

MINUTES
BOARD OF GOVERNORS
STATE UNIVERSITY SYSTEM OF FLORIDA
AUDIT AND COMPLIANCE COMMITTEE
UNIVERSITY OF FLORIDA
GAINESVILLE, FLORIDA
JANUARY 16, 2012

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and its Committees are accessible at <http://www.flbog.edu/>.*

Board Chair, Dean Colson, convened the meeting of the Audit and Compliance Committee at 1:42 p.m., at the Emerson Alumni Hall, at the University of Florida, in Gainesville, Florida. As the Committee Chair and Vice Chair positions are currently vacant, Mr. Colson convened the meeting as a Committee of the Whole. The following members were present: Dean Colson, Mori Hosseini, Dick Beard, Matthew Carter (by phone), Manoj Chopra, Patricia Frost, Wayne Huizenga, Alan Levine, Wendy Link, Ed Morton, John Rood, Norman Tripp, and Cortez Whatley.

1. Call to Order

Mr. Colson called the meeting to order and explained that because the Chair and Vice Chair positions are vacant, he will preside over the meeting with the Board as a Committee of the Whole. The minutes from the Audit Committee's last meeting, November 7, 2012, will not be considered for approval at this meeting, nor will there be any action items.

2. Discussion: Florida A&M University Anti-Hazing Program Investigation (OIG Complaint No. 2011-038)

Mr. Colson explained that as a result of the death of a FAMU student on November 19, 2011, the then Chair of the Board of Governors, Ava Parker, directed the Chancellor to initiate an investigation to be conducted by the Inspector General. A copy of the Preliminary Report of Investigation has been provided for each Board member in his or her agenda packet. Members also received a copy of Chancellor Brogan's report that summarizes the results of several investigations and audits into FAMU's operations that were conducted in the last 13 months. FAMU will submit its written response to the Preliminary Report of Investigation by January 23, 2013.

Mr. Derry Harper, Inspector General for the Board of Governors, stated that former Chair Parker's November 29, 2011 letter to FAMU's Board of Trustees Chair identified several issues that defined the scope of our investigation. The Chancellor instructed us to develop a plan to address these issues:

Did FAMU, from 2007-2011, have in place an effective anti-hazing program designed to prevent, detect, deter and discipline students engaged in hazing activities that included effective institutional and internal controls?

Did FAMU staff, from January 2010 to December 2011, fail to adequately address complaints of hazing, including investigating, and when appropriate, imposing appropriate discipline on students?

Did FAMU senior administrative staff fail to respond to hazing complaints reported by the former Director of Bands on or about November 8, 2011; and if so, does that demonstrate a reckless indifference or disregard for applicable law or regulations?

Mr. Harper explained that the investigative team was asked to look at the design and implementation of the University's anti-hazing program. We also looked at a specific allegation, which if true, would have been in violation of Board and University Regulations as well as the state Statute.

On page 53 of the Board members' agenda packet, there is a copy of the Preliminary Report of Investigation. Mr. Harper then went through the list of preliminary recommendations and findings. He summarized them as described on slide four of his presentation:

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.

Mr. Harper stated that we define "Institutional Controls" as a design program adequate to comply with the governing directives, such as regulations and state statutes, and to demonstrate that those regulations, statutes, policies and procedures were enforced. "Internal Controls" are the policies and procedures put in place and if they are effective. (Refer to slide five of Mr. Harper's presentation for a written definition.)

In terms of institutional controls, Mr. Harper explained that our investigative team concluded there was no internal or programmatic review of the interaction, in this case, between law enforcement and student affairs.

[Referring to Slide Five] At the internal controls level (were there policies and procedures in place and were they effective?), the Division of Bands had a specific directive that set forth particular steps to be taken by staff and faculty of the Marching

100. We concluded that the Directive, issued in 1998, had not been reviewed. The University could not demonstrate that key provisions were being followed.

[Referring to Slide Six] The former Director of Bands alleged that the senior administrative staff failed to respond to incidents of hazing reported to them on or about November 8, 2011 that he brought to their attention. If true, did such failure demonstrate a reckless indifference or disregard of applicable state law, Board of Governors, or University regulations? We concluded that while there were deficiencies in institutional and internal controls, this particular allegation could not be demonstrated. For example, the key November 16, 2011 meeting that formed the basis of his (the former Director of Bands) primary allegation of reckless indifference resulted in the University initiating an investigation of the hazing allegations that allegedly had occurred during the Homecoming game in October 2011. In addition, there was a difference in testimony in our interviews about whether or not the University considered suspending the band before the Florida Classic. Our investigation concluded that suspending the band before the Florida Classic was discussed, but that it did not represent a reckless indifference or disregard.

