STATE UNIVERSITY SYSTEM of FLORIDA
Board of Governors

Office of the Chancellor
325 West Gaines Street, Suite 1614
Tallahassee, FL 32399
Phone 850.245.0466
Fax 850.245.9685
www.flbog.edu

To: Members, Board of Governors

From: Frank T. Brogan, Chancellor FTB

Date: December 28, 2012

Re: Report in FAMU Investigations

Over the past 18 months, Florida A&M University has been under considerable scrutiny due to a number of issues ranging from audit and compliance irregularities to matters related to student hazing and accreditation. A series of investigations into all of these issues have been conducted this year by organizations including the Board of Governors, the Florida Department of Law Enforcement, and private firms hired by the university.

The attached report is intended to capture the totality of the issues, summarize the findings from the investigations, and outline a path forward for the institution. As such, the report is organized into three parts:

- An introduction that provides an overview of each investigation and a list of actions that the University has already taken in an effort to address these issues;
- My recommendation for how the Board of Governors and the university can best collaborate moving forward; and
- Summaries of the findings from independent organizations including Sniffen & Spellman, Accretive Solutions, the Florida Department of Law Enforcement, Ernst & Young, and the Southern Association of College and Schools plus the Board of Governors.

NOTE: Attached to this report is a copy of the Board of Governors Office of Inspector General's Preliminary Report of Investigation that will be released today.

Please contact me if you have any questions regarding the attached report or any of the matters raised in the associated investigations.

CC: Governor Rick Scott
President Don Gaetz, Florida Senate
Speaker Will Weatherford, Florida House of Representatives
Chair Solomon L. Badger, FAMU Board of Trustees
Dr. Larry Robinson, FAMU Interim President

BOARD of GOVERNORS
State University System of Florida

Report on Investigations Related to Florida A&M University

Chancellor Frank T. Brogan
December 28, 2012

Introduction

In November of 2011, the Office of the Chancellor of the State University System was tasked by the Florida Board of Governors to investigate Florida A&M's institutional controls—the policies, practices and procedures that ensure university adherence to statutes and regulations. The charge came as a result of a mounting number of problems at FAMU, including the hazing death of a student, financial fraud, fabricated audits, potential accreditation issues and more.

Through the course of the Board of Governors' review—which ran concurrently with several other investigations into FAMU by both public and private entities—it became clear that FAMU lacked essential internal controls, consistent communication channels, and solid executive leadership. The effects of these detriments were felt in areas all across the university—and most certainly contributed to the findings of the following independent organizations:

- In July 2011, the **Sniffin & Spellman** law firm conducted an internal investigation into two whistle-blower complaints related to FAMU's Division of Audit and Compliance. The firm found that FAMU personnel had submitted a group of audit summary reports to its Board of Trustees and the Florida Board of Governors when no actual audits had been performed to support the conclusions reached in the majority of the summaries.

- In November 2011, FAMU retained the consulting group **Accretive Solutions** to analyze areas that needed to be addressed by the Division of Audit and Compliance in order to successfully complete an external quality assessment review. In January, Accretive found that while the changes in FAMU's audit staff brought well-qualified and competent individuals, the office would benefit from additional training and a more institutionalized culture of management and oversight.

- In December 2011, the **Florida Department of Law Enforcement** initiated a criminal investigation into potential fraud by FAMU employees. The department's report found that somewhere between $4,000 to $12,000 in band dues went missing as a result of what FDLE described as poor recordkeeping and inadequate safeguards. Additionally, the report highlighted a lack of oversight for payments and contracts for band performances.

- In October 2012, FAMU retained consultant **Ernst & Young** to re-perform eight of the substandard audits identified by Sniffin & Spellman and to determine whether investigations by FAMU's audit department were performed objectively. Ernst & Young identified several problems that cut across multiple functions of the department: a lack of policies and procedures, failure to maintain documentation or insufficient documentation and a lack of clearly defined duties.

- In December 2012, the **Southern Association of Colleges and Schools** (SACS) placed FAMU on a yearlong probation, citing issues with campus safety, control of finances, operational integrity and competency of leadership. FAMU Interim President Larry Robinson announced that the university would assemble a team to work toward solutions to SACS's findings.

