



STATE
UNIVERSITY
SYSTEM
of FLORIDA
Board of Governors

AGENDA

Audit and Compliance Committee
Emerson Alumni Hall
University of Florida
1938 West University Avenue
Gainesville, Florida 32603
January 16, 2013
1:30 p.m. - 2:30 p.m.

Vice Chair: Mr. John Temple
Members: Carter, Frost Kuntz, Stavros, Webster

1. Call to Order Governor John Temple
2. [Approval of Minutes for November 7, 2012,
Audit and Compliance Committee Meeting](#) Governor Temple
3. [Discussion: Florida A&M University Anti-Hazing
Program Investigation](#) **Mr. Derry Harper,**
*Inspector General and
Director of Compliance,
Board of Governors*
4. Concluding Remarks and Adjournment Governor Temple

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**STATE UNIVERSITY SYSTEM OF FLORIDA
BOARD OF GOVERNORS
Audit and Compliance Committee
January 16, 2013**

SUBJECT: Approval of Minutes of Meeting held November 7, 2012

PROPOSED COMMITTEE ACTION

Approval of Minutes of meeting held on November 7, 2012.

AUTHORITY FOR BOARD OF GOVERNORS ACTION

Article IX, Section 7, Florida Constitution

BACKGROUND INFORMATION

Board members will review and approve the Minutes of the meeting held November 7, 2012.

Supporting Documentation Included: Minutes: November 7, 2012

Facilitators/Presenters: Governor John Temple

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MINUTES
BOARD OF GOVERNORS
STATE UNIVERSITY SYSTEM OF FLORIDA
AUDIT AND COMPLIANCE COMMITTEE
NEW COLLEGE OF FLORIDA
SARASOTA, FLORIDA
NOVEMBER 7, 2012

*Video or audio archives of the meetings of the Board of Governors
and its Committees are accessible at <http://www.flbog.edu/>.*

The chair, Ava Parker, convened the meeting of the Audit and Compliance Committee at 1:33 p.m., at the Sudakoff Conference Center, New College of Florida, in Sarasota, Florida. The following members were present: Matthew Carter, Patricia Frost, Tom Kuntz, Gus Stavros, John Temple, and Elizabeth Webster.

1. Call to Order

Ms. Parker called the meeting to order.

2. Approval of Minutes

Mr. Carter moved that the Committee approve the Minutes of the meeting of the Board of Governors Audit and Compliance Committee (Audit Committee) held June 21, 2012, as presented. Mr. Kuntz seconded the motion. The Minutes were approved.

3. Report: Florida A&M University Division of Audit and Compliance Corrective Action Plan

Mr. Derry Harper introduced an invited speaker, Mr. Rick Givens, the Vice President for Audit and Compliance at Florida A&M University (FAMU), to present the University's corrective action plan as requested by the Board last year. At the Committee's last meeting, June 21, 2012, Mr. Givens described FAMU's corrective action plan in response to a Whistle-blower investigation that the former Vice President for Audit and Compliance had submitted to the board of trustees and the Board of Governors audit summaries of audits that did not exist. The Committee invited Mr. Givens to today's meeting to provide them with an update of the University's further response to findings.

Mr. Givens covered the following topics in his presentation:

- A. **Background.** As a result of findings that FAMU's Division of Audit and Compliance did not follow professional standards governing the performance of

internal auditing services, the University contracted with Ernst & Young to redo eight audits or reviews that were identified in the earlier investigative report into this matter by Sniffen & Spellman, P.A. Ernst & Young was also tasked with assessing investigations to determine if they were performed objectively and in accordance with applicable professional standards and that they were adequately documented.

- B. **Audit 1: Bank Reconciliations.** Mr. Givens reported five findings: 1) procedures need to be strengthened; 2) monthly reconciliations were not completed in a timely manner, and preparation and approval dates were not consistently documented; 3) there were outstanding checks in excess of 365 days, and procedures for handling them need to be strengthened; 4) there were two occurrences of deposits outstanding greater than 30 days; and 5) reconciling items spanned more than one period, and sometimes they went across the entire fiscal year. Also, supporting documentation was not consistently maintained.

Audit 2: Athletics Revenue. Mr. Givens reported seven findings: 1) adequate documentation was not maintained for revenue collected from parking, concessions, and sponsorships; 2) there were inadequacies found on the inventory control sheets used to document program/parking sales, and the change in/out worksheets used to document cash given to employees to be used as change; 3) revenue accounts were not designed to consistently identify game revenue. The A-receipts report used to document deposits sent to the cashier's office did not agree to the game day support or the general ledger; 4) revenue recorded on the General Ledger is not reconciled to the revenue journal entry prepared by the Athletics Department; 5) duties are not adequately segregated among the collection of cash, preparation of deposits, and preparation of cash journal entries to be posted to the GL; 6) the vending permit contract does not consistently document standard rate per game or payment amounts due; 7) the University's contract with Sodexo may be unfavorable and an opportunity may exist to improve the contract's terms and impact on the University.

Audit 3: Technology Fee. Mr. Givens reported three findings: 1) technology fee funds spend are not monitored and compared to the amount budgeted for approved projects; 2) there was not a control in place to validate that recipients of the Florida Bright Futures Scholarship do not pay technology fees with scholarship funds; and 3) one project funded from Technology fees did not evidence the approval of the University President or Provost. Management was unable to provide the approval form.

Audit 4: Textbook Affordability. Mr. Givens reported six findings: 1) approximately one-third of the textbooks were not adopted and posted by the deadlines established by Board of Governors regulation; 2) textbooks were posted without the ISBN, copyright date, or published date; 3) the University

does not perform a reconciliation of textbooks and information posted to the Text Aid System and Barnes & Noble web portal; 4) course book request forms were not retained for a fall 2010 and spring 2011. Textbook requests are submitted through various methods, including online, fax, and outdated forms; 5) the Course Book Request form does not capture sufficient information to provide justification for the use of new editions; and 6) University policies and procedures do not document the textbook voucher limit of \$799 per student per semester, and PeopleSoft is not designed to limit the receipt per semester.

Audit 5: Sub-recipient Monitoring. Mr. Givens reported three findings: 1) policies and procedures could be strengthened by adding or enhancing particular areas of A-133 reporting and monitoring for compliance, among other things; 2) the Office of Sponsored Programs and Division of Audit and Compliance do not consistently maintain, review findings from, or ensure corrective action of findings on the A-133 reports; and 3) two sub-recipient payments did not evidence approval prior to payment. These invoices did not follow the standard procedures and were sent directly to the department sub-contracting the work rather than the Office of Sponsored Programs.

Audit 6: Contracts and Grants Expenditures. Mr. Givens reported one finding: policies and procedures could be strengthened by updating the purchasing department's roles and responsibilities; updating the responsibilities for maintenance of documentation; updating the names of the Financial Status reports for A-133; updating the process for review and approval of final technical reports; and updating the process for monitoring A-133 audit compliance.

Audit 7: Insurance Coverage on Buildings. Mr. Givens reported two findings: 1) the insurable value calculation did not evidence review and approval of the Director. The approval is informal and not documented; and 2) policies and procedures do not address the process for determining insurable values, frequency of the computation, or the addition or removal of assets.

Audit 8: Investigations. Mr. Givens reported five findings: 1) policies and procedures governing the conduct of investigations did not exist, creating a lack of consistency; 2) files did not include original complaint and investigator name, or certification of the investigator's independence and objectivity; 3) work papers were not clearly and completely documented to support findings in the reports; 4) the review of policies, procedures, controls, and contracts applicable to the investigation was not consistently documented in work papers; and 5) two reports were not finalized.

Mr. Givens stated that the University has corrective actions in place in response to the findings and recommendations.

[Presentation paused at 1:53 p.m. for Governor Rick Scott's presentation to the Board of Governors. Committee meeting resumed at 3:10 p.m.]

C. Presentation from Karl White, Chair of the University Board of Trustees Audit Committee. Mr. White addressed the Board of Governors to offer the Board of Trustees perspective on this matter. He said the problems fall into the following categories:

i. Issues with opportunities to improve policies.

Mr. White said the report revealed a need for more automation and staff training. He said they are working with Ernst & Young on improvements to policies, across the University. Additionally, the Board of Trustees has asked Ernst & Young to provide training for the audit committee at their next meeting.

Regarding the Athletics Department, at the last Budget & Finance Committee meeting, they asked the Athletics Director to talk with his counterpart at Florida State University and other institutions to learn about the best ways to implement their policies and procedures.

ii. Issues with opportunities to ensure policies are adhered to.

Mr. White said polices were properly in place but not adhered to. The Board of Trustees asked Dr. Robinson at their last meet to report to them at a future meeting with a more in-depth report of how they can ensure staff training is properly done.

As a result of one of the reports regarding the spending of Student Government Association funds, they determined staff training needs to take place annually because students in SGA leadership positions change each year.

iii. More investment is needed in technology and efficiencies.

Mr. White said the Board of Trustees would like to communicate to the Board of Governors that they are aware these are occurring. They have charged themselves and President Robinson with ensuring corrective actions are implemented for each area of concern.

