



FAMU

FLORIDA
AGRICULTURAL AND
MECHANICAL
UNIVERSITY

STRATEGIC EXCELLENCE

2019 MANAGEMENT SEMINAR

**STRATEGIC EXCELLENCE
2019 FAMU MANAGEMENT SEMINAR
APRIL 4, 2019**

- 8:00 – 8:30 **Registration** – Continental Breakfast
- 8:30 – 8:45 **Opening Remarks** - President Larry Robinson
- 8:45 – 9:40 **Strategic Priorities 2 and 3: Intellectual Property, Technology Transfer & Commercialization**
Tanaga Boozer, U.S. Patent and Trademark Office
- 9:45 – 10:15 **Strategic Priority 5 and 6: Cybersecurity Awareness and Best Practices**
Ronald Henry II, Chief Information Officer & Clifford Stokes, Jr., Chief Information Security Officer
- 10:15 – 10:30 **Break**
- 10:30 – 11:10 **Strategic Priority 5: Compliance and Ethics**
Rica Calhoun, Esq., Chief Compliance and Ethics Officer
- 11:15 – 12:15 **Strategic Priority 5: Current Trends in Labor and Employment Law**
Robert E. Larkin, III, Partner, Allen, Norton & Blue, P.A.
- 12:15 – 12:45 **Lunch**
- 12:45 – 1:40 **Strategic Priority 5: FMLA and ADA**
Jennifer Williams, Partner, Cozen O'Connor
- 1:45 – 2:40 **Strategic Priority 1: Student Matters - Title IX, Mental Health Matters**
 - ❖ Mental Health – Anika Fields, Director, FAMU Counseling Center
 - ❖ Title IX Responsible employees – Carrie Gavin, Director EOP and Title IX
 - ❖ Consensual Relationship Policy – Carrie Gavin
- 2:45 – 3:15 **Strategic Priorities 4-6: University Records**
 - ❖ Public Records, Barbara A. Peterson, First Amendment Foundation, Inc.
 - ❖ FERPA Highlights– Shira Thomas, Esq. and Ana Gargollo-McDonald, Esq.
- 3:15 – 3:30 **Break**
- 3:30 – 4:25 **Strategic Priorities 1, 5, and 6: Campus Safety**
 - ❖ Cergy Campus Security Authority (CSA) Training – Sgt. Erica Herring
 - ❖ Safety and Emergency/Crisis Management Update – Angela Sutton, Chief Calloway
 - ❖ Risk Management Overview – James Jacoby, Risk Manager
 - ❖ Occupational Safety and Accident/Injury Prevention, Angela Sutton, Director, Environmental Health & Safety
- 4:30 – 4:45 **Strategic Priorities 4-5: Media and Communication Updates**
Kathy Times, Executive Associate Director, Communications
- 4:45 – 5:10 **Strategic Priority 5: Administrative and Financial Services** – Mattie Hood, Director, Procurement Services
 - ❖ Contracting Procedures – Pamela Lightbourne, Contract Administrator Manager
 - ❖ P-Card Procedures – Mattie Hood, Director, Procurement Services
- 5:15 – 5:45 **Strategic Priorities 2 and 5: Human Resources Highlights**
 - ❖ Exit Process – Sandi Smith-Anderson, Director, Human Resources
 - ❖ Cost Center Report – Joyce Ingram, Associate VP, Chief HR and Diversity Officer
 - ❖ Reference Checks – Joyce Ingram, Associate VP, Chief HR and Diversity Officer
 - ❖ Discipline of Staff Employees – Sandi Smith-Anderson, Director, Human Resources

SPECIAL ACKNOWLEDGEMENTS

Dr. Larry Robinson
Ms. Cynthia Henry

Ms. Tanaga Boozer
Robert E. Larkin, III, Esq.
Jennifer Williams, Esq.
Ms. Barbara A. Peterson

Mr. Ronald Henry II
Mr. Clifford Stokes, Jr.
Ms. Rica Calhoun
Ms. Anika Fields
Chief Terence Calloway
Sgt. Erica Herring
Ms. Angela Sutton
Ms. Mattie Hood
Ms. Pamela Lightbourne
Ms. Joyce Ingram
Ms. Sandi Smith-Anderson
Ms. Kathy Times

Shira R. Thomas, Esq.
David C. Self, II, Esq.
Ana Gargollo-McDonald, Esq.
Angelique D.K. Hutchins, Esq.
Ms. Abigail Raddar
Mr. Christian Whitaker
Ms. Carrie Gavin
Mr. James Jacoby
Mr. Dondiego Maurice
Ms. Raina Wilson

Mr. Michael Williams
Ms. Allison McNealy
Ms. Bridget Roberts
Mr. Michael Simmons
Mr. Wayne Dunwoody
Mr. Kevin Austin
Mr. Danny Malone
Ms. LaShawnda Swanigan
Ms. Sharon Snelling
Ms. Sandra Cloud
Metz Catering
FAMU Print Shop
DunbarWalker Productions

SEMINAR OUTLINES

1. **Intellectual Property, Technology Transfer & Commercialization**
2. **Cybersecurity Awareness and Best Practices**
3. **Compliance and Ethics**
4. **Current Trends in Labor and Employment Law**
5. **FMLA and ADA**
6. **Title IX, Mental Health Matters**
7. **University Records**
8. **Campus Safety**
9. **Media and Communication Updates**
10. **Administrative and Financial Services**
11. **Human Resources Highlights**

**UNITED STATES
PATENT AND TRADEMARK OFFICE**

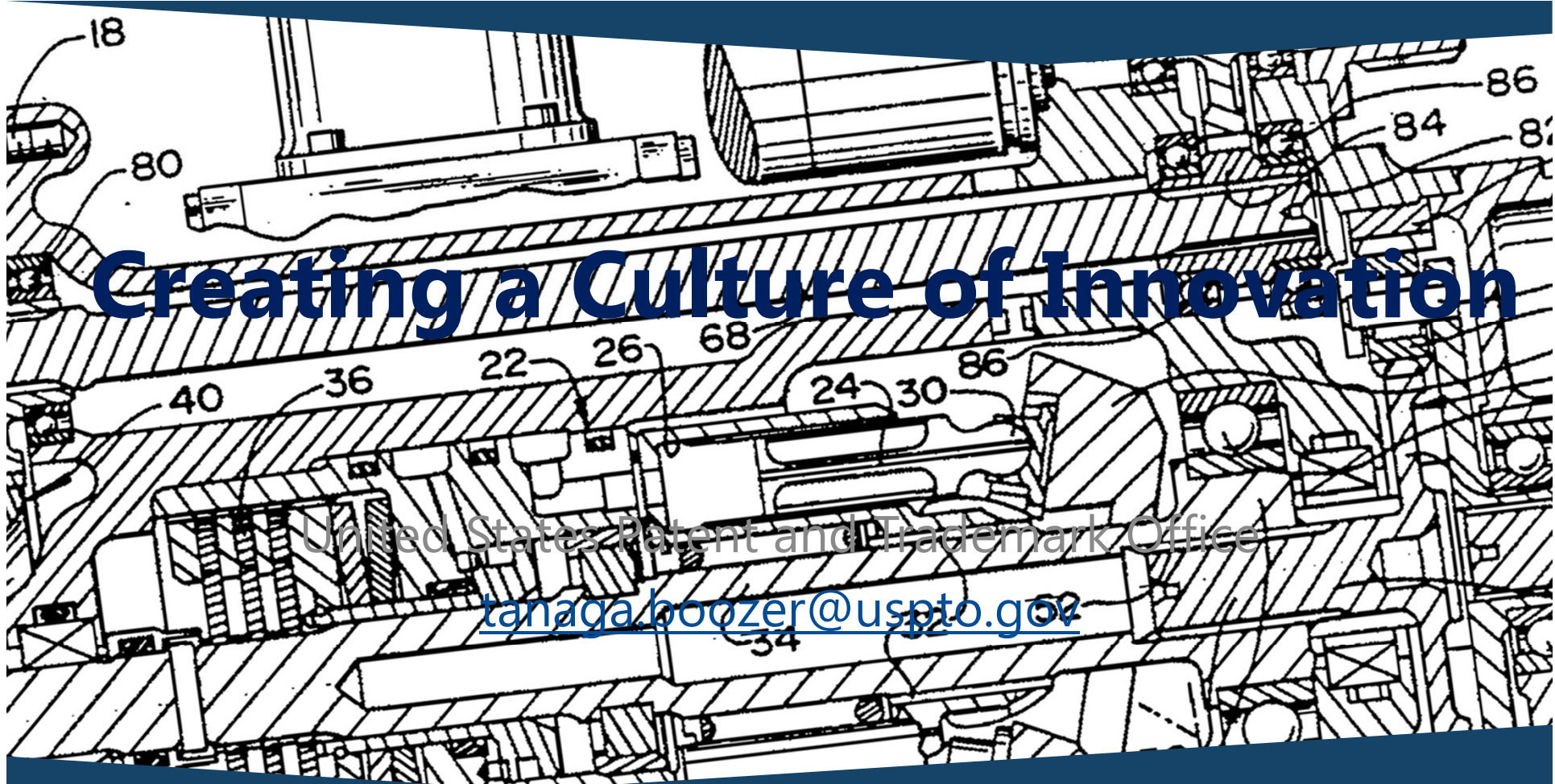
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Disclaimer

References to particular products, patents, trademarks, service marks, services, companies and/or organizations in this presentation are for illustrative and educational purposes only and do not constitute or imply endorsement by the U.S. Government, the U.S. Department of Commerce, the U.S. Patent and Trademark Office, or any other federal agency.





Creating a Culture of Innovation

United States Patent and Trademark Office
tanaga.boozer@uspto.gov





U.S. DEPARTMENT OF COMMERCE
STRATEGIC PLAN | 2018–2022



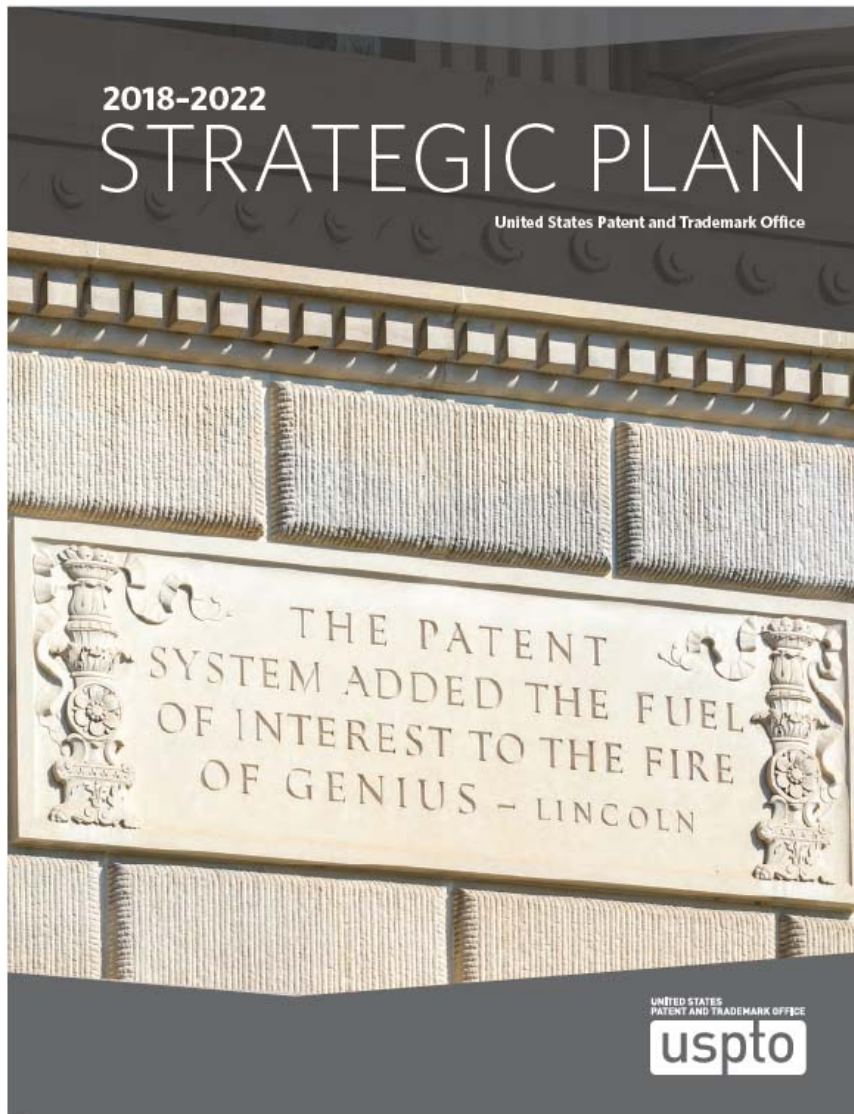
**HELPING THE AMERICAN
ECONOMY GROW**

Strategic Objective 1.2 Advance Innovation

Economists agree that innovation drives economic growth, creates jobs, raises wages, and helps Americans lead better lives. The United States has long led the world in innovation and technological advancement. To ensure that our country remains the global leader, we must innovate more and faster than the rest of the world. As a department, we are conducting foundational research and creating standards in areas such as quantum computing, artificial intelligence (AI), advanced manufacturing, and self-driving cars. We work closely with industry to create the necessary conditions for innovation in the public and private sectors. We are managing radio spectrum for the latest advances in wireless technology and helping federal agencies meet critical data priorities through joint

Strategic Objective 1.3 Strengthen Intellectual Property Protection

Maintaining a strong, high-quality, and balanced IP system lies at the core of innovation. IP protection promotes innovation because it permits a return on investment. The U.S. Patent and Trademark Office (USPTO), in coordination with agencies across the Department, works to protect IP both in the United States and abroad by providing strong and effective rights, and encouraging the development of follow-on innovation. We will continue to achieve the highest quality of patent and trademark examination to maintain industry confidence in their validity and durability.



Provide Leadership and Education on Domestic and **Intellectual Property Policy** and Awareness

Provide **domestic education on intellectual property at all levels**, including to **U.S. government agencies**, stakeholders, the public, and state and local communities

Provide intellectual property education to U.S. **businesses, educators, and audiences at all levels**, including through increased participation in USPTO domestic **education and outreach partnerships** with other U.S. government agencies



SUMMARY OF THE 2018 WHITE HOUSE STATE- FEDERAL STEM EDUCATION SUMMIT

Key takeaways from the Summit:

- **Forging stronger connections for students between education and work.** Work-based learning for students in STEM K-20 Education, including apprenticeships, internships, cooperative education, and mentorships, is possible through the external partnerships that support school and workplace collaboration. These partnerships may involve the certification and credentialing of programs at the K-20 levels and beyond. Attendees discussed ways to unite stakeholders across communities and regions to promote STEM careers supporting economic development in the Skilled Technical Workforce sphere and beyond.
- **Focusing on innovation and entrepreneurship.** Preparing today's learners for the jobs of the future and empowering America's workforce is an imperative at the forefront of the Trump Administration's agenda. Attendees discussed strategies and methods to engage all Americans in cutting-edge programs that focus on innovative ways to encourage entrepreneurship for future generations.

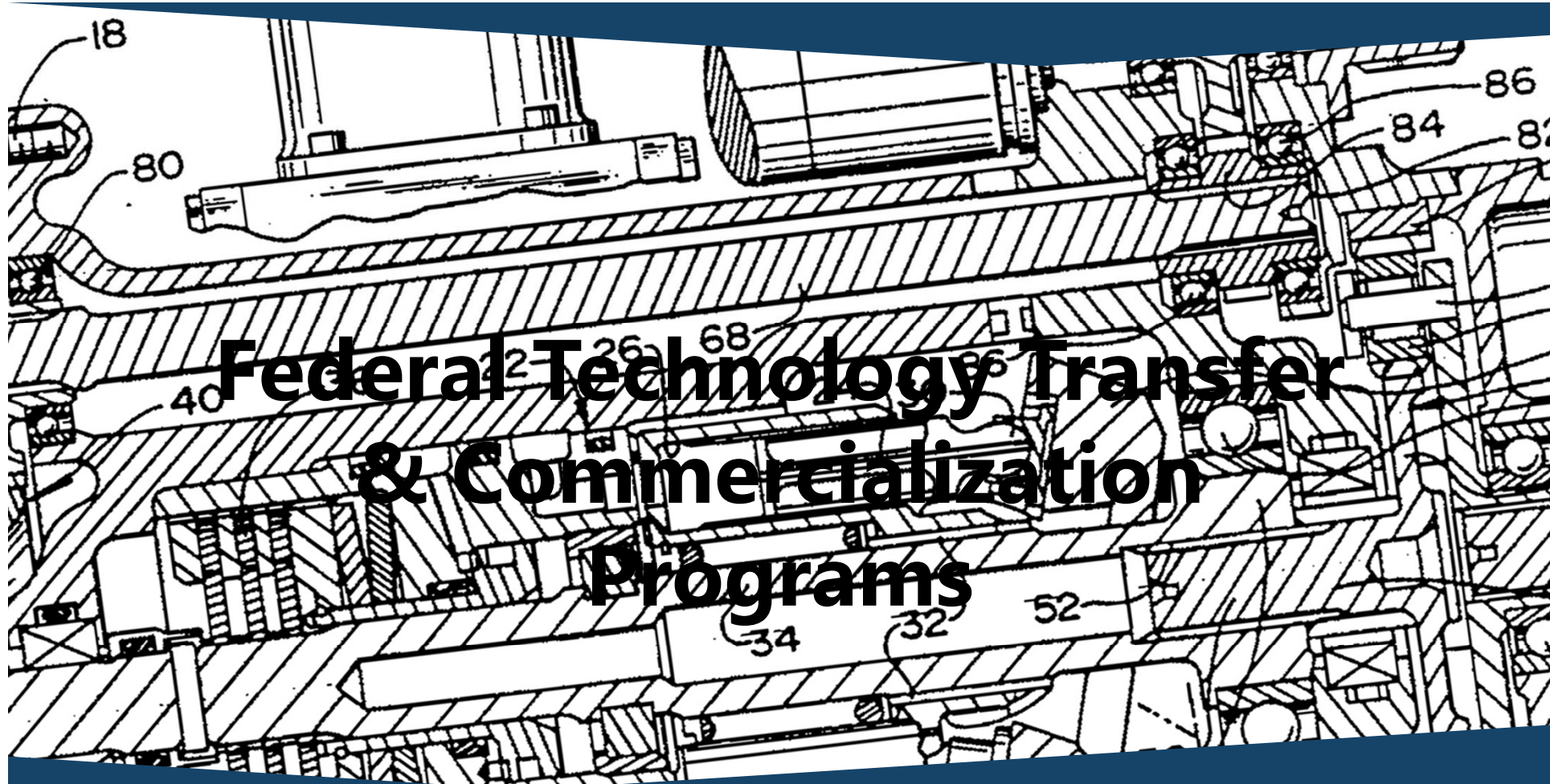
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GOALS FOR AMERICAN STEM EDUCATION																
★ Build Strong Foundations for STEM Literacy ★																
★ Increase Diversity, Equity, and Inclusion in STEM ★																
★ Prepare the STEM Workforce for the Future ★																
Pathways	Objectives	DOC	DoD	DOE	DHS	DOI	DOL	DOS	DOT	ED	EPA	HHS	NASA	NSF	SI	USDA
Develop and Enrich Strategic Partnerships	Foster STEM Ecosystems that Unite Communities	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
	Increase Work-Based Learning and Training through Educator-Employer Partnerships	●	●	●	●	●	●			●	●	●	●	●	●	●
	Blend Successful Practices from Across the Learning Landscape	●	●	●	●		●	●		●	●			●	●	●
Engage Students where Disciplines Converge	Advance Innovation and Entrepreneurship Education	●	●	●				●		●	●	●		●		●
	Make Mathematics a Magnet	●	●							●				●		●
	Encourage Transdisciplinary Learning	●	●	●	●	●		●		●	●	●	●	●	●	●
Build Computational Literacy	Promote Digital Literacy and Cyber Safety	●	●		●			●		●		●		●		●
	Make Computational Thinking An Integral Element of All Education	●	●	●	●	●				●		●		●	●	●
	Expand Digital Platforms for Teaching and Learning	●		●	●			●		●				●	●	●

NEW FEDERAL STEM EDUCATION PLAN

- Build Strong Foundations for STEM Literacy
- Increase Diversity, Equity, and Inclusion in STEM
- Prepare the STEM Workforce for the Future
- **Advance Innovation and Entrepreneurship Education**





