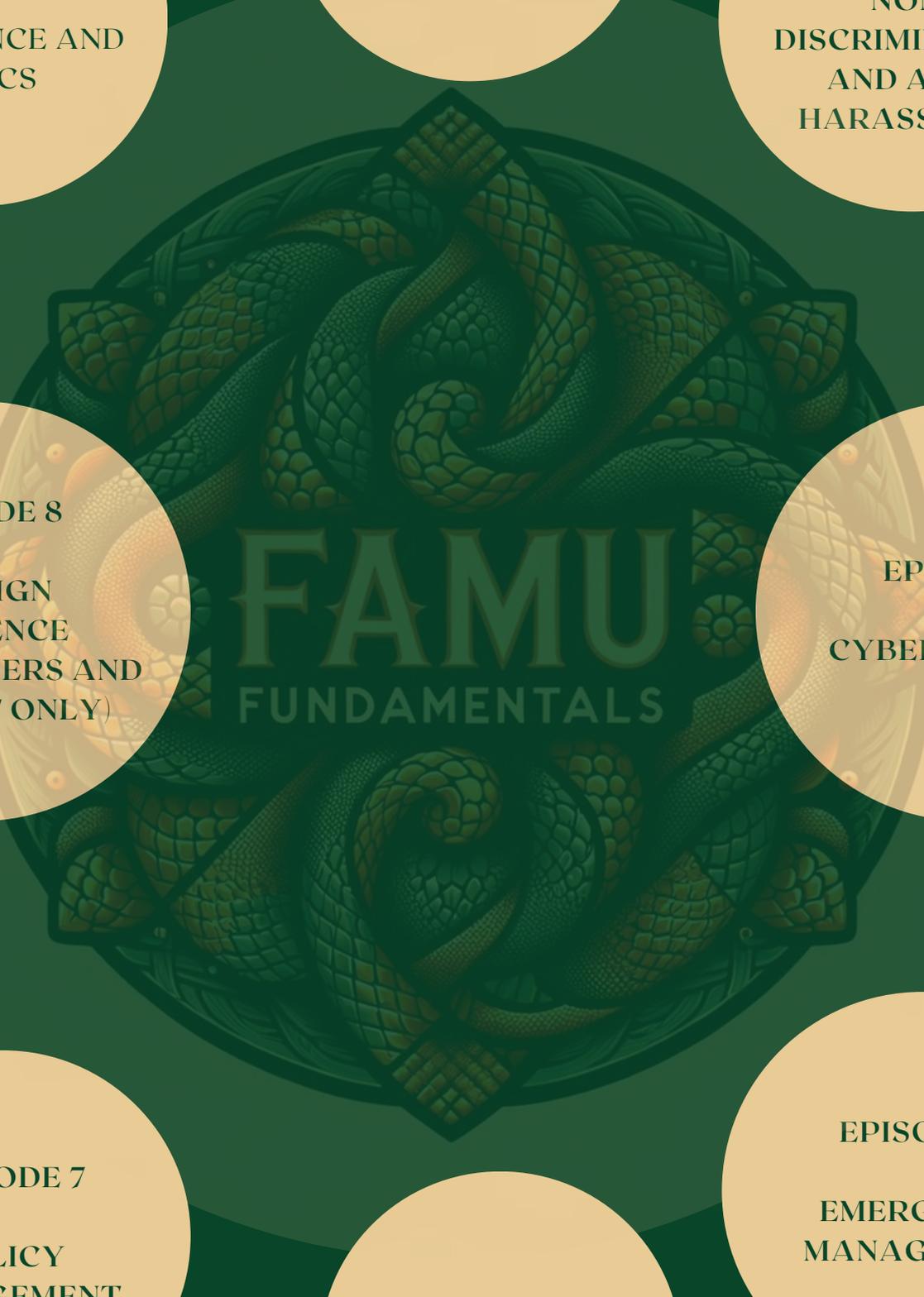
**POLICY  
MANAGEMENT**

**EPIISODE 6**

**AUDIT AND ERM**

**EPIISODE 5**

**EMERGENCY  
MANAGEMENT**



**FAMU  
FUNDAMENTALS**

# Meet the University Compliance (OCE) Team



**RICA CALHOUN**

Chief Compliance & Ethics Officer  
[rica.calhoun@famuedu](mailto:rica.calhoun@famuedu)



**LA'TONYA BAKER**

Director of Compliance,  
Chief Privacy Officer  
[latonya.baker@famuedu](mailto:latonya.baker@famuedu)



**EDNA GASQUE**

Program Manager  
[edna.gasque@famuedu](mailto:edna.gasque@famuedu)



**MIRANDA WASHINGTON**

Compliance Coordinator  
[miranda.levy@famuedu](mailto:miranda.levy@famuedu)



**THOMAS WOOD**

Compliance Coordinator  
[thomas.wood@famuedu](mailto:thomas.wood@famuedu)

**For inquiries, contact us.**

[famuedu/oce](http://famuedu/oce)  
[oce@famuedu](mailto:oce@famuedu)

# Meet the University Equal Opportunity Programs (EOP) Team



**DR. LATRECHA SCOTT**

Director, EOP and Labor Relations/Title IX  
[latrecha.scott@fam.u.edu](mailto:latrecha.scott@fam.u.edu)



**KIMBERLY CEASAR**

Assistant Director  
Equal Opportunity Programs  
[kimberly.ceasar@fam.u.edu](mailto:kimberly.ceasar@fam.u.edu)



**LETITIA MCCLELLAN**

Title IX Coordinator  
Equal Opportunity Programs  
[letitia.mcclellan@fam.u.edu](mailto:letitia.mcclellan@fam.u.edu)



**MONTELL HOLMES**

ADA Coordinator  
[montell.holmes@fam.u.edu](mailto:montell.holmes@fam.u.edu)



**ALLYSAN BOATMAN**

Equal Opportunity Programs Coordinator  
[allysan.boatman@fam.u.edu](mailto:allysan.boatman@fam.u.edu)

**For inquiries, contact us.**

[oeop@fam.u.edu](mailto:oeop@fam.u.edu)

850 599 3076

# Meet the University Athletics Compliance Team



**BRITTNEY JOHNSON**

Sr. Associate Athletic Director  
brittney.johnson@famuedu



**LORI GOODART**

Associate AD  
Financial Air & Benefits  
lori.goodart@famuedu



**KELLEY BICKHAM**

Associate AD  
Eligibility and Compliance  
letkellae.bickham@famuedu



**JERRY GOODSON**

Athletic Compliance Coordinator  
jerry2goodson@famuedu



**TIA HUIE**

Athletic Compliance Coordinator  
tia1.huie@famuedu



**ALEXUS DAVENPORT**

Athletic Compliance  
Front Office Graduate Assistant  
alexus1@davenport@famuedu