Mr. Kuntz said the Ernst & Young report is sobering; there are a lot of issues. He asked Mr. White what their plan is to go back later and ensure policies and procedures are in place and that these problems have really been fixed. Is there a time specific date for someone to check that the corrective action plan has been implemented and that it's been effective? Mr. White said they are trying to have realistic deliverables. Regarding the Bank Reconciliations audit, there were policies and procedures in place, but over time, they fell by the wayside. The solution is to have the right policy in place as well as

the right people in place and to have the right training occurring. The Board of Trustees and President have to be accountable for ensuring these things occur.

Mr. White said the Ernst & Young report revealed the University's processes are mostly manual. They need to invest more in technology. They are trying to reach a point where they can determine a definitive date of completion, but Mr. White said he doesn't have that date now.

Mr. Kuntz suggested they establish some target dates for completion and follow-up. Without that, there could be some "slippage."

Mr. Hosseini said the University's work new plan presented by Dr. Robinson was very realistic. The one before that was a disaster. Mr. Hosseini said there should be some accountability among the Trustees; the Board of Governors trusts Trustees to look at University Work Plans and to question the President. If they had done so with the first work plan, they would not have let the President submit it to them. Mr. White said, "Point well-taken."

Mr. Colson said he spent a couple of hours with President Robinson last week in anticipation of this meeting. Mr. Colson said Universities have to rely on their Presidents. He said he's impressed with President Robinson's commitment. Mr. White responded they have to have the right people in the job.

Chancellor Brogan said institutional control is essential. Institutional Controls means having appropriate policies, practices, and procedures in place and to ensure that they are expressed to all staff. People are then held responsible for implementing them. Lastly, the Chancellor said the University needs to ensure they have people in place who are capable of implementing them.

Ms. Parker asked Mr. White to work with Rick Givens to ensure, as Mr. Kuntz suggested, timelines are added to the corrective action plan and to let the audit committee know what they are.

Ms. Parker said our Board Chair spoke to the Board of Trustee Chair to ensure they had appropriate resources to provide the appropriate oversight. Mr. White said he believes they do have sufficient resources and that they have requested training for the Board of Trustees audit committee from Ernst & Young.

Mr. White said they understand they need to take a more active role as a Board.

4. Discussion of Pending Investigations

Mr. Harper said the information he will provide to Committee members today is an update from what the Chancellor provided to Board members a couple of months

ago. The time table in that communication indicated we would be done with our investigation at about this time. The investigation began earlier this year. However, we were bound by two or three different circumstances to coordinate our investigation with the pending criminal investigation of the matters that occurred on November 19, 2011. Additionally, there was a second criminal investigation into band finances at the University.

We began our active investigation and interviews in mid-July. We have the full cooperation of the University, and are gathering additional information. At this time, Mr. Harper said we anticipate a preliminary report on institutional and internal controls issues as well as the allegations made by individuals in the next two to three weeks. The University will have 15 days to respond in writing. We will make any changes to report based upon the University's response and then will issue the final report at that time.

5. Concluding Remarks and Adjournment

The meeting of the Audit Committee was adjourned at 3:48 p.m.

Ava Parker, Chair

Lori Clark,
Compliance Analyst

**STATE UNIVERSITY SYSTEM OF FLORIDA
BOARD OF GOVERNORS
Audit and Compliance Committee
January 16, 2013**

SUBJECT: Discussion: Florida A&M University Anti-Hazing Program Investigation

PROPOSED COMMITTEE ACTION

Information only.

AUTHORITY FOR BOARD OF GOVERNORS ACTION

Article IX, Section 7, Florida Constitution

BACKGROUND INFORMATION

Mr. Harper will report to the Committee on the findings of the Office of the Inspector General investigation of Florida A&M University's Anti-Hazing Program.

Supporting Documentation Included: Chancellor's Memorandum and Report;
Preliminary Report

Facilitators/Presenters: Derry Harper

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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

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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 where 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.

The Florida A&M University Anti-Hazing Program: Preliminary Report of Investigation

OIGC COMPLAINT NO. 2011-038

December 28, 2012



**STATE UNIVERSITY SYSTEM OF FLORIDA
BOARD OF GOVERNORS**

Prepared by

**Derry Harper
OFFICE OF THE INSPECTOR GENERAL
AND DIRECTOR OF COMPLIANCE**

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NOTE: All documents, statutes and regulations referenced in the Preliminary Report of Investigation will be attached as an appendix to the Final Report. In addition, FAMU will submit a written response to the Preliminary Report of Investigation within 15 business days (excluding holidays). That document will be reviewed and attached to the Final report.

PREFACE

Pursuant to the directive from the Chair of the State University System of Florida Board of Governors (the Board of Governors), the Office of Inspector General (OIG) initiated an investigation of the Florida A&M University's Anti-hazing program, Complaint No. 2011-038.

The OIG's investigation focused on whether Florida A&M University (FAMU) had implemented a rigorous program to prevent, detect, deter and effectively sanction students engaged in hazing activities. The establishment of such a program would demonstrate sound institutional and internal controls.

"Internal controls" in this context are policies, procedures, and processes that comply with governing authorities and are effective in achieving the Board of Governors' and University's zero-tolerance hazing policy. Our review of "institutional controls," in a broad sense, sought to determine whether those policies, procedures, and processes, if adequate, were in fact being monitored and enforced. In addition, we reviewed allegations made by the former Director of Bands, Dr. Julian White, that University staff violated anti-hazing regulations or applicable state law.

ISSUES PRESENTED

I. Did FAMU, from 2007 to 2011, have in place a rigorous program designed to prevent, detect, deter and discipline students engaged in prohibited hazing activities that included the implementation of effective institutional and internal controls as required by Board of Governors and University regulations and applicable state law?

II. Did FAMU staff from on or about January 2010 to December 2011 fail to adequately address complaints of hazing, including investigating, and when appropriate, imposing appropriate discipline on students who had allegedly engaged in prohibited activity in violation of applicable regulations or law?

III. Did FAMU senior administrative staff fail to respond to allegations of hazing reported to them on or about November 8, 2011 by the former Director of Bands? And if so, does that demonstrate a reckless indifference or disregard of applicable state law, Board of Governors' or university regulations?

EXECUTIVE SUMMARY

Based upon our Preliminary and Tentative Report of Investigation, we conclude 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. The allegation that FAMU staff failed to adequately address complaints of hazing by former Director of Bands 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.

I. INTRODUCTION

A. Background

On November 19, 2011, several members of the FAMU Band were subjected to a hazing ritual called “crossing Bus C.” During the course of this incident, several students were punched, kicked and struck with fists or other objects by numerous individuals on the bus. However, one student, 26-year-old Drum Major Robert Champion, was so severely beaten that he suffered “hemorrhagic shock” due to blunt force trauma. He collapsed and was rushed to the hospital, where he was pronounced dead.

A criminal investigation was immediately launched by the Orange County Sheriff’s Office with assistance from the Florida Department of Law Enforcement (FDLE), resulting in 11 individuals being charged with a felony violation of Florida’s anti-hazing statute. In addition, FDLE initiated a separate investigation into allegations of financial improprieties by University staff responsible for the Band operations, including the disappearance of approximately \$30,000 in cash.

On November 29, 2011, the Chair of the Board of Governors notified FAMU’s Board of Trustees that the Chancellor had been directed to investigate allegations that University staff had exhibited a reckless disregard towards complaints brought to their attention by the former director of the Band. In addition, the investigation would determine whether FAMU had implemented a rigorous anti-hazing program in compliance with applicable law, Board of Governors and University regulations.

B. Scope and Methodology

The scope of the investigation, conducted by the OIG, with assistance from the Office of the Governor Chief Inspector General, included an assessment of the effectiveness of institutional and internal controls established by the University in compliance with Board of Governors and University regulations, as well as state law. The OIG Investigative Team was comprised of personnel from three state agency offices of inspector general.

Investigative activity by the OIG was limited during the time period between January and June 2012 to the review of documents in accordance with a protocol requested by FDLE to ensure that the Board’s investigation would in no way interfere with the two ongoing criminal investigations into the death of Mr. Champion and of the Band finances.

The investigation was focused on whether the University had implemented a rigorous program of enforcement to detect, deter and effectively sanction students engaged in hazing activities. In addition, the OIG was asked to investigate specific allegations that University staff violated anti-hazing regulations or applicable state law.

In conducting this investigation, the OIG:

- Conducted more than 35 interviews of current and former FAMU staff, including the past president, Chief of Police and director of the Band.
- Reviewed and analyzed approximately 7,000 pages of documents provided by FAMU and other individuals, including previous reports related to internal controls issued by other organizations, the investigative summary of the Band finances, and the criminal Report of Investigation by FDLE of alleged hazing of FAMU students.
- Reviewed and analyzed all relevant governing authorities, including statutes, policies and procedures related to the FAMU Student Code of Conduct and hazing.
- Reviewed the Council of Student Affairs matrix developed and presented to the Board of Governors Academic and Student Affairs Committee.