Federal Technology Transfer & Commercialization Programs

UNITED STATES
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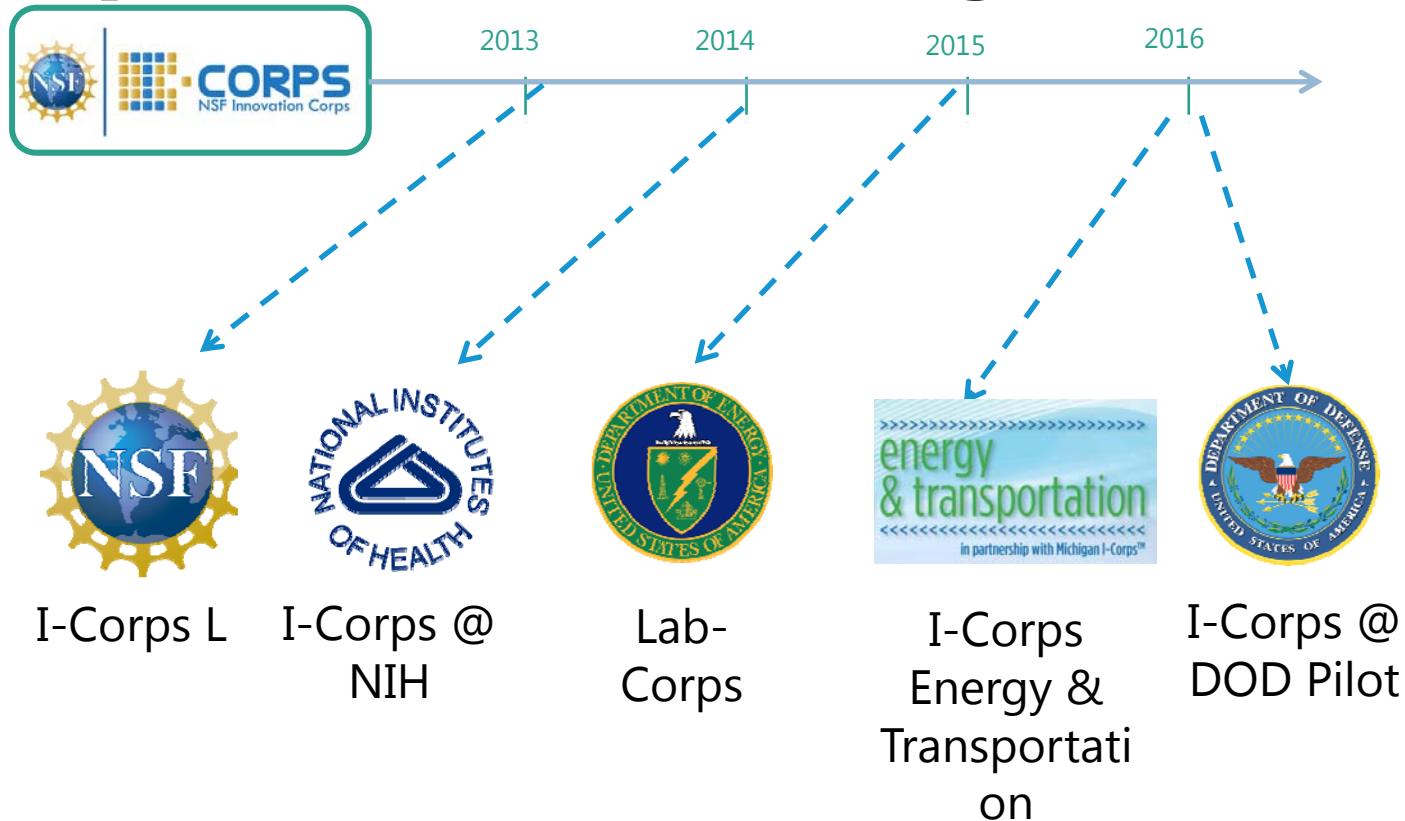
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- Promote commercialization activity on university campuses
- I-Corps is the starting point
 - Goal: Test lab research for **commercialization potential**
 - Goal: Train faculty & students in **entrepreneurship**
- Being utilized by Predominantly White Institutions (PWIs) broadly.
- NSF is looking for applications from HBCUs
 - Hosted the I-Corps Inclusion Summit (October 3-5, 2018)
 - 3 HBCUs in the I-Corps network:
 - Jackson State University
 - North Carolina A&T
 - Howard University



Expansion Across Agencies



Partnerships for Innovation (PFI)

PROGRAM SOLICITATION NSF 19-506

REPLACES DOCUMENT(S): NSF 18-511



National Science Foundation
Directorate for Engineering
Industrial Innovation and Partnerships

Full Proposal Deadline(s) (due by 5 p.m. submitter's local time):

January 17, 2019

July 10, 2019

Second Wednesday in July, Annually Thereafter

January 08, 2020

Second Wednesday in January, Annually Thereafter

PFI has five broad goals, as set forth by the American Innovation and Competitiveness Act of 2017 (“the Act”, [S.3084 — 114th Congress; Sec. 602. Translational Research Grants](#)): (1) identifying and supporting NSF-sponsored research and technologies that have the **potential for accelerated commercialization**;

(2) supporting prior or current NSF-sponsored investigators, institutions of higher education, and non-profit organizations:

(3) promoting sustainable partnerships between NSF-funded institutions, industry, and other organizations within academia and the private sector **with the purpose of accelerating the transfer of technology**;

(4) developing multi-disciplinary **innovation ecosystems** which involve and are responsive to the specific needs of academia and industry;

(5) providing professional development, mentoring, **and advice in entrepreneurship**, project management, and technology and business development to innovators.



Small Business Innovation Research Program Phase I (SBIR)

PROGRAM SOLICITATION

NSF 19-554



National Science Foundation

Directorate for Engineering
Industrial Innovation and Partnerships

Submission Window Date(s) (due by 5 p.m. submitter's local time):

March 04, 2019 - June 13, 2019

Small businesses can submit a Project Pitch at any time. Small businesses that have been invited to submit a full proposal can submit at any time during a submission window.

June 14, 2019 - December 12, 2019

Small businesses can submit a Project Pitch at any time. Small businesses that have been invited to submit a full proposal can submit at any time during a submission window.

I. INTRODUCTION

The National Science Foundation (NSF), an independent agency of the Federal Government, invites eligible small business concerns to submit Phase I proposals for its Small Business Innovation Research (SBIR) program. The SBIR program provides startups and small businesses with equity-free funding to conduct research and development (R&D) work. The funding is intended to spur the creation of innovative new products and services, and to drive the commercial success of the small business.

II. PROGRAM DESCRIPTION

The NSF SBIR Program encourages small businesses to submit ideas across all areas of science and engineering (except drug development). Small businesses are required to submit a Project Pitch to determine whether their proposed project is a good fit for the program's objectives to support **(i) innovative technologies that show promise of commercial and/or societal impact and (ii) involve a level of technical risk.**

Once invited to submit a full proposal, a small business's Phase I proposal should be to demonstrate technical feasibility of the proposed innovation and thereby bring the innovation closer to commercialization. Similar to the Program Pitch, invited full proposals should describe the development of an innovation that demonstrates the following characteristics:

- **Involves a high degree of technical risk** - for example: Has never been attempted and/or successfully done before; Is still facing technical hurdles (that the NSF-funded R&D work is intended to overcome).
- **Has the potential for significant commercial impact and/or societal benefit, as evidenced by:** Having the potential to disrupt the targeted market segment; Having good product-market fit (as validated by customers); Presenting barriers to entry for competition; Offering potential for societal benefit (through commercialization under a sustainable business model).



Source: [NSF SBIR Program](#)



Login/Register



Contact Us



Search

SBIR Participating Agencies

- [Department of Agriculture](#)
- [Department of Commerce - National Institute of Standards and Technology](#)
- [Department of Commerce - National Oceanic and Atmospheric Administration](#)
- [Department of Defense](#)
- [Department of Education](#)
- [Department of Energy](#)
- [Department of Health and Human Services](#)
- [Department of Homeland Security](#)
- [Department of Transportation](#)
- [Environmental Protection Agency](#)
- [National Aeronautics and Space Administration](#)
- [National Science Foundation](#)

Source: <https://www.sbir.gov/about/about-sbir>

SBIR Goals

1. Stimulate technological **innovation**.
2. Meet Federal research and development needs.
3. Foster and encourage participation **in innovation and entrepreneurship** by women and socially or economically disadvantaged persons.
4. Increase private-sector **commercialization of innovations** derived from Federal research and development funding.





MITTIC

MUREP Innovation & Tech
Transfer Idea Competition



CALLING ALL MINORITY SERVING INSTITUTIONS!

Minority University Research & Education Project (MUREP) Innovation & Tech Transfer Idea Competition (MITTIC) is a spinoff challenge established to develop new ideas for commercialization by seeking concept papers from multi-disciplinary student teams enrolled at a Minority Serving Institution (MSI).

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National Aeronautics and Space Administration

NASA



MITTIC

MUREP Innovation & Tech
Transfer Idea Competition



STEP
1



Teams choose **one** NASA Intellectual Property (IP) from the provided list located on the website and compose a concept paper using MITTIC challenge guidelines. Submit papers through <http://go.nasa.gov/nasamittic>. Teams are encouraged to partner with a NASA Small Business Company before submission.



Experience the 2019 InVision Tour JUMPSTART YOUR INVENTIONS

Learn how to access federal funding and resources to develop new products, create businesses and jobs, and build wealth.

[REGISTER FOR FREE NOW](#)

THE INVISION TOUR

[Atlanta](#) » [Houston](#) » [Oakland](#) » [New York](#) » [Detroit](#)





THE INVISION TOUR

T2 CONFERENCE

HOUSTON, TEXAS
MARCH 21 & 22, 2019

Word on the street is that you're either an **innovator** or an **industrialist**, and you've been identified to participate in the MBDA InVision Tour!

EXPAND YOUR NETWORK

The InVision Tour informs minorities in five U.S. markets on how to access Federal Government's 300+ laboratories and research centers for **technology transfer** (T2).

The InVision Tour focuses on industrialists, those who want to expand their net worth by seeking new investment opportunities, and innovators, individuals with ideas or aspirations to invent something entirely new.

CHECK-IN

CONFERENCE OPENING

BACKGROUND & BASICS

Why the Federal Government wants to share their technology and funding to get you started

KEYNOTE ADDRESS

Crushing the Future

COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS

How to engage and negotiate agreements with government scientists to develop new products

PANEL DISCUSSION

NASA, the Department of Energy, and the Department of Defense T2 officials discuss their research needs and program offerings for 2019

LUNCH

SMALL BUSINESS INNOVATION RESEARCH GRANTS

America's largest seed fund

T2 ROUNDTABLE DISCUSSIONS WITH PROGRAM OFFICIALS

Let them know your capabilities and your product development needs.

Day 2 Agenda

HBCU SPOTLIGHT

Including area academic institutions of higher learning

PANEL DISCUSSION

Innovative strategies for commercialization

THE CAPITAL INVESTMENT

Persuasive ways to raise money for your innovatio

REGIONAL STAKEHOLDER FORUM



OFFICE OF INNOVATION AND ENTREPRENEURSHIP (OIE)

- To foster innovation and the commercialization of new technologies, products, processes, and services
- Promote productivity and economic growth in the United States

FLORIDA A & M UNIVERSITY

Location	Tallahassee, FL	
Project Name	Florida A&M University Research Entrepreneurship and Commercialization Hub (FAMU REACH)	
Program	i6	
Award Amount	<i>Federal Share</i>	<i>Non-Federal Share</i>
	\$483,323.00	\$912,166.00



TECHNOLOGY-TO-MARKET

Department of Energy (DOE) Cleantech University Prize National Competition

The Energy Department's (DOE's) Cleantech University Prize (Cleantech UP) aims to inspire and equip the next generation of clean energy **entrepreneurs and innovators** by providing them with competitive funding for business development and commercialization training and other educational opportunities.



Source: <https://www.energy.gov/eere/technology-to-market/cleantech-university-prize-cleantech>



AMERICAN INSTITUTE FOR MEDICAL
AND BIOLOGICAL ENGINEERING



FDA-AIMBE Workshop: Regulatory Education in Engineering Programs

WORKSHOP OVERVIEW

It's our pleasure to announce an AIMBE workshop on medical device regulatory education in engineering programs.

Dates: April 15 – 16, 2019

Location: FDA Campus
10903 New Hampshire Avenue
Silver Spring, MD 20993

The intent of the workshop is to identify approaches for enhancing regulatory awareness in engineering students to prepare

STEERING COMMITTEE

Dorothy Abel	Leonard Pinchuk, PhD
Elizabeth Friis, PhD	Marvin Slepian, MD
Rohini Retarekar, PhD	Robert Whirley, PhD
Valerie Merkle, PhD	Matthew Waninger, PhD
Stacy Monza	Karen Burg, PhD
	Crystal Leach, PhD

VENUE & LOCATION

Lodging:

Lodging information may be found at:

The opportunity to consider for a 'Business of Science' curriculum:

- As any federal stakeholder can submit a concept for consideration in a NIIMBL project call, USPTO, potentially with other agencies, could put a proposal into NIIMBL for the design and deployment of educational training in IP, regulatory affairs, or other curricula.
 - A concept could be for a planning grant to first identify gaps and potential resources that could be scaled, or could be a proposal to develop the curriculum if enough is known about needs.
 - The concepts are simple, 4-page, non-binding narratives, and are opportunities for nucleation of project teams around concepts.
 - For reference, the ongoing project call RFP is here: https://niimbl.org/Downloads/PC2_2W_RequestforProposals_FINAL.pdf
 - For nonfederal proposers, the concept proposer is presumed to be the project lead, but for federal proposers, the proposer is considered as contributing an idea out for the community to consider and success is dependent on a champion coming forward, and the industry interest in the project.
- If USPTO would like to consider pursuing this idea within NIIMBL, with an eye to potentially using the network of Manufacturing USA institutes to scale or deploy, the next NIIMBL project call is in Fall 2019 (exact timeline TBD). While we have time to discuss with more specificity and think about who would be likely champions for this idea, we shouldn't be slow in thinking through the best scenario to pursue this.



REVOLUTIONIZING BIOPHARMACEUTICAL MANUFACTURING FOR THE NATION

NIIMBL (National Institute for Innovation in Manufacturing Biopharmaceuticals), a Manufacturing USA® institute, will stimulate leadership in advanced biopharmaceutical manufacturing research, innovation, and technology, support the development of standards, and train a world-leading workforce.

Manufacturing USA, a public-private partnership with 14 manufacturing institutes across the nation, connects companies, academic institutes, non-profits, and local, state, and federal entities to solve industry-relevant advanced manufacturing challenges in new technology areas with the goals of enhancing industrial competitiveness and economic growth and strengthening national security.





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USPTO University Programs

UNITED STATES
PATENT AND TRADEMARK OFFICE

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**For University of Houston and Texas Southern University Students
June 4-July 13, 2018**

The NEXT GEN Energy X program promotes **innovation and entrepreneurship through management training**, a lab-to-market conceptual framework, business plan development and mentoring by successful innovators and entrepreneurs.

Six-week program for undergraduate juniors and seniors from University of Houston and Texas Southern University.



**Carnegie
Mellon
University**

GELFAND OUTREACH

Saturday Series
Classes

Spring 2018

Rigorous - Educational - STEM Focused - Hands-on - Fun

BUG-BOTS, GRADES K-2

9am

Bounce your way into the exciting world of robots! Explore motion, power, electricity, and robots. Discover the way motors and batteries operate. Discuss robots and bugs and then create a robot, explain how it moves, and take the robot home to share with your family and friends! Parents are invited into the class at 11:45 for a Bug-Bot parade of all the class creations.

NANOENGINEERING WITH DNA, GRADES 4-6

MARVELOUS MACROMOLECULES, GRADES 3-5

9am - noon, April 28th

The existence of life is dependent upon nature's ability to manufacture very large, complicated molecules such as DNA and proteins. The ability of chemists to prepare really big molecules called polymers in the laboratory has revolutionized the manner in which we live. In this workshop, students will explore a variety of polymers, their usefulness, and how to make them in a manner which demonstrates care for the environment. This hands-on workshop will have students working in the lab and participating in lecture demonstrations to explore the amazing world of polymer chemistry.

Dr. Gizelle A. Sherwood is currently an Assistant teaching Professor at Carnegie Mellon University. She earned her Ph.D. in 2008 where her research focused on the effects of aggregation on the photo-physics of oligomers related to MEH-PPV and CN-PPV. She primarily lectures Quantitative Chemical Analysis laboratories to the sophomore chemical engineering, biology and pre-med students. She is also involved in several outreach programs working with both the Boy Scouts of America and the Leonard Gelfand Center.



ENGINEERING 101, GRADES 5-7

What is engineering and how do engineers design new systems and products? are essential parts of our everyday lives. In this class we will explore the engineering process, how to overcome challenges of mechanics, environment, and change. Students will face a solution, and more importantly "redesign" to improve on the original idea. Science and science are used in the engineering design process as well.

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HOWARD UNIVERSITY

Introduction to Engineering Course



United States Patent [19] 4,054,319
Fogg, Jr. et al. [45] Oct. 18, 1977

[54] STAND-AID INVALID WHEELCHAIR
[75] Inventors: Robert K. Fogg, Jr.; Christopher P. Staehli, both of San Diego, Calif.
[73] Assignee: The United States of America as represented by the Secretary of the Navy, Washington, D.C.

[21] Appl. No.: 625,220
[22] Filed: Oct. 23, 1975
[51] Int. Cl. 2: A62B 35/00
[52] U.S. Cl.: 297/384; 297/330;
297/353; 297/DIG. 4; 297/DIG. 10
[58] Field of Search: 297/DIG. 4, DIG. 10,
297/358, 330, 384, 353, 389, 390, 445; 5/89;
180/DIG. 3

[56] References Cited
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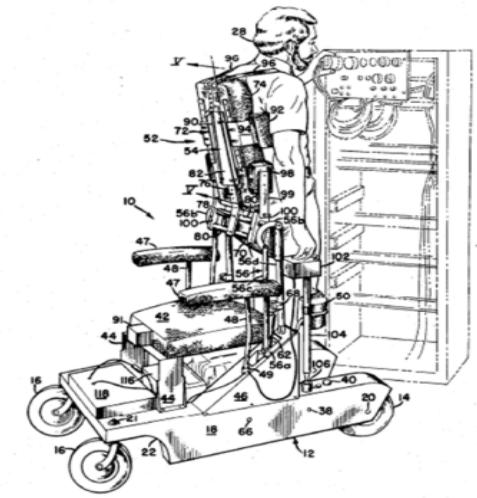
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FOREIGN PATENT DOCUMENTS
1,951,119 5/1970 Germany 297/DIG. 10

Primary Examiner—James T. McCall
Attorney, Agent, or Firm—R. S. Sciacca; George J. Rubens

ABSTRACT
A wheelchair is designed to enable an invalid to stand, sit or choose at will any intermediate position to perform useful work, and to move about in any of said positions. The wheelchair helps to fulfill the psychological and physiological needs of handicapped persons. The lifting and lowering operations are so arranged that practically no dislocation of the invalid's clothes occurs during the operations. The wheelchair has a minimum of physical encumbrances permitting the invalid to function near normally in the average living or working spaces.

11 Claims, 6 Drawing Figures



Patent and Trademark Resource Centers (PTRC)



Nationwide network of public, state and academic libraries that are designated by the USPTO to disseminate patent and trademark information and to support intellectual property needs of the public.



Law School Clinic Certification Program




Allows students at participating law schools to practice before the USPTO under the strict guidance of a Law School Faculty Clinic Supervisor.

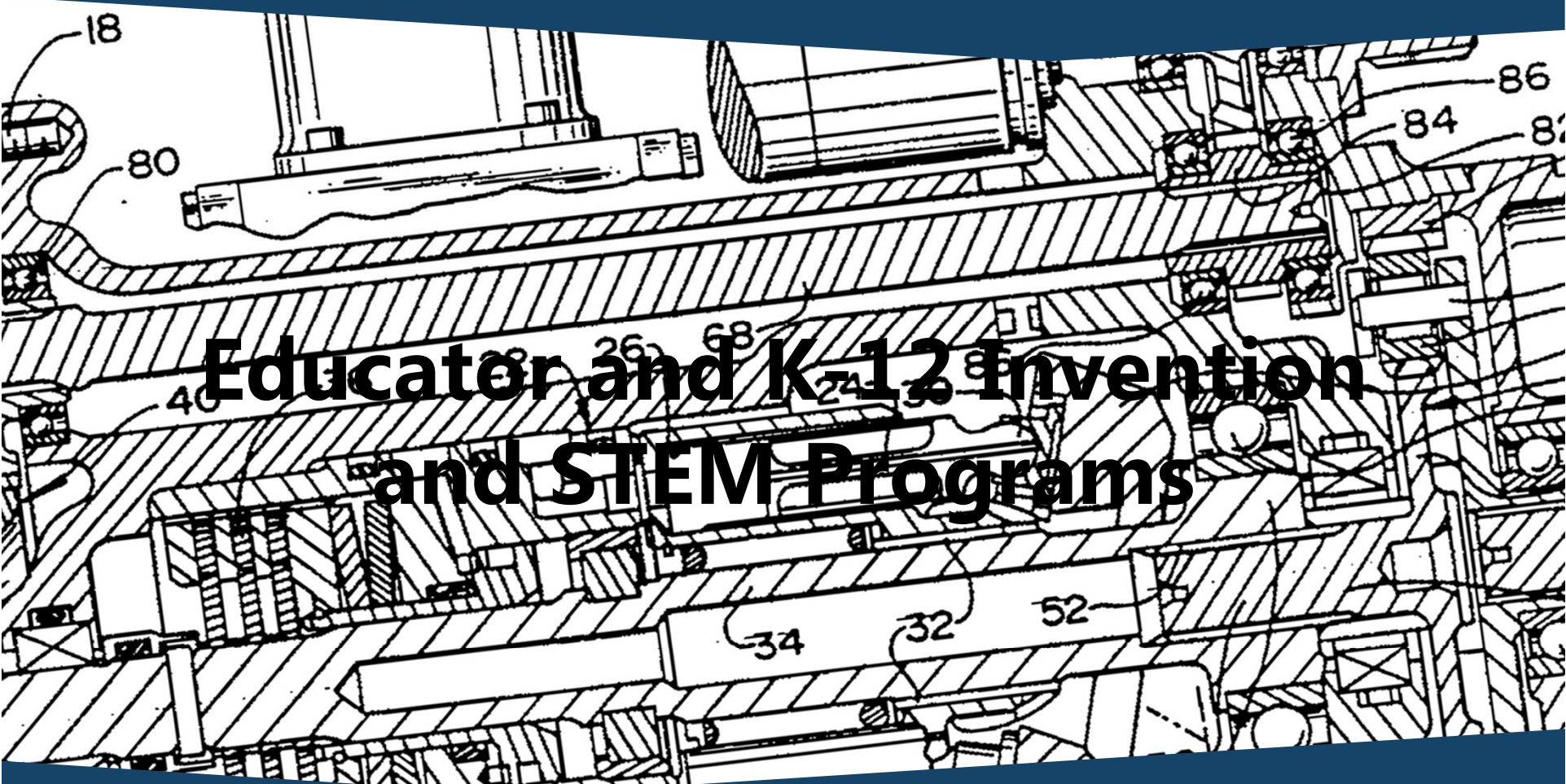


2018 Collegiate Inventors Competition® Expo and Awards



The [Collegiate Inventors Competition](#) , a program of the National Inventors Hall of Fame (NIHF), in partnership with the USPTO, is an annual competition that rewards innovations, discoveries and research by college and university students. The 2018 finalists and their inventions provide a glimpse into the future of American innovation and emerging technological trends in various industries, ranging from medical devices and mechanical engineering to the Internet of things.

