

REPORT OF INVESTIGATION
OIGC CASE NO. 2019-072

FINAL REPORT
August 20, 2019



STATE UNIVERSITY SYSTEM OF FLORIDA BOARD OF GOVERNORS
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**State University System of Florida Board of Governors
Office of the Inspector General and Director of Compliance**

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EXECUTIVE SUMMARY

On April 19, 2019, at the direction of the Chancellor of the State University System of Florida, the Office of the Inspector General and Director of Compliance (OIGC) initiated an investigation related to New College of Florida (New College). The scope of this investigation was limited to the following allegations:

1. Whether Dr. Joy Hamm¹ instructed admissions staff to engage in admissions practices that were discriminatory against applicants who disclosed mental health or disability related issues in the personal essay portion of their applications;² and
2. Whether New College's current admissions process³ was discriminatory against applicants who discussed mental health or disability related issues in the personal essay portion of their applications.

Based on the testimonial and documentary evidence gathered and reviewed during the course of the investigation, we determined it is highly and substantially more probable to be true than not true that violations of governing directives occurred concerning both allegations. Therefore, we found both allegations to be supported.

Based on those findings, we made four recommendations related to aligning student admissions practices with applicable governing directives; taking appropriate personnel action; conducting a review of the application files that may have been negatively impacted by the inappropriate admissions practices; and providing a copy of this report alongside a copy of the university's internal investigative report for any public records requests made for that document.

In response to the report, New College President Donal O'Shea noted the institution is working diligently to follow the recommendations. He indicated New College has already taken action to change the leadership of the enrollment management department and is implementing a comprehensive review of their admissions processes to ensure that all applicants, including those who disclose a disability or a mental illness, are treated fairly and equitably in accordance with transparent admissions criteria.

¹ Hired in 2017 as the Dean of Admissions and Financial Aid; her title later changed to Dean of Enrollment Management.

² Since this allegation was part of the initial complaint received by New College in April 2018, we interpreted this to mean the instruction took place before or during the 2018 Admissions Cycle.

³ Since this allegation was part of the complaint received by the OIGC in March 2019, we interpreted this to mean the 2019 Admissions Cycle.

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INTRODUCTION

On March 11, 2019, the Board of Governors' OIGC was forwarded a complaint containing concerns about New College's handling of an investigation into allegations against Dr. Joy Hamm regarding discriminatory practices within the institution's student admissions processes. In general, the complaint alleged the institution's investigation was inadequate and the final report was incorrect. The complaint further alleged New College was still engaging in discriminatory student admissions practices.

The OIGC conducted a preliminary inquiry of the complainant's concerns, which included a review of the initial complaint⁴ that led to the internal investigation, as well records of the internal investigation. The scope of New College's internal investigation focused on whether admissions processes at New College were discriminatory, rather than a focusing on whether Dr. Hamm promoted or engaged in discriminatory practices as alleged. Based on the preliminary inquiry, it was determined additional investigative action was needed.

On April 19, 2019, State University System of Florida Chancellor Marshall Criser signed a letter informing New College President Donal O'Shea that the OIGC would be conducting an investigation into the initial complaint regarding alleged discriminatory practices within New College's student admissions processes. The OIGC initiated an investigation in accordance with Board of Governors Regulation 4.004 *Board of Governors Oversight Enforcement Authority*, which states, in pertinent part, "(3) In addition to OIGC investigative responsibilities outlined in the OIGC charter, the chancellor may determine that allegations of material non-compliance with any law or Board of Governors regulations warrant an investigation. The Board of Governors' inspector general shall provide direction for, supervise, and coordinate such investigations...."

GOVERNANCE

In 2003, the Board of Governors was constitutionally created to operate, regulate, control, and be fully responsible for the management of the State University System of Florida.⁵ The State University System of Florida is comprised of the 12 public universities located throughout the state. The Board of Governors implements its constitutional regulatory authority through the adoption of regulations, which are statements of general applicability to guide the conduct or action of universities, constituents or the public, adopted by the Board of Governors that implement its powers and duties.⁶

⁴ Received by New College on April 6, 2018.

⁵ Article IX, Section 7 of the Florida Constitution

⁶ Regulation Development Procedure, adopted by the Board of Governors in March 2006

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Each of the 12 public universities is administered by a board of trustees, whose powers and duties are established by the Board of Governors. New College is the 11th member of the State University System of Florida. It is a liberal arts honors college and is located in Sarasota, Florida. It was founded as a private college in 1960, but joined the State University System of Florida as part of the University of South Florida in 1975. In 2001, it achieved independence from the University of South Florida and became an autonomous member of the State University System of Florida. New College is home to more than 800 students and 75 full-time faculty engaged in interdisciplinary research and collaborative learning. Its mission is to offer a liberal arts education of the highest quality in the context of a small, residential public honors college with a distinctive academic program which develops the student's intellectual and personal potential as fully as possible; encourages the discovery of new knowledge and values while providing opportunities to acquire established knowledge and values; and fosters the individual's effective relationship with society.⁷

BACKGROUND

ADMISSION STANDARDS

Admission into Florida's public universities is competitive. Board of Governors Regulations 6.001⁸, 6.002⁹, and 6.008¹⁰ contain minimum eligibility standards for first-time-in-college (FTIC) students seeking admission to an undergraduate degree program in the State University System of Florida. These minimum standards include, but are not limited to, 1) high school graduation, 2) a grade point average between 2.5 and 4.0 in academic core courses, 3) placement test scores, and 4) course distribution requirements (i.e., a certain amount of credits in courses such as English/language arts, mathematics, natural science, social science, foreign language, and electives).