In order to validate the methodology and approach, the OIG discussed the investigation's methodology with various subject matter experts, including Board of Governors staff and student affairs offices at other state universities. In addition, the OIG reviewed reports published by respected scholars that analyzed factors that contribute to a culture of hazing and the structure, process and procedures necessary to detect, deter and prevent hazing.

The review was focused on three primary components of anti-hazing:

- 1) The Band anti-hazing workshop during pre-drill and student orientation;
- 2) The University's student disciplinary process including, but not limited to, the Student Code of Conduct and the anti-hazing regulation as the mechanism for prevention, investigation and enforcement; and
- 3) The FAMU Police Department, which was the primary organizational unit relied upon to investigate allegations of hazing.

This systemic assessment of institutional and internal controls was designed to identify deficiencies in the structure of the University's anti-hazing program, and the effectiveness of senior management to monitor and assess whether the program was achieving its objective of detecting, deterring and, when necessary, disciplining students who engaged in hazing.

C. Summary of Case

In the FAMU governance structure, the Band is a student organization. From 2007 through 2011, the Director of Bands and the Chair of the Department of Music positions were held by one person, Dr. Julian White. Band operations staff included FAMU faculty and administrative personnel. As a student organization, student participation in the Band was subject to rules and criteria, including enrollment in the University and in a specific music class. At various times in the last 20 years,

students enrolled at Tallahassee Community College (TCC) and Florida State University (FSU) and who were also enrolled in the required music class were allowed to participate in the Band. More than 400 Band members made up the FAMU travel squad in 2011.

In 1998, President Frederick Humphries issued a new directive for Band operations, "The Florida A&M University Division of Bands Anti-hazing Directive." This Directive, which replaced the prior version adopted in 1989 stated, in pertinent part:

1. *Under no circumstances shall hazing be conducted, permitted or tolerated by any member of the University Band(s). Any Band member involved in hazing activities shall be immediately suspended from the Band(s) pending a disciplinary hearing. These students shall be immediately reported to the University Judicial Office for appropriate action.*
.....
3. *All members of music organizations, including vocal and instrumental, must be properly enrolled as a student at FAMU, FSU, or TCC before participation in the marching Band program in the Fall. The Dean of the College of Arts and Sciences will have the Registrar to certify the Band roster of members provided by the Band director.*
4. *The Dean of the College of Arts and Sciences will provide a report to the President certifying the proper constitution of the Band membership.*
.....
10. *A member of the Office of Vice President for Student Affairs will periodically monitor the Band practice and accompany the Band on trips and at all times sit in the section with the Band. A report of observations will be sent to the Dean, College of Arts and Sciences, the Vice President for Academic Affairs, Vice President for Student Affairs and the President.*

The above conditions shall not be changed, modified or altered without the prior written permission of the President.

Since 1998, key provisions of the Directive were ignored and those that were followed were not adequately documented. For example, while paragraph three requires that the Director of Bands provide a Band member roster to the Dean of the College of Arts and Sciences for certification by the Registrar's Office that all Band members are enrolled at FAMU or one of the other approved colleges, no such certification process was undertaken.

In addition, key senior staff, including then-Provost Cynthia Hughes-Harris; then-Dean of the College of Arts and Sciences Ralph Turner; and the current Vice President for Student Affairs, Dr. William Hudson; had not seen the Directive document. As a result, former Dean Turner did not evaluate the Director of Bands to determine whether the Directive was ever implemented.

D. The Office of Judicial Affairs

The Judicial Affairs Office is responsible for the implementation of the University's Student Code of Conduct. The Dean of Students is responsible for managing the Judicial Affairs Office, including acting as supervisor of the Judicial Officer. Among other duties, the Judicial Affairs Officer is responsible for reviewing and resolving complaints of alleged violations of the Code, including hazing. In addition, the Judicial Affairs Officer convenes hearing panels comprised of faculty and students to hear evidence as part of the due process afforded students charged with violations of the Student Code of Conduct. The hearing panel's decision can be appealed to various levels, including a review by the Dean of Students. Because of this appellate review authority, the Dean of Students was not involved in any aspect of the hearing panel's review. This responsibility was assigned solely to the Judicial Affairs Officer.

In 2007, the Director of Judicial Affairs retired and other staff reductions occurred. From 2007 to 2011, all of the duties and responsibilities of the Judicial Affairs Officer was handled by one person. The current Judicial Affairs Officer is an Administrative Assistant. Though a former law enforcement officer, he has received no training designed to enhance the performance of his duties.

From 2007 to 2011, the Judicial Affairs Officer maintained all the files related to hazing and other Student Code of Conduct-related matters. Though these files were securely maintained, there is no file index plan, electronic storage capability or any system for tracking complaints, hearing-related matters or other administrative activities related to the process of resolving complaints of hazing. The paper-driven file system is organized by year and in alphabetical order by student name. However, no index of cases, such as a spreadsheet, is maintained for use to locate or pull requested files. Instead, research and identification of past disciplinary files must be done by hand. The number of files maintained in this manner is large.

Some written policies and procedures for handling hazing complaints do exist. These procedures rely upon a review or investigation of hazing complaints by the FAMU Police Department. When complaints of hazing are received by the Judicial Affairs Office, the procedures require referral to the FAMU Police Department for investigation. In the majority of cases, Judicial Affairs would take no action, including a determination whether immediate suspension of students allegedly involved in hazing from the Band warranted their immediate suspension from the University until the police investigation was completed and a report issued.

The FAMU Police Department is a sworn law enforcement entity responsible for investigation of any suspected criminal activity on the FAMU campus. Its officers are authorized to investigate, arrest, and aid in the prosecution of any individual, including students, alleged to have committed a violation of Florida criminal statutes.

From 2007 to 2011, the FAMU Police Department investigated 17 alleged criminal hazing violations. In eight of these cases, an investigative report was issued and then referred to the Judicial Affairs Office. In the other nine cases, FAMU police did not refer the matter to the Judicial Affairs Office and offered no explanation for its

failure to do so. Although the FAMU Police Department had no written policies or procedures that required referral of hazing matters to the Judicial Affairs Office, the members of the department were aware that Student Code of Conduct violations may have occurred.

From 2008 to the fall 2011, there were no reported cases of hazing investigated by the FAMU Police Department or reviewed by the Judicial Affairs Office to determine if violations of the Student Code of Conduct had occurred. In 2006 and 2009, pursuant to Board of Governors regulation, the University conducted a review of the Student Code of Conduct Regulation, including the Judicial Affairs process. It is unclear what changes, if any were implemented as a result of the 2006 review. No files or other documents developed during the 2009 review could be located, although the Board of Governors Regulation Development Procedure for University Board of Trustees requires adopted, amended, or repealed regulations be filed with the university's president or designee.

On or about October 8, 2011, the former Director of Bands, Dr. White, became aware of possible hazing activity by members of the trombone section of the Band. Dr. White sent suspension letters, dated November 8, 2011, to the students, with copies to various members of the senior team, including then-President James Ammons, Dr. Hughes-Harris, Dr. Hudson, and the Chief of Police Calvin Ross. The letters notified the students they could not participate in Band performances and were subject to further disciplinary action pursuant to the Student Code of Conduct. Dr. White reported the alleged hazing to the FAMU Police Department and followed up with additional written communications. However, Dr. White did not send the suspension letters to the Judicial Affairs Officer or Dean of Students, Henry Kirby.

The FAMU Police Department initiated an investigation on November 15, 2011, that included interviews of approximately 26 freshman members of the trombone section. The case was closed on January 12, 2012, due to a lack of evidence. All students denied participating in any hazing activity or being a victim of hazing.

On or about November 1, 2011, a female student member of the Band was subjected to a ritual or initiation process by other members of the Band that included blows to her legs or thighs. She reported this incident to the FAMU Police Department on November 7, 2011 as hazing, identifying several individuals who struck her. One of these individuals had been charged with hazing in 2007 and dismissed from the Band, but was subsequently reinstated by Dr. White. The complaint of hazing and initiation, a criminal matter, was not referred to the Judicial Affairs Office until December 12, 2011. During the investigation, officers confirmed that one of the individuals involved in the incident had been mistakenly identified by the victim. The investigation later determined that in fact another member of the Band had been involved. This individual was on the band roster and had been approved to participate in the Florida Classic on November 19, 2011. He was one of the 11 persons charged with felony hazing, including the incident involving Mr. Champion.

E. The November 16th Meeting

At the request of Dr. Ammons, the former Provost convened a meeting on November 16, 2011. The President was made aware of potential hazing activity at the upcoming Florida Classic game upon receipt of an email from a Band staff member. He directed the Provost, Dr. Hughes-Harris, to meet with other senior staff to discuss the matter.