[Competition Finalists](#)  will showcase their inventions and interact with thousands of USPTO patent and trademark examiners, sponsors, media and the public at the Collegiate Inventors Competition Expo. The Expo is free to the public and will be held on **Friday, Nov. 16, from 11 a.m. to noon, in the USPTO Madison Building, Lower Atrium.** The Awards Ceremony will begin at noon.



Educator and K-12 Invention and STEM Programs

UNITED STATES
PATENT AND TRADEMARK OFFICE



What is NSTI?

- Multi-day professional development opportunity for elementary, middle, and high school teachers
- Immersive program in making, inventing, intellectual property creation and protection that can be translated back to students
- Open to all K-12 teachers nationwide



Benefits to University Partner

- Exposure for University to showcase and promote its educational programs to a network of K-12 educators from across the U.S.
- Opportunity for University faculty to present on invention, innovation, IP and STEM-related topics, and leading-edge research
- Shines a spotlight on University programs designed to promote intellectual property, entrepreneurship, and innovation
- Strengthens relationship with the USPTO and fosters additional collaboration on future endeavors, e.g. faculty/student intellectual property education



Creating a Culture of Innovation

- What is the opportunity?
 - IP Literacy
 - Talented STEM Workforce
 - Inclusive STEM Workforce
- How does the USPTO help support schools and educators foster a culture of innovation?







Cybersecurity Awareness & Best Practices



2019 MANAGEMENT SEMINAR

FAMU

FLORIDA A&M UNIVERSITY
INFORMATION
TECHNOLOGY
SERVICES

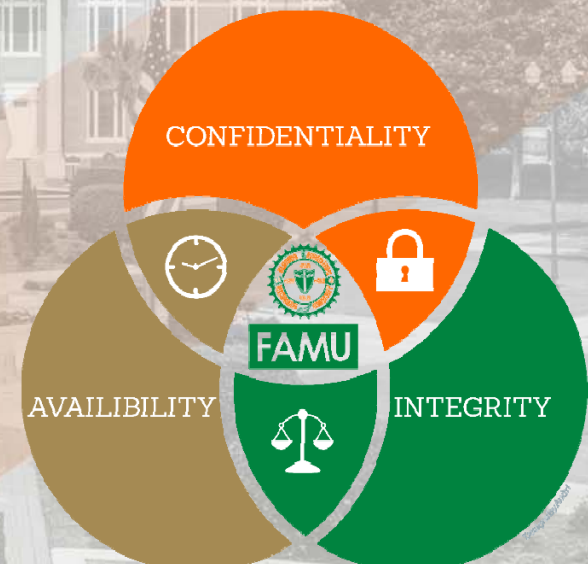
Cybersecurity

Phishing

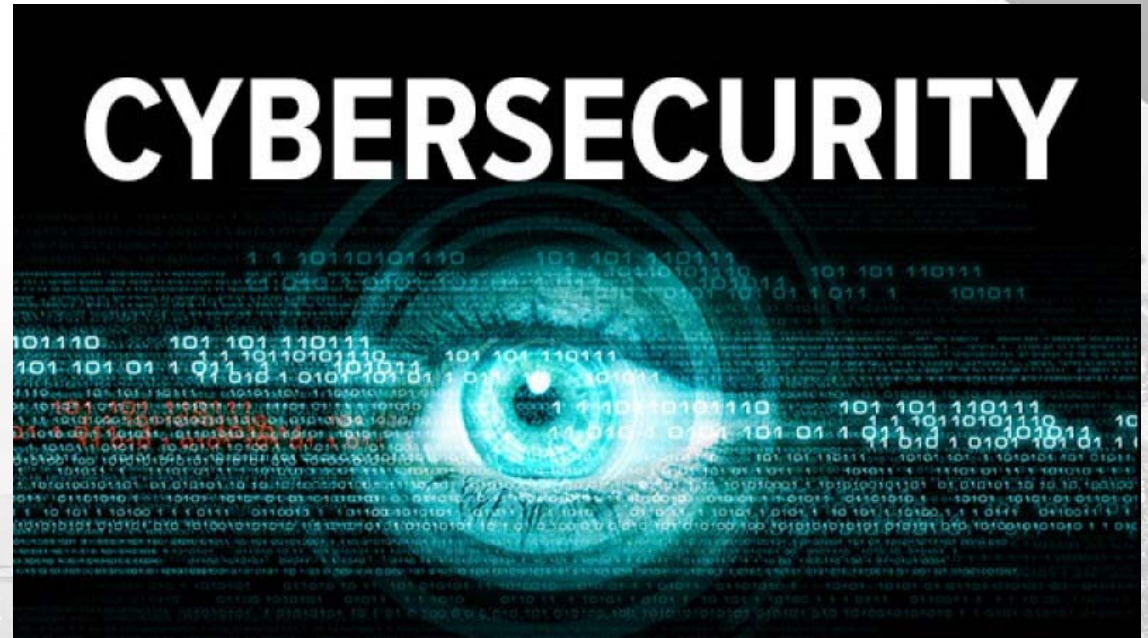
Ransomware

Best Practices

Travel Suggestions



CYBERSECURITY



Computer security, cybersecurity or information technology security is the protection of computer systems from theft or damage to their hardware, software or electronic data, as well as from disruption or misdirection of the services they provide. [Wikipedia](#)



PHISHING



Phishing is the fraudulent attempt to obtain sensitive information such as usernames, passwords and credit card details by disguising as a trustworthy entity in an electronic communication.

[Wikipedia](#)



PHISHING

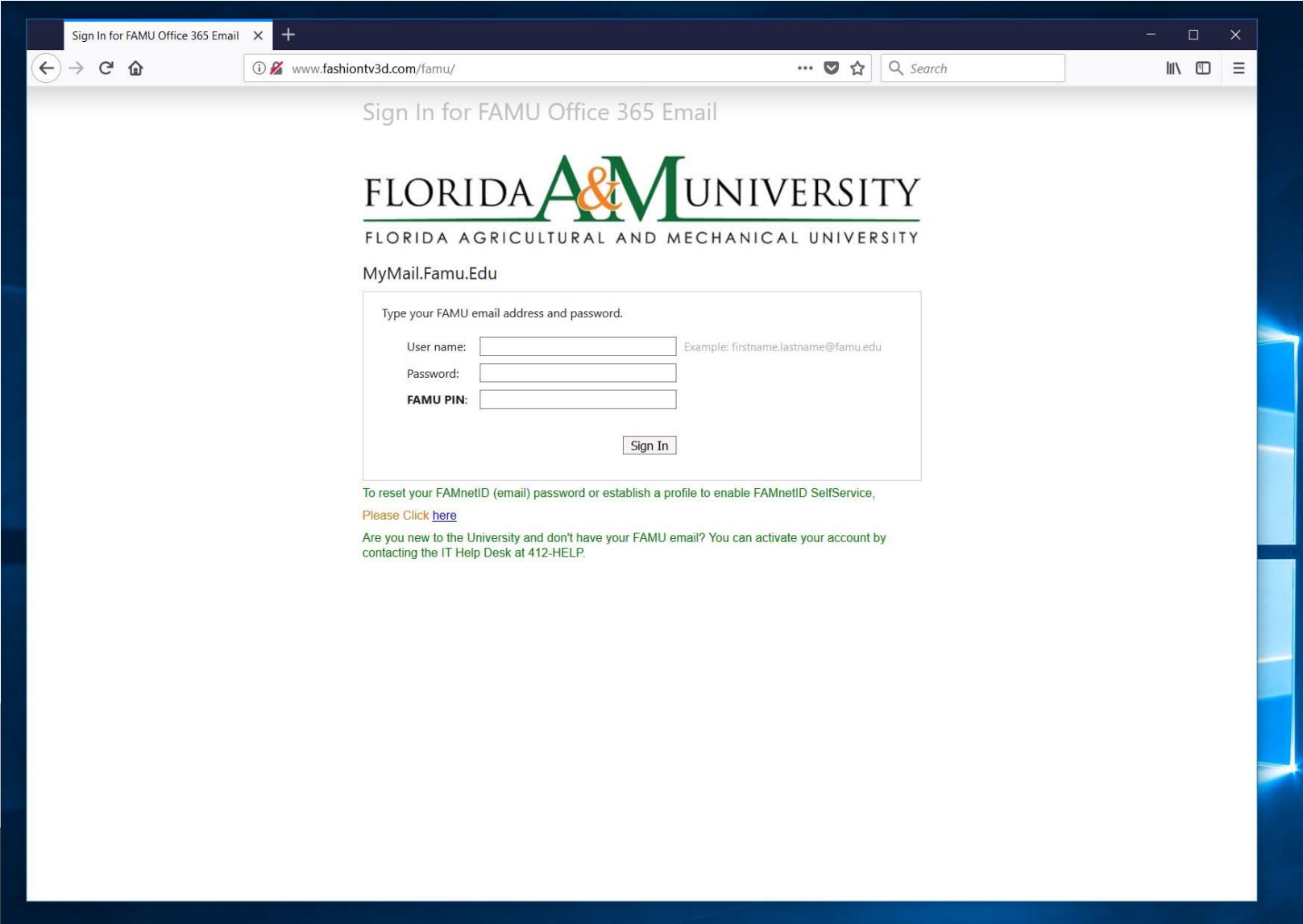
Phishing attack against FAMU Nov 20th



Fwd IMPORTANT A New Notification From Employee Portal.msg



PHISHING

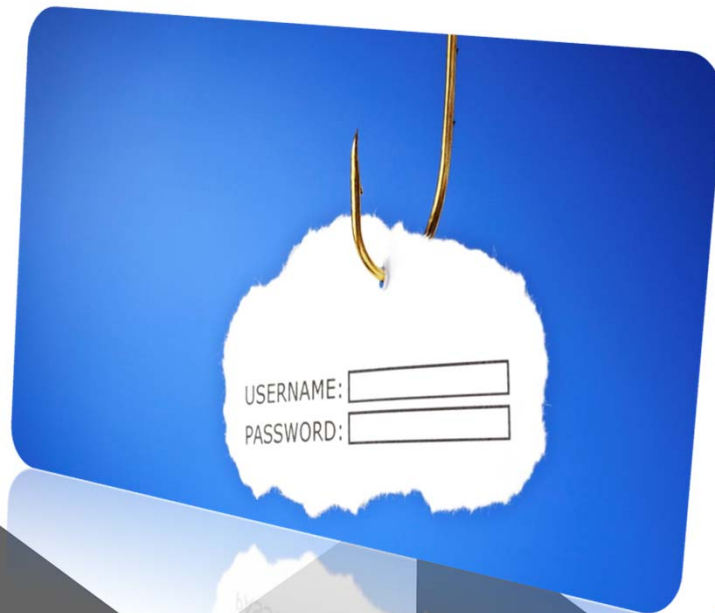


PHISHING

Example phishing attacks against FAMU Nov 30th



Fwd kanya.stewart@famu.edu Updates on your Employee Portal 11-30.msg



Phishing attack against FAMU Nov 30th

PHISHING

The screenshot shows a web browser window with the address bar displaying `www.web.milenium-system.com/components/com_foxcontact/new/news/`. The page layout mimics the FAMU iRattler website, featuring several sections:

- Campus Links:** Includes categories like Academic Life (Colleges & Schools, SGA Official Website, University Libraries, FAMU Bookstore, Housing), Academic Offices (Financial Aid, Registrar), Alumni, Donors & Friends (Alumni Affairs), Academic Catalog (Schedule of Classes), Florida Freshman Application (Fee Waiver Only), and iRattler Tracker (Prospective Student Request).
- Useful Information:** Lists Local Sites (The Famuan, About Tallahassee, Tallahassee.com), Government Sites (Florida Div of Colleges & Univ, Florida Dept of Education, MyFlorida.com, U.S. Department of Education, The Chronicle of Higher Ed), and Good Links (Map Quest, One Look Dictionary, Google Search).
- iRattler Zone:** Contains links for iRattler PeopleSoft Training, FAMU News (No articles currently available, Feed, View All Articles and Sections), Keep In Touch (FAMMail, FAMCAST, FAMU Main Web Site).
- Signon:** A login form with fields for FAMNET ID and Password, a Sign In button, and a warning: "Please use your FAMNET ID (username) and password to login. DO NOT ENTER THE @fam.u.edu. Passwords expire in 90 days. Password Reset Manager (Change/Forgot/Expired FAMNET password?)".
- Careers Home:** Lists job openings: Faculty Job Openings, Staff Job Openings, and Temporary Job Openings.
- iRattler Access Form:** Includes a link for the iRattler Access Request Form (For Employees Only).

At the bottom of the page, a disclaimer reads: "The information systems and resources are the property of the Florida A&M University. It is for authorized use only. By using this system, all users acknowledge notice of and agree to comply with federal and state laws, the University's Regulations and policies, and ITS procedures and guidelines."

RANSOMWARE

Ransomware is a type of malicious software from cryptovirology that threatens to publish the victim's data or perpetually block access to it unless a ransom is paid. [Wikipedia](#)



RANSOMWARE

Feb 2016 Medical Center in LA Paid \$17K

Mar 2016 Methodist Hospital in KY Ransom - >\$2K
5 days down

Mar 2018 Leeds, Alabama Paid \$12K

Mar 2018 Atlanta, GA Ransom - \$51K -
overall cost \$2.7 million

Oct 2018 West Haven, Connecticut Paid \$2K



BEST PRACTICES



- Create strong passwords and keep them safe
- Use anti-virus software and keep it updated
- Apply application and system patches and updates
- Review/research any files before you download them
- Review privacy/security settings
- Wi-Fi networks
 - Manage/secure your homes
 - Avoid using public wi-fi networks for business

CYBER TIPS

FAMU
FACULTY AND STUDENT
INFORMATION TECHNOLOGY
PRACTICE

DETECTING A PHISHING EMAIL 10 THINGS TO WATCH

With the uptick in ransomware infections that are often instigated through phishing emails, proactive measures to help protect yourself and your organization's security are crucial to take. Having a computer that is up to date and patched makes a big difference in reducing an organization's overall risk of infection. Also, being vigilant in detecting phishing emails and educating employees in your organization to be proactive is a critical step in protection. **HERE IS A QUICK TOP-TEN LIST FOR HOW TO SPOT AND HANDLE A PHISHING EMAIL.**

1 DON'T TRUST THE DISPLAY NAME OF WHO THE EMAIL IS FROM.

Just because it says it's coming from a name of a person you know or trust doesn't mean that it truly is. Be sure to look at the email address to confirm the true sender.



2 LOOK BUT DON'T CLICK.

Hover your mouse over parts of the email without clicking on anything. If the information looks strange or doesn't match what the link description says, don't click on it...report it.



3 CHECK FOR SPELLING ERRORS.

Attackers are often less concerned about spelling or being grammatically correct than a normal sender.



4 CONSIDER THE SALUTATION.

Is the address general or vague? Is the salutation to "valued customer" or "Dear [insert title here]"?



5 IS THE EMAIL ASKING FOR PERSONAL INFORMATION?

Legitimate companies are unlikely to ask for personal information in an email.



6 BEWARE OF URGENCY.

These emails might try to make it sound as if there is some sort of emergency (e.g., the CFO needs a \$1 M wire transfer, a Nigerian prince is in trouble, or someone only needs \$ 100 so they can claim their million-dollar reward).



7 CHECK THE EMAIL SIGNATURE.

Most legitimate senders will include a full signature block at the bottom of their emails.



8 BE CAREFUL WITH ATTACHMENTS.

Attackers like to trick you with an attachment. It might have a really long name. It might be a fake icon of Microsoft Excel that isn't actually the spreadsheet you think it is.



9 DON'T BELIEVE EVERYTHING YOU SEE.

If something seems slightly out of the norm, it's better to be safe than sorry. If you see something off, then it's best to report it to your ITS Helpdesk and/or ITS Security.



10 WHEN IN DOUBT, CONTACT ITS

No matter the time of day, no matter the concern, ITS would rather have you send something that turns out to be legit than to put the organization at risk.



TRAVEL SUGGESTIONS

During Your Stay



Beware that your conversations may not be private or secure. Unlike the United States, most other countries do not have legal restrictions against technical surveillance. Most foreign security services have various means of screening incoming visitors to identify persons of potential intelligence interest. They also have well established contacts with hotels and common hosts that can assist in various forms of monitoring you. Electronic eavesdropping has been reported on airlines, in hotel rooms, taxis, and meeting rooms.

Business and government travelers have reported their hotel rooms and belongings were searched while they were away. Sometimes there was no effort to conceal the search.

Do not leave electronic devices unattended. Do not transport them (or anything valuable) in your checked baggage. Shield passwords from view. Avoid Wi-Fi networks if you can. In some countries they are controlled by security services; in all cases they are insecure.

Clear your Internet browser after each use: delete history files, caches, cookies, and temporary internet files.

If your phone or laptop is stolen, report it immediately to the local US Embassy or Consulate.

Upon Your Return

Review your system access with your company's Information Security Officer. Access that is not accounted for should be investigated.

It is not uncommon for foreigners to contact you after your return. The FBI may be able to help you determine if these contacts pose any risk to you or your company.

Additional travel security tips and country threat assessments are available from the FBI upon request.

Your local FBI office # _____



www.fbi.gov

Overseas Security Advisory Council: www.osac.gov

Do not use non-company computers to log into your company's network. Always consider any information conveyed through a non-company computer to be compromised, even if encrypted.

Cyber criminals from numerous countries buy and sell stolen financial information including credit card data and login credentials (user names and passwords).

Do not allow foreign electronic storage devices to be connected to your computer or phone. They may contain malware or automatically copy your stored electronic data. Do not use thumb drives given to you – they may be compromised.

In most countries, you have no expectation of privacy in Internet cafes, hotels, airplanes, offices, or public spaces. All information you send electronically can be intercepted, especially wireless communications. If information might be valuable to another government, company or group, you should assume that it will be intercepted and retained. Security services and criminals can track your movements using your mobile phone and can turn on the microphone in your device even when you think it is turned off.

During the Beijing Olympics, hotels were required to install software so law enforcement could monitor the Internet activity of hotel guests.

Beware of "phishing." Foreign security services and criminals are adept at pretending to be someone you trust in order to obtain personal or sensitive information.

Change all your passwords including your voicemail and check electronic devices for malware.

Report any unusual circumstances or noteworthy incidents to your security officer and to the FBI. Notifying the FBI will help ensure that future travel advisories take into consideration the circumstances and incidents you encountered.

U.S. Department of Justice
Federal Bureau of Investigation



"The willingness of US scientists and scholars to engage in academic exchange make US travelers particularly vulnerable not only to standard electronic monitoring devices—installed in hotel rooms or conference centers—but also to simple approaches by foreigners trained to ask the right questions." —ANNUAL REPORT TO CONGRESS ON FOREIGN ECONOMIC COLLECTION AND INDUSTRIAL ESPIONAGE, 2003.

SAFETY AND SECURITY for the Business Professional Traveling Abroad

You or your firm may be a target of a foreign country's efforts to obtain information or technologies in order to increase their market share, build their economies, or modernize their militaries. Targeting methods include luggage searches, extensive questioning, and unnecessary inspection and downloading of information from laptop computers.



Business travelers should take measures to ensure not only the safety and security of themselves but also their business information while traveling outside the United States.



Good security habits will help protect you and your company.

Telephone, Laptop & PDA Security

If you can do without the device, Do Not Take It!

Do not leave electronic devices unattended. Do not transport them (or anything valuable) in your checked baggage. Shield passwords from view. Avoid Wi-Fi networks if you can. In some countries they are controlled by security services; in all cases they are insecure.

Sanitize your laptop, telephone, & PDA, prior to travel and ensure no sensitive contact, research, or personal data is on them. Back-up all information you take and leave that at home. If feasible, use a different phone and a new email account while traveling.



Use up-to-date protections for antivirus, spyware, security patches, and firewalls. Don't use thumb drives given to you – they may be compromised.

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Important Numbers

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www.fbi.gov

Reminder

Our country will be judged by the impression you make. As an American abroad, you serve as a spokesperson for the United States.

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Your local FBI office # _____

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SAFETY AND SECURITY for US Students Traveling Abroad

Living and studying in another country will be an enriching and rewarding experience, especially if you are prepared and take certain precautions. This brochure will introduce you to threats you may face and provide tips on avoiding unsafe situations. Following these precautions will reduce your risk of encountering problems.

An ounce of prevention is worth a pound of cure.

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Groups of children and teens may swarm you and forcibly steal your personal belongings.



"Act Smart. Be Safe."



FAMU

FLORIDA A&M UNIVERSITY
INFORMATION
TECHNOLOGY
SERVICES



Ronald Henry, II
Associate Vice President & CIO

ronald.henry@fam.u.edu
850-599-3560

Great things are
happening at FAMU everyday
- Larry Robinson, Ph.D.



Clifford Stokes, Jr. CISSP, CISA, FCCM
Director of Information Security / CISO
clifford.stokes@fam.u.edu
850-599-3560

Methods of Requesting Assistance/Service

- Phone: 850-412-4357
- Email: helpdesk@fam.u.edu
- Task Management System: www.fam.u.edu/tms



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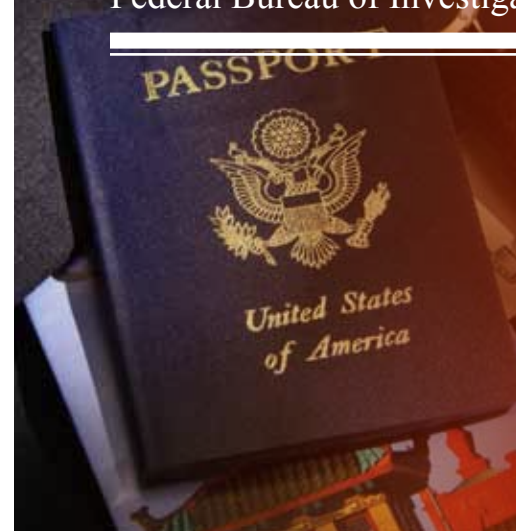
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Business travelers should take measures to ensure not only the safety and security of themselves but also their business information while traveling outside the United States.