Although the Board of Governors has established minimum standards for admission, each university may establish higher standards and include other factors into their admissions decisions. New College practices selective admission, seeking students who are able and eager to take responsibility for their own education, and who will benefit from the institution's demanding academic program and flexible curriculum.¹¹ New College's selection process takes into consideration factors such as grades, test scores¹², pattern of courses completed, class rank, educational objectives, past conduct, school letters of recommendation, personal letters of recommendation, and personal records of

⁷ Approved by the New College Board of Trustees on January 3, 2014 and the Board of Governors on March 20, 2014.

⁸ *General Admissions*

⁹ *Admission of Undergraduate First-Time-in-College, Degree-Seeking Freshman*

¹⁰ *Postsecondary College-Level Preparatory Testing, Placement, and Instruction for State Universities*

¹¹ As noted in the *New College of Florida General Catalogue 2018-2019*.

¹² New College uses a higher standard for the mathematics portion of the SAT and ACT Exams.

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involvement in activity outside the curriculum.¹³ Meeting minimum admission requirements does not guarantee admission. Likewise, not meeting minimum admissions requirements does not guarantee denial.¹⁴ For students who do not meet the minimum requirements, New College may consider whether they possess special attributes, talents, or unique circumstances that may contribute to a representative and diverse student body. In those instances, New College may offer admission if it is determined that the applicant can reasonably be expected to do satisfactory work at the institution.

Federal and state laws¹⁵, Board of Governors regulation¹⁶, and university regulations¹⁷ prohibit New College from excluding persons from participation in, denying benefits to persons, or subjecting persons to discrimination under any program or activity because of a disability.

GENERAL ADMISSIONS PROCESS

To apply for admission at New College, students must submit their application online through the Common Application¹⁸. The Common Application includes a writing sample (“essay”) as part of the application, as well as an additional information section to provide any other pertinent information the applicant thinks necessary. For the essay, applicants may select to respond to one of seven prompts. In addition to the information submitted through the Common Application, applicants must also submit a letter of recommendation, their self-reported student academic record, their standardized test results, and an application fee or fee waiver. Student admissions decisions are made within the Office of Enrollment Management¹⁹, under the general supervision of the Associate Dean of Admissions and Financial Aid. After a student submits all of their application materials, the application file is considered complete and goes through a multi-step review process, in accordance with the procedures outlined in the *New College of Florida Undergraduate Application Review Handbook* for the given year.

¹³ New College of Florida Regulation 5-1002 *Undergraduate Admissions*

¹⁴ Board of Governors Regulation 6.002 *Admission of Undergraduate First-Time-in-College, Degree-Seeking Freshmen* and New College of Florida Regulation 5-1002 *Undergraduate Admissions*

¹⁵ Title II of the Americans with Disabilities Act of 1990 (42 United States Code Sections 12131-12134) and Section 504 of the Rehabilitation Act of 1973 (29 United States Code Section 794); and Section 1000.05, Florida Statutes

¹⁶ Board of Governors Regulation 2.003 *Equity and Access*

¹⁷ New College of Florida Regulation 3-4027 *Discrimination/Harassment* and New College of Florida Regulation 5-1002 *Undergraduate Admissions*

¹⁸ The Common Application is an undergraduate college admission application that applicants may use to apply to any of more than 800 member colleges and universities in the United States and abroad.

¹⁹ See Appendix A for an organizational chart of the Office of Enrollment Management.

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Designated admissions staff members (aka “readers”) conduct an initial evaluation of the application files and route them to one of five decision bins: *Deny Bin*, *Hold Bin*, *Misconduct Bin*, *Committee Bin*, and *Admit Bin*. During the initial evaluation, the reader reviews and scores various components of the application (i.e., grade point average, course rigor, test scores, essay, etc.) and determines the overall application score by adding each of the component scores together. Any applications that receive an overall score less than 85 points are routed to the *Deny Bin*; unless additional grades or scores might improve the application score, in which case the application would be routed to the *Hold Bin* and additional materials are requested from the applicant. Any applications with an overall score of 85 points or more containing information pertaining to student misconduct are routed to the *Misconduct Bin*. Any applications with an overall score between 85 and 114 points are routed to the *Committee Bin* for consideration. Any applications with an overall score of 115 points or greater are routed to the *Admit Bin*. However, applications with an overall score of 115 points or greater can also be routed to the *Committee Bin* for consideration if the application contains a “red-flag²⁰.”