- The **Board of Governors Office of Inspector General** (OIG) has issued its Preliminary Report of Investigation regarding FAMU's institutional controls relative to the Marching 100 band and anti-hazing policies, practices and procedures. A copy of the full report is attached to this document. A summary of the preliminary findings includes:

  Institutional Controls - The university lacks institutional controls relative to communications protocols, management delineation/chain of command, and adequate staffing to carry out duties;

  Internal Controls - The Division of Bands operational directive has not been updated in nearly 15 years and lacks policies and procedures to verify students' eligibility to be part of the Marching 100;

  Office of Judicial Affairs – There is no indexing system to track students who have been involved in hazing, nor a system to handle referrals from the FAMU Police Department regarding students who violated the Student Code of Conduct. There has been no relevant training for the Judicial Officer, nor adequate periodic review of the Student Code of Conduct; and

  The Office of Public Safety - There are no written policies or procedures for referral of all cases of potential violations of the Student Code of Conduct. There was a failure to refer a case of alleged hazing to the Office of Judicial Affairs in a timely manner.

  (Note: Per standard practice, the "preliminary" report will become "final" once FAMU has provided a written response to the findings.)

Every university experiences problems that arise from actions beyond its direct control. However, so many of the issues identified in all of these reports did not happen simply by accident, nor did they result from benign neglect. As an example, the OIG report outlines a meeting on November 16, 2011—just days before the hazing death of a student band member. In that meeting, a number of top leaders of the university and the band explored ways to address recent hazing incidents, including the possibility of suspending the Marching 100 band. Unfortunately, that option was seemingly dismissed and the course of action ultimately chosen by the administration failed to deter further hazing.

The problems that have permeated FAMU for more than a year were a direct result of action or inaction by FAMU personnel, who either had not developed adequate policies or simply did not enforce policies that were in place. This is underscored by the recent decision of the Southern Association of Colleges and Schools to place FAMU's accreditation on probation.

Importantly, all of these challenges can lead to opportunities for improvement. Indeed, FAMU has already adopted a number of corrective actions, including but not limited to:

Executive Leadership
In the past few months, FAMU has undergone a wide-reaching reorganization of its senior administration, with a new leadership team now at the helm.

Hazing
In the wake of the death of Marching 100 band member Robert Champion, FAMU— along with the rest of the State University System— scrutinized its anti-hazing policies and took steps to strengthen them. The university now hosts regular town-hall meetings on the issue, in addition to reaching out to student and community groups to foster more understanding of this dangerous practice and its consequences. FAMU's new anti-hazing plan includes an official anti-hazing website, where students can report incidents and a mandatory anti-hazing pledge signed by all students. Additionally, the university plans to hire a special assistant to the president on hazing and a music department compliance officer.

Audit and Compliance's Irregularities
FAMU's former Vice President of Audit and Compliance resigned shortly after the whistleblower case came to light. In his place, FAMU hired Rick Givens—a former state auditor with years of expertise. FAMU also hired Ernst and Young to help re-perform the problematic audits, and under Givens' leadership, FAMU has already begun to rectify the training and operational procedures of the Division, including:

- Revised charters for the Board of Trustees Audit Committee and the Division of Audit & Compliance to more clearly define the roles and responsibilities of each group
- Adopted an operating procedures manual governing the operation of the Division
- Created a centralized system to track all allegations
- Developed an audit plan based on the risk assessment performed by an outside agency
- Instituted staff training courses on the new Government Auditing Standards, best practices for compliance programs, enterprise risk management, governmental financial management and control, and operation of a small audit office

FTIC Graduation Rates

- After the Board of Governors raised concerns about the focus of FAMU's 2012-13 work plan, FAMU returned to the Board in September with a revised plan that puts more emphasis on retention, progression and graduation of students. FAMU's new leader, interim President Larry Robinson, made clear that he shares the Board's concerns with improving those metrics and the quality of education for FAMU's students.

Accreditation Issues
Dr. Robinson has indicated that the university would focus on a number of key elements in order to resolve the accreditation issues raised by SACS, including:

- Affirming the principle of integrity, which was called into question due to irregularities in FAMU's Division of Audit and Compliance
- Securing qualified administrators and academic officers
- Ensuring proper financial controls are followed
- Building a healthy and safe environment for everyone on campus

Recommendation

FAMU is capable of success. During this university's 125 years, it has produced fine leaders, thinkers and entrepreneurs. But FAMU's golden days should be more than a piece of the university's history. They need to be part of its future. We know FAMU's network of alumni and supporters share our zeal in seeing FAMU return to excellence.