Good security habits will help protect you and your company.

Corporate espionage is an increasingly serious threat for a business traveler. The perpetrator may be a competitor, opportunist, or foreign intelligence officer. In many countries, domestic corporations collect competitive intelligence with the help and support of their government. To mitigate this risk, your organization's critical information and technologies should not reside on any hard copy or electronic device you take unless it is absolutely necessary, and if so, then you must safeguard the physical access to the information by using encryption and keeping the material on your person at all times. Hotel safes are not adequate protection.

Critical business information may include:

- ◆ Customer data
- ◆ Employee data
- ◆ Vendor information
- ◆ Pricing strategies
- ◆ Proprietary formulas and processes
- ◆ Technical components and plans
- ◆ Corporate strategies
- ◆ Corporate financial data
- ◆ Phone directories
- ◆ Computer access protocols
- ◆ Computer network design
- ◆ Acquisition strategies
- ◆ Marketing strategies
- ◆ Investment data
- ◆ Negotiation strategies
- ◆ Passwords (computer, phone, accounts)

Before You Go

Familiarize yourself with local laws and customs in the areas you plan to travel. You are expected to obey their laws, which may include dress standards, photography restrictions, telecommunication restrictions, curfews, etc.



Plan your wardrobe so that it does not offend the locals, nor draw unwanted attention to yourself. Americans are perceived as wealthy and are targeted for pick pocketing and other crimes. Do not wear expensive-looking jewelry and avoid wearing American team sports shirts or baseball caps that might indicate you are an American.

Make copies of your passport, airplane ticket, driver's license, and credit cards that you take with you. Keep one copy at home; carry a second copy with you but separate from the originals. This will help speed the replacement process if they are lost or stolen.

Do not take unnecessary identification or credit cards in case they are stolen. Take only what is necessary. Obtain traveler's checks if needed.

Establish points of contact for your family to contact and for your foreign hosts to contact in the event of an emergency. Register your trip with the State Department. Obtain the phone number and address for the US Embassy or Consulate in the country(s) you plan to visit.

Take any necessary medications with you in their original containers and keep them in your carry-on luggage (not checked baggage) during the flight. Verify you have adequate medical insurance.

Obtain specific pre-travel country risk assessments for the country(s) you plan to visit from your security officer, the State Department, and/or the FBI. There may be specific issues you should be aware of and prepare for that will ensure your safety and peace of mind.

Visit www.osac.gov for security news and reports for the country(s) you plan to visit.



Sanitize your laptop, telephone, & PDA, prior to travel and ensure no sensitive contact, research, or personal data is on them. Back-up all information you take and leave that at home. If feasible, use a "clean" laptop, phone and a new email account while traveling. **Or If you can do without the device, Do Not Take It!**

Cell phones can be hacked to steal contact lists, usernames, passwords, and browser history.

Use up-to-date protections for antivirus, spyware, security patches, and firewalls.

Clean out your voice mail. When you access your messages, the pass code may become compromised and others may then retrieve your messages.

During Your Stay

Protect your passport! Theft of American tourist passports is on the rise. It is recommended that you carry your passport in a front pants pocket or in a pouch hidden in your clothes, and that it remain with you at all times. Some hotels require you to leave it at the desk during your stay and they may use it to register you with the local police--a routine policy. Ask for a receipt and be sure to retrieve your passport before continuing your trip. If your passport is lost or stolen, report the situation immediately to the nearest US Embassy or Consulate.

Be courteous and cooperative when processing through customs. Do not leave your bags unattended. Stay alert.

Use authorized taxis. You could be overcharged, robbed or kidnapped when using "gypsy" taxis.

Do not invite strangers into your room.

Avoid traveling alone, especially after dark. Be conscious of your surroundings and avoid areas you believe may put your personal safety at risk. Be wary of street vendors and innocent-looking youngsters. While one person has your attention, another might be picking your pocket.



Do not carry large amounts of cash. Always deal with reputable currency exchange officials or you run the risk of receiving counterfeit currency. Keep a record of your financial transactions.

Beware that theft from sleeping compartments on trains is common.

Do not leave drinks unattended – someone could slip a drug into it that causes amnesia and sleep.

Avoid long waits in lobbies and terminals, if possible. These areas may harbor pickpockets, thieves, and violent offenders. Laptop theft is especially common in airports.

At the airport, a thief preceded a traveler through a security checkpoint. After the traveler placed his laptop computer on the x-ray machine conveyer belt, a second thief set off the metal detector causing a delay. The first thief then stole the traveler's laptop after it passed through the x-ray machine.

If you are arrested for any reason, ask to notify the nearest US Embassy or Consulate.

Beware of new acquaintances who probe for information about you or who attempt to get you involved in what could become a compromising situation.

Avoid civil disturbances and obey local laws. If you come upon a demonstration or rally, be careful; in the confusion you could be arrested or detained even though you are a bystander. Be mindful that in many countries, it is prohibited to speak derogatorily of the government and its leaders. It may be illegal to take photographs of train stations, government buildings, religious symbols, and military installations.

Avoid any actions that are illegal, improper or indiscreet. Avoid offers of sexual companionship; it may lead to a room raid, photography, and blackmail. Do not attempt to keep up with your hosts in social drinking. Do not engage in black market activities. Do not sell your possessions. Do not bring in or purchase illegal drugs or pornography. Do not seek out political or religious dissidents. Do not accept packages or letters for delivery to another location.

An American was given a letter by a man he had never met. He tried to return the letter but the man ran away. That evening national security officers visited the American and admonished him for taking the letter.

Keep a low profile and shun publicity. Do not discuss personal or business information with local news media and be careful what type of information you share with foreigners. They may have been directed to obtain information in order to exploit you or your company. Politely redirect the topic. The FBI can provide tips on how to recognize deceitful elicitation.

Evade criminals and terrorists by being aware of your surroundings and alert to the possibility of surveillance. Take mental notes of anyone following you and promptly report it to the appropriate security officials and/or the US Embassy or Consulate. In general, criminals will strike when their target seems most lax about his/her security. If anyone grabs you, make a scene—yell, kick and try to get away! If you are kidnapped, remain alert and establish a program of mental and physical activity for yourself; try to remain calm and non-threatening.

Do not gossip about character flaws, financial problems, emotional relationships, or other difficulties of your fellow Americans or yourself. This information is eagerly sought by those who want to exploit you or your fellow travelers.

Telephone, Laptop & PDA Security

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Groups of children and teens may swarm you and forcibly steal your personal belongings.



"Act Smart. Be Safe."



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Familiarize yourself with local laws and customs in the areas you plan to travel. You are expected to obey their laws, which may include dress standards, photography restrictions, telecommunication restrictions, curfews, etc.

Plan your wardrobe

so that it does not offend the locals, nor draw unwanted attention to yourself. Americans are perceived as wealthy and are targeted for pick pocketing and other crimes. Do not wear expensive-looking jewelry and avoid wearing American team sports shirts or baseball caps that might indicate you are an American.



Do not take any unnecessary identification or credit cards in case they are stolen. Take only what is necessary. Obtain traveler's checks and do not carry a large amount of cash.

Establish points of contact for your family to contact and for your foreign hosts to contact in the event of an emergency.

Make copies of your passport, airplane ticket, driver's license, and credit cards that you take with you. Keep one copy at home; carry a second copy with you but separate from the originals. This will help speed the replacement process if they are lost or stolen.

Take any necessary medications with you in their original containers and keep them in your carry-on luggage (not checked baggage) during the flight.

Obtain specific pre-travel country risk assessments for the country/countries you plan to visit from your study abroad program manager, the State Department, and/or the FBI. There may be specific issues you should be aware of and prepare for that will ensure your safety and peace of mind.

Visit the State Department's Travel Advisory website at: www.state.gov/travel, and the Center for Disease Control for Traveler's Health issues at: www.cdc.gov.

Do not leave drinks unattended – someone could slip a drug into it that causes amnesia and sleep.

Avoid long waits in lobbies and terminals, if possible. These areas may be full of pickpockets, thieves, and violent offenders. Laptop theft is especially common in airports.

In an international airport, a thief positioned himself to walk in front of a traveler who was walking with his roll bag. The thief stopped abruptly in front of the traveler causing the traveler to also stop. A second thief was following and quickly removed the traveler's laptop from his roll bag and disappeared.

Avoid civil disturbances and obey local laws. If you come upon a demonstration or rally, be careful; in the confusion you could be arrested or detained even though you are a bystander. Be mindful that in many countries, it is prohibited to speak derogatorily of the government and its leaders. It may be illegal to take photographs of train stations, government buildings, religious symbols, and military installations.

Avoid any actions that are illegal, improper or indiscreet. Avoid offers of sexual companionship; they may lead to a room raid, photography, and blackmail. Do not attempt to keep up with your hosts in social drinking. Do not engage in black market activities. Do not sell your possessions. Do not bring in or purchase illegal drugs or pornography. Do not seek out political or religious dissidents. Do not accept packages or letters for delivery to another location.

An American in China was given a letter by a man he had never met. He tried to return the letter but the man ran away. That evening, Chinese security officers visited the American, admonished him for taking the letter, and required him to sign a statement concerning the event.

If you are arrested for any reason, ask to notify the nearest US Embassy or Consulate. A consular officer cannot arrange for free legal aid or provide bail money, but they can assist you. Do not admit to wrongdoing or sign anything. Do not agree to help your detainer.

Keep a low profile and shun publicity. Do not discuss personal or family information with local

news media, and as a general rule, be careful what information you share with foreigners. They may have been directed to obtain information about you for duplicitous purposes and may use what they learn to target or use against you.

Evade criminals and terrorists by being aware of your surroundings and alert to the possibility of surveillance. Do not challenge your followers, but make mental notes about them. Promptly report such incidents to appropriate security officials and/or the US Embassy or Consulate. In general, criminals will strike when their target seems most vulnerable and lax about his/her security. If you are kidnapped, remain calm and alert; comply with orders, be non-threatening, avoid arguments, and establish a program of mental and physical activity for yourself.

"Turkey drop" scam in Russia: a person drops money in front of a victim while an accomplice waits for the money to be picked up and suggests splitting it. The first person returns and accuses both of stealing the money. This usually results in the victim's money being stolen.

Beware of new acquaintances who probe for information about you or who attempt to get you involved in what could become a compromising situation.

Do not gossip about character flaws, financial problems, emotional relationships, or other difficulties of your fellow Americans or yourself. This information is eagerly sought by those who want to exploit you or your fellow travelers.

Beware that your conversations may not be private or secure. Unlike the United States, most other countries do not have legal restrictions against technical surveillance. Most foreign security services have various means of screening incoming visitors to identify persons of potential intelligence interest. They also have well established contacts with hotels and common hosts that can assist in various forms of monitoring you.

Two American students on study abroad talked privately about the lighting in their apartment. The next day, a light that had been out for weeks was working.

During Your Stay

Protect your passport! Theft of American tourist passports is on the rise. It is recommended that you carry your passport in a front pants pocket or in a pouch hidden in your clothes, and that it remain with you at all times. Some hotels require you to leave it at the desk during your stay and they may use it to register you with the local police--a routine policy. Ask for a receipt and be sure to retrieve your passport before continuing your trip. If your passport is lost or stolen, report the situation immediately to the nearest US Embassy or Consulate.



Do not invite strangers into your room.

Be courteous and cooperative when processing through customs. Do not leave your bags unattended. Stay alert.

Use only authorized taxis. Passengers have been robbed or kidnapped when using "gypsy" taxis.

Avoid traveling alone, especially after dark. Be conscious of your surroundings and avoid areas you believe may put your personal safety at risk. Be wary of street vendors and innocent-looking youngsters. It has been reported that while one person has your attention, the other is picking your pocket.



Do not carry large amounts of cash. Always deal with reputable currency exchange officials or you run the risk of receiving counterfeit currency. Keep a record of your financial transactions.

Beware that theft from sleeping compartments on trains is common.



STRATEGIC PRIORITY 5, GOAL 3: COMPLIANCE AND ETHICS

**Rica Calhoun, Chief Compliance
and Ethics Officer**



2019 MANAGEMENT SEMINAR

ROAD MAP

- Why Compliance and Ethics?
- The Program Plan
- Code of Conduct
- Ethics points



Why is a Compliance and Ethics Program Important?

- Highly regulated industry
- Decentralized structure
- The Price of Non-Compliance and Unethical Behavior
- University Culture



Compliance and Ethics

- Overview
 - “...empowers all members of the University community to engage consistently in ethical decision-making and focus on compliance with state and federal law, regulation, and university policy.”
- Focus
 - Integrated Independence
 - Works with compliance elements throughout the university to ensure adherence to policies and procedures, as well as applicable law and regulation. Assists in the development of policies and procedures.

Program Plan

- Seven Elements
 - Standards and Procedures to govern program
 - Oversight and Structure
 - Appropriate screening
 - Communication and Training
 - Monitoring
 - Incentives and Disciplinary Measures
 - Appropriate Response and Enforcement

Oversight and Structure

Board of Trustees

- Audit and Compliance Committee

High Level Personnel

- President
- Executive Leadership Team

Chief Compliance and Ethics Officer

Compliance Partners

Enterprise Compliance Committee

- Compliance Partners

Faculty, Staff, and Students

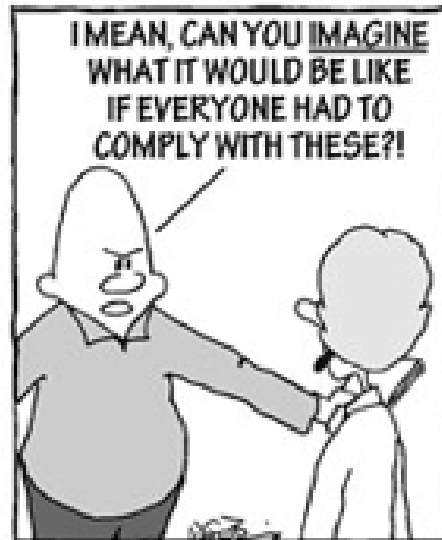
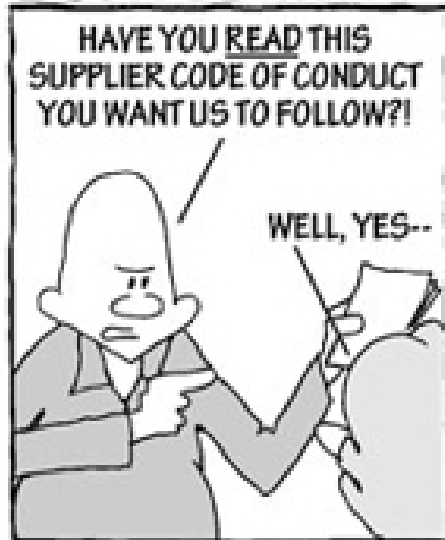
Standards and Procedures

- University Code of Conduct ([University Regulation 1.019](#))
- Code of Ethics for Public Officers and Employees ([Florida Statute, Part III, Chapter 112](#))
- University Compliance and Ethics Charter
- BOG Regulation 4.003



Code of Conduct

ETHICSLAND™



Code of Conduct

- Compliance with Law and Policy
- Conflict of Interest
- Confidentiality and Privacy
- Gifts
- Reporting and Non-retaliation



Conflict of Interest

Fla. Stat. 112.313(3)

- Doing Business with One's Own Agency
 - Public Capacity vs. Private Capacity
 - Exemptions



Conflicting Employment or Contractual Relationship

SCENARIO:

- You are a water management district employee who teaches part-time as an adjunct professor at a State university. The water management district has entered into various research-related contracts with the university and you have been involved in approving work orders under those contracts and requisitioning other contracts with the university.

- **Is this a prohibited conflict?**

Misuse of Public Position

Fla. Stat. 112.313(6)

Prohibited from
leveraging official
position to secure
special benefit or
privileges

WHAT YOU DO
SPEAKS SO
LOUDLY THAT I
CANNOT HEAR
WHAT YOU SAY.
RALPH WALDO EMERSON

Misuse of Public Position

SCENARIO:

You are a University employee. Once, you used university letterhead to write a letter contesting a personal debt. You used your official title in closing.

- **Is this prohibited conduct?**



Confidential Information

Fla. Stat. 112.313(8)

Never use or attempt to use confidential information to secure a special privilege, benefit, or exemption for yourself or others.



Confidential Information

SCENARIO:

You are a University employee. Your relative expresses to you that they have not received their financial aid package. You want to get more information, and use your access to review financial aid records. You disclose to your relative how many financial aid packages have been fulfilled. You do not work in the Office of Financial Aid.

- **Is this prohibited conduct?**

Gifts

Fla. Stat. 112.3148

Definitions

- **Gift**
 - Anything of value. ie: loan, reward, promise of future employment of service
- **Reporting Individual**
 - Files limited or full disclosure with the Florida Commission on Ethics
- **Procurement employee: any employee who, in the last 12 months, has participated in the procurement process.**
 - “Participation”
 - Threshold: \$10k



Gifts

Fla. Stat. 112.3148

- Employees May NOT Solicit or Accept Anything of Value
 - When based on the understanding, or the employee should know, that receipt will influence the employee or is for personal benefit. AKA: Bribes
 - Acceptance prohibition also applies to spouses and minor children in the same instance

Gifts: Additional Considerations

Reporting Individuals and Procurement Employees
(RIPE)

- Reporting Individuals
 - May NOT solicit a gift from a lobbyist or principal, Political Committee (PAC) or vendor doing business with FAMU
 - May NOT solicit or accept any expenditure from a lobbyist or principal (including honorarium).
 - May NOT accept a gift worth more than \$100 from a vendor doing business with FAMU
- Procurement Employees
 - May NOT solicit a gift from lobbyist or principal, PAC or vendor doing business with the University.
 - May NOT accept a gift worth more than \$100 from a lobbyist, PAC, or a vendor doing business with the University.

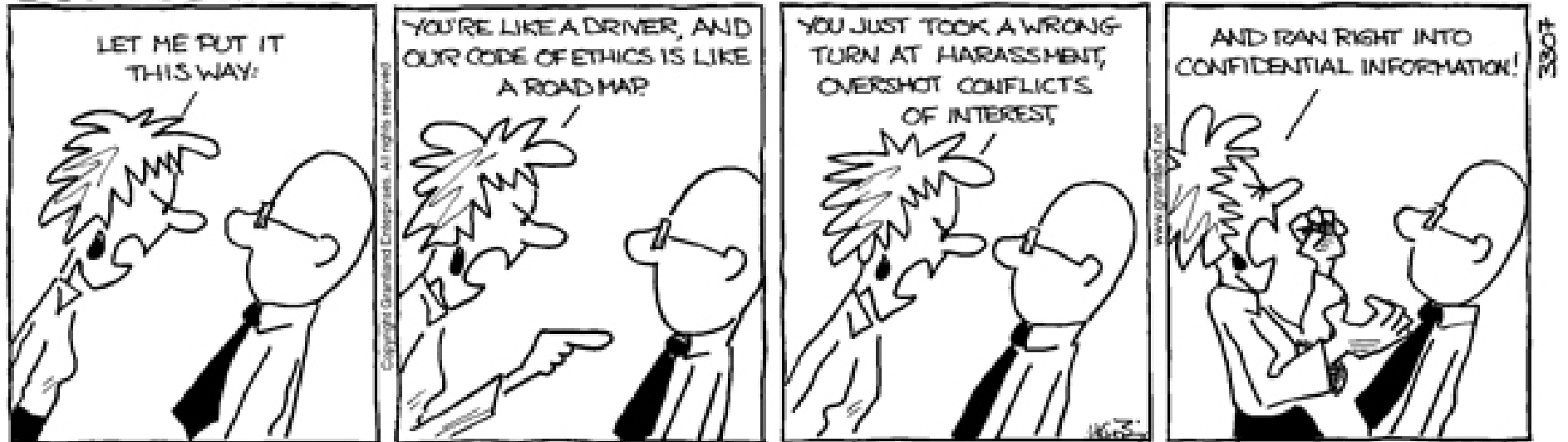
Gifts: What to Do

What if you received a prohibited gift? Within 90 days:

- Return the gift or pay retail value for it
- Donate the gift or retail value of the gift to a recognized 501(c)(3) (nonprofit organization)
- Reporting requirements may apply. Contact the Chief Compliance and Ethics Officer, rica.calhoun@famu.edu

Code of Conduct

ETHICSLAND™




Reporting and Non-Retaliation

- See Something, Say Something
 - [Compliance and Ethics Hotline: –866-445-4YOU](tel:8664454YOU)
 - Rica Calhoun– rica.calhoun@famu.edu/850-412-7520
- Board of Governors
<https://www.flbog.edu/board/office/ig/complaint.php>
- The Florida Commission on Ethics
 - [Sworn complaint form](#)
- Retaliation is strictly prohibited

Golden Tickets!