While the *New College of Florida Undergraduate Application Review Handbook* does not provide a definition for the term “red-flag,” it does provide a list of potential “red-flag” issues, which includes, but is not limited to, concerns with the letter of recommendation, essay, test scores, academic units, or grade point average. If a reader identifies a “red-flag” issue, they indicate that by noting that the application file contains a “red-flag” in the initial evaluation record and then routing that application file to the *Committee Bin*.

The Admissions Review Committee evaluates the application files that were routed to the *Committee Bin*. The Admissions Review Committee is comprised of multiple members: the readers, a faculty representative, a student affairs representative, the Director of Financial Aid, the Director of Student Recruitment, and the Associate Dean of Admissions and Financial Aid. The Associate Dean of Admissions and Financial Aid chairs the Admissions Review Committee. The committee meets as regularly as necessary throughout the year to review the application files that were routed to the *Committee Bin*. Each of the committee members has the ability to review the entire application file and provide their admissions decision recommendation in advance of the committee meeting. During the committee meeting, members discuss any application files wherein there was not a majority recommendation and make a final admissions decision. Once the final admissions decision is reached, the application file is routed to the appropriate decision bin for further processing.

²⁰ This first appears in the handbook for the 2018 Admissions Cycle (updated January 2018).

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OBJECTIVE, SCOPE, AND METHODOLOGY

The objective of this investigation was to assess two allegations related to discrimination and violations of laws, regulations, and university policies based on testimonial and documentary evidence. The conclusions of fact (aka “findings”) used by the OIGC are categorized and defined as follows:

1. Not Supported - a conclusion of fact indicating that the case supporting materials obtained in the course of the investigation establish that it is highly and substantially more probable to be not true than true that a violation of governing directives has occurred;
2. Supported - a conclusion of fact indicating that the case supporting materials obtained in the course of the investigation establish that it is highly and substantially more probable to be true than not true that a violation of governing directives has occurred;
3. Unfounded - a conclusion of fact indicating that the case supporting materials obtained in the course of the investigation establish that the allegation is not supported by facts and is clearly false; and
4. Policy Matter - a conclusion of fact indicating that the case supporting materials obtained in the course of the investigation establish that the alleged action(s) by the organization or employee were consistent with governing directives; however, the governing directives were deficient or non-existent.

Investigative fieldwork was conducted from approximately April 22, 2019 through July 1, 2019. This investigation reviewed admissions information related to the 2017, 2018, and 2019 Admissions Cycles²¹. To achieve the investigative objective, the OIGC performed the following activities:

- Researched, compiled, and reviewed relevant governing directives which served as criteria against which to evaluate the allegations;
- Conducted sworn witness and subject interviews;
- Requested pertinent information from New College based upon the reported allegations and subsequent investigative activities; and
- Reviewed the information provided by New College (including, but not limited to, the *New College of Florida Undergraduate Application Review Handbook* and admissions training materials for the 2017, 2018, and 2019 Admissions Cycles, as well as student admissions data for the 2018 and 2019 Admissions Cycles).

The OIGC conducted this administrative investigation in accordance with Board of Governors regulations, OIGC policies and procedures, and the *Principles and Standards for Offices of Inspectors General* as published by the Association of Inspectors General.

²¹ Students primarily seeking admission for the Fall 2017, Fall 2018, and Fall 2019, respectively.

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MATTERS INVESTIGATED

CRITERIA:

The following criteria are relevant to both of the allegations under investigations:

- Title II of the Americans with Disabilities Act of 1990 (Title II);
- Section 504 of the Rehabilitation Act of 1973 (Section 504);
- Florida Educational Equity Act;
- Board of Governors Regulation 2.003;
- New College of Florida Regulation 3-4027; and
- New College of Florida Regulation 5-1002.

Both Title II and Section 504 prohibit discrimination based on disability, stating that no qualified individual with a disability shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination. Both of the implementing Codes of Federal Regulation (CFR), 28 CFR Part 35 and 34 CFR Part 104, respectively, prohibit the use of criteria or methods of administration that have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability. Additionally, the implementing regulation for Title II does not allow the application of eligibility criteria that screen out or tend to screen out an individual with a disability from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary for the provision of the service, program, or activity being offered. Under these federal laws, disability is to be construed in favor of broad coverage and can mean any of the following:

- A physical or mental impairment that substantially limits one or more major life activities of an individual;
- A record of such an impairment; or
- Being regarded as having such an impairment.

An individual meets the requirement of “being regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under Title II because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

The Florida Educational Equity Act echoes the prohibitions in Title II and Section 504, disallowing discrimination against a student in the state system of public K-20 education on the basis of certain protected classes, to include disability.²² It also includes the prohibition of using criteria for admission to a program or course that has the effect of restricting access by persons of a particular race, ethnicity, national origin, gender, disability, or marital status. The Board of Governors adopted Regulation 2.003

²² Section 1000.05(2)(a), Florida Statutes

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Equity and Access to implement the Florida Educational Equity Act and reinforce the prohibitions against discrimination as stated in the law.