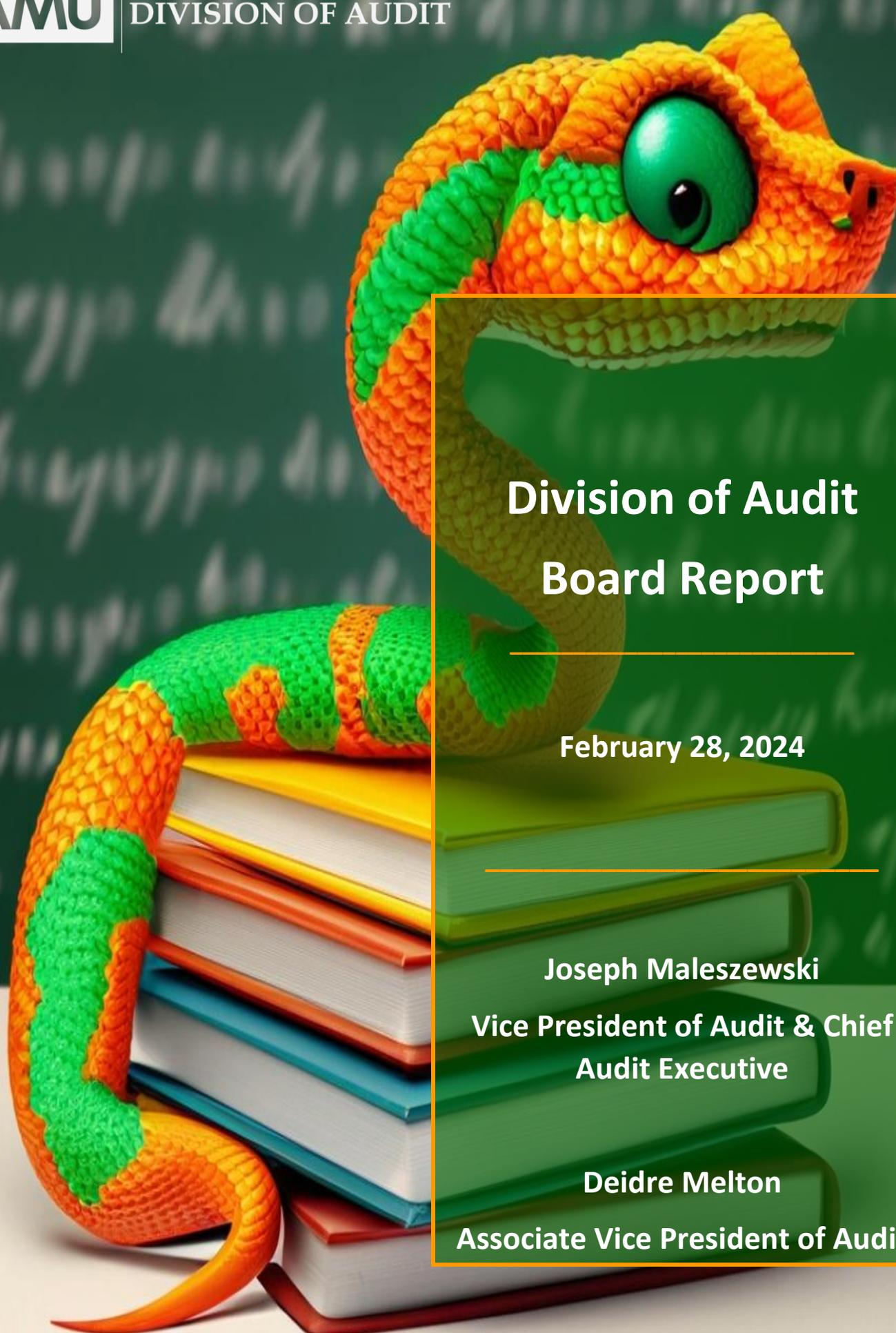
**For inquiries, contact us.**

aco@famuedu

850 599 8303



FLORIDA A&M UNIVERSITY  
DIVISION OF AUDIT



# Division of Audit Board Report

---

February 28, 2024

---

**Joseph Maleszewski**  
Vice President of Audit & Chief  
Audit Executive

**Deidre Melton**  
Associate Vice President of Audit

## Board of Trustees Duties

### Dear Members of the Board of Trustees

In my message to you for the September 2023 Audit and Compliance Committee meeting, I focused my comments on the role of the Division of Audit; the complex and dynamic governance structure for higher education in Florida; and information to assist your readiness to fulfill your fiduciary duties and responsibilities. I ended those comments with a reminder about the [AGB](#)'s unofficial mantra of board engagement - "Noses in, fingers out." This mantra emphasized the board's role is to oversee the execution of strategies and policy development without crossing the line into the tactical micromanagement of day-to-day operations.

At the December meeting we dug into the deep and rich history of higher education governance in the State of Florida as well as specific to FAMU.

The University is focused on providing you all the resources and information to maximize your service to FAMU while ensuring we stay within requirement imposed on us by Florida law, BOG regulations and our accreditors. To that end, Ms. Patricia "Pat" Gleason will share information with you on the Government in the Sunshine laws as well as laws related to public meetings and records. Ms. Gleason is a Florida Attorney who works at the Office of Attorney General and is the leading expert on these laws. We are fortunate to have her address you on these topics.

For this Audit and Compliance Committee meeting, I will focus on the duties of the Board of Trustees. These flow from [BOG Regulation 1.001 University Board of Trustees Powers and Duties](#). This regulation covers the following topics:

- |   |                                    |
|---|------------------------------------|
| 1. Overview   | 5. Personnel                       |
| 2. Composition of Boards; Membership and Organization | 6. Financial Management            |
| 3. University Administration and Oversight            | 7. Property and Purchasing         |
| 4. Academic Programs and Student Affairs              | 8. Miscellaneous Powers and Duties |

I commend that you take some time to read this 9-page regulation and consider whether each requirement is demonstratively met in our routine BOT meetings.

Many of these duties and responsibilities are put into action via the [BOT Operating Procedures](#).

- |   |  |
|---|--|
| Article 1: Statement of Purpose                   | Article 8: Appearances Before the Board              |
| Article 2: The Board                              | Article 9: Indemnification                           |
| Article 3: Officers of the Board                  | Article 10: General                                  |
| Article 4: Committees                             | Appendices A: Audit and Compliance Committee Charter |
| Article 5: Meetings                               | Appendices B: Governance Committee Charter           |
| Article 6: Code of Ethics                         | Appendices C: Amendment Notes                        |
| Article 7: Amendments to the Operating Procedures |  |

Please ensure you know all of the requirements associated with the BOT Operating Procedures.

To further assist you, we will bring Kerrie Stillman, Executive Director for the Florida Commission on Ethics, to a future meeting to discuss the Code of Ethics for Public Officers and Employees, adopted by



the Legislature as Part III of Chapter 112, Florida Statutes. It contains standards of ethical conduct and disclosures applicable to public officers, employees, candidates, lobbyists, and others in State and local government, with the exception of judges. In the meantime, the Commission on Ethics has great training resources on their website at: [Training - Ethics \(state.fl.us\)](http://Training-Ethics.state.fl.us)