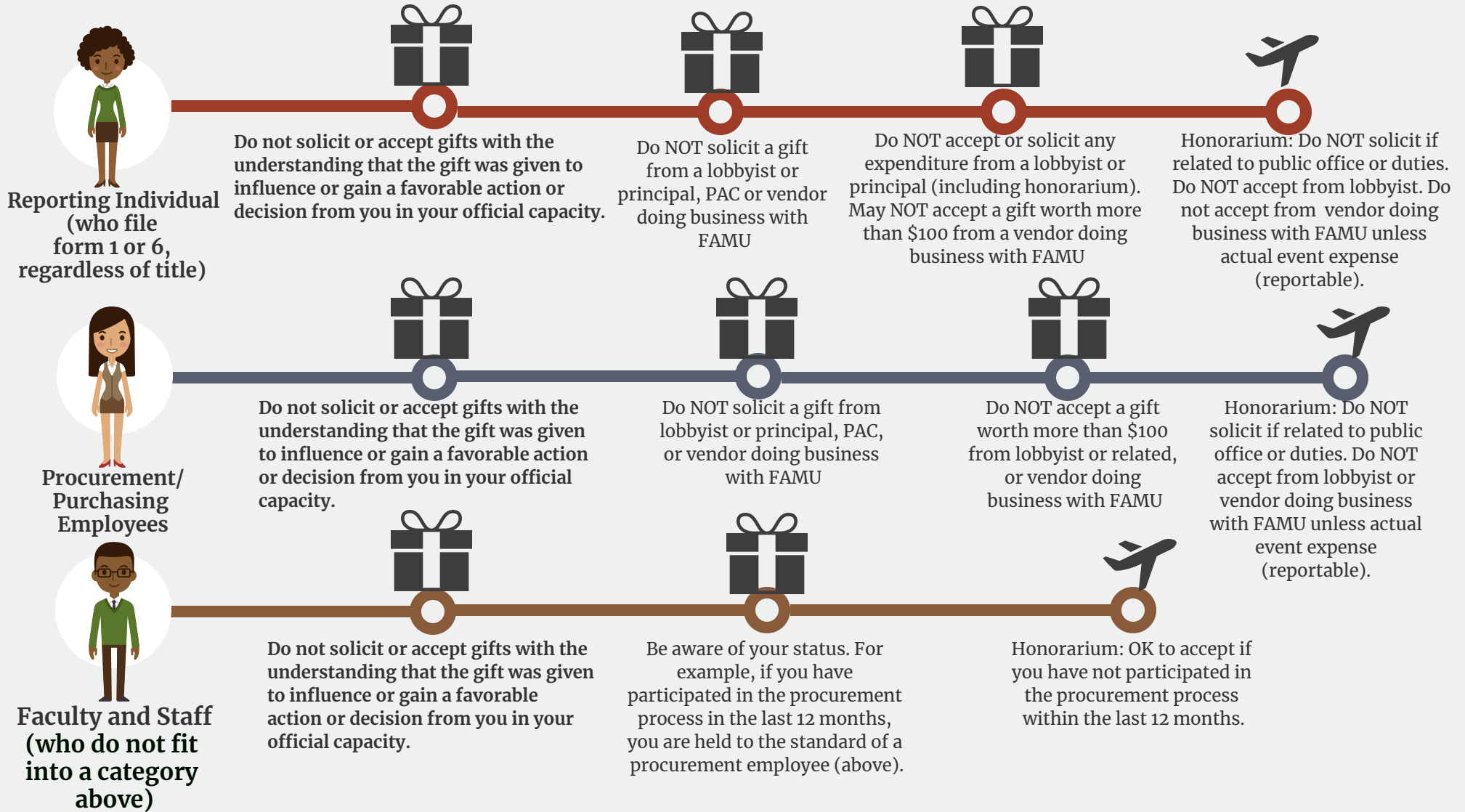




Great things are
happening at FAMU everyday
- Larry Robinson, Ph.D.



FAMU Ethics Guide: Gifts / Journey Map



*What if you received a prohibited gift?

Immediately contact the Chief Compliance and Ethics Officer at rica.calhoun@famuedu.



STRATEGIC EXCELLENCE



2019 MANAGEMENT SEMINAR

Management Seminar 2019: Current Trends in Labor and Employment Law

- **Robert Larkin, Esq.**
- **Allen Norton & Blue, P.A.**
- **906 N. Monroe Street**
- **Tallahassee, FL 32303**
- **850-561-3503**

PART I: LABOR LAW

THE BASICS OF LABOR LAW AND COLLECTIVE BARGAINING AT FLORIDA UNIVERSITIES

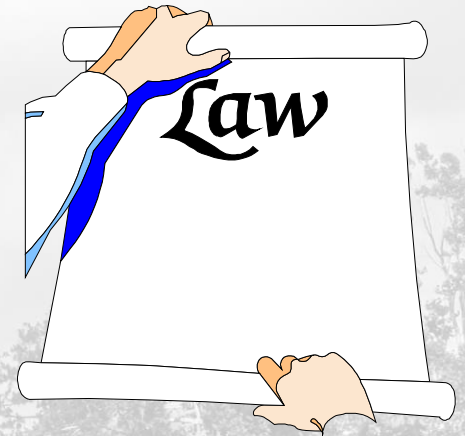
UNDERSTANDING THE UNIVERSITY BARGAINING DYNAMIC

- ✓ President is the CEO and Public Employer— F.S. 447.203(2) and (9);
- ✓ Board of Trustees is the Legislative Body – F.S. 447.203 (10);
 - ✓ President is responsible for all aspects of bargaining, including the declaration of impasse.
 - ✓ BOT is responsible for resolving the impasse.

FORMULATING YOUR STRATEGY

❖ Executive Sessions

- What is an Executive Session?
 - Outside the Sunshine (Shade Meeting)
 - Permitted by Law – F.S. 447.605
 - Meeting between President (“Bargaining Team”) and the BOT.
- Why have an executive session?
- When should you have an executive session?



FORMULATING YOUR STRATEGY

❖ Executive Sessions

- Help BOT understand the bargaining process.
- Inform BOT of President's bargaining strategies and goals.
- Ongoing dialogue through bargaining process of bargaining status.
- Inform BOT of changes in President's or Union's strategies.

FORMULATING YOUR STRATEGY

❖ Executive Sessions

- Prepare BOT for Union Discord and/or Impasse Resolution Process;
- Receive Feedback / Address Concerns

Duty to Bargain “In Good Faith”

- Section 447.203(17) defines “good faith bargaining”
 - Willingness to meet at reasonable times and places, as mutually agreed upon, to discuss proper subjects of bargaining, with the intent of reaching a common accord.
 - Active participation in negotiations with an open mind and a sincere desire and effort, to resolve differences and reach agreement.
 - Does NOT require reaching agreement or changing proposals.

Mandatory Subjects of Bargaining

- Mandatory Subjects
 - Subjects which directly impact “wages, hours, or terms and conditions of employment”
 - Once a party requests negotiations over a subject in these areas, the subject must be negotiated in good faith
 - Duty to bargain (engage in process), not to agree

E.g.: Discipline standards, layoff procedures, wages, insurance premiums, etc.

Permissive Subjects of Bargaining

- Permissive Subjects
 - Non-mandatory subjects which the parties may bargain over but are not required
 - No obligation to even discuss the issue if presented
 - Cannot be forced to impasse or imposed unilaterally

E.g.: Waiver of rights, limitations/restrictions on arbitration process, etc.

Management Rights

- Statutorily Defined (§ 447.209, Fla. Stat.)
 - A public employer has the right to **unilaterally**:
 - Determine the purpose of the University
 - Set standards of services to be offered
 - Exercise control and discretion over its organization and operations
 - Public employers also have the right to:
 - Direct employees
 - Take disciplinary action for proper cause
 - Relieve its employees from duty because of lack of work or for other legitimate reasons

Impasse and Ratification

Section 447.403, Fla. Stat., provides process for impasse resolution

Step 1: Appointment/selection of Special Magistrate

- May be waived (if so, go to legislative body hearing)

Step 2: Magistrate holds hearing and recommends a resolution to the BOT

Step 3: Parties present their positions to the BOT at a public hearing

Step 4: BOT determines resolution based on University's interest

Step 5: Ratification of Agreement

PART II: EMPLOYMENT

Discrimination and Harassment: Overview of the Laws



Discrimination and Harassment: Overview of the Laws

- Florida Civil Rights Act (state), includes marital status
- Title VII of the Civil Rights Act (federal)
- Americans with Disabilities Act (ADA)
- Age Discrimination in Employment Act (ADEA)
- Family and Medical Leave Act (FMLA)
- Pregnancy Discrimination Act (PDA)
- Retaliation and Whistleblower Statutes (Emerging Area)

Individual Liability

- If you are accused of harassing conduct you may be individually liable for intentional torts.
 - Assault and Battery;
 - False Imprisonment;
 - Intentional/Negligent Infliction of Emotional Distress;
 - Invasion of Privacy; and
 - Defamation.

Consequences of Individual Liability

- Named individually in lawsuit;
- Obtain own legal counsel – individual costs and legal fees.
- Difficult to have claims dismissed before trial because of factual disputes;
- Personal records and information subject to discovery;
- Negative publicity from lawsuit and public records filed in Court.

What is Harassment?

- **Two General Categories:**

- Intangible Job Action (“Hostile Work Environment”); and
- Tangible Job Action (“Quid Pro Quo”)

Hostile Work Environment

- Unwelcomed and Offensive Conduct
- Based on a person's:
 - **Sex**
 - **Race**
 - **National Origin**
 - **Religion**
 - **Age**
 - **Handicap**
 - **Disability**

Hostile Work Environment

- Conduct is:
 - Unwelcome
 - Based on sex (or other protected category)
 - Severe or pervasive
 - Abusive working environment
- Not all conduct, even though crude or offensive, is unlawful
- EEOC stated that “Title VII does not proscribe all conduct of a sexual nature in the workplace.”

FAMU REGULATION 10.103

- NON-DISCRIMINATION and HARASSMENT and COMPLAINT PROCEDURE
- Discrimination Prohibited against:
 - Students, employees, applicants, vendors, independent contractors, visitors and others who conduct business with the University;
 - Also includes sexual orientation, gender identity, gender expression and veteran status;

FAMU REGULATION 10.103

- HARASSMENT PROHIBITED:
 - DEFINITION: Any slurs, innuendos or other verbal or physical conduct...which has the purpose or effect of creating an intimidating, hostile or offensive educational or work environment ... or unreasonably interferes with the individual's work or school performance or participation or an individual's employment or educational performance;
 - SEXUAL HARASSMENT: Also includes sexual misconduct, sexual exploitation, relationship or domestic violence and stalking behavior;

FAMU REGULATION 10.112

- COSENSUAL RELATIONSHIPS:
 - Not illegal, but pose significant risks because of conflicts of interest, favoritism, exploitation and bias;
 - Between Employees: All employees are responsible to avoid any apparent or actual conflict of interest and may require a Romance Agreement.
 - If supervisor-subordinate employee relationship: University prohibits.
 - As to Students: University prohibits even if consensual.
 - Failure to comply: discipline up to and including termination

Facts Regarding Harassment

- Unlawful harassment may occur even without economic injury or even without the victim being discharged from his/her job;
- To be considered unlawful harassment, the harasser's conduct must be unwelcome
- The sexual harassment victim does not have to be of the opposite sex.
- 15,000 sexual harassment charges of discrimination filed with the EEOC each year (almost 42 per day).

Facts Regarding Harassment

- The harasser can be the victim's supervisor, a colleague or co-worker or a non-employee.
- The victim does not have to be person being harassed, but anyone affected by the offensive conduct.
- Harassment does not have to be intentional - does not have to be directed at a particular individual.

EMPLOYER DEFENSE

- An employer may avoid liability under this defense if:
 1. It exercised reasonable care to prevent and correct promptly any sexually harassing behavior and
 2. The employee unreasonably failed to take advantage of any preventative or corrective opportunities provided
- Response to complaints is vital for determining employer liability in HWE Sexual Harassment cases
- A quick, appropriate response, along with a comprehensive policy goes a long way toward avoiding liability

SEXUAL MISCONDUCT POLICY

- Sexual Misconduct: sexual harassment, sexual violence, dating violence, domestic violence, sexual exploitation and stalking are prohibited whether by faculty, staff, administration, students, visitors or others.
- Protects ALL students (P/T or F/T, gay, straight, lesbian, bisexual or transgender) from sex based discrimination, including sexual violence.

SEXUAL MISCONDUCT POLICY

- Requires everyone to take an active interest and responsibility to ensure that we are engaging in consensual sexual activity.
- Requires “Every member of the University Community to report or file complaints.

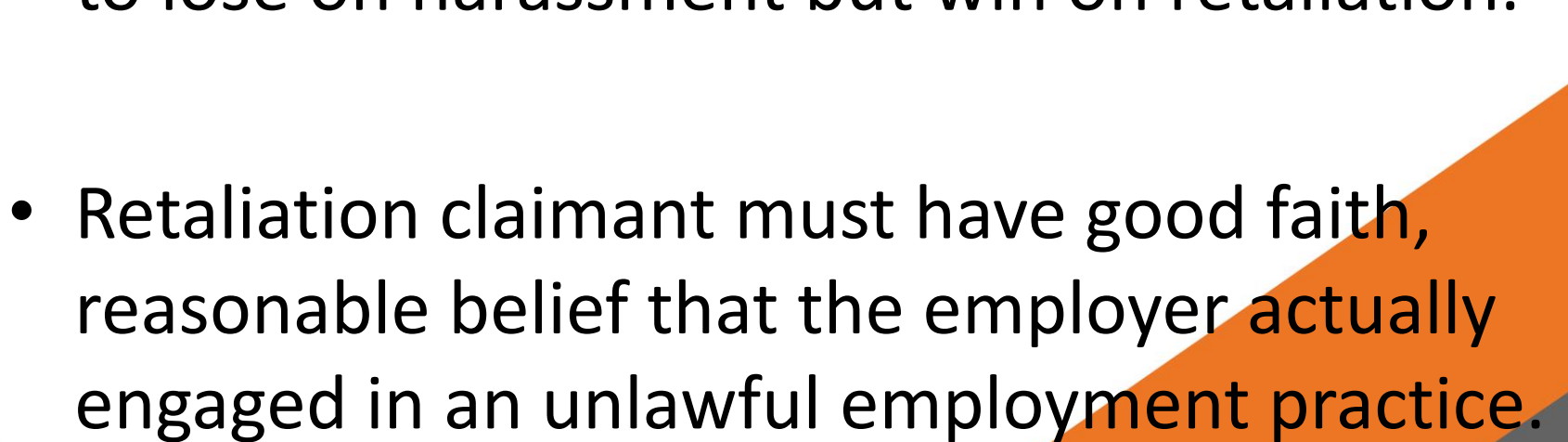
Retaliation

- Retaliation (Title VII and Whistleblower) is an employer taking some sort of adverse employment action in response to an employee participating in or voicing their opposition to a violation of anti-discrimination laws or other applicable statutes.
- **Types:**
 - **Opposition:** Opposing an unlawful employment practice such as discrimination or harassment.
 - **Participation:** Making a charge, testifying, assisting, or participating in any manner of an investigation, proceeding or hearing.

Retaliation

- The law protects the alleged targets of unlawful harassment from retaliatory conduct and
- Anyone who complains of unlawful actions or discrimination.
- An employer can be held liable for retaliation even if it is not liable for the underlying harassment of which the employee complains.

Retaliation

- It is not uncommon for employees to file suits alleging both harassment and retaliation, and to lose on harassment but win on retaliation.
 - Retaliation claimant must have good faith, reasonable belief that the employer actually engaged in an unlawful employment practice.
- 

FAMU REGULATION 10.103

- (a). Complainants who feel that they have been retaliated against for exercising their rights under this Regulation shall have the right to file a retaliation complaint with the EOP officer.
- (b). Retaliation complaints shall be handled in the same manner and utilizing the same procedures as the Discrimination and Harassment Complaint Procedure.

First Amendment and Social Media

Liverman v. City of St. Petersburg

Social Media Policy

- Negative comments on the internal operations of the University or specific conduct of your supervisors or peers that impact the public's perception of the University is not protected by the First Amendment free speech clause, in accordance with established case law.

First Amendment and Social Media

First Amendment Analysis

- Public Concern: Issues of social, political, or other interest to a community *Connick v. Myers*, 461 U.S. 138 (1983)
 - “Content, form and context”
 - Speech as a private citizen or an employee?
 - Official duties? *Garcetti v. Ceballos*, 547 U.S. 410 (2006)
- Balancing test:
 - Employee’s right to speak freely vs. employer’s interest in efficient operation of agency.
 - *Pickering v. Bd. of Educ.*, 391 U.S. 563 (1968)

First Amendment and Social Media

FAMU Social Media Policy

- The use of social media on an official Florida A&M University platform must be managed responsibly because it is a reflection of the University and its employees, faculty, students and alumni.
- Communications made through social media are not exempt from the expectations and obligations set forth in FAMU's policies or from the laws and regulations that govern personal liability across general and traditional forms of communication. You are responsible for what you post on your own social media account and on the sites of others.

Thank you

Questions?

Robert Larkin, Esq.

Allen Norton & Blue, P.A.

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Tallahassee, FL 32303

rlarkin@anblaw.com

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FMLA & ADA Compliance: Dealing With Employee Medical Issues

PRESENTED BY: JENNIFER T. WILLIAMS

APRIL 4, 2019



FMLA Overview

The Family and Medical Leave Act Overview

- Signed into law in 1993
- Congressional purpose: to promote development of the family unit and enhance worker productivity
- Eligible employees are entitled to 12 weeks of unpaid leave in any 12-month period (don't forget military service member leave)



Expansion of FMLA Rights

- In 2013, DOL issues Final Rule - significant expansion of military service member protections and leave for qualifying exigencies
- The DOL's interpretation makes it clear that employees may be entitled to FMLA leave to care for adult children with disabilities, regardless of age of child when disability ensued. (Endorses ADA analysis)
- On February 25, 2015, the Department of Labor proposed a revision to the FMLA's definition of "spouse":
- "Means husband or wife as defined or recognized under State law for purposes of marriage in the **place of celebration**, including common law marriage in States where it is recognized.

Entitlement to Leave

May be taken for any one, or for a combination of, the following reasons:

- The birth of the employee's child or to care for the newborn child
- The placement of a child with the employee for adoption or foster care or to care for the newly placed child
- To care for the employee's spouse, child or parent (but not in-law) with a serious health condition



Entitlement to Leave

- The employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of his or her job
- For any **qualifying exigency** arising out of the fact that the employee's spouse, son, daughter, or parent is on (or has been notified of an impending call to) "covered active duty" in the Armed Forces and military caregiver leave



“Serious Health Condition”

- Employee: Leave is available for employee's own serious health condition that makes the employee unable to perform any of the essential functions of his or her position
- An illness, injury, impairment or physical or mental condition that meets the criteria of at least one of the following categories:
 - Inpatient care – overnight stay
 - Continuing treatment by a health care provider – more than 3 consecutive days of incapacity
 - Continuing treatment for pregnancy or prenatal care

FMLA
FMLA



Employee Leave Request

Timing: Employee must give 30 days notice to employer if leave is foreseeable; if 30 days is not possible, notice should be given as soon as possible

Content: Employee need not mention FMLA, but must provide sufficient information for employer to determine if leave may qualify for FMLA protection

Examples:

- Information that employee's family member is unable to perform daily activities
- Information that employee needs to be hospitalized overnight

Employer Notice Obligations

- Employee's right to substitute paid leave
- Any requirement for employee to make premium payments to maintain health benefits
- Employee's status as a "key employee"
- Employee's right to maintenance of benefits during the FMLA leave
- Employee's potential liability for payment of health insurance premiums paid by employer if employee fails to return to work
- DOL issued new forms in May 2015



Authenticating or Clarifying Medical Certifications

- If certification is complete and signed - employer may not request additional information
- If not complete or vague, employer may contact the healthcare provider to authenticate the certification, or (with employee's consent) clarify the certification
- Employee must first have opportunity to cure any deficiencies



Intermittent Leave Under the FMLA

- If an employee takes leave intermittently or on a reduced work schedule basis, the employee must, when requested, attempt to schedule the leave, so as not to unduly disrupt the company's operations
- When an employee takes intermittent or reduced work schedule leave for foreseeable planned medical treatment, the company may temporarily transfer the employee to an alternative position with equivalent pay and benefits for which the employee is qualified and which better accommodates recurring periods of leave



Pay and Benefits During Leave Period

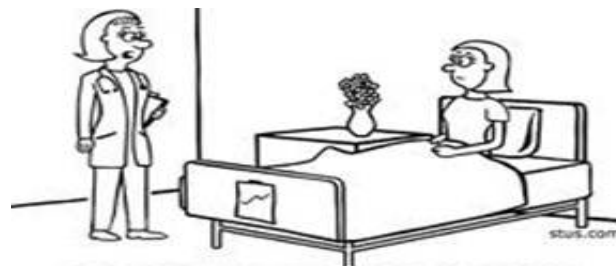
Pay Increases

- Employee is entitled to any unconditional pay increases which may have occurred during the FMLA leave period
- Pay increases based upon seniority, length of service or work performed do not need to be granted unless based on employer policy or practice

Pay and Benefits During Leave Period

Bonuses and Awards

- Equivalent pay includes any bonus or payment made to employees (similar to pay increases)
- If bonus or other payment is based on the achievement of a specified goal (hours worked, products sold, etc.), and employee has not met the goal due to FMLA leave, payment may be denied (but be consistent)



The good news is you responded well to chemo.
The bad news is we're demoting you.

Return From Leave

General Rule: An employer must restore an employee returning from FMLA leave to his/her same position or an equivalent position even if employee has been replaced or position has been restructured to accommodate the absence

Limitations on reinstatement rights:

- Employee cannot perform the essential functions of the position
- Employee would not otherwise have been employed at the time of reinstatement
- Employee is a salaried "key employee"
- Employee gives notice of intent not to return to work
- Employee fraudulently obtains FMLA leave



Fitness for Duty Certification

- Employer may have a uniformly applied policy or practice that requires employees who take FMLA leave to submit a certification from their health care provider that employee is able to resume work
- Example: Employee terminated at the conclusion of FMLA leave because she failed to provide employer with medical clearance as required by employer's policy
- Permissible under the FMLA?

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Americans with Disabilities Act Overview

Background of the ADA

ADA was passed in 1990

The ADA called for “a mandate for the elimination of discrimination against individuals with disabilities”

Evolution of the ADA pre-ADAAA:

- Courts spent a great deal of time focusing on who is considered an “individual with a disability”
- U.S. Supreme Court interpreted the coverage narrowly (with reference to corrective /mitigating measures)



Expansion of ADA Rights

- Effective January 1, 2009; EEOC issued final ADAAA regulations in March 2011
- Clarified Congress' intention that the ADA be interpreted broadly and that the EEOC's current regulations were inconsistent with that intent
- Legislatively overturned the Supreme Court's narrow interpretation in favor of broad protection
- Focus is now on whether discrimination occurred, not whether condition is a disability
- Highlights focus on whether employer has engaged in the "reasonable accommodation" interactive process

What Remains of the Pre-Amendment ADA?