New College has two regulations that address discrimination. Regulation 3-4027 *Discrimination / Harassment* promotes an environment free from discrimination and harassment based on various factors, to include disability. Regulation 5-1002 *Undergraduate Admissions* states the institution does not discriminate in admissions based upon the applicant's race, color, religion age, disability, sex, sexual orientation, gender expression, gender identity, national origin, marital status, veteran status, or any other protected characteristic under the law.

ALLEGATION 1: DISCRIMINATORY DIRECTIVES

ALLEGATION: Dr. Joy Hamm instructed admissions staff to engage in admissions practices that were discriminatory against applicants who disclosed mental health or disability related issues in the personal essay portion of their applications.

OBSERVATIONS:

All of the "readers" for the 2018 Admissions Cycle provided testimony indicating that Dr. Hamm expressed to admissions staff, during meetings held in preparation for that admissions cycle, that she wanted them to "red-flag" admissions applications if the applicant disclosed certain information in their application file. Some witnesses stated Dr. Hamm wanted them to "red-flag" applications for any mention of mental or physical disability, or mental illness; while others noted that references to a history of abuse, violence perpetrated against or by the applicant, or anything that might lead the reader to believe the applicant is difficult or has problems with respecting others could also be "red-flagged." The witness testimony indicated these disclosures could be included in any part of the application file; however, they most often occurred in the essay or additional information sections of the applicant's Common Application. Most of the readers admitted to "red-flagging" application files for mental health or disability-related disclosures because of the instructions they received from Dr. Hamm. They expressed discomfort with the process and indicated they discussed their concerns with one another, as well as with their immediate supervisors in most cases. None of them felt comfortable bringing their concerns to Dr. Hamm directly, expressing there was a strict expectation of following the chain-of-command.

Two of the Admissions Review Committee members for the 2018 Admissions Cycle that were interviewed, who were not also readers, expressed there were applicants that went to the committee for an admissions decision even though they met the admissions criteria. Both of them expressed they noticed that applicants who wrote about struggles with mental health issues or disabilities consistently came before the committee. One of

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those members expressed they had a hard time identifying why that applicant was “red-flagged” if not for their mental health or disability-related disclosure. The committee members, who were not also readers for this cycle, could not confirm whether Dr. Hamm gave the alleged instructions to the readers; however, they indicated they have heard Dr. Hamm explain she wanted to improve the school’s metrics, and they needed students who were college ready and could be successful at New College.

Readers and committee members alike explained that Dr. Hamm’s expressed reasoning for why they should “red-flag” those applications was because New College’s Counseling and Wellness Center was underfunded and struggled to support the current student body; therefore, they needed to be able to screen for students who could be successful without the need for heavy reliance on such services.

Dr. Hamm emphatically denied providing the alleged instructions. During her interview, as well as through additional correspondence to the OIGC²³, she indicated she came into a broken system wrought with student conduct issues, wasteful or inefficient admissions recruitment practices, unclear admissions decision processes, and unprofessional behavior and policy violations by various admissions staff. She indicated she had to make changes quickly, in terms of stricter policies and oversight, physical reorganization of staff, and increased accountability, which were not well accepted by staff and earned her “fast hatred.”

Dr. Hamm explained the application review process and admissions decisions for the 2017 Admissions Cycle had already been completed by the time she was hired in July 2017. After she was hired and became aware of the problems facing the student population and admissions department, changes to the way in which application files were evaluated and scored were made for the 2018 Admissions Cycle. She explained she put a mathematical formula in place, with the help of data analytics, to calculate and weight some of the application file components (i.e. grade point averages, course rigor, and test scores). She said she also asked the Writing Center to develop a rubric to help readers grade different aspects of the essay in a more objective manner; the essay score was added to the formula as a raw score. The new system also incorporated the “red-flagging” of certain issues; however, she expressed the term “red-flagging” was not coined by her. She stated the operations team came up with the term “red-flagging” when they were updating the readers’ scoring sheets. To her, if some aspect of the application file was “red-flagged,” it meant the file just needed “a second look” by the Admissions Review Committee.

Dr. Hamm explained the Admissions Review Committee always existed; however, in the past the members consisted of her predecessor and the Associate Dean of

²³ Received on May 12, 2019, via email.

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Admissions and Financial Aid, who only considered application files if the readers could not make an admissions decision. She did not think this was fair to students and put too much control in the hands of an individual reader. She explained she changed the composition of the committee to be more representative of the campus; therefore, she included members from other departments. She indicated application files should have a second look if there was something in the essay that was of concern; however, she denied ever expressing that application files should be “red-flagged” for disclosing a mental health issue or disability. She explained that her guidance has focused on whether the applicant “closed the loop” in their essay, meaning, if they answered all of the parts of the essay prompt they selected. She also explained that she spoke with the Admissions Review Committee members about college readiness, noting that included characteristics of resiliency, and whether or not all of the materials in the application file demonstrated a level of college readiness that would be needed for a student to succeed at New College.