- **State Ethics Laws for Constitutional Officers & Elected Municipal Officers** ([Video Tutorial](#))  
NEW for 2021! This 100 minute video training is an overview of Florida's Ethics Code (Part III, Chapter 112, and Article II, Section 8, Florida Constitution) geared toward Constitutional Officers and Elected Municipal Officers. Topics covered include gifts, voting conflict, misuse of office, prohibited business relationships, conflicting employment relationships, revolving door, and Amendment 12.
- **Business and Employment Conflicts and Post-Public-Service Restriction** ([Video Tutorial](#))  
This 56-minute presentation addresses conflicting business and employment relationships, blind trusts, prohibitions on public employees holding office and dual public employment, post-office-holding (revolving door) prohibitions, and additional restrictions, for state level and/or local level public officers, public employees, and certain others. (2017)
- **Financial Disclosure - Form 1** ([Video Tutorial](#))  
This 52-minute presentation is about the Form 1, Statement of Financial Interests. It provides a brief overview of the financial disclosure process, as well as detailed instructions on how to complete the Form 1. The presentation also discusses automatic fines for late filing, consequences for failure to file, and the disclosure appeal process. (2017)
- **Financial Disclosure - Form 6** ([Video Tutorial](#))  
This 50-minute presentation is about the Form 6, Full and Public Disclosure of Financial Interests. It provides a brief overview of the financial disclosure process, as well as detailed instructions on how to complete the Form 6. The presentation also discusses automatic fines for late filing, consequences for failure to file, and the disclosure appeal process. (2017)
- **Gifts** ([Video Tutorial](#))  
This 50-minute presentation is a review of the ethics laws governing the acceptance of gifts and things of value, as well as the Executive Branch lobbyist expenditure ban. (2017)
- **Voting Conflicts - Local Officers** ([Video Tutorial](#))  
This 58-minute presentation addresses the voting conflicts statute as it applies to local officers. It discusses the differences in voting conflicts at the state and local level, as well as the circumstances in which a voting conflict for a local officer will not be found. Finally, it covers how a local officer should respond if a voting conflict is presented. (2017)
- **Voting Conflicts - State Officers** ([Video Tutorial](#))  
This 56-minute presentation addresses the voting conflicts statute as it applies to state officers. It addresses circumstances in which a voting conflict will be found, circumstances in which a voting conflict will not be found, and how to handle a voting conflict when one is presented. (2017)



All the best,

A handwritten signature in blue ink that reads "Joseph L. Melendez".

Vice President for Audit and Chief Audit Executive



## Announcement: Release of the 2024 New Global Internal Audit Standards

Dear Board of Trustees Members,

I am pleased to inform you of a significant development in our profession—the Institute of Internal Auditors (IIA) has officially released the 2024 New Global Internal Audit Standards. This update represents a pivotal advancement in the framework that governs our practices and underscores the IIA's commitment to enhancing the effectiveness and relevance of internal auditing in today's rapidly evolving landscape.

The 2024 standards introduce several key enhancements that reflect the latest in risk management, governance, and technological advancements. These updates are designed to further align internal audit functions with strategic objectives, ensuring that we continue to provide valuable and forward-looking insights that support our institution's goals and mission.

### Key highlights include:

- **Enhanced Focus on Risk Management:** The new standards emphasize a more dynamic approach to risk assessment, encouraging auditors to continuously adapt to changing risk profiles and emerging threats.
- **Governance and Oversight:** There is a renewed emphasis on the role of internal audit in governance, including clearer guidance on how auditors can effectively contribute to organizational oversight and decision-making.
- **Technology and Innovation:** Recognizing the growing impact of technology, the standards provide guidance on leveraging technological advancements in audit methodologies and processes.
- **Professionalism and Ethics:** The standards reinforce the importance of professionalism, competence, and ethics, which are foundational to the credibility and effectiveness of the internal audit function.

As we move forward, our team is reviewing the new standards in detail to assess and implement the necessary adjustments to our internal audit practices. This will ensure not only compliance but also the continued enhancement of our contribution to the university's objectives and risk management framework.

During the May Audit and Compliance Committee meeting, I will discuss with the board the implications of these new standards and how we plan to integrate them into our operations. Your insights and support in this process will be invaluable as we strive to maintain the highest standards of excellence and integrity in our internal audit function.

Thank you for your continued support and commitment to excellence in governance and oversight.



Warm regards,

*Deidre Melton*

Associate Vice President for Audit and Chief Risk Officer



# TABLE OF CONTENTS

05

**Internal Audit  
Activities**

07

**External Audit  
Activities**

09

**Advisory  
Activities**

11

**Investigation  
Services**

16

**Audit  
Highlights**

19

**ERM  
Highlights**

24

**What's Next**



# Internal Audit Activities

Audit Work Plan			
Project	Projected Completion	Status	Issues Identified
Financial Aid Audit	Quarter 3	In-Progress	N/A
Athletics Financial Review: Spring 2023	Quarter 4	In-Progress	N/A
Gramm Leach Bliley Act	Quarter 3	In-Progress	N/A
Performance-Based Funding Data Integrity Audit	Quarter 3	Complete	N/A
Athletics Financial Review: Fall 2023	Quarter 4	In-Progress	N/A
Post-Tenure Review Audit	Quarter 4	In-Progress	N/A
Foreign Influence Audit	Quarter 4	Not Started	N/A

## Status of Correct Actions for Open Audit Issues since June 2023

Florida Board of Governors Regulation [4.002 State University System Chief Audit Executive](#), Section 3(b) requires the chief audit executive to report on the progress made by management in implementing corrective actions.



### DAVID Audit (Open Issues: 3)

Executive Owner: W. Rebecca Brown, Vice President for Finance and Administration

- User Inactivation Workflow** – A sample of separated users in the DAVID system were not being inactivated in a timely manner as required by the DHSMV MOU. An internal process flowchart was designed and implemented to facilitate the user inactivation process. The process flow includes documentation of the request for inactivation and documented response from the DAVID administrator verifying receipt of the request and documenting the deletion date. (**Status-CLOSED; Risk Level- HIGH**)



- **System Usage Monitoring** – Documentation that user activity in the DAVID system was being monitored as part of each required Quarterly Quality Control review was not able to be received. The Department has included in their Quarterly Quality Control review process documentation of the DAVID activity log files that had been reviewed to verify that appropriate monitoring of DAVID users had been conducted by the DAVID administrator. **(Status- CLOSED; Risk Level- HIGH)**
- **Annual Training Compliance** – A sample of DAVID users were not compliant with the Department’s annual training requirements. The Department has implemented procedures to notify users of departmental training via email. Additionally, the DAVID system is configured to enforce compliance with training requirements prior to allowing users to access the system. **(Status- CLOSED; Risk Level- LOW)**

### **Bragg Stadium Safety and Security (Open Issues: 2)**

Executive Owner: Tiffani-Dawn Sykes, Vice President for Athletics/AD

- **ADA Guardrail Compliance** - The height (in certain areas) and construction of the guardrails are not compliant, in accordance with the Florida Building Code: FBC-B 1015. The University is currently looking at the most cost-effective way to address this concern and is awaiting design and pricing from the consultant/general contractor. Until these areas are addressed, the Building code official recommended that the University install “caution signage” to bring awareness to the individuals seated in these areas. **(Status- OPEN; Risk Level- LOW)**
- **ADA Restroom Compliance** – Restrooms are not fully ADA compliant, in accordance with certain elements of Florida Building Code *Chapter 6: Plumbing Elements and Facilities*. The University is currently looking at the most cost-effective way to address this concern and is awaiting design and pricing from the consultant/general contractor. Until these areas are addressed, the University has contracted with a vendor to provide ADA accessible restrooms during events held at the stadium. **(Status- OPEN; Risk Level- LOW)**

### **Emergency Preparedness (Open Issues: 1)**

Executive Owner: Keith Miles, Director of Communications

- **Establishing an Evacuation Plan** - The Evacuation Plan has been finalized with the supporting essential employee plan. The plan was updated on lessons learned from hurricane Ian. The crisis communication plan will need to be enhance based on feedback received during the May 23, 2023, hurricane table top exercise. **(Status- OPEN; Risk Level- HIGH)**

### **Security Plan Audit (Open Issues: CONFIDENTIAL)**

Executive Owner: Robert Seniors, Vice President for Information Technology Services/CIO

- The referenced audit issues are considered confidential in accordance with [Florida Statute 1004.055 Security of Data and Information Technology in State Postsecondary Education Institutions](#). A detailed review of progress made on corrective actions taken to resolve issues identified during the 2022 Security Plan Audit will be provided to Board of Trustees members during the May 2024 Cybersecurity Closed Door Session. Board members are entitled to a one-on-one briefing prior to this meeting and can request a briefing by contacting Joseph Maleszewski, Vice President for Audit/CAE at [joseph.maleszewski@famu.edu](mailto:joseph.maleszewski@famu.edu).