- Employers can still require that employees are able to perform the essential functions of a job, with or without reasonable accommodation
- The direct threat defense remains intact
- The standards for reasonable accommodations continue to be used



ADA – What Is “Reasonable”

As defined by the ADA, it includes, but is not limited to:

(A) making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and

(B) **job restructuring, part-time or modified work schedules**, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities

Reasonable Accommodation Examples

- Making existing facilities accessible
- Job restructuring
- Part-time or modified work schedules
- Acquiring or modifying equipment
- Reassignment to vacant position
- Extended leave of absence

What to Do When An Employee Has Requested an Accommodation

- What should the employer's first consideration be?
 - Two words: **INTERACTIVE PROCESS**
- Upon receiving a request from a employee, employers must work in tandem with the employee to find a "reasonable" accommodation
 - This process involves determining the nature of the disability and how it might affect the employee's performance
 - It also requires considering how the employer may be able to help the employee perform the "essential functions" of the position

How Does the Interactive Process Work?

It depends....

- Upon cooperation from the employee
 - Returning requested documentation to substantiate the claim of disability
 - Working with the accommodations offered by the employer
- Training for managers to handle these issues with employees
 - Immediately jumping into action to handle the employee's request
- Even if lack of cooperation from employee, company still must attempt to engage in interactive process

Interactive Process - What Should You Look For?

- Can employee perform the essential functions of the position?
- Did employee notify employer of disability (or did employer know)?
- Did employee request accommodation?
- What accommodations were discussed/ explored?
- Did employee reject reasonable accommodation?
- Was employee able to perform essential functions of job with accommodation?

Undue Hardship: When No Reasonable Accommodation Can Be Found

How does an employer show “undue hardship”?

- When receiving the employee’s request, several key considerations must be made—***at the time of the request***
 - Costs to the Employer:
 - Effect on Operations (department, division, region,)
 - Financial Condition (budgeting, profits, losses)
 - Temporary Replacements (especially for time off requests)
 - Benefit to be derived by the Employee

Undue Hardship: It's All About "Common Sense Balancing"

- Courts do not require the employer to show "undue hardship" defense "with mathematical precision"
 - A "***common sense balancing***" of the costs and the expected benefits "is all that is expected."
- The employer's analysis must be more detailed than what could be undertaken by the employee
 - ***The analysis cannot be speculative***
- The ***employer*** has the burden to show that the potential costs of a particular accommodation outweigh the benefits to the employee that will result from granting the accommodation.

What About Essential Job Functions?

- Reasonable accommodation must enable employee to perform “essential job functions” – otherwise employee is not an ADA-covered qualified individual
- Employees must show that they can perform essential job functions
- Employer’s judgment weighs heavily in determining whether a particular job function is essential
- Written job descriptions are effective in setting forth essential job functions
- Actual job experience/time spent performing the job is key measure of whether a job function is essential or marginal

Essential Job Functions – Yes/No?

- Ability to stay awake?
- Ability to work full-time and/or overtime?
- Attendance?
- Standing/walking?
- Oral Communication?
- Lifting?
- Ability to handle stress?

Interplay Between FMMLA & ADA

Covered Employers

ADA

- Private employers and employment agencies with 15 or more employees
- State and local governments, but not the federal government

FMLA

- Private employers with 50 or more employees
- State and local government employers and most federal government employers

Qualifying Events

ADA and FMLA compared:

- ADA and FMLA must be analyzed separately
- Some disabilities may also be serious health conditions
- However, some FMLA-covered serious health conditions do not qualify under ADA

Employee Eligibility

ADA

- Individual with a disability who is qualified for the job in question
- Can perform the job with or without reasonable accommodation

FMLA

- Worked for 12 months and a total of 1,250 hours

Notice and Posting Requirements

ADA

- Notice posted describing protections of the ADA
- Put in posters and employee handbooks

FMLA

- Notice posted describing protections of the FMLA
- Employee handbooks
- Eligibility
- Rights and responsibilities
- Designation notice

Pre-employment Inquiries

ADA

- May ask about reasonable accommodation when:
 - Applicant is told what the hiring process involves
 - Applicant has an obvious disability
 - Described or demonstrated how applicant would perform job

FMLA

- No requirements
- Not advisable to ask about previously taken leave

Post Offer Inquiries and Examinations

ADA

- Reasonable accommodation and documentation
- Preemployment physical
- Medical exams and disability inquiries

FMLA

- No specific requirement for post offer inquiries
- Returning employee may be required to provide a fitness-for-duty certificate

Employee Notice

ADA

- Employee must self-identify if disability is not obvious
- Eligible employee and employer must discuss reasonable accommodation

FMLA

- Where leave is foreseeable, the employee must give at least 30 days' notice or reasonable notice
- If leave is not foreseeable, employee must follow usual procedure for emergency leave
- For qualifying exigency leave, notice must be provided as soon as practicable

Medical Certification

ADA

- If the employee requests an accommodation and the disability is not obvious

FMLA

- For a medical condition, the employer may require that the employee provide certification from a healthcare provider

Independent Medical Examinations

ADA

- When disability documentation is insufficient
- Conducted at the employer's expense

FMLA

- When employer has reason to doubt medical certification
- Conducted at the employer's expense

Disqualifying Events

ADA

- Failure to provide necessary medical information
- Refusal of a reasonable accommodation

FMLA

- Delay in returning completed medical certification (delays FMLA leave)
- Failure or refusal to return certification

Undue Hardship

ADA

- Accommodation not required
- Consider the nature and cost of the accommodation

FMLA

- No undue hardship provision

Substance Abuse

ADA

- Alcoholism covered as a disability
- Current illegal drug use not covered
- Drug tests not prohibited

FMLA

- Current drug or alcohol addiction covered if condition qualifies as a “serious health condition”
- Employee must be receiving treatment or rehabilitation

Attendance Policies

ADA

- “No-fault” leave policies not allowed

FMLA

- Disregard FMLA leave for disciplinary purposes

Leave Requirements

ADA

- No paid or unpaid leave requirement
- Depends on reasonable accommodation and accrued leave

FMLA

- 12 weeks of unpaid leave for birth of a child, adoption or foster placement, a family member's serious health condition, the employee's serious health condition, or a qualifying exigency
- 26 weeks of unpaid leave for service member caregiver leave
- May substitute accrued paid leave

Benefits Issues

ADA

- Same as benefits for other unpaid leave

FMLA

- Employer must maintain group health insurance during leave
- Other benefits follow employer policies for other unpaid leave

Intermittent Leave

ADA

- May be a reasonable accommodation
- Compensation

FMLA

- Available for employee's serious medical conditions, a family member's medical conditions, qualifying exigency leave, or for service member caregiver leave

Part-Time Employees

ADA

- Covered by the ADA

FMLA

- Covered if they have worked for 1,250 hours in the past 12 months

Reinstatement

ADA

- Entitled to same position
- If the position is no longer available, must place in a vacant position at a lower level
- Not required to promote or “bump”

FMLA

- Entitled to same or equivalent position
- Exceptions:
 - Certification
 - Termination
 - Intent to return
 - Fraud
 - Policy violations
 - Key employee

Light Duty

ADA

- May provide a light duty position as a reasonable accommodation
- Not required to create light duty position

FMLA

- For non-intermittent leave, employer cannot insist on light duty
- Light duty hours do not count as FMLA leave

Termination

ADA

- Permitted if employee cannot perform job and no reasonable accommodation can be made

FMLA

- Permitted if an employee fails to return to work and if the ADA does not offer additional protection

Recordkeeping And Reporting

ADA

- Recommended to record requests for accommodation, attempt(s) to accommodate, and reason(s) that attempts to accommodate were not successful
- Medical information is confidential

FMLA

- Keep records for at least a 3-year period
- Medical information is confidential

Retaliation

ADA

- No discrimination or retaliation against any person (disabled or not) who has exercised rights under the ADA, taken action, or assisted in any action under the ADA, regardless of whether the person has a covered disability

FMLA

- No discrimination or retaliation against any person (eligible for leave or not) who has taken action or assisted in any action under the FMLA

Employer Liability

ADA

- Acts of employer, supervisors or agents, coworkers, third-party nonemployees
- Back pay, reinstatement, front pay, attorney's fees, and other equitable relief, if appropriate

FMLA

- Acts of employer, supervisors, or agents
- Wages, reinstatement, promotion, lost benefits, attorney's fees, and interest
- For willful violations, double damages may be awarded

Five Common Employee Medical Leave Issues

Understand Medical Diagnosis?

- FMLA does not allow employer to question employee directly about medical diagnosis – employer can contact healthcare provider only after employee fails to provide sufficient information
- FMLA regulations only require that healthcare provider provide “a statement or description of medical facts sufficient to support the need for leave”
- ADA only allows employer to make medical inquiries that are “job-related and consistent with business necessity”

Ask For Doctor's Note?

- Generally, employers can require employees to provide doctor's note confirming absence from work
- FMLA medical certification requirements can verify need for leave
- However, once employee has been approved for intermittent FMLA leave – employer cannot require employee to provide doctor's note for each absence caused by the medical condition for which the employee has been approved

Monday/Friday Absences?

- Employers can require employees to submit recertification every 30 days
- FMLA regulations also provide that an employer can request recertification more frequently than every 30 days where “information that casts doubt upon the employee’s stated reason for the absence”
- The Department of Labor has opined that an employer may submit to the healthcare provider a copy of the employee’s attendance patterns along with the medical certification request

Is 12 Weeks Maximum Leave Time?

- Employer leave policies often provided that once an employee has exhausted FMLA leave time, employee will be terminated if they cannot return to work
- Employer obligations under ADA may extend available leave time
- Extended leave time is considered a “reasonable accommodation” under the ADA – how long is reasonable?

No Fault Attendance Policies?

- In order to remain consistent, employers may implement “no fault” attendance policies under which all employee absences are treated the same regardless of reason
- Absences that are caused by FMLA-protected serious health conditions or ADA-covered disabilities should not be used as basis for employee discipline or termination
- Hot topic for EEOC the past few years – multiple class actions challenging validity of strict attendance policies

Five Ways To Address Employee Leave Issues

Amy Albertson

- Amy Albertson has been working for Super Burger for 6 months as a server
- Amy goes home early on Friday with a “stomach bug”
- Amy doesn’t return back to work until the following Wednesday – with her prescription for antibiotics & a doctor’s note that she had the flu
- What should Mary Manager do?

Amy Albertson

- Amy's customer service begins to decline significantly. She makes errors on customer checks, brings the wrong food and drinks, and fell asleep in the back office during one shift last week
- Mary Manager calls Amy into her office to issue a written warning – before she can discipline, Amy shares the good news that she is 3 months pregnant and her “stomach bug” was actually severe morning sickness
- Amy apologizes and tells Mary she will get back to her old job performance
- What should Mary Manager do?

Bobby Bronson

- Bobby has worked for ABC Mechanical Corp. as a file clerk since July 2012
- Bobby slipped & fell down flight of stairs in June 2015; herniated disc
- Co-workers have started making fun of him; calling him “Bobby Bumbles” and “clumsy”
- Now Bobby wants to work remotely so he doesn’t have to interact with his co-workers any longer
- How should ABC Mechanical address Bobby’s request?

Bobby Bronson

- Bobby decides he is bored at home and wants to return to the workplace
- Sandy Supervisor complains to HR that Bobby's job performance has decreased dramatically since his return – Bobby no longer interacts with his team & won't attend team building lunches
- Sandy wants to fire Bobby and “get some tougher employees in here”
- How would you address this situation?

Christopher Columbus

- Chris is on intermittent FMLA leave for workplace stress related to his IT Manager job at CarzRUs; usually his flare ups occur just prior to a holiday weekend
- Chris is such a superstar employee when he manages to report to work that his supervisor looks the other way
- A co-worker reports to HR that (during his last intermittent leave on July 4th) Chris posted a number of Instagram photos of Chris and his supervisor having a great time in New York City
- What steps would you take here?

Christopher Columbus

- Chris is given a final warning for his conduct
- What happens to the supervisor? Does it matter?
- The following week, Chris gets in a car accident and returns to work with the following restrictions: (a) no sitting for prolonged periods; (b) no typing for more than 10 minutes at a time; and (c) frequent bathroom breaks
- Chris is requesting a stand up desk & a device that allows him to speak into the computer – how would you address this request?

Diana Davidson

- Diana Davidson is on FMLA leave from her job as Accounting Clerk at a trucking company for a liver transplant
- The company hired a temporary Accounting Clerk (Tina) to perform Diana's job while she is out on leave
- Tina reports to her supervisor and HR that she has uncovered large scale mistakes that Diana made in balancing the company's books for 6 months prior to her leave
- The supervisor wants to fire Diana immediately and hire Tina permanently Is this advisable?

Diana Davidson

- Tina fixes Diana's mistakes and Diana is allowed to return from FMLA leave rather than be terminated
- Steven Supervisor wants to create an Accounting Manager position for Tina. Diana will report to Tina and continue her same Accounting Clerk job – is this ok?
- What if Steven Supervisor wanted to retain Tina as Accounting Clerk and move Diana to an Accounting Clerk Assistant position?
- What if Steven Supervisor agreed to retain Diana's \$15.00 hourly wage but removed most of Diana's job duties and gave them to Tina?

Eddy Edwards

- Eddy works for HH&H law firm as a paralegal since 2010
- Eddy's wife also works for the firm in the records department and is expecting their fifth child
- Eddy requests FMLA leave to bond with the baby – how much leave is Eddy entitled to under the FMLA?

Eddy Edwards

- The day before Eddy is scheduled to return from FMLA leave, he falls over his older child's tricycle and breaks his leg & left arm
- Eddy is in a full-body cast and cannot drive to work or sit at a desk. Eddy requests an extension of his FMLA leave for another 6-8 weeks. How should the firm's HR Director handle Eddy's request?
- Eddy's wife also submits an FMLA leave request to care for him – does the wife have any FMLA leave time remaining?

Lessons Learned

- Individualized assessment
- Gather all relevant facts before making decision
- Maintain documentation of employee requests, communications, and accommodations
- Remember confidentiality is paramount

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STRATEGIC EXCELLENCE



2019 MANAGEMENT SEMINAR

Consensual Relationships University Regulation 10.112



Consensual Relationships

- Pitfalls of “Consensual” Relationships
- Certain relationships prohibited by regulation
- If you are in a romantic relationship with an employee or co-worker that you do not have authority over, you need to report the relationship to your supervisor. The supervisor will determine if there is a conflict of interest. (recusal process)

Title IX

College Statistics

- There will be an attempted or completed rape of one in five undergraduate female college students – 20 %
- Six percent of undergraduate males report sexual assault while in college
- Victims of sexual assault are more likely to suffer depression, abuse alcohol and drugs, and contemplate suicide

-U.S. Department of Education, Office of Civil Rights



Responsible Employees

- All University employees must, within twenty-four (24) hours of receiving information, report information they have about alleged or possible sex-based discrimination, sexual harassment, and sexual misconduct discrimination involving students to the EOP Office, Office of Student Conduct, or the Department of Public Safety. Employees who are statutorily prohibited from reporting are exempt.

(Cited in University Regulation 10.103)

Office of Counseling Services Update



2019 MANAGEMENT SEMINAR

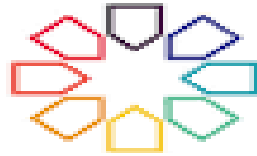
Milestones

- Counseling Center established on FAMU's campus in 1964
- Accredited by the International Association of Counseling Services (IACS) in 1984



Self-Help Therapy

(Stress/Anxiety, Depression, Public Speaking)



WellTrack
Interactive Self-Help Therapy

www.welltrack.com

Download WellTrack App and register with
famu.edu email address OR use access code
FAMUOCS18

Contracted Counseling Services



WellConnect Services

Main Campus

- After-hours telephone counseling
- University and/or OCS closed
- Student desires same day appointment, non-emergency



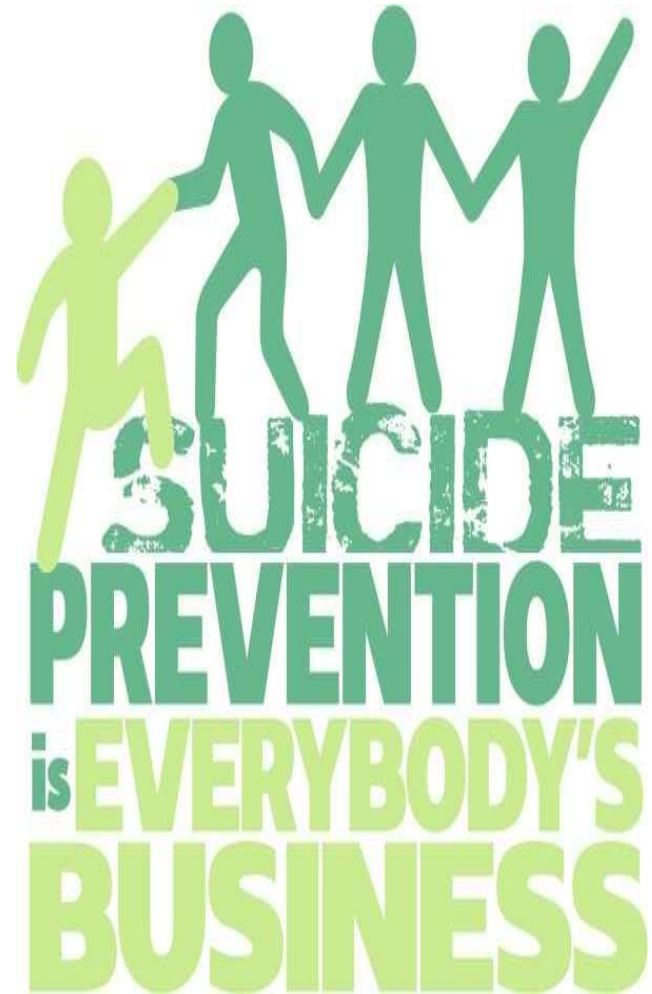
WellConnect Servies

Satellite Campuses

- Support and referrals - 24/7/365 toll free line
- Face-to-face counseling
- Financial/budget and debt consultations
- Legal consultation referrals
- Wellness student/work/life resources and referrals
- Wellconnectbysrs.com website and MH screens
- Student orientation
- Faculty/Staff Orientation
- Faculty consultations – unlimited
- TOA Self-help training access

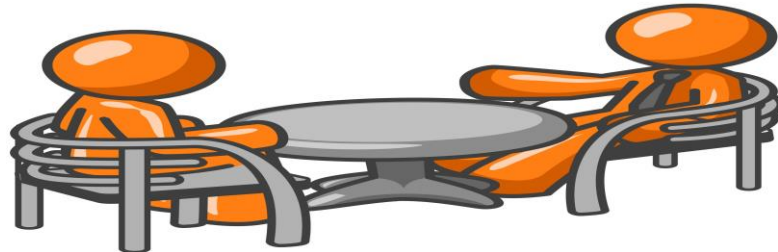
QPR Suicide Prevention Training

- Goal
- Certified trainers
- Trainings to date
 - Students
 - RAs
 - Man Talk (open discussion)
 - Faculty (1)
 - Staff
 - Residence Life
 - CeDar
 - Veteran Affairs
 - TRiO



Client Statistics

	7/1/15-6/30/16	7/1/16-6/30/17	7/1/17-6/30/18	7/1/18-3/29/19
New Clients	422	406	536	398
Returning Clts	108	155	180	238
TOTAL Clients	530	561	716	636
TOTAL Appts	2514	2512	3062	2446



College Students' Top Three Mental Health Concerns

**AUCCCD Survey
2016-17**

- Anxiety 48%
- Relationships 42%
- Depression 35%

**FAMU
2017-18**

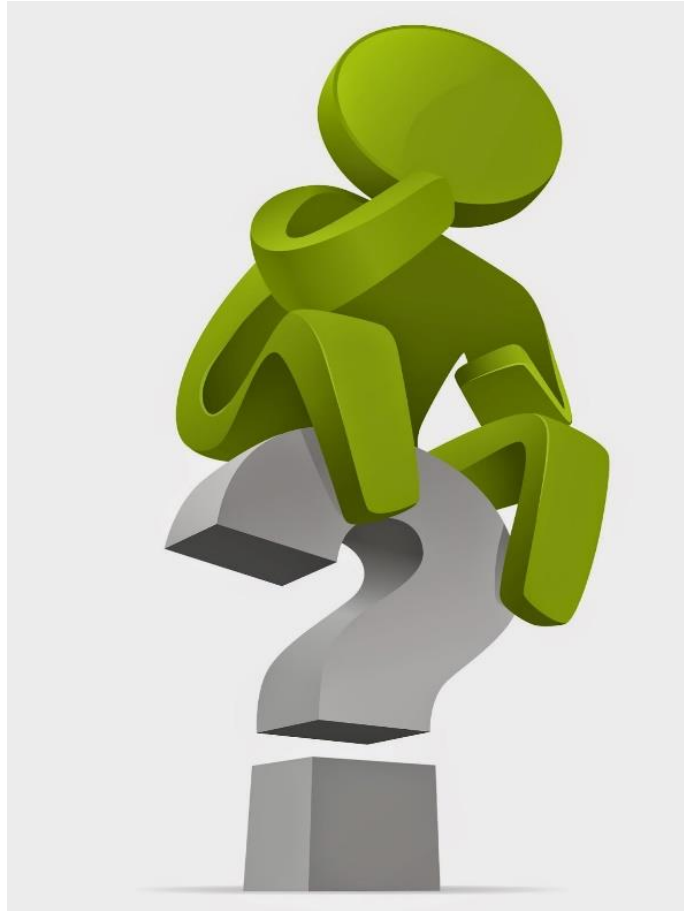
- Anxiety 58%
- Depression 34%
- Relationships 20%




What You Can Do

- Classroom Presentations
- QPR Suicide Prevention Training
(Administrators/Faculty/Staff/Students)
- WellConnect
- WellTrack
(Stress/Anxiety, Depression, Public Speaking)
- Office of Counseling Services
(850) 599-3145

Questions?





Great things are
happening at FAMU everyday
- Larry Robinson, Ph.D.



A stylized sun logo with a yellow circle in the center and yellow rays extending outwards, set against a light blue background. The entire graphic is enclosed in a yellow border.

The First Amendment Foundation

Protecting Your Right to Know for over 30 Years!