Dr. Hamm denied having discussions with staff about decreasing the number the students who might require services for such things as mental health or disability-related issues. She expressed that whether a student needs services or accommodations should not be considered as part of the admissions decision process. She indicated she had participated in conversations about being more honest and realistic about the services available when providing information to potential students or their family members.

The admissions data reviewed for the 2018 Admissions Cycle showed there were 58 application files, out of 1,088 total application files, that received an overall score greater than 85 points, but noted a “red-flag” or comment regarding the essay. Based on the general admissions processes described previously, 21 of those 58 application files should have been automatically routed to the *Committee Bin* regardless of the essay “red-flag” or comment because they received an overall score between 85 and 114 points. Another eight of those 58 application files would also have been automatically routed to the *Committee Bin* even though they received an overall score of 115 or greater because they noted multiple “red-flag” issues. The remaining 29 of those 58 application files would have been automatically routed to the *Admit Bin* based on their overall score (≥ 115 points); however, they were routed to the *Committee Bin* because they contained a single “red-flag” for essay. Twenty-two of those 29 application files self-disclosed a disability, mental health issue, or history of abuse; of those, thirteen were admitted to New College, whereas the other nine were denied admission²⁴. The reader’s scoring sheet for some of those application files noted the applicant self-disclosed a mental illness, disability, or an experience or history involving abuse.

²⁴ One of the nine was denied as a result of a misconduct issue.

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Additionally, since one of the explanations about “red-flagging” for essay was that essays were to be “red-flagged” if the applicant did not answer all of the parts of the essay prompt, we reviewed all of the “red-flagged” essays to determine whether applicants answered all of the parts of the essay prompt. Our review found that all 58 applicants answered all parts of the essay prompt.

FINDING: Supported

Despite Dr. Hamm’s denial, witness testimony indicated the admissions staff, particularly the readers, received instructions and/or guidance from Dr. Hamm to “red-flag” application files that contained disclosures related to a mental health issue or a disability so that the Admissions Review Committee could review the files and make an admissions decision. Readers admitted to “red-flagging” application files with such disclosures based on the instructions/guidance they received from Dr. Hamm. The readers’ scoring sheets for the 2018 Admissions Cycle demonstrated that the reasons for some of the essay “red-flags” were for self-disclosures of specific mental illnesses or disabilities. Although offered as a reason, a review of the admissions data did not support that essays were “red-flagged” because the applicant did not thoroughly respond to all of the parts of the essay prompts.

ALLEGATION 2: DISCRIMINATORY PROCESSES

ALLEGATION: New College’s current admissions process is discriminatory against applicants who discuss mental health or disability related issues in the personal essay portion of their applications.

OBSERVATIONS:

Since at least the 2017 Admissions Cycle, student applications have been subject to a multi-step review process at New College. In general, “first readers” were responsible for evaluating the application files and recommending the initial admissions decision. They followed the *New College of Florida Undergraduate Application Review Handbook* (dated December 2016), as well as any other guidance or reference material provided by the Associate Dean of Admissions and Financial Aid, to make their recommendation. The application review handbook for the 2017 Admissions Cycle did not reference a “red-flagging” system.

The application review handbook noted there was no absolute formula for admission; however, it did prescribe certain ratings for each of the components of the application file (i.e. course selection, high school core units, grade point average, class rank, test scores, essay, etc.). Taking all of the components into consideration, application files rated 1-3 would generally be admissible, while those rated 6-8 were rarely admissible.

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If the “first readers” were unsure about an admissions decision, the application file could be reviewed by a “second reader,” identified in the application review handbook as the chair; however, it did not specify who fulfilled that role. The third step in the process was the “Decision.”

As noted under Allegation 1, Dr. Hamm made changes to the way in which application files were evaluated and scored for the 2018 Admissions Cycle; those changes were also in place for the current 2019 Admissions Cycle. Two of the most prominent changes to the review process were the institution of the mathematical formula and the development of the essay scoring rubric in order to make the scoring more quantitative and objective. The incorporation of the list of “red-flag” issues was another prominent change to the review process. Dr. Hamm explained the previous review process included an option for a secondary review, although the reasons for a secondary review were not always clear, it was not phrased as being the result of “red-flagging” an application file, and it was usually conducted by her predecessor and/or the Associate Dean of Admissions and Financial Aid. Under the new review process, the secondary review would be conducted by the Admissions Review Committee, and it would be warranted if the application file had an overall score between 85 and 114 points, or if the application had an overall score of 115 points or greater and also contained a “red-flag” for one of the issues listed in the application review handbook.

Most of the readers for the 2018 Admissions Cycle admitted to “red-flagging” application files because of a disclosure related to mental illness or a disability (as described under Allegation 1). There were only two readers for the 2019 Admissions Cycle. One of the readers expressed there was an expectation to “red-flag” application files if the applicant mentioned they had a mental disability or disclosed an issue that might affect their ability to learn. The other reader expressed the “red-flag” for essay topic has turned into “red-flagging” essays for mental health, although that was not the only reason why an essay could be “red-flagged.” That same reader noted that Dr. Hamm provided guidance during a conference call in February 2019 that they (the readers) were to stop “red-flagging” application files simply because the applicant mentioned a mental health or disability-related issue; however, based on Dr. Hamm’s guidance, it was that reader’s understanding that they (the readers) were still expected to “red-flag” application files if the applicant indicated an ongoing struggle with the issues they disclosed.