# External Audit Activities

The Division of Audit functions as the University’s official liaison for external auditors to assist management with meeting the requests and understanding various audit requirements. We also monitor the implementation status of audit recommendations, including recommendations with long implementation timelines to ensure they are progressing.

The chart below provides an overview of external audits currently in-progress or recently concluded since our September 2023, report to the Audit and Compliance Committee.

Current Status of External Audits		
Audit	Current Status	Comments
<b><u>Florida Auditor General</u></b> Financial Statements Audit (FY2023)	In-Progress	The Auditor General is currently performing the Financial Statement Audit for the period ending June 30, 2023, with plans to issue their report March 2024.
<b><u>Florida Auditor General</u></b> Operational Audit (FY2023)	Scheduled	The Auditor General will begin fieldwork in the Spring, with plans to finalize and issue a report by early 2025.
<b><u>Thomas, Howell, Ferguson (THF)</u></b> Athletics Financial Statement Audit (FYE 2022 and FYE 2023)	In-Progress	We are under contract with THF to perform the FY22 and FY23 audits. THF is currently performing preliminary work and will undertake audit fieldwork beginning in late March 2024.
<b><u>Thomas, Howell, Ferguson (THF)</u></b> Athletics Agreed Upon Procedures (FYE 2023)	In-Progress	The NCAA-required Operating and Capital Financial Data Report, submitted January 15, 2024, was prepared in collaboration with THF and was not subjected to independent assurance procedures required by the NCAA.

Current Status of External Audits for DSOs		
Audit	Current Status	Comments
<b><u>FAMU Boosters</u></b> Financial Statements Audit (FY2023)	Complete October 20, 2023	Grayson Accounting and Consulting, an independent CPA firm, determined that the financial statements were presented fairly, in all material respects. However, certain limited procedures were applied in accordance with auditing standards but did not provide sufficient evidence to express an opinion or provide any assurance. Therefore, Grayson did not express an opinion or provide any assurance on the weaknesses in internal controls over financial reporting or any compliance issues required to be reported.
<b><u>FAMU Foundation</u></b> Financial Statement Audit (FYE 2023)	Complete October 2, 2023	Watson Rice Accountants and Advisors, an independent CPA firm, determined that the financial statements present fairly, in all material respects.



Current Status of External Audits for DSOs		
Audit	Current Status	Comments
<b><u>FAMU National Alumni Association</u></b> Financial Statement Audit (FYE 2023)	Complete November 15, 2023	Grayson Accounting and Consulting, an independent CPA firm, determined that the financial statements were presented fairly, in all material respects.

**Athletic Action Plan (ACP) Assurance Services**

Executive Owner: Tiffani-Dawn Sykes, Vice President for Athletics/AD

ACP Workgroup Chair: Donald Palm, Executive Vice President/COO

The recommendations from the ACP audit report from Thomas Howell Ferguson has been integrated into a Modified Athletic Action Plan in November 2023. The Athletic Action Plan Workgroup have not met to begin implementation of the Modified Athletic Action Plan.



# Advisory Activities

Advisory Work Plan		
Project	Projected Completion	Status
Academic Affairs: Faculty & Student Experience	Quarter 3	Reporting
Academic Affairs: Performance Based Funding	Quarter 1	Postponed
Academic Affairs: National Rankings	Quarter 1	Postponed
Academic Affairs: Strategic Plan	Quarter 2	Postponed
Academic Affairs: Operations	Quarter 3	Postponed
Cybersecurity Maturity Model Certification Level 1 Assessment	Quarter 4	Pre-Planning
Campus Safety & Security	Quarter 4	Pre-Planning

## Status of Correct Actions for Open Advisory Issues since June 2023

Institute of Internal Audit Standards, [2500 – Monitoring Progress](#), requires the internal audit activity to monitor the disposition of results of consulting engagements to the extent agreed upon with the client. The Division of Audit monitors corrective actions only for recommendations accepted by management during the consulting engagement. Accepted recommendations and corrective action plans are confirmed by both the division vice president and chief operating officer for monitoring.

### 2022 Procurement Services

Executive Owner: W. Rebecca Brown, Vice President for Finance and Administration

- A total of 34 recommendations were agreed upon by Procurement Services management.
- Six (6) of those recommendations have been successfully implemented.
- Twenty-six (26) of the recommendations remain open, of which:
  - Seven (7) are past their due date; and related to updating the Contract Management Manual, implementing a comprehensive Contract Management System and other control activities to increase efficiency, as well as implementing the use of surveys to analyze and improve customer service.
  - Ten (10) require an implementation date to be set; and are related to updating the Procurement and P-Card Manual, and implementing IT controls and monitoring activities.
  - Five (5) require clarification or additional information; and related to IT control activities, updating the Procurement Manual, and updating P-Card and Contract Management Training.
  - four (4) have future implementation dates; three (3) are expected to be completed by fiscal year-end 2024, one (1) is expected to be completed Fall 2024 or Spring 2025.
- Two (2) of the recommendations are pending closure until revised Manuals are submitted for review.

### 2022 Title IX Control Self-Assessment (Open Recommendations: 12)

Executive Owner: Rica Calhoun, Chief Compliance and Ethics Officer

- There are four (4) actions closed in relation to monitoring regulation revisions, deploying Maxient software, staff training and certification, and improving customer service.



- There are three (3) actions open pending regulation approval. (**Corrective Actions are On-Schedule**)
- There are five (5) actions pending closure in relation to utilization of forms, templates, data analytics, and flowcharts; updating confidentiality agreements, website, and social media; and addressing the limited advisor pool. (**Corrective Actions are Past Due**)

**Remote Work - IT Controls (Open Recommendations: CONFIDENTIAL)**

Executive Owner: Robert Seniors, Vice President for Information Technology Services/CIO

- The referenced advisory recommendations are considered confidential in accordance with [Florida Statute 1004.055 Security of Data and Information Technology in State Postsecondary Education Institutions](#). A detailed review of progress made on corrective actions taken to resolve issues identified during the 2022 Security Plan Audit will be provided to Board of Trustees members during the May 2024 Cybersecurity Closed Door Session. Board members are entitled to a one-on-one briefing prior to this meeting and can request a briefing by contacting Joseph Maleszewski, Vice President for Audit/CAE at [joseph.maleszewski@famu.edu](mailto:joseph.maleszewski@famu.edu).