Dr. Hughes-Harris, Dr. Hudson, Dean Kirby, Chief Ross, Lieutenant Kirkland and Dr. White met around 2:30 p.m. Earlier that day, Dean Kirby received a call from a person who lived near the campus and had heard loud noises at a nearby house and suspected it involved members of the Band engaging in hazing. She called police to report the incident, then she went to the house and told someone that the police were on the way. By the time officers responded, the house was empty. Dean Kirby thought the November 16, 2011 meeting was about this incident. Instead, during the meeting, he learned the Provost and other senior staff had been asked to discuss options for dealing with recently reported cases of hazing and the potential that Band members might engage in such activities at the Florida Classic.

The substance of the conversation widely varies on several key points, depending on the interview subject. The Provost disputed the testimony by the Dean of Students and Chief of Police regarding whether a recommendation to suspend the Band from participating in the Classic was made. Notes prepared after the meeting by the Dean of Students and hand-written notes taken at the meeting by the Vice President of Student Affairs reflect that this option was considered. At the conclusion of the meeting, the Dean of Students and Chief of Police held a meeting with the Band that included a stern warning that hazing is prohibited and that anyone involved in such activity would be dealt with harshly, including suspension, expulsion or referral to the FAMU Police Department for investigation and prosecution under Florida law.

Dr. Hughes-Harris recalled she spoke to Dr. Ammons by phone. The two agree that Dr. Hughes-Harris told Dr. Ammons the matter had been handled by having the Dean of Students and Chief of Police speak to the Band.

The tragic events and circumstances of November 19, 2011, that resulted in the death of Mr. Champion were beyond the scope of this investigation. What is known is that 11 members of the Band were charged with felony hazing and face a criminal trial. One of these individuals was subsequently identified as a participant in the November 7, 2011 hazing activity that caused physical injury to a member of the Band. In addition, three of those charged were Drum Majors and were, therefore, recognized leaders within the Band hierarchy.

II. INVESTIGATION AND ANALYSIS

A. FAMU Marching 100 Band

Background:

During the period between 2007 and 2011, the FAMU Band was under the direction of the Director of Bands and Chairman of the Department of Music, Dr. Julian White. There is an Associate Director of Bands and two Assistant Director of Bands. Also listed are six sectional directors, two administrative assistants, and a Band equipment manager.

In addition, members of the FAMU Band are required to adhere to the Band Handbook and the 1998 Florida A&M University Division of Bands Anti-Hazing Directive. The Director of the Band and the faculty were subject to the provisions of the FAMU Faculty Handbook.

According to documentation received, allegations of hazing or abuse that were received by Dr. White between 2007 and 2011 were documented and distributed to FAMU senior administrators. Dr. White also suspended from the Band, members that were alleged to be involved in hazing incidents. According to files reviewed, all of Dr. White's referrals during that period were properly received by the FAMU Police Department for further investigation.

As learned from witness interviews and document reviews, after Dr. White received complaints or allegations of hazing, he would create Band suspension letters that were given to suspended Band members, as well as to senior administrative staff.

Band staff further related that an anti-hazing agreement form was signed at the beginning of the fall school semester. The anti-hazing workshop provided the Band members with information about FAMU's anti-hazing policy and penalties. However, this form did not specify how to report alleged acts of hazing. Band staff stated that reporting procedures are discussed at the pre-drill orientation; however, there are no documented instructions regarding the process for reporting hazing incidents. A review of the pre-drill and orientation packet contained anti-hazing instructions, but no procedures for reporting incidents were provided.

It was also determined that Band administrators did not properly monitor the enrollment requirement for an organized student organization. Officials gave conflicting testimony that Band members provided the senior Band equipment manager or sectional directors their class schedule to indicate their enrollment at FAMU, Florida State University, or Tallahassee Community College, and enrollment in the marching Band class MUN 1110 or MUN 3110 through cooperative education or dual enrollment. Band administrators stated that a master roster was created once Band members provided their semester course schedule printout. At no time did anyone confer with the FAMU, FSU, or TCC registrars' offices to validate students' enrollment status. Testimony indicated that no one was

sure whose responsibility it was to verify the students' status. Band staff further testified that at no point during the semester is the student's enrollment status verified. Band officials could not attest, or provide documentation, to the requirements to become a member of the Band. The pre-drill packet is given to freshman and upperclassmen at the beginning of the semester and only mentions the requirement to maintain a 2.0 GPA with regard to financial aid assistance.

Case Study #1

The FAMU Division of Bands Anti-Hazing Directive (the Directive) listed 10 directives or internal controls regarding Band member eligibility and consequences for hazing. Based upon the investigation, the OIG found five directives were not followed:

No.	Directive	Compliance Yes/No/Partial/ Unknown	Source of Evidence
1	Under no circumstances shall hazing be conducted, permitted or tolerated by any member of the University Band(s). Any band member involved in hazing activities shall be immediately suspended from the band(s) pending a disciplinary hearing. These students shall be immediately reported to the University Judicial Office for appropriate action.	Partial	Letters of suspension from the band from Dr. White as well as the testimony of Dr. White, Ms. Taylor, Dr. Chipman, and Dr. James evidencing an immediate response from Dr. White. The testimony of Dr. White, Ms. Taylor, Dr. Chipman, and Dr. James reveals Dr. White instructed complainants to report hazing incidents to the FAMU Police Department, not to the Judicial Office as is required here, as well as by the Student Code of Conduct.
2	Officers in the band and line leaders cannot impose discipline upon members of the band. Only the Division of Bands Director and his/her staff can impose discipline. Any student leader in the band who violates this directive is to be dismissed permanently from the band.	Yes	Dr. White's testimony confirms. There is no evidence of violations in documentation or testimony.
3	All members of music organizations, including vocal and instrumental, must be properly enrolled as a student at FAMU, FSU, or TCC. Under no circumstances shall non-students be allowed to participate in any musical organization. The Division of Bands Director must certify to the Dean of the College of Arts and Sciences, that all band members are duly enrolled at FAMU, FSU or TCC before participation in the marching band program in the Fall. The Dean of the College of Arts and Sciences will have the Registrar to certify the band roster of members provided by the band director.	No	The cover memo for disseminating the Master Roster dated September 2, 2005, from Dr. White to Band staff states, "Under no circumstances are students from Tallahassee Community College or Florida State University allowed to participate." The Master Roster following the cover letter in the packet of materials provided to the OIG on November 30, 2012, reveals numerous FSU and TCC students. There were also names on the list with no school affiliation. Some are listed as "not enrolled," and others have GPAs less than 2.0 (some less than 1.0). No explanation was provided as to why numerous names were handwritten on the roster for FAMU, or why FSU and TCC students were allowed to participate in the band, contrary to Dr. White's cover memo. There is no

No.	Directive	Compliance Yes/No/Partial/ Unknown	Source of Evidence
			<p>documentation in follow-up to the September 2 memo.</p> <p>In a memo dated August 24, 2005, Dr. White requests the Band staff to ensure receipt of scholarship documentation from the students (class schedule, financial aid award letter, etc), and to “confirm registration and enrollments as a FAMU student.” There is no documentation showing any response to his request.</p> <p>In a memo from Dr. White to Band staff, dated September 29, 2011, he requests staff “identify those persons who are no longer marching in the band....I need your help in identifying those persons who have quit so that we can adjust scholarships and adjust our integrity level with them.” There is no evidence of compliance or response.</p> <p>In Chuck Hobbs’s letter of November 25, 2011, to Dr. Ammons on behalf of Dr. White, a copy of Dr. White’s June 23, 2011, memo to “All Students” is included. He requests students send to him by August 22, 2011, a copy of their class schedules, among other things. No other supporting documentation was provided to show student compliance with this request.</p> <p>Testimony of Ms. Taylor, Dr. Chipman, and Dr. James confirm that no one routinely verified student enrollment. Former Interim President Castell Bryant instructed Dr. White not to permit non-FAMU students in the Band. When she left and former Dr. Ammons took office, he instructed Dr. White to open the band to FSU and TCC students. The testimony of Dr. White, Dr. Bryant and Dr. Ammons confirms these decisions, and that the 1998 Directive document was not revised in accordance with those decisions. Dr. White testified that the Directive document has not been updated and is still considered the governing authority for band operations and student eligibility.</p> <p>Additionally, Dr. White testified that he did provide band rosters to the Dean of the College of Arts and Sciences, but that might have only been done once or twice; he said the Dean did not ask for the</p>