Admissions Review Committee members, under both the 2018 and 2019 Admissions Cycles who were not also readers, expressed they could not understand why some of the applicants were “red-flagged” for essay, if not for their mental health or disability-related disclosure. Those committee members stated they reported their concerns that applications were being “red-flagged” for improper reasons to their respective supervisor, one even reported their concerns directly to Dr. Hamm in addition to their supervisor. Dr. Hamm confirmed that a committee member brought concerns to her

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attention during the 2019 Admissions Cycle; she indicated she addressed it with the readers, explaining it was not about “red-flagging” someone because they disclosed a disability, but that if the disability is the hardship the applicant disclosed, they needed to consider whether the applicant “closed the loop” and answered the essay prompt fully. Dr. Hamm said their admissions decision conversations should not be focused on the applicant’s disclosure, but rather on the applicant’s whole picture of “college readiness.”

Additionally, for the 2019 Admissions Cycle, Admissions Review Committee members confirmed there were application files discussed in committee meetings wherein the applicant self-disclosed a mental illness or other disability. One of the members recalled discussing an applicant who disclosed self-harm/violence in their essay; the committee’s discussion centered around whether that applicant wrote about what they learned from that experience. Multiple committee members indicated when discussions took place about applicants who self-disclosed a mental illness or disability, those discussions focused on whether the applicant demonstrated that they possessed coping strategies for those issues or on whether New College had the right resources to help the applicant succeed at the institution.

The admissions data reviewed for the 2019 Admissions Cycle showed there were 64 application files that received an overall score greater than 85 points, but noted a “red-flag” or comment regarding the essay, and were therefore routed to the *Committee Bin*. Based on the general admissions processes described previously, 25 of those 64 application files should have been automatically routed to the *Committee Bin* regardless of the essay “red-flag” or comment because they received an overall score between 85 and 114 points. Another 16 of those 64 application files should also have been automatically routed to the *Committee Bin* even though they received an overall score of 115 or greater because they noted multiple “red-flag” issues. The remaining 23 of those 64 application files would have been automatically routed to the *Admit Bin* based on their overall score (≥ 115 points); however, they were routed to the *Committee Bin* because they contained a single “red-flag” for essay. Eighteen of those 23 application files self-disclosed a mental health issue, disability, or history or experience of abuse; of those, 11 were admitted, four were denied, and three were placed on hold for additional information at the time of our review. The readers’ scoring record for the application files that were routed to the *Committee Bin* for the 2019 Admissions Cycle did not contain any notes about the applicant self-disclosing a specific mental illness, disability, or an experience or history involving abuse; however, there were a few with notes indicating a disclosure about adversity or challenges with unclear resolutions. For those few application files, the essays referenced cognitive impairments, struggles with mental illness, or experiences of abuse.

Additionally, since one of the explanations about “red-flagging” for essay was that essays were to be “red-flagged” if the applicant did not answer all of the parts of the

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essay prompt, we reviewed all 64 application files and determined the applicants answered all parts of the essay prompt.

FINDING: Supported

The testimonial evidence confirmed that application files containing self-disclosures related to mental health or disability-related issues were “red-flagged” and sent to the Admissions Review Committee for a secondary review. The admissions data that was reviewed confirmed there were application files containing such disclosures that were “red-flagged” solely for the essay. Although offered as a reason, a review of the admissions data did not support that essays were “red-flagged” because the applicant did not thoroughly respond to all of the parts of the essay prompts. This activity subjects applicants who disclose such information to different treatment than those who do not disclose such information, and could have the effect of restricting access for persons with mental illnesses or disabilities, contrary to laws, regulations and policies.

RECOMMENDATIONS

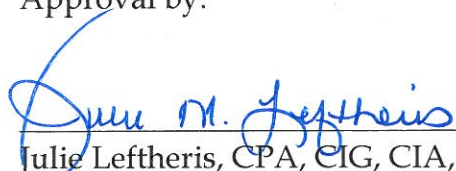
Based on the findings in the investigative report we recommend the following:

1. New College of Florida take appropriate action to ensure student admissions practices are in compliance with federal and state laws, as well as Board of Governors regulations and university policies.
2. New College of Florida take any personnel action it deems appropriate.
3. New College of Florida conduct an objective review of the applicants that may have been negatively impacted by its admissions practices.
4. New College of Florida include a copy of this investigative report should a public records request be submitted for its internal investigative report related to the initial complaint it received related to this matter.

ACKNOWLEDGEMENTS

We wish to thank New College’s administration and staff for their cooperation and assistance, which contributed to the successful completion of this investigation.