I have pledged to work closely with Dr. Robinson and his team to ensure they have our full support—not only in addressing the issues detailed in this report and others, but in making sure FAMU fosters a culture that does not tolerate the lack of control that led to its recent problems.

It is my recommendation that the senior staff of the Board of Governors—including our chief academic officer, chief financial officer, inspector general and general counsel—coordinate with their counterparts at FAMU to identify sustainable solutions.

The group will be asked to report regularly to the Board of Governors on FAMU's progress until all parties are satisfied that the University is once again on a path toward prominence. Regular status updates regarding the issues cited by SACS as critical to the accreditation of the institution will be closely monitored during FAMU's 12-month accreditation probationary period.

Frank T. Brogan
Chancellor

Summary of Findings Investigations Related to FAMU

The following summaries represent only the highlights from lengthy investigative reports by Sniffen & Spellman, Accretive Solutions, the Florida Department of Law Enforcement, Ernst & Young and the Board of Governors Office of Inspector General.

Sniffen & Spellman Report

Response to whistle-blower complaints about audit and compliance irregularities

In July 2011, the Board of Governors' Inspector General received two complaints alleging systemic misconduct on the part of the FAMU Division of Audit and Compliance ("DAC") principally related to DAC's internal audit and review functions and its investigative processes that year. The FAMU Board of Trustees retained the law firm of Sniffen & Spellman, P.A., to conduct an internal investigation pursuant to Florida's Whistleblower statute, section 112.3189(5).

As a result of its investigation, Sniffen & Spellman issued a report dated November 9, 2011, that substantiated the complainants' allegations and included the following findings:

On April 6, 2011, DAC presented ten different audit or review reports to the FAMU Board of Trustees Audit Committee and Chief of Staff in "executive summary" form with the representation that the summaries were based upon complete audit or review reports. At the time the summaries were presented to the board, however, no final reports had ever been prepared on which to base the summaries as required by university procedures. Moreover, at the time the summaries were submitted to the Audit Committee, sufficient work had not been performed to support the conclusions reached in the majority of the summaries.

Most of these executive summaries were then submitted to the Board of Governors, pursuant to the Board's standing system-wide data request for copies of all final audit reports. DAC submitted these summaries with the knowledge that sufficient work had not been done to support the summary conclusions and that no final reports had ever been prepared in contravention of its own Operating Procedures.

Final reports were not prepared until sometime just prior to July 28, 2011, and were backdated to March 2011. The reports were prepared after the executive summaries had been rejected by the Board of Governors' Inspector General, as communicated to Dr. Charles O'Duor, FAMU's then-Vice President for Audit and Compliance, on July 13, 2011.

On July 19, 2011, FAMU's Chief of Staff received the two whistleblower complaints. The Chief of Staff met with then-President James Ammons that day, and the President's office requested Dr. O'Duor to submit supporting materials for the agenda items Dr. O'Duor planned to present to the Audit Committee at its August 3, 2011 meeting. Dr. O'Duor delivered the requested materials to the President's office on July 20, and five of the ten submissions were pulled from the agenda. Dr. O'Duor forwarded the remaining five items to Karl White, the Chair of the Audit Committee, who removed those items from the agenda on August 3, 2011. Notably, final reports for the items to be taken to the Audit Committee at the August 3rd meeting were not prepared until after Dr. O'Duor received the request from the President's office to provide the

supporting materials for the executive summaries. In addition, the work performed did not support the conclusions reached in three of the five reports.

DAC did not have the mandatory quality assurance and improvement program in place as required by the Institute of Internal Auditors ("IIA"), the DAC's own Charter, and DAC internal operating procedures. DAC never informed University management or the Audit Committee of this fact or its consequences. The purpose of a quality assurance and improvement program is to provide the board, university management and the university community at large with reasonable assurance that the audit function is being conducted appropriately, professionally and in accordance with IIA standards. Failure to develop and maintain a quality assurance and improvement program meant that DAC could not provide any assurance that its work was conducted in conformance with IIA standards. Moreover, the failure to disclose the lack of a program to the Audit Committee and management was itself a violation of IIA standards.

DAC misrepresented to the Audit Committee in the 2010-2011 Audit Plan that all audit reports were to be prepared in accordance with applicable IIA standards when, in fact, DAC knew that such representation was false given the lack of a quality assurance and improvement program.