# Investigation Services

The Division of Audit (DoA) is authorized to perform investigations into allegations of fraud, waste, abuse, and whistleblower disclosures. DoA investigations result from information reported to the DoA through the University's hotline; correspondence provided directly to the DoA in the form of letters, memoranda, emails, and telephone calls; from the Florida Board of Governors; the Governor's Office of the Chief Inspector General; and other sources.

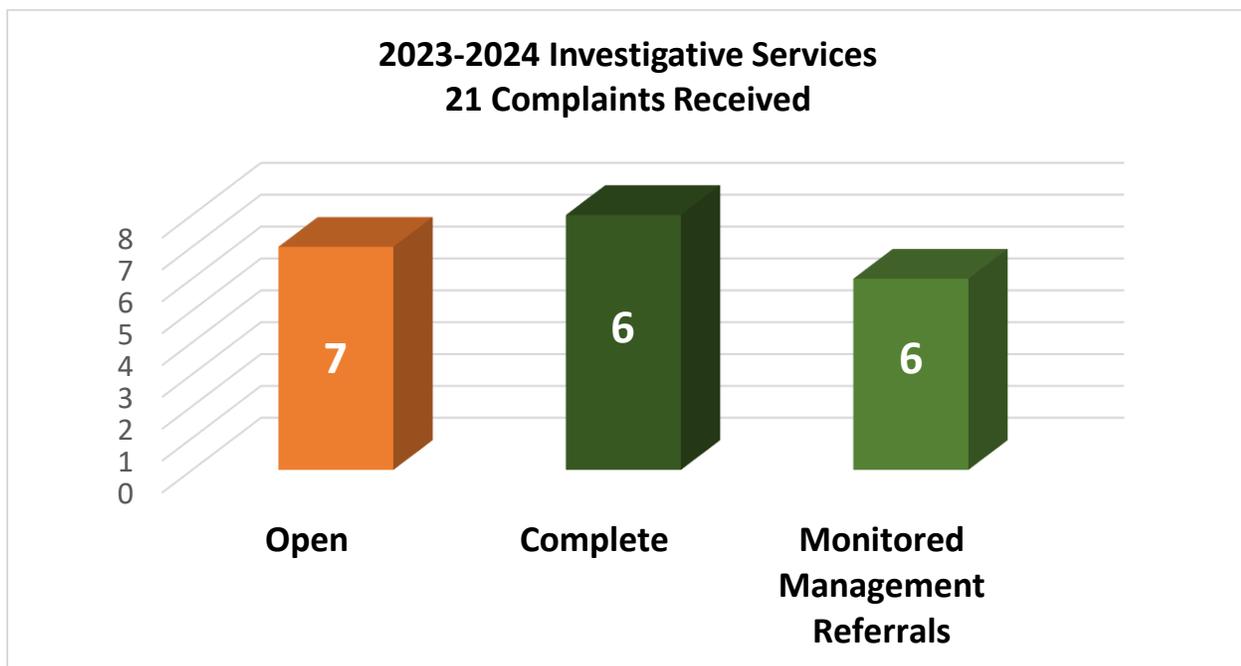
The Vice President for Audit serves as both the Chief Audit Executive and the Inspector General for purposes of carrying out all provisions of the Florida Whistle-blower's Act (Sections 112.3187-112.31895, Florida Statutes). The Inspector General reviews statutory whistle-blower information, designates whistleblowers, and coordinate all activities of the university as required by the Florida Whistle-blower's Act.

In accordance with the DoA Charter, investigation activities will conform to standards found in the *Principles and Standards for Offices of Inspector General* published by the Association of Inspectors General, and professional standards issued for the State University System of Florida entitled *Standards for Complaint Handling and Investigations for the State University System of Florida*.

The following information is designed to keep the Board of Trustees informed regarding DoA investigative activities for Fiscal Year 2023-2024.

## DoA Investigative Workload - FY 2023-2024

For the Fiscal Year to date, we have received 21 complaints. Some of those complaints did not meet the investigative criteria and were referred to management for review and response. The remainder were assigned for investigation. Since the beginning of the Fiscal Year, our office has completed and closed 8 cases.



## Open Investigation Cases Breakdown

The DoA had 14 investigative projects carry over from the prior fiscal year, some of which have been completed and some which are still in progress. Presently, there are a total of **27** active investigative projects. Among those 18 are investigations and 9, that did not meet investigative criteria, were referred for management review and response.

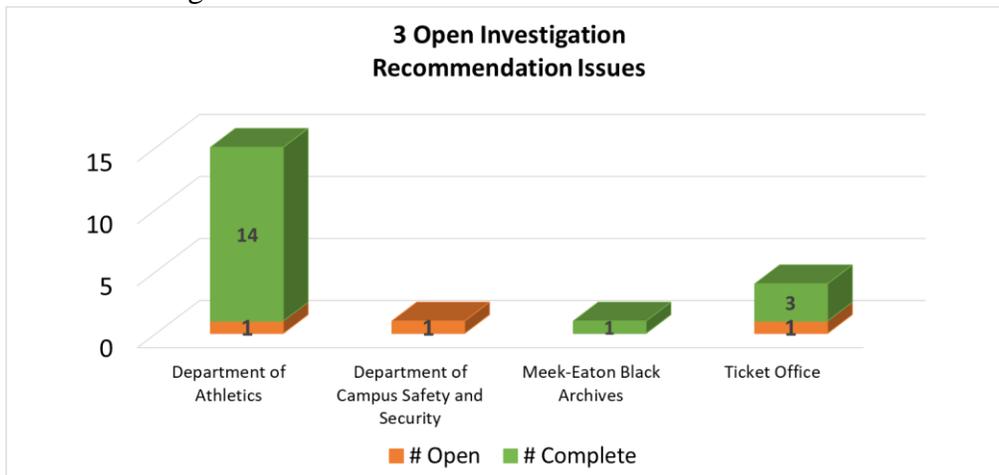
The table below summarizes the open investigative issues by type of concern.

Open Investigative Issues	Count	%
<b>General Concern</b>	<b>11</b>	<b>41%</b>
<b>Accounting and Auditing</b>	<b>4</b>	<b>15%</b>
<b>Fraud</b>	<b>4</b>	<b>15%</b>
<b>Waste, Abuse, Misuse of Institution Resources</b>	<b>2</b>	<b>7%</b>
<b>Conflict of Interest *</b>	<b>1</b>	<b>4%</b>
<b>Discrimination or Harassment *</b>	<b>1</b>	<b>4%</b>
<b>Legal or Regulatory Violation</b>	<b>1</b>	<b>4%</b>
<b>Mismanagement of University Resources</b>	<b>1</b>	<b>4%</b>
<b>Other</b>	<b>1</b>	<b>4%</b>
<b>Sexual Harassment *</b>	<b>1</b>	<b>4%</b>
<b>Grand Total</b>	<b>27</b>	

*\*Although these issues originated as either a conflict of interest or discrimination or harassment they contained elements appropriate for the Division of Audit jurisdiction.*

## Status of Management Actions for Open Investigation Recommendations since September 2023

The DoA worked with management to obtain an understanding of the actions taken by management since our previous report to the Audit and Compliance Committee. The table below summarizes the status of management actions.