Approval by:



Julie Leftheris, CPA, CIG, CIA, CFE, CISA
Inspector General and Director of Compliance

**State University System of Florida Board of Governors
Office of the Inspector General and Director of Compliance**

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Donal O'Shea, President, New College of Florida

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Marshall M. Criser III, Chancellor, Board of Governors

Statement of Accordance

The OIGC was established under sections 20.055 and 20.155, Florida Statutes. Its mission is to promote accountability, integrity, and efficiency by providing quality audits, investigations, management reviews, and technical assistance.

This work product was prepared in accordance with *Board of Governors Regulation 4.004 Board of Governors Oversight Enforcement Authority*, and the *Principles and Standards for Offices of Inspectors General* as published by the Association of Inspectors General.

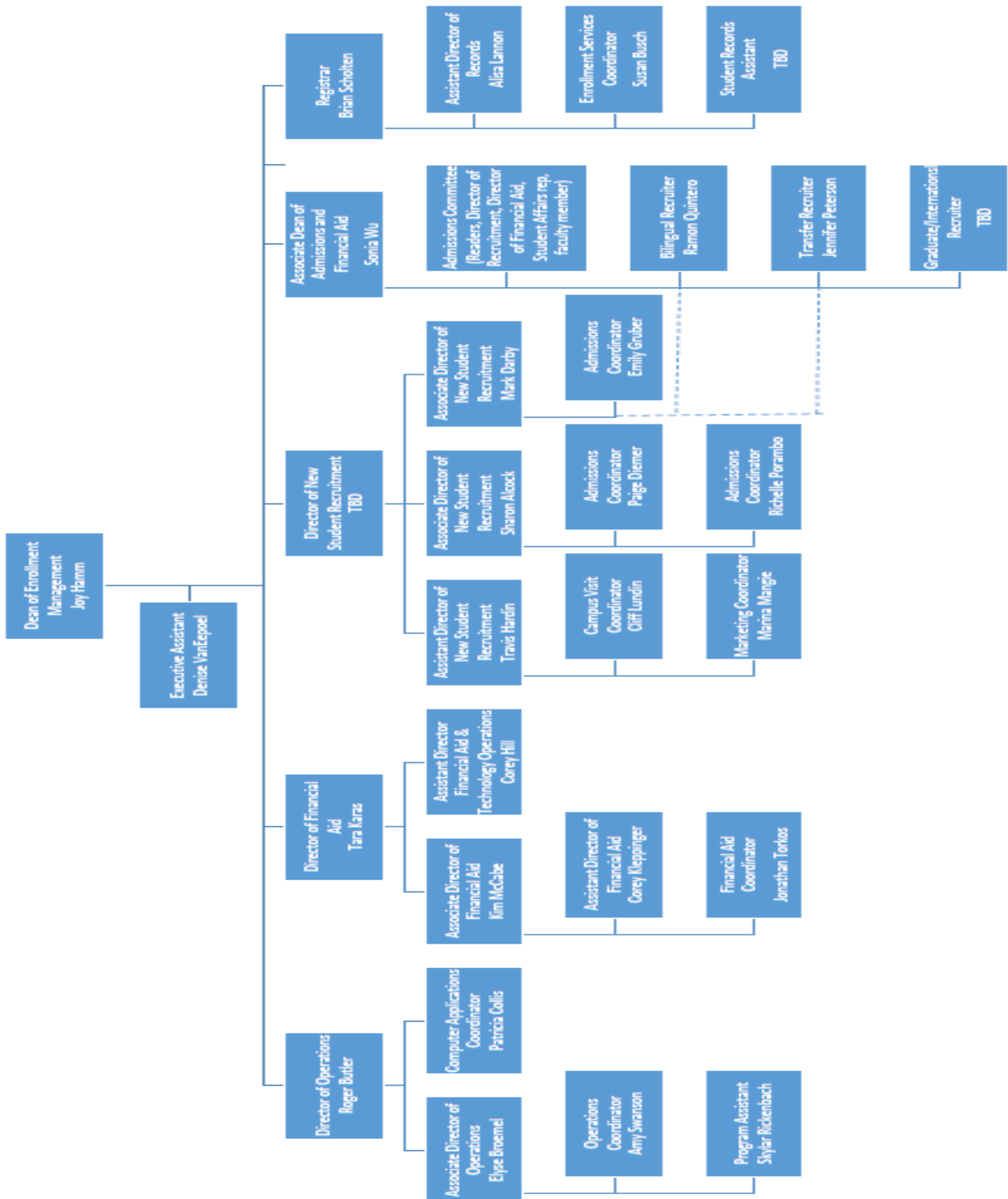
This report and other reports prepared by the OIGC can be obtained by contacting:

Public Records Custodian
Office of the General Counsel
325 West Gaines Street, Suite 1614
Tallahassee, Florida 32399-0400
(850) 245-0466

**State University System of Florida Board of Governors
Office of the Inspector General and Director of Compliance**

APPENDIX A: OFFICE OF ENROLLMENT MANAGEMENT ORG CHART

*As of April 15, 2019



**State University System of Florida Board of Governors
Office of the Inspector General and Director of Compliance**

APPENDIX B: INTERVIEW LIST

*Indicates interviewee was a *former* employee at the time of their interview.