DAC failed to conduct an adequate risk assessment as a basis for the 2011-2012 Audit Plan that was presented to the Audit Committee for approval. DAC misrepresented to the Audit Committee that, as part of the risk assessment, which serves as a basis for the Audit Plan, it had solicited and received risk assessment surveys from management and incorporated the results of those surveys into the risk assessment. In actuality, DAC prepared the 2011/2012 Audit Plan prior to receiving the risk assessment survey results.

The actions of the DAC, as led by Dr. O'Duor, its Chief Audit Executive, were in contravention of applicable IIA standards, the IIA Code of Ethics, the Audit Committee's Charter, the DAC Charter, the DAC's own internal operating procedures and the University's Code of Conduct. The report further concluded that Dr. O'Duor had primary responsibility for the misrepresentations made by DAC to university management and the Board of Trustees and the other failures of that office as found in the report and summarized above. Dr. O'Duor resigned shortly before the Sniffen & Spellman report was released.

Accretive Solutions Report

Related to quality issues in the Division of Audit and Compliance

Accretive Solutions was retained by FAMU after the issuance of the November 9, 2011 report by Sniffen & Spellman to perform a gap analysis identifying all areas that needed to be addressed in order for the DAC to successfully complete an external quality assessment review ("QAR") as required by IIA standards for the 2012-13 fiscal year, and to conduct a comprehensive university-wide risk assessment for internal audit planning. On January 31, 2012, Accretive issued a report that reached the following conclusions:

Current internal audit staff is well-qualified and competent to conduct audits using procedures that are compliant with IIA standards, but DAC staff should be augmented to include IT audit and strategic program evaluation expertise. DAC staff would also benefit by continuing education in the professional practice of internal accounting.

University management needs to consider the extent to which the substandard prior audit work noted in the Sniffen report warrants re-addressing in light of higher risk areas identified by Accretive.

University management must ensure that scope, priorities and use of internal audit activities align with the University strategic plan and performance management activities.

University management must ensure that future DAC operations comply with professional internal auditing standards by adopting new Audit Committee and DAC Charters that conform to IIA standards; ensuring DAC has sufficient resources to address the high risk areas; and instituting a practice of monitoring internal audit activities through review and discussion of performance reports provided by the DAC.

Periodic performance reporting to the President and Audit Committee by DAC on its effectiveness, staff proficiency and productivity should be implemented to ensure adequate communication and accountability over the audit function.

DAC needs to submit an audit work plan and budget that provides sufficient resources to address key high risk areas in a timely manner.

DAC needs to complete enhancement and implementation of an operating procedures manual that complies with IIA standards.

DAC needs to increase its level of involvement with the Enterprise Information Technology ("EIT") function. External independent assessments of the EIT function point to the need for additional IT governance.

DAC needs to implement a project timekeeping system to manage demands, outputs, and resource needs of the audit function.

The University does not have a formal Enterprise Risk Management system, but instead relies on the DAC audit planning risk assessment process to inform its risk management needs.

The most significant risk in the area of governance, accountability and oversight, is the risk that University management daily decision-making process is not institutionalized and made efficient in terms of fostering a culture of managing and demonstrating value with data, managing for results throughout university leadership, providing for timely and validated data, and ensuring on-going funding and operational excellence.

The University does not use strategic planning and/or performance management reporting software to support its accountability and oversight system.
The risk assessment identified the following high risk areas for FAMU: (1) facilities management (planning, construction, maintenance); (2) information technology (future and disaster planning, security, enhancement and maintenance), and (3) financial accountability (procurement; federal contract and grant compliance, including financial aid; and accountability over revenue).

The report recommended that the Audit Committee direct DAC to conduct a self-assessment upon completion of one year of operating in compliance with IIA standards and then schedule an external QAR one year later. The results of both reviews should be timely and reported to the Audit Committee.

Ernst & Young Report

Related to Re-Performance of Substandard Audits or Reviews

Ernst & Young was retained to re-perform eight of the substandard audits and reviews identified in the Sniffen & Spellman Report, and to assess investigations undertaken by DAC to determine if they were performed objectively, in conformance with applicable standards, and adequately documented. Ernst & Young identified several high level themes that cut across multiple functions: (1) lack of policies and procedures; or outdated or non-enforced policies and procedures; (2) failure to maintain documentation at all or insufficient documentation; and (3) lack of segregation of duties.