No.	Directive	Compliance Yes/No/Partial/ Unknown	Source of Evidence
			<p>information, so he did not provide it.</p> <p>Dean Ralph Turner testified that he did not request band member enrollment/eligibility to be certified by the Registrar's Office.</p>
4	The Dean of the College of Arts and Sciences will provide a report to the President certifying the proper constitution of the band membership.	No	Dr. White testified that the Dean did not provide such a report to the President, but he does not know why.
5	All band members must go through early processing and clearance of their financial aid status.	Unknown	<p>Dr. White testified that this is out of his area of responsibility. Directive #9 requires that "...band directors and staff will meet during the first week of band practice to communicate the University's anti-hazing policies <i>and directives</i> to band members." [Emphasis added].</p> <p>Dr. White's documents did reveal the inclusion of a statement for band members to ensure they submitted the required documentation for their scholarships, and he sent a memo to "All Students" dated June 23, 2011, to request they send him a copy of their class schedules (among other things) by August 22, 2011.</p>
6	The academic performance of all band members shall be monitored on a continuous basis.	No	<p>Dr. White testified that his administrative assistant, Kimberly Taylor, was to work with the Registrar's Office to check band members' GPAs. There is no evidence of compliance.</p> <p>Ms. Taylor testified that she works primarily with prospective students. She said the class professor is the one who normally checks rosters; she said she is not required to check them or verify enrollment.</p> <p>Aside from the September 2, 2005 memo from Dr. White to Band staff with the Master Roster included, there is no evidence that anyone verified student enrollment.</p>
7	Under no circumstances shall there be unsupervised band rehearsals. A faculty member must be present at all rehearsals. Band sectional leaders shall not be allowed to supervise band rehearsals.	Unknown	<p>In a memo dated September 8, 2004, from Dr. White to Band staff, he lists duties he expects from band staff regarding the Band's conduct and decorum. The third item listed states, "Supervision and/or conducting <u>ALL</u> sectional rehearsals."</p> <p>On page 13 of the Band Handbook & Constitution, it states that "...weekly sectional rehearsals are conducted by the Director of Bands, Assistant</p>

No.	Directive	Compliance Yes/No/Partial/ Unknown	Source of Evidence
			Directors and Section Leaders of the Marching Band." There is no statement in the documents reviewed that explicitly states a faculty member must be present at all rehearsals as is required in this directive.
8	No former band member or alumnus of the band will be permitted to haze or discipline members of the band. No former band members will be allowed in the band section at football games or to participate in practice sessions. The band is to be supervised and trained by the University band staff. If former band members or band alumni are to assist the band staff, such a member or members must have the written approval of the Director of Bands and the Dean of the College of Arts and Sciences. A record of this approval will be kept in the Dean's Office.	Unknown	There is no evidence that former members were allowed in the band section at football games or in practice sessions. Additionally, we received no copies of approval for former members to assist in any way with the band in the documents provided from the Dean of the College of Arts and Sciences, the band department or Dr. White.
9	The band directors and staff will meet during the first week of band practice to communicate the University's anti-hazing policies and directives to band members. A memorandum attesting to these actions will be given to each band member.	Partial	<p>There is no evidence that the Directive document was provided to students or incorporated into appropriate documents such as the Band Handbook & Constitution.</p> <p>Orientation and pre-drill documents confirm an anti-hazing session is conducted at the beginning of the fall term. Additionally, Dr. Chipman provided copies of the anti-hazing workshop materials he uses each year.</p> <p>Other than the materials noted above, there is no memo "attesting to these actions" that was given to each band member. Students are required to sign a "Hazing and Harassment Agreement" confirming they have read the anti-hazing statute and that they will not participate in hazing, and that attestation is turned into Dr. White.</p>
10	A member of the Office of Vice President for Student Affairs will periodically monitor the band practice and accompany the band on trips and at all times sit in the section with the band. A report of observations will be sent to the Dean, College of Arts and Sciences, the Vice President for Academic Affairs, Vice President for Student Affairs and the President.	No	<p>The testimony of Dr. White, as well as Dr. Hudson, the Vice President for Student Affairs, confirmed that no one from the Vice President's office monitors the Band's activities, accompanies them on trips, or sits with them in the band section at games or performances.</p> <p>Additionally, no completed report of observations was contained in the documents we received. Dr. White provided the OIG with a blank observation form, but stated that he had used it, but no longer</p>

No.	Directive	Compliance Yes/No/Partial/ Unknown	Source of Evidence
			did.
n/a	The above conditions shall not be changed, modified or altered without the prior written permission of the President.	No	<p>Dr. Ammons and Dr. White both testified that this document has not been updated, and it is still valid. Dr. Ammons said he had not been notified of any changes to these directives. Dr. White admitted that not all were followed.</p> <p>Dr. White, Dr. Bryant, Dr. Ammons, Dr. Chipman, and Dr. James all testified that FSU and TCC students were not permitted to participate in the band during President Bryant's tenure. Under Dr. Ammons's tenure as president, FSU and TCC students were allowed to participate, but the 1998 Directive document was not revised.</p>

Findings:

The OIG reviewed Band suspension letters for the years 2007 through 2011. It was determined that the FAMU Police Department received and reviewed the allegations of hazing and abuse that were documented in the suspension letters.

According to the Judicial Affairs Office testimony, an alleged hazing violation was not reviewed by that office unless a final report was received from the FAMU Police Department. However, Student Code of Conduct Regulation 2.012 states that the Judicial Affairs Office should review all alleged violations of the student conduct code.

Although Dr. White provided senior administrators with documentation of alleged hazing incidents, there is no file index or tracking system in place to record, monitor, and track hazing incidents that are received.

Band staff could not identify who was responsible for monitoring the student status to participate in the Band. According to FAMU's website regarding Student Organizations, participating students are required to be in good standing and maintain an overall GPA of 2.0.

It is also concluded that the 1998 Division of Bands Anti-Hazing Directive is discussed, but not properly followed. Although various Band staff were aware of the Directive, they were unsure of its contents.

B. FAMU Office of Judicial Affairs and Resource Services

Background :

The FAMU Division of Student Affairs houses the Judicial Affairs Office. The focus of the office is student success and development, and is designed to provide all community members with accurate information regarding the Student Code of Conduct. The office is also responsible for all judicial matters. According to documentation and witness testimony:

- The Vice President for Student Affairs supervises the Dean of Students, who oversees the Office of Judicial Affairs and Resource Services.
- Since the retirement of Dr. Junious Brown, the Director of Judicial Affairs, in 2007, the Administrative Assistant has served as the “Judicial Affairs Officer,” reporting to the Dean of Students.
- It is the responsibility of the Judicial Affairs Officer position to review all violations of the Student Code of Conduct and draft any letters of suspension or dismissal to the accused students.

Section 1006.63, Florida Statutes, defines hazing as a third degree felony or a first degree misdemeanor, and requires universities to provide their policy, rules, and penalties to each student enrolled and include the bylaws of every sanctioned organization.

Board of Governors Regulation 6.0105, governing Student Conduct and Discipline, establishes that each university has a student disciplinary system. Paragraph (7) requires that the “university shall provide notice to the victim of his or her rights at least five regular business days before the disciplinary hearing.”

FAMU’s Student Code of Conduct Regulation 2.012 states:

- a. Accordingly, all alleged violations of the Code shall be referred to the University Judicial Officer. Students, faculty and staff members may allege violations of the Code and make their report in writing to the Judicial Office.”*
- b. The offense hazing is defined as noted in FAMU Regulation 2.028. Penalty: See subsections (3) and (4) of said regulation.”*
- d. The University has a Zero Tolerance Policy for the use, possession, manufacturing or distribution of illegal drugs and/or substances.
 - i. Zero Tolerance means that the student may be removed from University housing, and up to suspension or expulsion from the University.**
- e. (9) The President of the University or the Vice President for Student Affairs may expel, dismiss or suspend any student when the student’s conduct is detrimental to*

the University and involves disruption of the University process or is dangerous to the health, safety and morals of the University community.(Emphasis added)

f. (13) The University may summarily dismiss or expel any student or group of students, pending a hearing at a later date if requested, under the following circumstances:

- i. The continued presence of the student on campus is likely to create interference with the educational process and/or the orderly operation of the University; or*
- ii. The continued presence of the student on campus is likely to endanger the health, safety, welfare or property of the University community; or*
- iii. The offense or conduct committed by the student is of such a serious, heinous or repulsive nature, as to adversely affect the University community and the student's suitability as a member of the academic community.*

FAMU's Due Process Regulation 2.013(1)(l) states:

The student's status will remain unchanged pending the university's final decision in the matter, except where the president or president's designee determines that the safety, health or general welfare of the student or the university is involved. A student's enrollment status may be changed only in cases where the president or president's designee determines that an emergency exists, which affects the safety, health or general welfare of the student or other students or the university and/or its employees. (Emphasis added)

The version of FAMU's Anti-Hazing Regulation 2.028 in place during 2011 defines hazing, lists penalties, and requires sanctioned university organizations to include an anti-hazing section in their bylaws. The regulation was revised in May 2012 and now includes three new paragraphs regarding a required timeframe within which to report an incident of hazing, a prohibition of retaliation against a victim of hazing, and a provision for a hazing victim who believes he or she has been retaliated against to report it to the appropriate officials.

During his interview on July 10, 2012, Dean Kirby provided a document entitled, "Judicial Affairs Procedure Chart." The chart describes the process for handling a complaint or police report. Once a complaint or police report is received, the Judicial Affairs Officer reviews it to determine whether the student's conduct poses an immediate threat to the campus community.

Dean Kirby also provided a document entitled, "The Judicial Procedure/Process," which contains excerpts from the Student Code of Conduct. The introductory paragraph states:

Any reports of criminal activity are reported immediately to law enforcement for proper investigation. The Judicial process begins when a law enforcement/report (usually a police report) is forwarded to the University Judicial Office regarding possible violations of the Student Code of Conduct.