**Florida's Public Records Law
FAMU Management Seminar**

April 4, 2019



Florida, The *Sunshine* State

Florida is one of only a handful of states that has both a constitutional and statutory right of access to the records and meetings of its government.

Our public records law was first enacted in 1909. Before that, state courts recognized a common law right of access to government records.

Today's Sunshine Law was enacted in 1968. However, Florida's first open meetings law was passed in 1905.

In 1992, Florida voters overwhelmingly approved a constitutional right of access to the records of all three branches of state government, and the meetings of state agencies and local governments.



**Florida's
Public Records Law
Article I, s. 24(a), Fla. Con.
Chapter 119, F.S.**



Constitutional Right of Access: Records

Article I, section 24(a)

“Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf . . . This section specifically includes the legislative, executive, and judicial branches of government; . . . counties, municipalities, and districts; and each constitutional officer, board, and commission”



What is a Public Record?

The term “public record” is broadly defined in law as “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, *regardless of the physical form, characteristics, or means of transmission*, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” **Section 119.011(11), F.S.**

The Florida Supreme Court has said a public record is “*any material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.*” ***Shevin v. Byron, Harless, Schaffer, Reid and Assoc.*, 379 So. 2d 633, 640 (Fla. 1980)**



What is a Public Record?

Electronic Data and Records

Information stored in a public agency's computer "is as much a public record as a written page in a book or a tabulation in a file stored in a filing cabinet . . ." *Seigle v. Barry*, 422 So. 2d 63 (Fla. 4th DCA 1982)

The Public Records Act is not limited to paper documents; it applies to documents that exist only in digital form. *National Collegiate Athletic Association v. Associated Press*, 18 So. 2d 1201 (Fla. 1st DCA 2009)

Information such as electronic calendars, databases, and word processing files stored in an agency computers are all public records if made or received in connection with official business and intended to perpetuate, communicate, or formalize knowledge of some type. **AGO 89-39**



What is a Public Record?

Communications

E-Mail

E-mail messages made or received by agency officers and employees in connection with agency business are public records and subject to disclosure [and retention requirements] absent a specific statutory exemption. **AGOs 96-34 and 01-20**

Text Messages

The Attorney General has said that the “same rules that apply to e-mail should be considered for electronic communications” including text messages and instant messaging. **Inf. Op. to Browning, March 17, 2010**



What is a Public Record?

Social Media

Facebook Posts

The Attorney General has also said placement of material on an agency's Facebook page presumably would be in connection with the transaction of official business and thus subject to the public records law, and that the agency is under an obligation to follow retention schedules established by law. **AGO 09-19**

Tweets

And although neither the AGO nor the courts have directly addressed the issue of tweets as a public record, we can safely assume that such records, if "*intended to perpetuate, communicate, or formalize knowledge*" related to official agency business are subject to the requirements of the Public Records Act.



What is a Public Record?

Use of personal communication devices

In determining whether a record is made or received in connection with the official business of an agency, “the determining factor is the nature of the record, not its physical location. *State v. City of Clearwater*, 863 So. 2d 149 (Fla. 2003)

The fact that an email is sent from a private email account using a personal computer is not the determining factor as to whether that email is a public record – was the email prepared or received in connection with official agency business? If yes, the email is a public record subject to the requirements of the Public Records Act. *Butler v. City of Hallandale Beach*, 68 So. 3d 278 (Fla. 4th DCA 2011)



Who's Responsible?

Every Person Who Has Custody

Section 119.07(1)(a), F.S., stipulates that “[e]very person who has custody of a public record shall permit the record to be inspected and copied by any person . . . at any reasonable time, under reasonable conditions, and under supervision by the *custodian of the public records*.” **Section 119.07(1)(a), F.S.**

The phrase “custodian of public records” is defined in law as “the elected or appointed state, county, or municipal officer charged with the responsibility of maintaining the office having public records. **Section 119.011(5), F.S.**

The custodian of public records is authorized to designate another to permit inspection and copying of public records, but must disclose the identity of the designee to those who are requesting to inspect or copy public records. **Section 119.07(1)(b), F.S.**



Who's Responsible?

What is an "Agency?"

The word "agency" is broadly defined in the Public Records Act as "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, . . . and any other public or private agency, person, partnership, corporation, or business entity *acting on behalf of* any public agency." **Section 119.011(2), F.S.**

Whereas the Sunshine Law generally applies to elected and appointed government officials, the Public Records Act applies to *all* government officials and employees, as well as any private entity or person *acting on behalf of* a government agency. **Article I, s. 24(a), Fla. Con.**

Advisory boards created for the purposes of making recommendation to an agency are subject to the requirements of the Public Records Act. **AGO 96-32**



Who Can Request Public Records?

Any Person

“It is the policy of this state that all state, county, and municipal records are open for inspection and copying by *any person*.”

Section 119.01(1), F.S.

The word “person” is defined to include “individuals, firms, associations, joint []ventures, partnerships, estates, trusts, . . . corporations, and all other groups or combinations.” **Section 1.01(3), F.S.**

A public employee is a person within the meaning of the Public Records Act and thus has the same right of access as any other person. **AGO 75-175**

Likewise, a government agency is a person for the purposes of the Act and is allowed to request public records. **Hillsborough County, Florida v. Buccaneers Stadium Limited Partnership, No. 99-0321 (Fla. 13th Cir. Ct February 5, 1999)**



Who Can Request Public Records?

Requestor's Motivation

A “person’s motive in seeking public records is irrelevant.” *Timoney v. City of Miami Civilian Investigative Panel*, 917 So.2d 885, 886n.3 (Fla. 3rd DCA 2005)

“Even though a public agency may believe” that a requestor is annoying and making public record requests for the sole purpose of harassment, “the public records are available to all . . .” *Salvadore v. City of Stuart*, No. 91-812 (Fla. 19th Cir. Ct. December 17, 1991)

The “law provides any member of the public access to public records, whether he or she be the most outstanding civic citizen or the most heinous criminal.” *Church of Scientology Flag Service Org., Inc v. Wood*, No. 97-688CI-07 (Fla. 6th Cir. Ct. Feb. 27, 1997)

“The fact that a person seeking access to public records wishes to use them in a commercial enterprise does not alter his or her rights under Florida’s public records law.” *Microdecisions, Inc. v. Skinner*, 889 So.2d 871, 875 (Fla. 2nd DCA 2004)



Procedural Requirements

Reasonable Conditions

The right of access to public records “is virtually unfettered, save for statutory exemptions . . .” Thus, in the absence of a statutory exemption, the custodial agency must produce the requested records regardless of the number of records involved or the possible inconvenience to the agency. *Lorei v. Smith*, 464 So. 2d 1330 (Fla. 2d DCA 1985)

Absent specific statutory authority, an agency *cannot* require that:

- Requests for records be made in writing. *Dade Aviation Consultants v. Knight Ridder, Inc.*, 800 So.2d 302 (Fla. 3d DCA 2002)
- A requestor disclose his/her name, address, or telephone number. **AGOs 92-38 and 91-76**
- The reason for the request. *Timoney v. City of Miami Civilian Investigative Panel*, 917 So.2d 885, 886n.3 (Fla. 3rd DCA 2005)



Procedural Requirements

Prompt Response v. Reasonable Production

Requests to inspect or copy public records be acknowledged *promptly* and in *good faith*. **Section 119.07(1)(c), F.S.**

The custodial agency must then produce the requested records within a “reasonable” period of time. **Section 119.07(1)(a), F.S.**

The Florida Supreme Court has said that “reasonable” means the time it takes to locate a record, review it for exempt information, and provide a copy to the requestor. ***Tribune Company v. Cannella*, 458 So.2d 1075, 1078 (Fla. 1984)**

Policies which provide for automatic delays in producing public records are impermissible. **Id.**

An unjustified delay in producing public records can be a violation of the Public Records Act. ***Hewlings v. Orange County*, 87 So. 3d 839 (Fla. 5th DCA 2012)**



Procedural Requirements

Right to Inspect or Copy

“It is the policy of this state that all state, county, and municipal records are open for personal *inspection and copying* by an person. **Section 119.01(1), F.S.**

The Florida Supreme Court has held that the right to inspect public records carries with it the right to make copies of those records. ***Fuller v. State ex rel. O'Donnell, 17 So 2d 607 (Fla. 1944)***

The Public Records Act requires a custodial agency to furnish copies of public records. ***Schwartzman v. Merritt Island Volunteer Fire Department, 352 So. 2d 1230 (Fla. 4th DCA 1977)***



Procedural Requirements

Electronic Format

Everyone has a right to public records in “*some meaningful form.*” *Seigle v. Barry*, 422 So. 2d 63, 66 (Fla. 4th DCA 1982)

An agency must provide a copy of a public record in the format requested *if* the record is maintained in that format. If the record is not maintained in the format requested, an agency has the *option* of converting the record and charging a fee pursuant to s 119.07(4). F.S. **Section 119.01(2) (f), F.S.**

An agency is not required to provide public records in an electronic format other than the standard format routinely maintained by the agency. **AGO 97-39**



Fees & Costs

Copying Fees

Providing access to public records is a statutory duty imposed by the Legislature upon all custodial agencies and should not be considered a profit-making or revenue generating operation. **AGO 85-03**

The general fee provision in the Public Records Act that allows a charge of no more than

- 15¢ a page for paper copies up to 8½ x 14 inches, plus an additional 5¢ for two-sided copies; or
- The *actual cost of duplication* for large size paper or non-paper copies.
Section 119.07(4)(a), F.S.

“Actual cost of duplication” means the cost of the material and supplies actually used to duplicate the public record. Labor and overhead costs are *specifically excluded* and such costs can’t be passed on to the requestor. **Section 119.011(1), F.S.**



Fees & Costs

Extensive Use

An agency may charge a *reasonable* fee for the *extensive use* of agency resources – personnel, information technology, or both – in addition to the actual cost of duplication. **Section 119.07(4)(d), F.S.**

Such fees must be reasonable and based on actual costs incurred. **Section 119.07(4)(d), F.S.**

Automatic application of the extensive use provision is prohibited. **AGO 90-07**

Agencies should have

- a definition of “extensive use” and
- a justification for the definition. **2019 Sunshine Manual, p. 174**



Presumption of Openness

All records are presumed open and subject to disclosure unless there is a *specific* statutory exemption. **Art. I, s. 24(a), Fla. Con**

Only the Legislature can create an exemption to our constitutional right of access. **Art. I, s. 24(c), Fla. Con.**

Florida’s “courts cannot judicially create any exceptions, or exclusions to Florida’s Public Records Act.” ***Board of County Commissioners of Palm Beach County v. D.B.*, 784 So. 2d 585, 591 (Fla. 4th DCA 2001)**

Courts cannot “imply” from open records requirements – “an exemption from public records access is available only after the legislature has followed the express procedure provided in Article I, section 24(c) of the Florida Constitution.” ***Memorial Hospital-West Volusia v. News-Journal Corporation*, 729 So. 2d 373 (Fla. 1999)**



Exemptions

Burden of Proof

The public records law is to be liberally construed in favor of open government, and exemptions from disclosure are to be narrowly construed so they are limited to their stated purpose. *Krischer v. D 'Amato*, 674 So.2d 909, 911 (Fla. 4th DCA 1996)

An agency claiming an exemption bears the burden of proving the right to an exemption. *Woolling v. Lamar*, 764 So.2d 765, 768 (Fla. 5th DCA 2000)

If an agency denies a request public records in whole or in part, the agency must put the denial in writing, provide the exact statutory citation authorizing the denial, and explain “with particularity” the conclusion that the record is exempt if asked to do so by the requestor. **Section 119.07(1)(f), F.S.**



Exemptions

Redacting Exempt Information

If a record contains both exempt and non-exempt information, the keeper of the record must redact (delete) that which is exempt and provide access to the remainder. **Section 119.07(1)(d), F.S.**

An agency may not ordinarily charge for the cost to review records for exempt information. **AGO 84-81**

However, an extensive use fee *may* be imposed *if* review and redaction require an extensive use of agency resources. ***Florida Institutional Legal Services v. Florida Department of Corrections, 579 So. 2d 267, 269 (Fla. 1st DCA 1991), review denied, 592 So. 2d 680 (Fla. 1991)***



Public Records Act Violations

Sanctions – Penalties

A public officer who *unintentionally* violates the Public Record Act is guilty of a non-criminal infraction punishable by a fine of up to \$500. **Section 119.0(1)(a), F.S.**

An *intentional* violation of the Public Records Act is a 1st degree misdemeanor. **Sections 119.10(1)(b) and 119.10(2), F.S.**

First degree misdemeanors are punishable by a fine of not more than \$1,000 and/or a jail term not exceeding one year. **Sections 775.082(4)(a) and 775.083(1)(d), F.S.**

Public officers who intentionally violate the Public Records Act are subject to suspension and removal or impeachment from office. **Section 112.52, F.S.**



Sanctions

Fees and Costs

If a civil action is filed against an agency to enforce rights provisions of the Public Records Act, and the court determines that the agency unlawfully refused to permit a public record to be inspected or copied, the court *must* award, against the agency responsible, the reasonable costs of enforcement including attorney fees, *if*:

1. The court determines the agency unlawfully refused to allow the record to be inspected or copied; and
2. The requestor provided written notice of the request to the record custodian at least 5 days before filing the lawsuit to compel compliance. **Section 119.12(1), F.S**

However, if the court determines the request was made for an improper purpose, the court *cannot* award attorney fees to the requestor. A requestor who makes a public record request for an improper purpose will be required to pay attorneys fees and costs to the agency.

An “improper purpose” is defined as a request that is made primarily to cause a violation of the public records law or was frivolous. **Section 119.12(3), F.S**



Need Help?

- First Amendment Foundation
 - Call (800) 337-3518 or (850) 222-3518
 - E-mail sunshine@floridafaf.org
- Open Government Mediation Program
 - Call (850) 245-0179
 - E-mail pat.gleason@myfloridalegal.com



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2019 MANAGEMENT SEMINAR

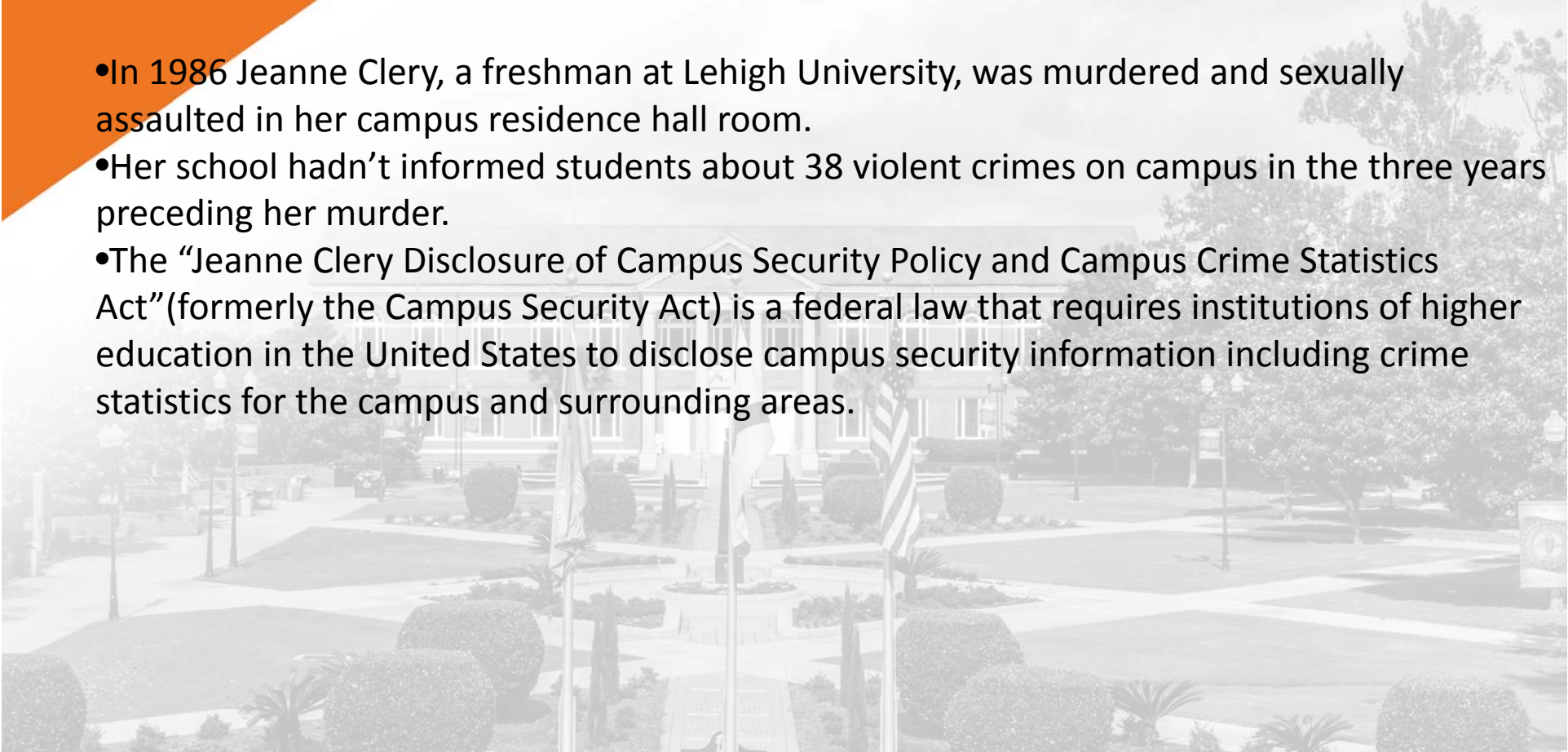
Campus Security Authority Training

What you need to know if you are a Campus Security Authority at
Florida A&M University





[The Clery Act](#)

- In 1986 Jeanne Clery, a freshman at Lehigh University, was murdered and sexually assaulted in her campus residence hall room.
 - Her school hadn't informed students about 38 violent crimes on campus in the three years preceding her murder.
 - The "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act" (formerly the Campus Security Act) is a federal law that requires institutions of higher education in the United States to disclose campus security information including crime statistics for the campus and surrounding areas.
- 

[What is a CSA? \(Campus Security Authority\)](#)

- Although every institution wants its campus community to report criminal incidents to campus security and law enforcement, we know that this doesn't always happen. For this reason, the Clery Act requires all institutions to collect crime reports from a variety of individuals and organizations that Clery considers to be "campus security authorities." CSA's are a vital part of data collection for the annual safety and security report.
- Data is collected from the CSA's to get the most accurate crime statistics possible –
 - That's where you come in



What makes you a CSA?

- The law defines four categories of Campus Security

Authority:

- Police/security officials.
- Non-police/security staff responsible for monitoring university property
- People/offices designated by the College to whom crimes should be reported.

(The Department of Safety & Security)

- “Officials with significant responsibility for students and campus activities”

(This could be you.)



Campus Security Authorities are

- Defined by function, not title:
 - Significant responsibility for student AND campus activities
 - Regular contact with students
 - These definitions include Resident Assistants (RA)
- Examples include:
 - Student Life Officials
 - Residential housing staff
 - Athletic coaches
 - Student activities coordinators
 - Faculty advisors to student organizations



• [Examples of individuals who may NOT meet the criteria for](#) being a CSA: Those who are exempt by law:

- Pastoral and licensed Professional counselors
 - They must be working within the scope of their license or religious assignment at the time they receive the crime report.
 - A person employed as a pastor at a local church, and employed at FAMU as a faculty member having responsibility for student or campus activities would not necessarily be exempt under the law from CSA classification. Your employment at FAMU must be as a counselor or pastor/chaplin.
- A faculty member who does not have any responsibility for student and campus activities beyond the classroom.
- Support Staff
 - Clerical
 - Maintenance
 - Food service employees



[So I am a CSA? What do I have to do?](#)

- The function of a campus security authority is to report to the official or office designated by the institution to collect crime report information, such as the campus police or security department, those allegations of Clery Act crimes that he or she concludes were made in good faith.
- At Florida A&M University all reportable crimes should be reported to the Department of Campus Safety & Security.
- A campus security authority's key responsibility is to encourage crime victims and witnesses to report crimes to the Department of Campus Safety & Security.

When in doubt, report it!



So what do I have to report?

These crimes must be reported:

- Homicide
- Sex Offenses
- Aggravated Assault
- Robbery
- Burglary
- Stolen Vehicles
- Arson

You must also report:

HATE CRIMES, including any of the seven crimes previously listed; any crime causing bodily injury or any of the following crimes that were motivated by hate:

Larceny-Theft

Simple assault

Intimidation

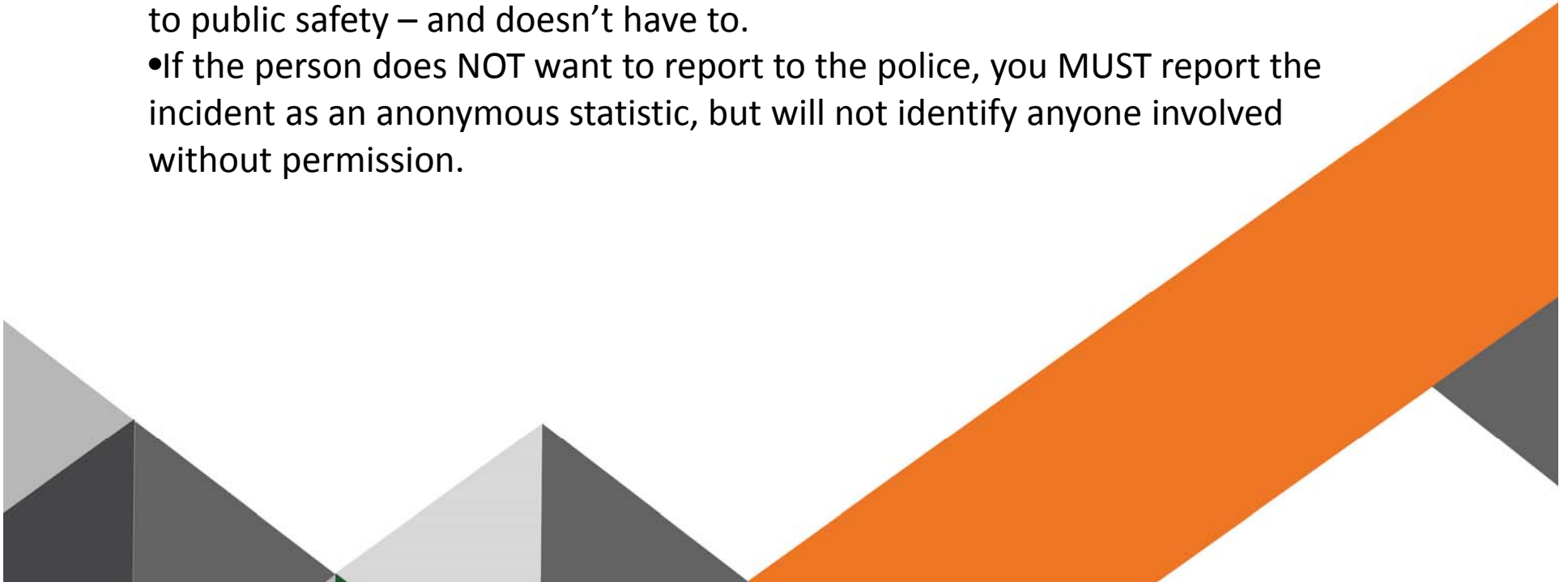
Vandalism

Liquor, drug and weapons – both arrests AND disciplinary referrals



Just the facts please....