The audits/reviews that were re-performed addressed: (1) Bank reconciliations; (2) revenue collections from football games; (3) revenue from classics and guarantee contracts; (4) technology fees; (5) textbook affordability; (6) sub-recipient monitoring; (7) contracts and grants expenditures; and (8) insurance coverage on buildings. The specific audit findings are as follows:

***Bank Reconciliations for Operating, Student and Payroll Accounts*:** Reconciliations were not completed in a timely manner, in some cases two months after end of statement period; outstanding checks were not timely cleared, with outstanding checks each month in excess of 365 days; bank deposits were outstanding greater than 30 days; unreconciled items spanned several statement periods; and reconciliation policies needed to be strengthened.

***Revenue Collections from Football Games*:** Adequate documentation was not maintained to verify revenues from parking, concessions and sponsorships; both the Athletic Department and the Controller were unable to provide total revenue collected for the 2010 football home games; the Athletic Department did not reconcile home game revenue recorded on the General Ledger by the Cashier's office to the revenue journal entry (deposit) prepared by the Athletic Department; cash collection and preparation of deposits and cash journal entries were all handled by the Athletic Business Office Manager, leaving no segregation of duties; adequate/sufficient documentation was not maintained to determine complete revenue generated from vending permits; the concessions contract with Sodexo had not generated any revenue to the University since the contract was amended in 2009.

***Revenue from Classics and Guarantee Contracts*:** The Athletic Department and the Controller were unable to provide the total amount of revenue from the Classics football games; the Athletic Department did not reconcile revenue from Classics or Guarantees recorded on the General Ledger by the Cashier's office to the revenue journal entry (deposit) prepared by the Athletic Department; as with regular football games, the same lack of segregation of duties existed as to cash collection, deposits and journal entries.

***Technology Fee*:** The actual expenditures for projects to be funded with the technology fees were not monitored and compared to the project budgets; and no process exists to ensure that Bright Futures Scholarship recipients were not paying the fee with scholarship funds.

***Textbook Affordability*:** Almost 40 percent of textbooks were adopted after the 35-day Board of Governors' deadline for textbook adoption; 30 percent of the adopted textbooks were not posted to the University's website within the 30-day period provided by Board of Governors regulation; course book request forms were not being maintained; and students receiving financial aid could obtain textbook vouchers in excess of the designated per-student, per-semester limit by requesting multiple vouchers because the system did not flag multiple requests.

***Sub-recipient Monitoring*:** Although monitoring sub-recipient compliance with federal OMB requirements was the shared responsibility of DAC and the Office of Sponsored Programs, neither office maintained, reviewed findings from, or ensured the corrective action of findings in OMB Circular A-133 audit reports; and 20 percent of sub-recipient contracts sampled lacked approval of remittance of federal funds to sub-recipients.

***Contracts and Grants Expenditures*:** The policies and procedures of the Office of Sponsored Programs should be strengthened and areas of responsibility between that office, the Purchasing Department, and the Controller's office should be clarified and documented.

Insurance Coverage on Buildings: Contrary to University policy, the insurable value calculation of University facilities was not reviewed and approved by the Director of Environmental Health and Safety and the Director of Administrative and Financial Services; and there are no policies and procedures that address the process for determining insurable values, frequency of computation, or the addition or removal of assets from computation.

***Investigations*:** During the review period (July 1, 2010 – June 30, 2011), five investigations were conducted by DAC. Upon review, Ernst & Young found that two of the five reports were not finalized; there were no policies and procedures in place for conducting investigations; the workpapers were not clearly and completely documented to support the findings in the reports, and the investigatory files were not documented as to investigators' identities and independence, and how confidentiality issues were handled.

Florida Department of Law Enforcement Report

A criminal investigation into irregularities in band financial operations

On December 13, 2011, FDLE initiated a criminal investigation to examine potential fraud and/or misconduct by employees or other individuals associated with FAMU, based on multiple sources who revealed instances of questionable activity at the University. The investigation focused on areas of financial operations at FAMU, with FDLE assisted by Department of Financial Services Office of Fiscal Integrity. This was not a complete forensic audit of the University. In general, the FDLE concluded that most findings resulted from a failure to follow university policy, and that a lack of internal controls and administrative oversight contributed to the complaints it had received.

