

FLORIDA A&M UNIVERSITY BOARD OF TRUSTEES



NOTICE OF PROPOSED AMENDED REGULATION

DATE: June 13, 2013

REGULATION CHAPTER NO.: Chapter 2

REGULATION CHAPTER TITLE: Student Affairs

REGULATION TITLE AND NUMBER: Anti-hazing (2.028)

SUMMARY OF REGULATION: This amended Regulation specifies that the University has zero tolerance for hazing activities and all students who perpetrate, consent to, observe, or have knowledge of hazing activities and fail to report it as required are in violation of the Regulation. It also clarifies that injury or death need not result before the University can impose penalties.

AUTHORITY FOR REGULATION: Section 7, Article IX, Florida Constitution and Board of Governors Regulations 1.001; Sections 1006.60, 1006.61, 1006.62, 1006.63, Florida Statutes

UNIVERSITY OFFICIAL INITIATING THIS REGULATION: Dr. William Hudson, Jr., Vice President for Student Affairs.

PROCEDURE FOR COMMENTS: Written comments concerning this proposed regulation shall be submitted within 14 days of the date of this notice to the person identified below. The comments must specifically identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: Henry L. Kirby, Associate Vice President for Student Affairs and Dean of Students, 100 Student Union Building, Tallahassee, Florida 32307-3100, (850) 599-3281 (phone), (850) 599-8607 (fax), henry.kirby@famuedu. or Antoneia L. Roe, Esq., Director of Judicial Affairs, 101 Student Union Building, Tallahassee, Florida 32307-3100, (850) 599-3541 (phone), (850) 561-2169 (fax), antoneia.roe@famuedu.

FULL TEXT OF THE PROPOSED REGULATION: The full text of this amended regulation follows:

Regulations of Florida A&M University



2.028 Anti-hazing.

 (1) ~~It is the policy of~~ Florida Agricultural and Mechanical University (~~University~~) ~~strictly prohibits~~ that any student(s), group(s) of students, or student organization(s) affiliated with the ~~Florida Agricultural and Mechanical~~ University ~~are prohibited~~ from engaging in any form(s) of hazing activities. Moreover, the University has zero tolerance for violation of any provisions of the Anti-hazing Regulation 2.028. "Zero tolerance" means that given the factual circumstances of the alleged violation, the charged student may be removed from University Housing and receive a penalty up to suspension or expulsion from the University.

 (a) Due process protections in accordance with University Regulation 2.013 will be appropriately accorded the charged student.

 (b) "Student" is given the same meaning herein as it is defined in the Student Code of Conduct, Regulation 2.012.

 (c) "Engaging" is defined herein and prohibited by this Regulation as anyone who (i) perpetrates hazing activities by planning and/or executing the hazing activities; (ii) is the object of or consents to hazing activities; or (iii) observes or has knowledge of hazing activities and fails to report the incident within twenty-four (24) hours as required.

 (d) This Regulation is incorporated into University Regulation 2.012.

 (2) The term hazing shall include, but not be limited to, pressuring or coercing the student into violating state or federal law, any brutality of a physical nature, such as striking in

any manner, whipping, beating, branding, exposure to the elements, forced consumption of food, liquor, drugs, or other substances, or other forced physical activities that would adversely affect the health or safety of the student and also includes any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contacts, forced conduct that would be demeaning or results in extreme embarrassment or any other forced activity that could adversely affect the mental health or dignity of the student. Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective. For purposes of this section, any activity as described above, or any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes, including, but not limited to, initiation or admission into or affiliation with a ~~u~~University sanctioned organization, shall be presumed to be hazing and a ~~o~~forced activity.

~~(a) It shall not be a defense that the consent of the victim to participate was obtained, the conduct or activity was not part of an official University organizational event or was not otherwise sanctioned or approved by the University organization, or the conduct or activity was not done as a condition of membership to a University organization. the willingness or consent of an individual to participate in such activity notwithstanding.~~

~~(3) Penalties – Any student found in violation of this Regulation from conduct occurring(s), student group(s), or student organization(s) which are affiliated with the Florida Agricultural and Mechanical University, on-campus or off-campus, that are found responsible for hazing will be subject to appropriate sanctions by the uUniversity, which may include but is not limited to: the imposition of fines; withholding of grade(s), transcripts and/or diplomas pending payment of fines or pending compliance with the current Student Code of Conduct, Regulation 6C3-2.012, F.A.C., of which this Regulation becomes a part of; the imposition of counseling, probation, suspension, dismissal or expulsion of said person(s) or organization(s),~~

~~and/or the rescission of certification permission for the University sanctioned organization(s); and/or removal from University Housing. to operate on the Florida A&M University campus or to otherwise operate under the sanction of the University.~~

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

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

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

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

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

Specific Authority: Article IX, Section 7(c), Florida Constitution 001.74(4), FS. Law Implemented 1001.74(10)(d), (e), 1006.60, 1006.61, 1006.62, 1006.63 FS. History—New 4-3-83, Formerly Rule 6C3-2.028, Amended 1-26-04, 5-9-12. Amended _____.