The language above from the “Judicial Affairs Procedure/Process” document contradicts the provisions of the Student Code of Conduct. Based upon review of documents and interviews with staff, in numerous instances, the Judicial Affairs Office did not receive immediate notification from the FAMU Police Department that the Student Code of Conduct may have been violated by individuals being investigated for alleged crimes. Although a complaint of hazing clearly warrants an investigation to determine if a criminal violation can be proven, the Student Code of Conduct specifically states that all violations “shall be referred to the University Judicial Officer.” Even if the criminal investigation does not produce sufficient proof for prosecution, the Judicial Affairs Office should review it to determine whether a disciplinary proceeding should be initiated under the Student Code of Conduct.

Following a site visit and interviews with the University Judicial Officer, the OIG learned that the Judicial Affairs Office does not have a centralized database to maintain a digital copy or history of students who went through the disciplinary process. All judicial files are maintained in hard copy and stored alphabetically by student name and year of occurrence. Should anyone request a copy of a particular file, not knowing the year, the University Judicial Officer would need to manually review each year to locate the file.

According to the University Judicial Officer, since the retirement in 2007 of the Director of Judicial Affairs (whose position was not filled due to budget restrictions), the only person responsible for all judicial disciplinary reviews is an administrative assistant. This position did not receive a new title, nor a salary increase upon receiving all of the duties set forth in the Student Code of Conduct from 2007 until present.

According to Dean Kirby, the FAMU disciplinary process contained in the Student Code of Conduct Regulation was reviewed in 2006 and 2009, and another review is currently underway. Dean Kirby stated that the documentation for the 2009 review could not be located and therefore was not provided. The Board of Governors Regulation Development Procedure for university boards of trustees requires adopted, amended, or repealed regulations be filed with the university’s president or designee. It is unknown if the university’s president or his designee has this information available.

Case Study #2

Of the 17 hazing complaints received by the FAMU Police Department, nine were not provided to the Judicial Affairs Office for further review. No explanation was provided as to why the complaint files were not sent to that office.

Additionally, the final FAMU Police Department reports provided to the Judicial Affairs Office were not provided immediately. In one instance (2007-874), the subject was arrested on December 5, 2007, and the Judicial Affairs Office did not receive notification until January 22, 2008. FAMU Police Department staff provided

no explanation for the delays and none could be ascertained from the case file review.

There are two sections of the Student Code of Conduct that state the University, the President, or Vice President of Student Affairs or designee, may expel, dismiss, or suspend a student for certain violations. (See Sections 9 and 13) The only applicability is if the conduct is dangerous to the "health, safety, and morals." In instances of bodily harm (FAMU Police Department Case No. 2011-943), the level of concern for the safety of the University student body should have been determined immediately.

A summary of our analysis is set forth in the "2007-2011 FAMU Department of Public Safety (PD) and Office of Judicial Affairs (JA) Analysis of Hazing Complaints."

Findings:

Although the "Judicial Procedures/Process" description obtained from Dean Kirby, which is an internal document, states that "Any reports of criminal activity are reported immediately to law enforcement for proper investigation," the Student Code of Conduct, accessible to all students and University staff, does not. The Code states, "Accordingly, all alleged violations of the Code shall be referred to the University Judicial Officer. Students, faculty and staff members may allege violations of the Code and make their report in writing to the Judicial Office." (Emphasis added) This clearly places the responsibility on the Judicial Officer to determine whether the student violated the Student Code of Conduct. It is concerning that the Student Code of Conduct does not specifically address the responsibility of the FAMU Police Department and their role in investigations. The Code, as written, appears to reflect that the investigations will be conducted by the University Judicial Officer.

The only mention of the term "zero tolerance" in the Code is found in the section about illegal drugs and/or substances. The term is not used within the Code for hazing violations.

The "Judicial Procedure/Process" specifically relates that action taken by the office is dependent upon the final disposition/investigative report from law enforcement. Additionally, in testimony from Dean Kirby and the Judicial Affairs Officer, the Judicial Affairs Office relies on the completed investigative report from the FAMU Police Department before determining appropriate actions.

The "Judicial Affairs Procedure Chart" outlines the disciplinary process for the student should a violation of Section 13 occur or if another violation of the Student Code of Conduct occurs. The chart specifies the review for "immediate threat;" however, this term is not found within the Code. It appears that the University Judicial Officer makes the decision as to whether the alleged violation is an "immediate threat."

C. FAMU Department of Public Safety

Background:

The FAMU Department of Public Safety is a full service law enforcement agency tasked with providing safety, security, enforcement and other related services to the university community.

The FAMU Police Department has authority to apprehend and arrest anyone involved in illegal acts on campus and areas adjacent thereto. If minor offenses involving University rules and regulations are committed by a University student, the campus police may also refer the individual to the University Judicial Affairs Office or Dean of Students.

Major offenses may require joint investigative efforts with other local and state law enforcement agencies. The prosecution of all criminal offenses, both felony and misdemeanor, are conducted at county, state and federal court levels.

University Police personnel work closely with local, state and federal police agencies and have direct radio communication with the Tallahassee Police Department and the Leon County Sheriff's Department. The FAMU Police Department is also a part of the Leon County 911 Emergency System.

By mutual agreement with state and federal agencies, the University Police maintains a National Law Enforcement Telecommunications Network terminal. Through this system, police personnel can access the National Crime Information Computer system, as well as the Florida Crime Information Center. These computer databases are used for accessing criminal history data, nationwide police records, driver/vehicle identification information, as well as other local, state and federal law enforcement information.

The OIG's review examined the office's responses, documentation, investigation and referral of hazing complaints. A review was also conducted of FAMU Police Department's anti-hazing outreach programs.

The assessment of internal and institutional controls of the FAMU Police Department included:

- Review of numerous documents submitted by the FAMU Police Department regarding complaints of hazing;
- Examination of FAMU Police Department investigative records;
- Evaluation of FAMU Police Department investigative process;
- Interviews of FAMU Police Department Staff; and
- Review of all pertinent statutes, regulations, and policies applicable to the FAMU Police Department.

The powers, duties and responsibilities regarding University Police are set forth in section 1012.97, Florida Statutes.

FAMU Student Code of Conduct Regulation 2.012(2) does not specifically address the role of the FAMU Police Department and their duties, but states in pertinent part:

(2) As members of the academic community, students enjoy the rights and privileges that accrue to such membership including, but not limited to, academic freedom and participation in the decision-making processes of the University. Additionally, students are subject to the obligations and duties that accompany this membership and are responsible for compliance with the requirements of law and with all governance by students, faculty, and staff. It is incumbent upon members of the campus community to notify the appropriate judicial body or officials of a violation of these regulations, to encourage all to comply with them, and assist in their enforcement by testifying as witnesses when called upon to do so. Accordingly, all alleged violations of the Code shall be referred to the University Judicial Officer. Students, faculty and staff members may allege violations of the Code and make their report in writing to the Judicial Office.

FAMU Department of Public Safety investigations are governed by General Order 4, Chapter 9, section 1012.97, Florida Statutes, University Police and Mutual Aid Agreements between the FAMU Police Department, the Tallahassee Police Department, and Leon County Sheriff's Office. These general orders, Florida Statutes, and Mutual Aid Agreements govern how the FAMU Police Department conducts its investigation and defines where they are able to exercise this authority.

According to testimony from the FAMU Police Department staff, it is FAMU's Police Department's practice to turn all cases that involve criminal activity over to the Judicial Affairs Office upon completion of their investigation and issuance of an investigative report. However, there are no written directives, policies or procedures that memorialize this practice.

Case Study #3

Analysis of FAMU Police Department Case No. 2011-943 showed that FAMU Band member "Student A" reported on November 7, 2011, to the FAMU Police Department that she was hazed at an off-campus residence by three Band members. The case was subsequently given to the Tallahassee Police Department (TPD) as the incident occurred off campus. Although the FAMU Police Department report stated that the victim, "Student A," identified "Student B" as the individual that struck her several times on November 2, 2011, the TPD Report stated that "Student A" identified "Student C" as the individual that struck her multiple times. *This information was not relayed by TPD to the FAMU Police Department, nor given to the Judicial Affairs Office in a timely manner.* Thus, "Student C" remained a member of the Band through the investigative process (from November 7 to December 16, 2011) and subsequently traveled with the Band to the Florida Classic. "Student C" was arrested in the alleged hazing incident involving Mr. Champion.

Findings:

The OIG conducted a comprehensive review of the FAMU Police Department from calendar year 2007 to 2011. From interviews with Lieutenant Angela Kirkland, Records Clerk Calvenia White, and Interim Police Chief John Earst and review of documents collected, it appears the FAMU Police Department received 17 reports of hazing that were investigated. Seven arrests resulted from these investigations. Two (#2011-997 and 2011-943) of the 17 were turned over to TPD for investigation. For Case No. 2011-997, there was a delay of approximately 60 days before being turned over to TPD. The delay of reporting along with an uncooperative witness was cited by the TPD as a reason the case could not be prosecuted.