*Note: Originally there were 15 recommended items for the Department of Athletics, ten of those items were previously closed. The action items below reflect items that were unresolved in September 2023.*

### **Department of Athletics Inventory Management (1 Open Recommendations and 1 Closed Recommendation)**

Executive Owner: Marcus Grant, Deputy Athletic Director

- **Develop and maintain an inventory control system** – Athletics hired part-time staff in January 2023 and August 2023 to assist in this area. Athletics acquired inventory software. Staff have been trained and they are currently using the software. Inventory will be signed out by the recipient. Athletics is exploring best practices which support the sale of equipment and apparel to the community. Athletics is also looking to provide surplus equipment to the FAMU DRS. Athletics has reached out to the Equipment Office and Property Records to determine the appropriate procedures for disposal of property. Athletics will continue to work with appropriate stakeholders to ensure that the department is complying with guidelines.  
(Status – Complete; Risk Level - Low)
- **Develop and implement a method for tracking apparel that is given to University employees, and work with the Division of Finance and Administration to ensure proper reporting of apparel as additional income in accordance with IRS guidelines** - The Department of Athletics purchased inventory software, which will allow them to track apparel. The implementation process consists of two phases, the first of which involves uploading all employee names into the tracking system, and this phase is presently underway. Athletics plans meet with the Division of Finance and Administration regarding the proper reporting of apparel based on IRS guidelines.  
Status – Open; Risk Level - Moderate; Anticipated Completion – June 30, 2024)

### **Student Track Meeting (1 Closed Recommendation)**

Executive Owner: Michael Smith, AVP for Athletics

- **Develop a process to issue per diem directly to students** - Athletics will continue to consult with leaders within the Division of Finance and Administration Controller’s Office regarding a solution around this matter. Through travel authorization process funds are given to the appropriate athletic staff (i.e., coaches), who then distributes funds to the students after students sign for it. In addition, Athletics plans to coordinate with the Finance and Administration Controller’s Office to develop an electronic process of disbursing funds to students.  
(Status – Complete; Risk Level – Low)

### **Alleged Misappropriation of Football Concession and Apparel Vendor Payments (2 Closed Recommendations)**

Executive Owner: Michael Smith, AVP for Athletics

- **Establishing Vendor Fee Revenue Controls** – The Athletics Department will provide periodic training in this area. Athletics partnered with Finance and Administration to provide cash management training in the Fall of 2023. Athletics’ business manager has been designated as the responsible cash handler for the department. Individuals who did not attend the training are prohibited from handling cash transactions.  
(Status – Complete; Risk Level - Low)



- **Maintain complete and accurate records charged and paid by vendors** - During the 2024 athletic season, staff members are responsible for overseeing vendors' activities when vendors are authorized to set up in designated areas. The Athletic Department has received buy-in from Business and Auxiliary Services and the Licensing Director of University Advancement to assist with the monitoring process, along with the Athletic Department's Deputy AD for Internal Operations and the Director of Facilities & Operations. If the Deputy AD for Internal Operations and the Director of Facilities & Operations detect unauthorized vendor activity, they alert the licensing director. The licensing director then notifies the unapproved vendor to vacate the designated approved vending areas. Failure to comply with this directive will result in FAMU PD intervention to remove the unauthorized vendors.  
(Status – Complete; Risk Level - Low)

### **Meek-Eaton Black Archives Montague Collection (1 Closed Recommendation)**

Executive Owner: Timothy Barber, Director, Meek-Eaton Black Archives

- **Ensure Montague Collection agreement is in place for University possession:**  
**Recommendation:** The MEBA Director worked with the University COO and General Counsel. The collection has been removed. (Status – Complete; Risk Level – Low)

### **Department of Safety and Security Staffing Level (1 Open Recommendation)**

Executive Owner: John A Cotton, Jr. Interim Chief, DCSS

- **Evaluate campus security staffing levels:** DCSS has taken measures to address staffing levels by advertising vacancies at academies and within the community. In addition, the Department has participated in and plans to participate in recruitment activities at the Florida Public Safety Institute, the North Florida Community College, and Chipola College. DCSS hired Dynamic Integrated Security, Inc. as a temporary supplement to the FAMU Police Department. In addition, requests were made to the Leon County Sheriff's Office and the Tallahassee Police Department to provide DCSS supplemental personnel. This plan is contingent on the University investing in the Police Department Sponsorships, including additional training, career advancement, and increased pay.  
(Status – Open; Risk Level – High; Anticipated Completion – March 31, 2024)

### **Ticket Office (1 Open Recommendations and 3 Closed Recommendations )**

Executive Owner: W. Rebecca Brown, Vice President for Administration and Finance/CFO

- **Determine if resale of complimentary tickets were taxable income:** The Ticket Office consulted with the Office of Human Resources and the Controller's Office. Both Offices will review the case and make appropriate adjustments to the employee's W-2, as required by the law.  
(Status – Complete; Risk Level – Low)
- **Develop and implement policy to address resale of tickets to align with NCAA guidance and the University's current position:** In accordance with the NCAA guidelines, the



complimentary ticket procedure has been revised and approved by the President's designee, Vice President for Finance and Administration and CFO.

**(Status – Open; Risk Level – Moderate; Anticipated Completion – March 31, 2024)**

- **Develop a timeline for revision and completion of updated policies and procedures to address request, distribution, and tracking complimentary tickets.** In accordance with the NCAA guidelines, the internal complimentary ticket policy/procedure has been revised and approved by the President's designee, Vice President for Finance and Administration and CFO. **(Status – Complete; Risk Level – Low)**
- **Develop processes for reporting, documenting, and investigating criminal activity and determine whether to pursue criminal charges:** Once an event of criminal activity is reported to the President, the General Counsel, the Division of Audit, or the Chief of Campus Safety and Security, a report will be filed with the FAMU Police Department. A criminal case number will be generated, and a report will be taken documenting the elements of the crime reported. An investigation into the crime will be completed. Upon completing the investigation, the Chief of Campus Safety and Security will consult with the President and/or their designee to determine if criminal charges will be pursued. If the President and/or their designee elect to pursue criminal charges, the case will be forwarded to the State's Attorney's Office for warrant review. Once the warrant has been signed by a judge, FAMU Police will execute an arrest. **(Status – Complete; Risk Level – Low)**



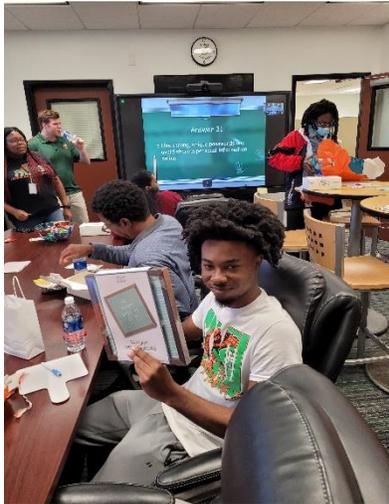
# Audit Highlights

## 2023 INTERNATIONAL FRAUD AWARENESS WEEK

In November 2023, the Division of Audit set the stage for an exhilarating International Fraud Awareness Week. With anticipation building, our team kicked off the festivities by unveiling a captivating video designed to educate viewers on the prevalent types of fraud that plague Higher Education. From embezzlement to falsified credentials, we left no stone unturned, equipping our audience with the tools to identify and thwart fraudulent activities.