Mr. Harper reviewed the key dates as reflected on slides seven and eight. He explained that in the beginning, we were not able to actively investigate until the investigation by the Florida Department of Law Enforcement was completed. We began, therefore, by reviewing documents. We began holding interviews of University staff in July 2012. Mr. Harper acknowledged the cooperation of Florida A&M University's Board of Trustees Chair Solomon Badger, Interim University President Larry Robinson, and the University's senior staff were crucial to the successful completion of the investigation. For the investigation, Mr. Harper stated we held 35 interviews and reviewed approximately 7,000 pages of documents (see slide ten).

Mr. Harper explained that the Office of the Inspector General is required to follow certain standards. We have the *Audit and Compliance Committee Charter* and Section 20.055, Florida Statutes, and certain investigative standards we have to meet. With that in mind, Mr. Harper stated that we did not do all the investigative work ourselves: we were able to enlist the assistance of three state agency Offices of Inspector General. Several investigators were temporarily assigned to our office to work on this investigation with us.

To ensure our methodology was valid, valuable, and supportive of our conclusions, Mr. Harper said we relied on internal staff as well as subject matter experts such as Student Affairs Directors at other universities. The investigation was conducted in accordance with the Association of Inspector General Standards. Standards require that we commit sufficient resources, and that we are able to demonstrate due diligence as well as independence and objectivity.

Mr. Harper explained that we looked at a five-year period as we thought that using a five-year period would provide sufficient information to determine if institutional and internal controls were effective. It was not our objective to examine what happened on November 19, 2011. We tested the (anti-hazing) program in place at that time. We interviewed the former Chief of Police, the former President, and the former Interim President of the University for a historical perspective on the University's anti-hazing program in place.

Our recommendations at this time are preliminary (see slides 11 and 12). For example, the Office of Student Affairs should strengthen the Student Code of Conduct to incorporate language that explicitly states the University reserves the right to proceed under the Code prior to, concurrent with or subsequent to any other criminal or civil proceeding. We also recommend that staff be increased in the Office of Judicial Affairs.

Slides 13 and 14 list the University's corrective actions to date. Some of them are underway or have already been completed. For example, Mr. Harper highlighted that the University has implemented a new membership intake procedure that requires "recertification" of student organizations. Additionally, students are required to sign an anti-hazing pledge.

In closing his presentation, Mr. Harper expressed his appreciation for the support of our internal staff, Chancellor Brogan, Board of Trustees Chair Solomon Badger, Interim President Larry Robinson, and FAMU staff.

The team we assembled for this investigation came from the Department of Education (two investigators), the Department of Corrections (one investigator), and the Department of Environmental Protection (two investigators). Once we receive the University's response to the Preliminary Report of Investigation, we will determine if any changes are needed in our report before we issue the final report.

Chancellor Brogan informed Board members and the audience that the Preliminary Report of Investigation and related materials are available on our website.

The Chancellor acknowledged that the question of why the tragic death of Robert Champion led to an investigation when there have been other student deaths at other universities. He reminded the audience that this investigation was not a criminal one. There were other allegations, some whistle-blower, that surrounded the Robert Champion death. The Chancellor explained that this investigation was conducted to examine a possible lack of institutional control, which may have led to the death of a student.

The Chancellor explained that several firms (Sniffen & Spellman, Accretive Solutions, Ernst & Young, and the Southern Association of Colleges and Schools) have

recently reviewed FAMU's institutional controls in various areas (financial, personnel, internal communications, etc.). He said our office has reviewed all the executive summaries of these reports to find common findings. We will develop an organized action plan to work with the university in addressing those areas of concern.

Chancellor Brogan expressed his appreciation to President Robinson, Chair Badger, and the Board of Trustees for their cooperation in the OIG investigation just concluded. They have been open and honest with our staff in working on this project.

For next steps, the Chancellor said positive changes have already begun to address findings from the various reviews. He proposed to the Board of Governors that he be charged, as the Chancellor, to work with Dr. Robinson and his staff to address all findings from the various reviews and to report back to the Board's Audit Committee with the University's progress and success in the corrective action.

Chair Badger recognized that a "chain is only as strong as its weakest link." The problems in the weakest link need to be addressed. The University, the Inspector General and the other entities who have conducted recent reviews have brought attention to some of the problem areas they need to remedy. The University has every intention to move as swiftly as possible. He expressed his appreciation to the University's leadership staff for the way in which they have responded to these points or problematic areas.