During the review of the FAMU Police Department's Anti-Hazing Program, the OIG interviewed Sergeant Sherri Luke. She stated that a safety-on-campus program is conducted at every student orientation and when organizations request it. The program includes a section on anti-hazing, in which the state statute on anti-hazing and the university policy are reviewed. There is no standard presentation, nor does the FAMU Police Department keep track of when they gave the presentations or who attended them.

The OIG investigation revealed:

- There is no policy or procedure on how hazing reports or any other criminal activity are reported from the FAMU Police Department to the Judicial Affairs Office.
- There is no tracking system that shows that one department has received a complaint or information from another department or the outcome of the complaint. Without these policies or procedures and tracking system in place, there have been time lapses in information being reported or information is not reported at all.

Case Study #4: The November 16, 2011 Meeting

Dr. Hughes-Harris convened a meeting on November 16, 2011 at the request of Dr. Ammons. He told her he had become aware of potential hazing activity at the upcoming Florida Classic game after reading an email from Robert Griffin, a Band staff member. The OIG received a copy of an email from Robert Griffin to Dr. White with a copy to Dr. Ammons (among others) after all interviews for this investigation had been conducted. It was not possible to confirm this is the same email that Dr. Ammons referred to in his interview.

Dr. Hughes-Harris, Dr. Hudson, Dean Kirby, Chief Ross, Lieutenant Kirkland and Dr. White met around 2:30 p.m. Earlier that day, Dean Kirby received a call from a person reporting she had heard loud noises and activity at the house next door. She suspected it involved members of the Band engaging in hazing activities and called the police to report the incident. However, prior to the police responding, she went to the house to tell them the police were on the way. By the time officers responded, the house was empty. Dean Kirby thought the November 16, 2011, meeting was about this incident. Instead, during the meeting, he learned the

Provost and other senior staff had been asked to attend to discuss options for dealing with recently reported cases of hazing and the potential that Band members might engage in such activities at the Florida Classic.

The testimony of the participants as to what was discussed widely varies on several key points. The testimony regarding whether a recommendation to suspend the Band was made by Dean Kirby and Chief Ross is disputed by Dr. Hughes-Harris. Notes prepared after the meeting by Dean Kirby and handwritten notes taken at the meeting by the Dr. Hudson, reflect this option was discussed. At the conclusion of the meeting, Dean Kirby and Chief Ross held a meeting with the Band that included a stern warning that hazing is prohibited and that anyone involved in such activity would be dealt with harshly, including suspension, dismissal, expulsion and referral to the FAMU Police Department for investigation and prosecution.

Dr. Hughes-Harris recalled she spoke to Dr. Ammons by phone. The two agree that Dr. Hughes-Harris told Dr. Ammons the matter had been handled by having the Dean of Students and Chief of Police speak to the Band.

Below is a brief summary of the participants' recollections:

- Dr. Hughes-Harris only recalled Dr. Hudson suggesting a "mock arrest" and someone suggesting revoking Band members' scholarships. She does not recall anyone suggesting suspension of the Band. She stated that Dr. Ammons asked her to hold the meeting because he "had heard hazing would occur at the Classic." She related that she contacted Dr. Ammons by phone the next day to relay the results, which included Dr. White, Dean Kirby, and Chief Ross admonishing the Band that afternoon to not engage in hazing.
- Dr. Hudson recalled Dr. Hughes-Harris "listening" to the group, Dr. White stating that he had already suspended students, which would "eliminate the problem," and Dean Kirby recommending "the Kappa Effect," referring to the 2005 suspension of the Greek Fraternity Kappa Alpha Psi until 2013. He also recalled Chief Ross expressing that the "Band should not be able to go to games like the Classic." He stated that Chief Ross said "nothing would change unless we do something drastic." Dr. Hudson confirmed that he recommended a "mock arrest" of Dr. White on the football field during the Classic. Dr. Hudson said that there was "no formal recommendations made, just a broad discussion over things to consider."
- Former Police Chief Calvin Ross testified that he did recommend suspending the Band. According to Chief Ross, he told Dr. White that the only way for us to send a strong message to students is to do something that is totally "draconian," something not been done before. He recommended that the entire Band not go to the Classic. He said Dr. White looked surprised, and told the Provost, "That would never be supported."
- Then Dean Kirby said, "I think we should impose the 'Kappa Effect' and they should be suspended." Dean Kirby told Dr. White that he had

recommended this before. Dean Kirby said, “You remember, Doc, I recommended you and the Band be suspended awhile back.”

- Lt. Angela Kirkland related that she was asked to attend the meeting in case the Chief was called away. She explained there were no minutes of the meeting and does recall Kirby suggesting suspension of the Band, but explained “it seemed to be an informal suggestion and did not appear to be considered by the attendees as an action item.”
- According to Dean Kirby, he agreed with Chief Ross’s suggestion to suspend the Band and added they should implement the “Kappa Effect” to get Band members’ attention. Instead, the group agreed to meet with the Band at that afternoon’s regularly scheduled rehearsal to speak harshly to them about hazing.

D. Complaint of Dr. Julian White:

Allegation:

WHETHER FAMU’S SENIOR ADMINISTRATIVE STAFF FAILED TO RESPOND TO INCIDENTS OF HAZING REPORTED TO THEM ON OR ABOUT NOVEMBER 8, 2011 BY THE FORMER DIRECTOR OF BANDS, AND IF SO, WHETHER SUCH FAILURE DEMONSTRATES A RECKLESS INDIFFERENCE OR DISREGARD OF APPLICABLE STATE LAW, BOARD OF GOVERNORS’ OR UNIVERSITY REGULATIONS?

Finding:

UNSUBSTANTIATED

In a letter dated November 25, 2011 from his attorney, Dr. White, former Chair of the Music Department and Director of Bands, alleged that FAMU’s administration – responsible for the implementation of the anti-hazing program – demonstrated a “reckless indifference” for compliance with applicable laws and regulations by failing to respond to complaints of hazing he reported on or about November 8, 2011 (Complaint). The Complaint asserted that:

From an administrative standpoint, however, hazing within the Marching 100 has often been met with reckless indifference by White’s superior officers who often ignored his requests for assistance or, who privately lauded his decisions to suspend members from the band for hazing while failing to ensure that hazers were either charged with applicable criminal offenses or expelled as students from the university.

In addition, the Complaint alleged that Dr. White, after receiving “notice” of hazing activities that occurred at FAMU’s October 2011 homecoming game within two sections of the Band – the clarinet and trombones – suspended approximately 30 students from the Band. Courtesy copies of the suspension letters were sent to University administrators including Chief Ross, Dean Turner, Dr. Hudson, Dr. Hughes-Harris and Dr. Ammons. Furthermore, Dr. White alleged that on

November 16, 2011, he sent a memorandum to the FAMU Police Department that identified students alleged to have been involved in hazing and other band members who may have participated. In the memorandum, Dr. White described his intention to suspend 26 students from participating in the Band's performance at the Florida Classic. The memorandum indicates copies of the document were sent to the same senior administrative staff listed on the November 8th suspension letters. The Complaint states:

Despite his actions, in recent years, there has been little uniformity in discipline in the form of University-wide suspensions or expulsions, or uniformity in resolve with respect to providing Dr. White with greater university support in efforts to control hazing.

The Complaint strongly asserted that had disciplinary proceedings commenced before Mr. Champion's death "in the form of suspending the band prior to the Florida Classic, in his opinion if [sic] was possible he would not have died." The Complaint further states:

What makes this even more troubling is the fact that the appearance of financial gain – the Florida Classic is a major money maker for the University and the Marching 100 is a key feature attraction – may have impacted whether Dr. White's superiors chose not to suspend the band or Dr. White following his disclosure and suspension from the band individuals implicated in the post homecoming hazing activities.

Due to the criminal investigation of the events surrounding Mr. Champion's death, and a separate Florida Department of Law Enforcement investigation of alleged financial irregularities within the Band finances, the OIG could not contact Dr. White until July 2012 to request an interview regarding the Complaint. Despite numerous attempts through his attorney to confirm a date and time, Dr. White did not agree to an interview until November 16, 2012.

During the interview, Dr. White explained that the primary basis for his assertion that the administration failed to respond to his November 2011 reports of hazing activities was that the, "University took no action until after Mr. Champion's death on November 19, 2011." To support this assertion, Dr. White cited the November 16, 2011 meeting. He said that at the meeting attended by Dr. Hughes-Harris, Dr. Hudson, Dean Kirby and Chief Ross, among others, there was a discussion about suspending the Band. Dr. White said Dean Kirby mentioned this option and cited an incident years earlier when it was discussed.

In response to questions, Dr. White explained that despite the assertion made in the Complaint, he would not and did not recommend that the Band be suspended from performing at the Florida Classic. According to Dr. White, Dr. Hughes-Harris stated she did not have the authority to suspend the Band and that he (White) did not have power to do so. Dr. White said he agreed with the others at the meeting that Chief Ross and Dean Kirby should talk to the Band. Dr. White said he would

not have brought up suspending the Band from performing at Florida Classic because he “believed the guilty had been punished.” He explained that there were over 300 students in the Band and it would not have been appropriate to suspend the entire group because of the actions of a few. Dr. White said the decision to talk to the Band and not suspend them from performing was consistent with the views he expressed at the November 16, 2011 meeting.