As the week progressed, we delved deeper into the subject matter with our virtual town hall, “Impacts of Fraud: Risky Business in Higher Education.” Our esteemed panel, featuring none other than our very own Chief Operating Officer, Dr. Donald Palm, alongside respected leaders from the State University System Virginia Kalil, an executive director and Chief Internal Auditor at the University of South Florida, and Roger Frank, University of Florida’s investigation director - provided invaluable insights. Together, they shed light on the intricate and far-reaching consequences of fraud within the realm of higher education, sparking meaningful dialogue and igniting a passion for accountability.

Wrapping up the week on a high note, we hosted a dynamic lunch and learn activity: “Are You Smarter Than a Fraudster?” Contestants, brimming with newfound knowledge from the kickoff video, town hall discussions, and daily flyers, eagerly put their expertise to the test. With each correct answer, they affirmed their status as individuals equipped to outsmart and outmaneuver fraudsters, ready to safeguard the integrity of our educational institutions.



## HOLIDAY ACTIVITIES



**DoA's Toy Donations for the President's 2023 Toy Drive**



**2023 DoA Holiday Celebration**

## PROFESSIONAL DEVELOPMENT

The Division of Audit prioritizes professional development of our team in alignment with the Boldly Striking Strategic Priority 5.1. *Enhance a culture that intentionally fosters building and engaging a high performing workforce and fortifies FAMU's status as an employer of choice.* The Division of Audit regularly hosts Power Skills Labs (PSL) to ensure that staff have the skills necessary to perform at a high-level and deliver quality work for the University. PSLs are led by internal and external experts.

Power Skills Lab	Date	Instructor
Florida Whistleblower's Act	February 6, 2024	<b>Rebekah Weeks, CIA, CIGI</b> Investigations and Audit Manager Accreditation Manager Florida Board of Governors
New IIA 2024 Global Standards Domains I - II	February 15, 2024	<b>Deidre Melton</b> AVP for Audit/CRO Florida A&M University
AIG Greenbook Standards Update	February 27, 2024	<b>Brian S. Hunter, Esq.</b> Special Counsel State of Florida – Executive Officer of the Governor
New IIA 2024 Global Standards Domains III	February 29, 2024	<b>Deidre Melton</b> AVP for Audit/CRO Florida A&M University



## Leveraging the Brand

The Division of Audit staff present at a variety of local, national, and international conferences for professional organizations in order to advance the university's strategic goal of Leveraging Brand Goal 3.2.2, which aims to highlight faculty, staff, students, and alumni capabilities to elevate their profile for external demand. Their presentations contribute to building a database of experts, promoting the university's capabilities, physically showcasing experts, and creating valuable communication materials for wider dissemination. Since the September 2023 BOT meeting, audit staff have presented at professional organization events, effectively showing their expertise on the local and national stage. Staff continue to grow and showcase their leadership skills by serving on the boards of local and national organizations. This helps to continue to grow FAMU's brand as leaders within professional communities.



**Trystal Wright**

**Lead Senior Auditor & Investigator**



**William Thomson**

**Senior IT Auditor & Investigator**

September 2023

**Event:** Association of College and University Auditors

**Topic:** Engaging the University Community (Internal Audit Awareness Campaigns)

November 2023

**Event:** Association of Certified Fraud Examiners – Tallahassee Chapter

**Topic:** Cyber Fraud



**Deidre Melton**

**Associate Vice President of Audit/CRO**



**Erica Thames**

**Senior Auditor & Investigator**

**October 2023**

**Event:** 2023 IGNITE Conference

**Topic:** Generative AI and ChatGPT Risks

**Elected to Serve**

**Organization:** Association of Certified Fraud Examiners – Tallahassee Chapter

**Role:** Secretary

**December 2023**

**Event:** ISACA Global Webinar Series

**Topic:** 2023 Technology Trends

**January 2024**

**Event:** ISACA Global Webinar Series



# ERM Highlights

---

## *ERM Activities*

---

### **ERMAC Risk Managers Committee**

The Risk Managers Sub-Committee, a constituent of the Enterprise Risk Management Advisory Committee (ERMAC), comprises not only representatives from the conventional operational risk domains but also includes delegates from the Office of Compliance and Ethics, as well as the Office of the Chief Operating Officer, who assume supportive roles within the committee's framework. The fundamental objective underpinning the existence of this sub-committee revolves around furnishing the University with a comprehensive and methodical approach for identifying, scoring, and mitigating potential hazards.

To this end, the representatives have conducted assessments of the risks germane to their respective areas. These endeavors have culminated in identifying the foremost risks necessitating immediate attention and mitigation. Presenting their findings before the entire committee, each representative has undergone a rigorous review, with subsequent inquiries and commentary from fellow committee members improving the collective understanding of the risks in question and their intricate interplay with other business units.

Working individually with each representative, we isolated the underlying root causes of the identified risks, consequences, and impacts. We formulated well-calibrated risk response actions through this analysis. Timelines for execution accompany each action. At this juncture, representatives are reporting back to the sub-committee on completed mitigation efforts of the identified risks. New risks have also been identified and added to the assessments.

---

## *ERM Risk Reports and Bulletins*

---

Through the diligent release of risk alerts and comprehensive reports, we steadfastly achieve our mission: To provide meaningful, actionable, and timely strategic and performance risk intelligence to our stakeholders. Our concerted efforts in disseminating these critical insights embody our commitment to not only foresee emerging challenges but also to empower our stakeholders with the knowledge needed to navigate them effectively. As we present the highlights of our reports, we invite you to explore the depth of our analysis, the breadth of our foresight, and the strategic pathways we delineate for sustaining excellence and achieving long-term success.



## Risk Report - Navigating the Future: A Blueprint for Talent Management Excellence



The higher education sector is experiencing a transformative phase, particularly in talent management. This evolution presents an exciting opportunity for universities to redefine and enhance their approach to attracting, retaining, and developing talent. Central to our strategy is the collaboration of the Office of Human Resources (HR) and the Office of Enterprise Risk Management (ERM), which has been instrumental in identifying and strategizing in preparation for these emerging risks. HR's comprehensive understanding of the talent landscape has enabled them to craft a robust plan that addresses current challenges and anticipates future trends. This plan is a testament to our university's dedication to adapting to change and being a catalyst for it. HR's identified strategies, coupled with the recommended strategies from ERM, are designed to attract and nurture the finest talents, ensuring that our university continues progressing in an ever-evolving educational landscape.

### Pathways to Prosperity: Strengthening Graduate Employment and Median Wage Outcomes (Risk Profile: PBF Metrics 1 and 2)

In an increasingly competitive State University System of Florida (SUS) landscape, the ability of universities to secure favorable outcomes for their graduates—in terms of employment rates and median earnings—is paramount. This report underscores the significance of excelling in two critical Performance-Based Funding (PBF) metrics that determine funding for SUS institutions:

**Metric  
1**

**Percentage of Bachelor's graduates employed at or above \$40,000 and/or pursuing further education one year after graduation**

**Metric  
2**

**The median wages of Bachelor's graduates employed full-time one year after graduation**

Achieving competitive performance in these metrics reflects the quality and relevance of the university's academic programs and its overall reputation and attractiveness to prospective students. This report highlights risk that could impact performance within these metrics and identifies strategies to overcome each metric.