Sharon Alcock, Associate Director of New Student Recruitment [Witness]
Reader and Admissions Review Committee Member for 2018 Admissions Cycle

Michelle Barton, Associate Professor of Psychology [Witness]
Admissions Review Committee Member for 2019 Admissions Cycle

William “Alex” Bottorff, Student Admissions Representative [Witness]

Kate Clark*, Executive Assistant to Dean of Enrollment Management [Witness]

Paige Diemer, Admissions Coordinator [Witness]
Reader for 2018 Admissions Cycles

Mitch Finer*, Director of Enrollment [Witness]
Reader for 2018 Admissions Cycles, and Admissions Review Committee Member for 2018 and 2019 Admissions Cycles

Joy Hamm, Dean of Enrollment Management [Subject]

Meighen Hopton*, Director of Disability Services [Witness]
Admissions Review Committee member for 2018 Admissions Cycle

Tara Karas, Director of Financial Aid [Witness]
Admissions Review Committee member for 2018 and 2019 Admissions Cycles

Melanie Cleveland Kiefer*, Associate Director of Enrollment [Witness]
Reader for 2018 Admissions Cycles

Clifford Lundin, Campus Visit Coordinator [Witness]

Jennifer Peterson, Transfer Admissions Coordinator [Witness]
Reader for 2019 Admissions Cycle, and Admissions Review Committee member for 2018 and 2019 Admissions Cycles

Richelle Porambo, Admissions Coordinator [Witness]
Reader for 2018 Admissions Cycles

Eugenia Quintanilla*, Student Admissions Representative [Witness]

Ramon Quintero, Bilingual Admissions Coordinator [Witness]
Reader and Admissions Review Committee member for 2019 Admissions Cycle

Maria Simmerling*, Student Admissions Representative [Witness]

Jennifer Wells, Director of Writing [Witness]

Robin Williamson, Dean of Student Affairs [Witness]
Admissions Review Committee member for 2019 Admissions Cycle

Sonia Wu, Associate Dean of Enrollment Services and Director of Admissions [Witness]
Reader, as needed, and Admissions Review Committee member for 2018 and 2019 Admissions Cycles

**State University System of Florida Board of Governors
Office of the Inspector General and Director of Compliance**

APPENDIX C: UNIVERSITY RESPONSE



New College
THE HONORS COLLEGE of Florida

Office of the President

August 16, 2019

Via Email

Julie Leftheris, Inspector General and Director of Compliance
State University System of Florida Board of Governors
Office of Inspector General and Director of Compliance
625 West Gaines Street, Suite 1633
Tallahassee, FL 32399-0400

Re: Response to Draft Report of Investigation – OIGC Case No. 2019-072

Dear Ms. Leftheris:

In accordance with Board of Governors Regulation 4.004(4), New College of Florida (“New College”) submits this response to the Draft Report of the Office of the Inspector General and Director of Compliance (“OIGC”) dated July 19, 2019. First and foremost, New College expresses its appreciation for the OIGC’s investigation and report related to the admissions practices of the College. New College desired and welcomed an independent investigation of these issues, and the OIGC’s Report has been an invaluable resource in identifying areas in which the College must modify and improve its practices.

Indeed, the Draft Report has been a significant catalyst for institutional self-reflection and change, and the College is working diligently to follow the Recommendations set forth in the Report. New College has already taken action to change the leadership of the enrollment management department. Further, College officials are implementing a comprehensive review of admissions processes to ensure that all applicants, including those who disclose a disability or a mental illness, are treated fairly and equitably in accordance with transparent admissions criteria.

Moving forward, New College will engage the resources of disability advocacy groups to provide expertise regarding proper processes and training. We will work with the Board of Governors and the State University System to find the proper balance between our legal and moral obligations to equitably review applicants, identify and provide accommodations to students with disabilities, and protect the safety and well-being of our campus community.

As part of its comprehensive review, New College will also engage students and alumni to elicit information regarding their experiences with disability accommodation at the College, and to identify changes that can be made to make the educational experience at the College more

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**State University System of Florida Board of Governors
Office of the Inspector General and Director of Compliance**

Ms. Julie Leftheris
August 16, 2019
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accessible and supportive. Moreover, in accordance with the Draft Report Recommendations, the College will objectively and critically review the materials of applicants from the 2018 and 2019 admissions cycles who self-disclosed disabilities or mental health issues to determine if any of those applicants should be granted admission and will take any necessary appropriate action with regard to those applicants.

New College exists to prepare intellectually curious students for lives of great achievement. Our students, faculty and staff have shown unwavering dedication to working towards a truly inclusive community dedicated to excellence and student agency. With the guidance and support of the Board of Governors and our peer institutions, New College is staunchly committed to implementing necessary changes to ensure that all applicants are reviewed and considered in a fair, transparent and non-discriminatory manner. We look forward to working with you as we implement these changes so that New College and our students can realize their deepest aspirations.

Respectfully,



Donal O'Shea
President