Chair Badger also expressed his appreciation to the Board's staff for their professionalism and their work in the progress the University has made so far. If we know what ails us, we know how to fix it.

President Robinson said he will not speak about the University's response to the OIG report as they are preparing their formal response, which will be submitted by the January 23rd deadline. He thanked the investigative team for their hard work and professionalism. He also thanked the Chancellor for his collaborative spirit and for allowing the University to apply the internal talent they have while working with Board staff in addressing the problem areas.

President Robinson provided an update of the University's actions during the past year in response to findings from the investigative report as well as the others the Chancellor mentioned:

- The Board of Trustees revised the University's anti-hazing regulation to include a non-retaliation clause as well as a more-timely reporting requirement.
- At the March 2012 Board of Governors meeting, the Council of Student Affairs presented a matrix of anti-hazing program best practices. FAMU has now implemented all 16 of the strategies listed on the matrix.

- The University developed a comprehensive anti-hazing plan that includes enhanced eligibility requirements for band participation, strengthened membership criteria for clubs and organizations, and revised procedures for group travel.
- They hired Ernst & Young to look at corrective action strategies for findings in the FDLE report.
- They hired a new Vice President for the Division of Audit and Compliance.
- They hired Sniffen and Spellman to redo the 15 internal audits identified as needing to be redone.
- They are implementing a corrective action plan that he has already shared with the Chancellor and Board staff.
- They have enhanced the management and oversight of the oversight of the use of Purchase Cards and have conducted a mandatory training class for all users.
- The travel department will enhance the approval process for band travel for distributing travel funds.
- They have clarified the reporting process for hazing incidents, and they have created a new position for a Special Assistant to the President for Anti-Hazing, who will ensure incidents of hazing are investigated and fully resolved. The individual selected for the position will begin February 1st.
- They created two new positions in the Division of Student Affairs: a Director of Judicial Affairs (the new hire will begin February 1st), and a Coordinator of Judicial Affairs.
- The University has developed a new website about anti-hazing as a resource for information and as an avenue for reporting and seeking assistance.
- The duties of the Director of Bands and Chair of the Music Department have been separated to allow for better checks and balances.
- The academic requirements for band membership have been codified and include a minimum grade point average and progression requirements (like the NCAA requirements).
- There is a limit to the number of years a student can be a band member and the number of hours they can practice so that the emphasis is on being a student first.
- They have identified a new position of a Music Compliance Officer who will report directly to the Special Assistant to the President, who reports directly to the President. The Compliance Officer will report immediately any instances of non-compliance and that students meet requirements to be in the band and that travel requirements are met. They are in the final stages of the hiring process for this position.
- Training on these requirements for all band students is underway, and the information has been included in the handbook, which is available online.

Lastly, President Robinson assured the Audit Committee that the University is addressing the issues identified in the recent report from the Southern Association of

Colleges and Schools (SACS), from FDLE, and the other audit reports already mentioned in today's meeting. The University needs to convince SACS that they have the ability to show that these procedures have been enforced and that they are achieving what they have been designed to do.

Mr. Colson tasked the Audit Committee with following up on these issues and making certain that FAMU is following through on them. He encouraged the Audit Committee to stay engaged and involved. He asked the President to let the Board know if he needs additional resources in the corrective action plan.

Mr. Morton asked if the SACS report to the University has been posted online. President Robinson responded that at the meeting with SACS last December, they identified four issues the University must address. The University is expecting the full report from SACS this week. When they receive it, they will disseminate it to Chancellor Brogan. As of yesterday, they had not received it.

Mr. Levine recognized that bad things can happen at any campus. Universities must have clarity in policies and be in compliance with them to mitigate risk. He asked President Robinson and Chair Badger to speak specifically to the role of the University's governing body in future reports to the Board of Governors regarding FAMU's corrective actions on these issues. They also need to ensure they institutionalize the implementation of these new policies. What role will the governing body play in ensuring policies are clearly articulated in any high-risk area (not just hazing), ensuring mandatory reporting of any non-compliance and describe the reporting process (via the Audit Committee, for example), and ensuring that there is governing accountability. He requested specific attention to the issue of governance when next addressing the Board of Governors.

5. Concluding Remarks and Adjournment

Mr. Colson thanked Chair Badger and President Robinson for their hard work and cooperation. The meeting of the Audit Committee was adjourned at 2:25 p.m.

Dean Colson, Chair

Lori Clark,
Compliance Analyst