### Risk Alert: Mental Health of Students and Employees



The increasing prevalence of mental health incidents among students and employees in higher education institutions poses a significant risk to the overall well-being of the campus community. Factors such as academic pressure, societal expectations, and the evolving challenges of the modern world contribute to a heightened vulnerability. Failure to proactively address and support mental health concerns may result in diminished academic performance, decreased job satisfaction, and potentially severe consequences for the affected individuals and the institution's reputation.



### **Risk Alert: Value Perception of Higher Education**



According to Inside Higher Ed, only 53% of Americans think accessing high-quality higher education is affordable. The growing perception in society that the value of a degree from institutions of higher education is diminishing poses a significant risk to the reputation and credibility of these institutions. Factors such as rising tuition costs, concerns about job market relevance, and the emergence of alternative education paths contribute to skepticism regarding the return on investment for higher education. Failure to address and effectively communicate the evolving value proposition of a degree may lead to decreased enrollment, erosion of public trust, and challenges in attracting and retaining students, faculty, and financial support.

### **Risk Alert: Pregnant and Nursing Employees**



Two newly enacted expansions of rights for pregnant and nursing employees can impact University policies and procedures. The two federal measures that expand these are the Pregnant Workers Fairness Act (PWFA) and the Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act). FAMU will want to review policies and practices relating to pregnancy, accommodations, and nursing employees to ensure that we comply with these new federal laws and make any necessary updates.

### **Risk Alert: Safety in Private Spaces**



[HB 1521](#) – Facility requirements based on sex became effective July 1, 2023. The bill, known as the “Safety in Private Spaces Act,” has the legislative purpose of ensuring public safety, decency, decorum, and privacy by providing restrooms and changing facilities exclusively for use by individuals of their respective biological sex. It creates a process for reporting instances when a person of the opposite biological sex enters such facilities. The bill excludes individuals with medically verifiable genetic disorders of sexual development under physician treatment from its provisions. Additionally, it defines “female” as a person capable of producing eggs at birth and “male” as a person capable of producing sperm at birth.

### **Risk Alert: Substitution for Work Experience:**



SB 1310 ([s. 112.219](#)) restricts public employers in Florida, including universities, from mandating postsecondary education as a primary job requirement unless it serves as an alternative to a specified amount of relevant work experience necessary for the position. Additionally, when contracting for services, these agencies can use verifiable, related work experience instead of educational prerequisites as long as the contractor is otherwise qualified for the job. These provisions took effect on July 1, 2023.



## Risk Alert: Free Speech



Ninety percent (90%) of respondents, from a [recent survey](#), said they see campuses as places where disparate ideas and values can and should be discussed. The escalating risk of free speech issues among students and employees in higher education institutions is exacerbated by the volatile landscape of politics, evolving legislative changes, and global events such as wars. The potential infringement on the fundamental right to free expression threatens the academic environment, potentially stifling diverse perspectives, academic discourse, and the free exchange of ideas. Failure to navigate and address these challenges proactively may lead to a climate of self-censorship, eroding the foundational principles of intellectual freedom and open dialogue within the academic community.

---

## *ERM Training and Awareness*

---

### Privacy and Data Governance Workshop:

A graphic for a workshop titled "What it means to be a Privacy Champion at FAMU". The background is a photograph of a university campus with a large brick building and a fountain. In the foreground, there is a colorful, multi-faceted lightbulb icon. To the right of the lightbulb, there is a definition of a "privacy champion". Below the definition, there is a section titled "Champion Roles" with five icons representing Leadership, Advocacy, Collaboration, Problem-Solving, and Resourcefulness. Three colored circles (orange, green, grey) are positioned above the icons.

What it means to be a Privacy Champion at FAMU

A "privacy champion" is an individual who advocates for, promotes, and supports strong privacy practices within an organization. This role isn't limited to a specific job title or department; rather, it's a function or responsibility that can be taken on by anyone passionate about privacy.

**Champion Roles**

- Leadership
- Advocacy
- Collaboration
- Problem-Solving
- Resourcefulness

During International Privacy Week on January 24, 2024, Chief Privacy Officer LaTonya Baker and Chief Risk Officer Deidre Melton collaborated to host a workshop for university privacy and data governance leaders that discussed the roles of a privacy champion, strategized around way the University could overcome privacy and data governance risk, and issues a call to action.



## Human Resources Outreach



On January 30th, we participated in a Human Resources staff meeting where we discussed Enterprise Risk Management. We discussed how to strengthen the University’s culture of strategic decision-making by promoting and enhancing enterprise risk management practices with an emphasis on engagement, education, reporting, and accountability. Our handout included three QR codes that direct you to our website, reporting hotline, and service requests.

## SLT Risk Workshop: Top Risk Mid-Year Update



A cornerstone of our ERM program this year was the Risk Workshop with our Senior Leadership Team held on January 30th. This collaborative session was instrumental in evaluating our progress on mitigating the university's top ten risks and identifying emerging areas of concern. It is through such strategic dialogues that we ensure our risk management practices are both responsive and forward-looking.

## Enterprise Risk Management Awareness Month



The ERM Team declared February as Enterprise Risk Management Awareness Month. This effort was run entirely by our student interns. The team developed three functions to raise awareness among students and staff. A ‘Student Game Night’ in the Villages brought students together to learn about FAMU’s ERM program and how it benefits them. A Jeopardy-themed event for staff allowed for outreach and awareness of our ERM program. An ERM panel discussion is planned in conjunction with the Student Government Association to further our student outreach.

## Enterprise Risk Management Resources

### ERM WEBSITE



### RISK REPORTING HOTLINE



### ERM SERVICE REQUEST



# What's Next?



## FAMU Fundamentals (March 2024)

The Division of Audit at our university has taken an innovative and engaging approach to educating our employees on the critical issue of fraud prevention. We proudly introduced "Campus Fraud Stoppers," a creative TV show parody inspired by the renowned "Crime Stoppers" series. This unique educational initiative is designed not only to entertain but, more importantly, to illuminate the various facets of fraud that can occur within a campus environment and how to prevent it.

## Power Skills Lab (March & April 2024)

The Division of Audit's Power Skills Lab series on Global Internal Audit Standards concludes with sessions on Domains IV and V, marking the culmination of a collaborative effort with audit teams from FAMU, Howard, and Wayne State. This series has been instrumental in educating staff on the latest standards and crafting best practices for implementation, showcasing our commitment to professional excellence and innovation in audit practices.



## ERM Student Risk Panel

The Office of Enterprise Risk Management (ERM) is excited to host an engaging ERM Student Risk Panel for our students, focused on discussing the various university risks that directly impact our student population. This interactive session will provide students with a unique opportunity to gain insights into the challenges and strategies related to campus risks. Attendees will be encouraged to actively participate, asking questions and seeking advice from our knowledgeable panel of staff and faculty.

## Internal Audit Awareness Month (May 2024)

Internal Audit Awareness Month is dedicated to enhancing the visibility and understanding of the internal audit function's pivotal role within organizations. Throughout this month, efforts are concentrated on educating employees and stakeholders about the value internal auditors bring in terms of risk management, control, and governance processes. It's a time to acknowledge and celebrate the contributions of internal auditors towards improving operational efficiency, compliance, and the overall integrity of business practices.