As a result of its investigation, the FDLE issued a four-page report, dated September 12, 2012, which included the following findings:

A review of band expenditures, consisting of over 1,100 transactions, from July 2008 through December 31, 2011 was sampled. The report found that the transactions appeared to be for official University business.

An analysis of 2011 travel by the FAMU marching band found that 61 listed band members were not students at FAMU. Seventy-nine people received unauthorized per-diem payments including alumni and elementary, middle and high school students. Some may have been paid twice, and a review of documentation from 2009 through 2011 revealed similar issues.

State Purchasing-Card transactions were reviewed via a sample of 650 transactions from July 2010 through June 2011. The investigation did not identify any instances of P-Card uses for personal reasons, but University policy was not always followed. FDLE did find a number of instances were travelers were overpaid, based on the available documentation. One person was charged with falsifying travel charges by $1,800 and is being prosecuted by the Office of the State's Attorney.

Based on the Sniffen & Spellman audit, FDLE reviewed FAMU's handling of complaints alleging financial mismanagement and misconduct between 2008 and 2011. FDLE found that a majority of the complaints were resolved, but several were never investigated by the FAMU Audit Office. FDLE recommended that all unresolved complaints be investigated.

FDLE investigated the theft of an amount variously reported as between $12,000 and $40,000 in 2007. The report implied that that former Band Director Julian White's negligence was a contributing factor to the theft, with poor recordkeeping, inadequate safeguards of the band dues, untimely deposit of funds and the filing of a late and inaccurate police report. Neither FDLE nor the FAMU Police Department were able to identify the individual responsible for the actual theft.

FDLE further investigated White's personal financial and found that he had received numerous payments for performances of the FAMU Band, including for "production costs," which were to be retained by White on behalf of the staff. It appeared that White was to reimburse staff for their efforts in facilitating these additional performances, which staff corroborated, but no documentation could be found to support these payments to staff. There were apparently no university policies or oversight regarding band performances, contracts or payment of associated costs.

Board of Governors Office of Inspector General (OIG) Report

Review of FAMU's institutional controls relative to the Marching 100 band and anti-hazing policies, practices and procedures.

Based upon the Preliminary and Tentative Report of Investigation, the OIG concluded that FAMU failed to implement an anti-hazing program that complied with Board of Governors regulations, University regulations or applicable state law due to a lack of effective institutional and internal controls designed to prevent, detect, deter, and discipline students involved in hazing. Former Band Director White's allegation that FAMU staff failed to adequately address complaints of hazing forward by him was unsubstantiated.

During the course of the investigation, the OIG reviewed and analyzed all reported cases of hazing received by FAMU from 2007 to 2011; conducted interviews of 35 current or former University employees including the Interim President, the past President, and senior staff; and reviewed approximately 7,000 pages of documents received from the University in response to Requests for Information and on-site inspections. We make the following preliminary and tentative findings and recommendations:

Institutional Controls

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

Internal Controls

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

Office of Judicial Affairs

- **A.** There were no written policies and procedures for the referral of matters from the FAMU Department of Public Safety (FAMU Police Department).
- **B.** The Judicial Affairs Office did not have a file index system designed to maintain and track records of disciplinary actions precipitated by allegations of hazing.
- **C.** The periodic review of the Student Code of Conduct was inadequate as evidenced by the failure to maintain records or files of the 2009 assessment of the Code.
- **D.** There was no training for the Judicial Officer on the handling of his critical duties.

Office of Public Safety

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

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

Recommendations

It is recommended that:

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

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

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

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

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

  2.03 Violation of Law and University Disciplinary Policies
  University disciplinary proceedings may be instituted against a student charged with a violation of law that is also a violation of the Student Code of Conduct. The University reserves the right to proceed under the Student Code of Conduct with a hearing and the possible imposition of a sanction, prior to, concurrent with or subsequent to, *civil litigation, criminal arrest, and/or criminal prosecution.* (Emphasis added)

  a. *Normally the University will proceed with an alleged violation of the Student Code of Conduct prior to any final disposition in the courts.*

  b. *The University reserves the right to take disciplinary action against a student before any criminal cases arising out of the same facts are resolved.*

  c. *The University will cooperate fully with outside law enforcement agencies in any criminal prosecution to the extent permitted by law.*

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

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

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

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

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

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

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