However, when Dr. White’s interview resumed after a brief break, he changed his previous testimony, stating that he did recommend the Band not perform at the Florida Classic. He explained that had Dr. Ammons decided to do so, he would have supported this action. He further explained that facts presented at the meeting mitigated against suspension as an option because of the financial impact it would have on revenues from the game.

In a response to a question as to why in his November 16, 2011 memorandum to the FAMU Police Department, written earlier that day, he did not recommend suspension of the Band, Dr. White replied he did not go into the meeting with the intention of taking this position. It was only after Dean Kirby broached the subject of suspension that Dr. White considered it as an option.

Dr. White stated that the University’s failure to adequately respond to incidents of hazing he reported is supported by the administrators’ response to the November 8, 2011 suspension letters. When asked if he had any other evidence to support this assertion, he did not except for his view that few students suspended from the Band were expelled, fined or given probation.

Finding:

Dr. White’s assertion that University administrators’ response to reported cases of hazing in November 2011 demonstrated “reckless indifference or disregard for compliance with laws and regulations” rests on two points: 1) his assertion that the suspension letters dated November 8, 2011 did not result in disciplinary action until after the death of Mr. Champion on November 19, 2011, and 2) Dr. Ammons’ decision to reject Dr. White’s recommendation, along with that of Dean Kirby and Chief Ross, that the Band not be allowed to perform at the Florida Classic, was motivated by financial gain.

Based upon the OIG investigation and conflicting testimony of the participants in the November 16 meeting, including Dr. White’s, the allegation of reckless indifference or disregard for applicable governing authorities was not substantiated. As previously noted, the OIG investigation analyzed the handling of all reported cases of hazing from 2007 to 2011 including the incidents of hazing referenced in Dr. White’s November 8, 2011, suspension letters and other suspension notices sent to band members in the fall of 2011. As evidenced by the November 16, 2011 memorandum to FAMU Police Department, Dr. White routinely referred these matters to university law enforcement. These matters, including Dr. White’s suspension of 26 members of the trombone section, were investigated by the FAMU Police Department. The fact that the criminal investigation of some of

these incidents was concluded after November 19, 2011, does not support Dr. White's allegation of reckless indifference or disregard. The OIG investigation did confirm that Dr. White's letters were received by the administrators he copied, but that because the letters were sent by campus mail or hand delivered, it is reasonable to conclude that the administrators saw the letters sometime after November 19, 2011, based upon the general practices in place for handling correspondence.

Because of the conflicting testimony of the participants at the November 16, 2011 meeting, including Dr. White's, there is insufficient evidence to support his assertion of reckless indifference or disregard. As detailed in previous sections of the Report, there is evidence that suspension of the Band was discussed. It is also clear that as a result of the meeting, Dean Kirby and Chief Ross talked to the Band about hazing. However, none of the participants recall Dr. White recommending or supporting the option of suspending the Band. In fact, Dr. White during his interview initially stated he was opposed to this action though he later changed his statement asserting that, in fact, he recommended the Band not be allowed to perform at the Florida Classic.

During his interview regarding this allegation, Dr. Ammons said he asked Dr. Hughes-Harris to meet with Dr. Hudson, Dean Kirby, Chief Ross and Dr. White on November 16, 2011 to discuss concerns about hazing activity at the Florida Classic. Dr. Ammons said he had seen an email from one of the assistant band directors that was sent to Dr. White. After reading the email, which Dr. Ammons said indicated that hazing activity was taking place in the trombone section of the Band, he became concerned and asked the Provost to hold a meeting to discuss the matter. Dr. Ammons said he spoke to Dr. Hughes-Harris the next day while he was traveling to Orlando. During this conversation, they discussed several matters including her meeting about hazing. Dr. Hughes-Harris told him that, after the meeting, senior staff talked to the Band about hazing and Dr. White had addressed the other issues. He and the Provost talked about many things.

Dr. Ammons said his decision to allow the Band to perform at the Florida Classic had nothing to do with financial considerations and was based upon receiving no recommendation to suspend the Band. Dr. Ammons said the band does *not* make money for the university; rather, it *costs* the university money. He explained again that the decision to not shut the band down was because he did not receive a recommendation to do so, and he was told the issues had been addressed.

As to whether he received some communication from Dr. Hughes-Harris that Dean Kirby and Chief Ross had recommended the band be shut down in the November 16th meeting, Dr. Ammons responded, "No."

Dr. Ammons said Dean Kirby and Chief Ross did not recommend to him that the Band should be suspended from performing. He said weeks after the death of Mr. Champion, he received information that there might have been such a recommendation. Dr. Ammons had no confidence that the recommendation was actually made. He explained that the Florida Classic is the largest event of the

season, and for FAMU's band not to be at the Florida Classic would have been huge news. He said he would have heard about it right away. Because of this, Dr. Ammons once again said he had no confidence that it was a recommendation. Suspension of the Band may have been mentioned along with many other things and if Chief Ross felt that way he would have expected to receive a call from him.

When asked if anyone else could have suspended the band, Dr. Ammons responded, "Yes, Dr. White could have." Dr. Ammons explained that if Dr. White had suggested the Band be suspended, then he (Ammons) would have done so. Dr. Ammons said, once again, that the Florida Classic is the *largest* event of the year. If Dr. White had said the Band should not perform, then they wouldn't have gone.

After being shown some of the White suspension letters, Dr. Ammons was asked if he had received them after Mr. Champion's death. Dr. Ammons explained that when he received these types of letters he would provide a copy of them to the Vice President of Student Affairs and the Chief of Police, even though those individuals were copied initially, in order to ensure they would handle them. In describing the process for handling letters he received regarding allegations of hazing, Dr. Ammons said if they were not marked confidential then his assistant would ensure that they were routed to the appropriate staff. He stated that the last batch he received was confidential regarding the alleged hazing of a student in the trombones section. These letters were marked confidential, so he opened them himself – as was his practice. Dr. Ammons said he did not open these letters until he returned to the office Monday morning after the Florida Classic.

While the OIG investigation identified significant institutional and internal control deficiencies that contributed to uneven enforcement of FAMU's anti-hazing regulation, Dr. White's allegation that the University's handling of hazing cases he reported in the fall of 2011 demonstrated a reckless indifference or disregard for applicable laws and regulations cannot be substantiated based upon our review and analysis of these matters.

III. CONCLUSIONS

In our Preliminary and Tentative Report of Investigation, we conclude that the FAMU anti-hazing program failed to comply with applicable regulations and state law due to inadequate internal controls. The allegation by Dr. White that the staff failed to respond to allegations of hazing he reported in the fall of 2011 – and if that demonstrated a “reckless indifference or disregard” for applicable law and regulations – was unsubstantiated. However, we conclude that the University was unable to demonstrate the existence of adequate institutional controls to ensure the effective implementation of the hazing and Student Code of Conduct regulations, and Band Directive, which formed the basis of the anti-hazing program.

Based upon our review of reported cases of hazing from 2007-2011:

- hazing complaints were not routinely forwarded to the Office of Judicial Affairs for review and disciplinary action, if appropriate;
- band member eligibility was seldom if ever verified with the Registrar;
- there was no written policy on how to report hazing incidents;
- there was no training of the Judicial Affairs Officer;
- there was no centralized database within the Office of Student Affairs to track hazing complaints
- there was no communication protocol between the FAMU Police Department and the Office of Judicial Affairs
- in many instances, there was a lack of communication between the two offices with regard to hazing complaints.

FAMU’s written response will be submitted within 15 business days (excluding holidays) and carefully considered prior to the issuance of a Final Report of Investigation.

IV. FLORIDA A&M UNIVERSITY CORRECTIVE ACTIONS

FAMU reported that the following actions have been taken since November 2011:

- The University Board of Trustees revised its anti-hazing policy to include a non-retaliation component and a requirement for more timely reporting of suspected hazing incidents.
- The University has hosted town-hall meetings on the issue of hazing.
- The University incorporated a module on anti-hazing in the freshman studies course.
- The University established an internal anti-hazing research initiative, established an external anti-hazing committee and reached out to student and community groups and other universities to foster greater understanding of hazing's dangers and consequences.
- FAMU's new, robust anti-hazing plan includes an official anti-hazing website where students can report incidents of hazing.
- The University approved the hiring of a new special assistant to the president on hazing and a new compliance officer for the Department of Music compliance officer; and augmentation of the staff in the Office of Judicial Affairs.
- The University implemented new membership intake procedures that require "recertification" of student organizations. Additionally, the university now requires students to sign an anti-hazing pledge.

**V. FLORIDA A&M UNIVERSITY RESPONSE
TO REPORT OF INVESTIGATION**

(FAMU will have 15 business days to respond in writing to this report. Their response will be included in the final report.)

APPENDIX

(To be included in the final report.)

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