- Just get the information the person is willing to tell you.
 - You don't have to prove what happened or who was at fault, or classify the crime. The Police will determine the proper classification of the crime.
 - You aren't supposed to find the perpetrator.
 - Submit a crime report, but DON'T identify the victim UNLESS she/he gives you permission.
- Encourage the person to report to the public safety (but don't insist).
- Tell them the report can remain confidential.
- BUT: The decision isn't yours, the person talking to you may not want to talk to public safety – and doesn't have to.
- If the person does NOT want to report to the police, you MUST report the incident as an anonymous statistic, but will not identify anyone involved without permission.



Timing and location is critical

Be sure to document:

- When the crime or incident occurred .
- When it was reported to you.

The law requires that the crime be reported for the calendar year in which it was first reported to a Campus Security Authority – not when it occurred, not when it was reported to Campus “law enforcement” by a CSA.

A crime must be reported if it occurred:

- On campus
- In on-campus student residence hall
- On public property adjacent to campus (e.g.. roads, sidewalks)
- On certain off-campus property

If a crime occurs in a location not listed above it is not reportable under Clery. i.e. a student reports being sexually assaulted while at home during spring break.



Completing the CSA Report

• If you have a Clery crime that needs to be reported please go to the following web address:

<http://www.famu.edu/index.cfm?PublicSafety&CampusSecurityAuthorities>

- Guidance is also available in the U.S. Department of Education Handbook for Campus Safety and Security Reporting.

<http://www2.ed.gov/admins/lead/safety/handbook.pdf>

- The Clery Act requires institutions of higher education receiving federal financial aid to report specific crime statistics on campus and provide safety and crime information to members of the campus community. **Failure to Report is a \$57,317 per Incident**




[Contact information](#)

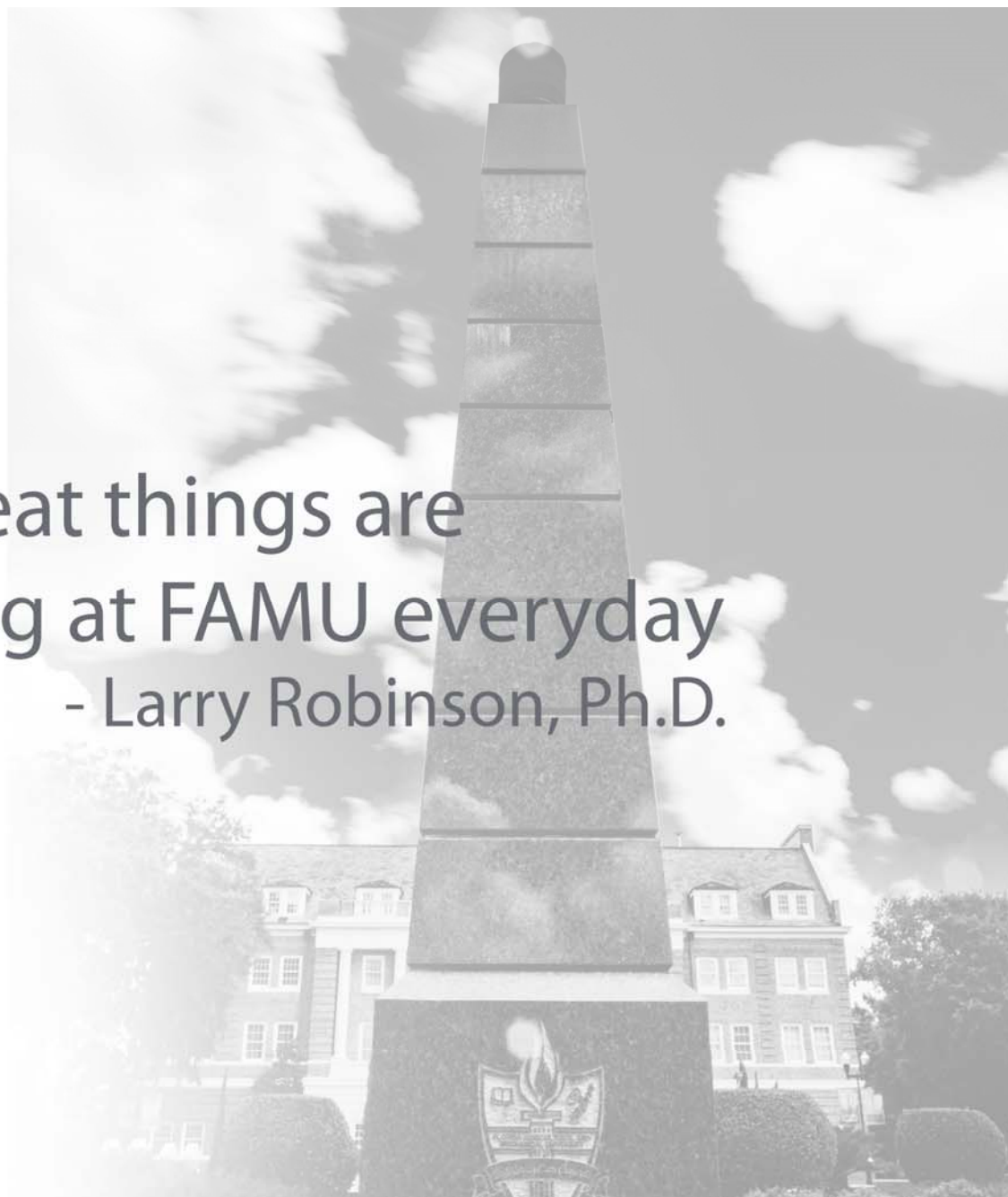
All questions should be directed to:

Sergeant Erica Herring
Campus Security Authority Coordinator
Florida A&M University Department of Campus Safety & Security
850-561-2658 main 850-879-6207 mobile
Erica.Herring@FAMU.EDU





Great things are
happening at FAMU everyday
- Larry Robinson, Ph.D.





Florida Agricultural and Mechanical University

TALLAHASSEE, FLORIDA 32307-6400



To assist Florida A&M University in complying with the federal Clery Act, this form should be utilized by Campus Security Authorities (CSA) to report crimes to the FAMU Police as soon as possible after a crime has been reported to the CSA. Under the Clery Act, a crime is reported to a CSA when a student, employee, or third party brings information about an alleged crime to the attention of the CSA. FAMU Campus Safety & Security will use the information provided in this form to classify the crime for purposes of inclusion in the University's annual crime statistics.

Date of report: _____

Name of campus security authority: _____

Date that incident occurred (mm/dd/yyyy): _____

If multiple incidents were reported or if the date the incident occurred is unknown, please note below:

Reporting Person Contact Information

Reported By: The Victim <input type="checkbox"/> A Third Party <input type="checkbox"/>	
First Name:	Last Name:
Phone Number:	E-mail Address:
If a third party reported the crime to you, please enter the relationship of the third party to the victim: _____	

Agency Notified

If, to your knowledge, a law enforcement agency was notified, please enter the name of that agency.

Agency: _____

Does the victim want the incident reported to law enforcement? Yes No

**Florida Agricultural and Mechanical University
Campus Security Authority Reporting Form**

Incident Information

Location of incident (<i>building name, street address, office number</i>): _____
Time of incident (<i>if known</i>): _____
Incident description (<i>Please provide specific, detailed information; can attach additional document if necessary.</i>)

Incident category:	<i>(Please see attached for definitions of offenses.)</i>		
Homicide	<input type="checkbox"/>	Burglary	<input type="checkbox"/>
Sex Offense	<input type="checkbox"/>	Robbery	<input type="checkbox"/>
Aggravated Assault	<input type="checkbox"/>	Arson	<input type="checkbox"/>
Motor Vehicle Theft			<input type="checkbox"/>
Dating Violence	<input type="checkbox"/>	Domestic Violence	<input type="checkbox"/>
Stalking	<input type="checkbox"/>	Hate Crime <i>Please see below for additional information.</i>	<input type="checkbox"/>
Arrest for Liquor Law Violation	<input type="checkbox"/>	Referral for Liquor Law Violation	<input type="checkbox"/>
Arrest for Drug Law Violation	<input type="checkbox"/>	Referral for Drug Law Violation	<input type="checkbox"/>
Arrest for Weapons Law Violation	<input type="checkbox"/>	Referral for Weapons Law Violation	<input type="checkbox"/>
Other Crime Category	If the crime was not listed above, please enter the additional crime category: _____		

Is there any evidence that this crime was motivated by bias? Yes No

If yes, please choose any/all categories of prejudice that apply.

Race Ethnicity Disability Gender Identity

**Florida Agricultural and Mechanical University
Campus Security Authority Reporting Form**

Gender Religion National Origin Sexual Orientation

If you answered “yes” to the Motivated by Bias question, please provide a brief summary of the evidence supporting a bias motivation:

Location

What best describes the location of the crime? *(If the crime occurred in multiple places, check all that apply. Please see the attached for further explanation as to the geography.)*

- On campus, residence hall
- On campus, not in a residence hall
- Public property immediately adjacent to campus
- Non-campus in a University owned leased or controlled space (i.e., off-campus classroom)
- Unknown location, other
- I do not know which category this location would fall under.

Please review the information within the form.

Once completed, please send this form to FAMU Dept. of Campus Safety & Security:

Via Mail: **FAMU Department of Campus Safety & Security**
2400 Wahnish Way #128, Tallahassee, FL 32307
Telephone No.: (850)599-3256

Via Email: **fampol@fam.u.edu**

Fax: **(850) 561-2615**

Crime and Geography Definitions are on the next pages only for review and reference, and do not have to be submitted with the completed form.

**Florida Agricultural and Mechanical University
Campus Security Authority Reporting Form**

Crime Definitions

Homicide	<ul style="list-style-type: none"> • Murder/non-negligent manslaughter: the willful (non-negligent) killing of one human being by another • Negligent Manslaughter: the killing of another person through gross negligence
Sex Offenses	<ul style="list-style-type: none"> • Sex offenses: Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent • Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim • Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity • Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law • Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent
Robbery	Taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear
Aggravated Assault	Unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury
Burglary	Unlawful entry of a structure to commit a felony or a theft
Motor Vehicle Theft	The theft or attempted theft of a motor vehicle
Arson	Willful or malicious burning or attempt to burn with or without intent to defraud a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
Dating Violence	<p>Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:</p> <ul style="list-style-type: none"> • the length of the relationship

**Florida Agricultural and Mechanical University
Campus Security Authority Reporting Form**

	<ul style="list-style-type: none"> • the type of the relationship • the frequency of interaction between the persons involved in the relationship
Domestic Violence	Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction...or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction
Stalking	Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress
Liquor Law Violation	The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages
Drug Law Violation	The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use
Illegal Weapons Possession	The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons

Florida Agricultural and Mechanical University
Campus Security Authority Reporting Form

Geography Definitions

On campus:

- any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
- any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as food or other retail vendors)

Non-campus building or property:

- any building or property owned or controlled by a student organization that is officially recognized by the institution; or
- any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution

Public property:

- all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus

HISTORY OF THE JEANNE CLERY ACT



Jeanne Ann Clery
1966-1986

In April 1986, Jeanne Clery’s life ended tragically when another student raped and murdered her in her residence hall room. Alarmed at the lack of transparency around crime and violence on college campuses, Jeanne’s parents, Connie and Howard, committed themselves to create enduring change.

In 1990, Congress approved the *Crime Awareness and Campus Security Act*. Later renamed in Jeanne’s memory, the *Jeanne Clery Act* took effect in 1991. It requires that colleges and universities:

- keep a public crime log
- publish an annual security report that includes crime statistics and security policies
- provide timely warnings to students and campus employees about a crime posing an immediate or ongoing threat to students and campus employees
- ensure certain basic rights for victims of sexual assault, dating violence, domestic violence, and stalking

The U.S. Department of Education enforces the Clery Act, and is responsible for collecting and disseminating crime statistics from colleges and universities each year.

CLERY ACT 101

CLERY ACT CRIMES

- Homicide
- Sex Offenses
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

Arrests & Referrals for Disciplinary Action for:

- Drug Law Violations
- Liquor Law Violations
- Weapons Law Violations

2013 Clery Additions:

- Domestic Violence
- Dating Violence
- Stalking

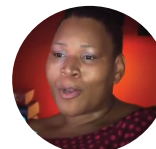
Hate Crimes: Any of the above offenses and incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property.

CLERY ACT GEOGRAPHY



- **On-Campus** (including Student Residential)
- **Public Property**
- **Non-Campus**

“We are all part of a community, and it’s all of our responsibility to make sure we all feel comfortable and safe.”



Shondrika Merritt
Assistant Director,
Residence Life

MY CAMPUS CLERY CONTACT

Name/Title:

Phone/Email:

CAMPUS SECURITY AUTHORITIES (CSAs)

WHO ARE CSAs?

- Officials with significant responsibility for student and campus activities
- A campus police or security department
- Individuals who have responsibility for campus security
- Individuals or offices designated to receive crime reports

Examples of CSAs:

- Resident Assistants
- Residence Life Staff
- Greek Life Advisors
- Coaches & Athletic Directors
- Dean of Students
- Faculty Advisors to Student Groups

“We are not investigators... Your job is to collect the facts that are right in front of you and give them to someone else...”



Kathleen
Student CSA

WHO ARE NOT CSAs?

- Faculty who do not have responsibilities outside of the classroom
- Campus physicians or nurses whose only responsibility is to provide care to students
- Pastoral or professional counselors acting in those specific roles

CSA RESPONSIBILITIES

- If someone tells you about a crime or an incident that might be a crime, you must report it to your institution’s designated office or an official responsible for collecting Clery report information.
- Share the information as related by the person.
- **When in doubt, report.**
- Tell the person who disclosed the crime to you that you must share the information.
- Help connect the person to available options and resources within the institution.

“If everyone works together and...we look out for each other, it’s a safer campus. And that’s why CSAs are critical to every university.”



Ed Shupp
Chief of Police

WHAT HAPPENS AFTER A REPORT?



Crime Statistics

- Annual Security Report
- Public Crime Log



Support & Resources

- Reporting Options
- On- & Off-Campus Resources & Services
- Counseling & Wellness



Ongoing Communications

- Timely Warnings
- Emergency Notification

MY CAMPUS CONTACTS

Campus Safety/Security:

Counseling Center:

Victim Services:



110 Gallagher Road
Wayne, PA 19087
p. (484) 580-8754
f. (484) 580-8759

www.clerycenter.org

Campus Security Authorities (CSA) Mandatory Training Acknowledgement

I understand that as a University employee in the position I hold, I have been identified to be a CSA pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

As a University employee and CSA, it is my responsibility to abide state and federal laws, and the Florida Agricultural and Mechanical University's regulations, policies, and procedures in accordance with any and all CSA training. I also acknowledge the CSA duties are part of my job duties, and that this acknowledgment form will be placed in my personnel file.

As a CSA, I am to report all crimes reported to me on a timely basis to the Department of Campus Safety and Security (Campus Police).

I acknowledge and confirm that I have reviewed the Clery Training Video and all CSA materials contained therein. If I have questions about the training, materials presented or policy and procedures, I understand it is my responsibility to seek clarification from the Human Resources Department or the Department of Campus Safety and Security.

Employee Signature _____

Force and Effect of Electronic Signature pursuant to Section 668.006, Florida Statutes.

Print name _____ Date _____

HR Office Staff and CSA Training Coordinator Instructions: Place a copy of this CSA Training Acknowledgment in the employee's personnel file and maintain a copy in the CSA training records.



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2019 MANAGEMENT SEMINAR



Emergency Preparedness ARE YOU READY?



Hurricanes

DEFINITIONS

- Tropical Storm Watch -Issued by the National Weather Service when winds of 39 to 73 mph are possible in the area within the next 48 hours.
- Tropical Storm Warning -Issued by the National Weather Service when winds of 39 to 73 mph are expected in the area within the next 36 hours.
- Hurricane Watch -Issued by the National Weather Service when winds of 74 mph or greater are possible within the next 48 hours.

OFFICE PREPARATIONS

- Unplug, cover, and secure vulnerable equipment with plastic.
- When possible, move equipment and other valuable items to the interior areas of the building and away from windows.
 - Tag moved equipment with department contact information for easy identification and retrieval.
 - In areas subject to flooding, relocate equipment and other valuable items to a higher floor or elevate.
- Remove or secure equipment from outdoor and rooftop locations.
 - Clear refrigerators and freezers of items that could spoil if power is lost, but leave appliance plugged in.



OFFICE PREPARATIONS

- Place important records and files in cabinets and cover with plastic.
- Close and latch (or secure with tape if necessary) filing cabinets and cupboards.
- Back up electronic data and store in multiple locations.
- Clear desktops, tables, and exposed horizontal surfaces of materials that could be damaged.
- Place telephone in desk drawer if the cord is long enough; do not unplug telephone.
- Take home personal possessions; the University is not responsible for damaged personal items.
- Secure windows and close blinds.
- Change voicemail and automatic e-mail reply to indicate University closure.
- Close and lock all doors, including interior office doors, before leaving.



FIRE

At the first indication that there is a fire in the building, or whenever the audible alarm sounds, evacuate the building immediately, closing but not locking doors behind you.

On your way out activate the building fire alarm if someone has not already done so.

- Without risking your own safety, encourage other occupants to evacuate the building.
- Do not use the elevators.



FIRE

From a safe location, report the suspected fire by calling 599-3256 or 911. Provide the building name and location, and the location of the suspected fire if known.

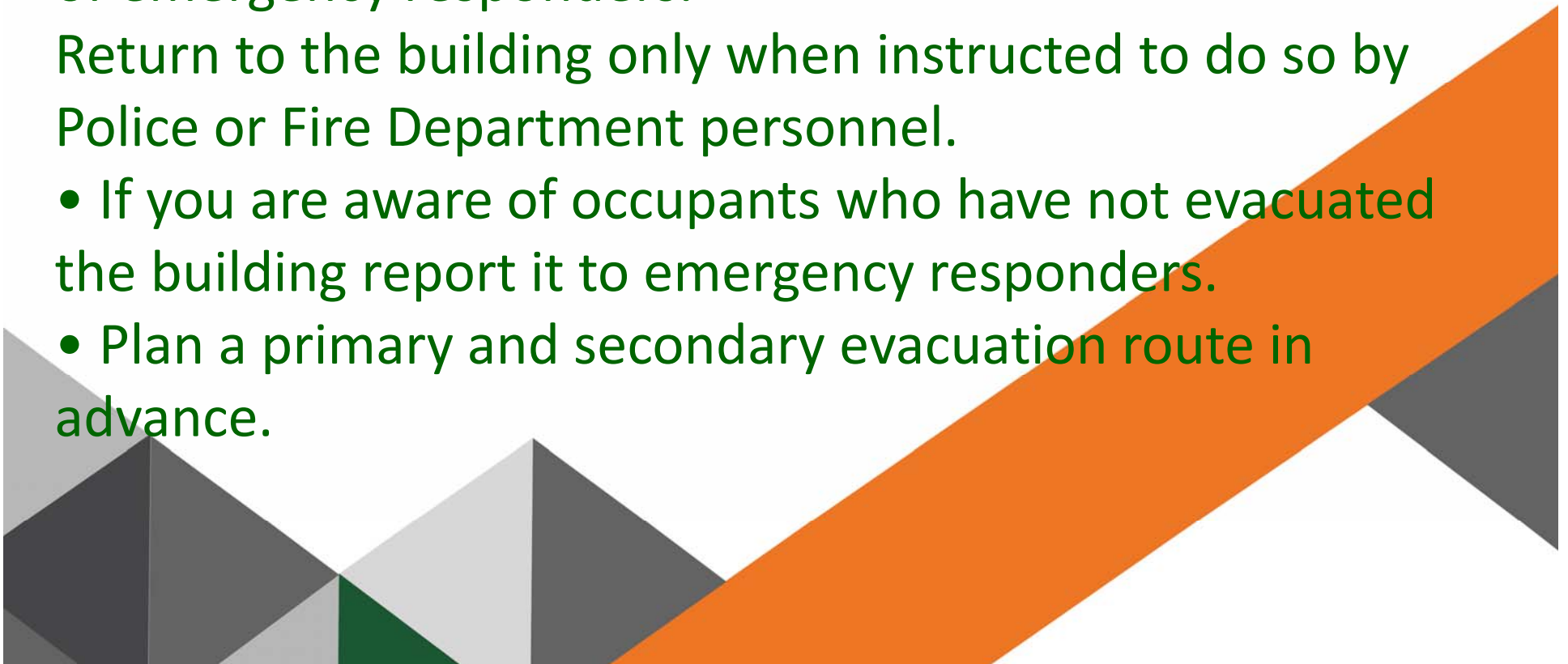
- If requested, accompany and assist persons with disabilities who appear to need direction or assistance.
- People who cannot walk down the stairs should go to the stairwells to wait for fire personnel. If possible, call 3256 or 911 to alert emergency personnel of your location and your need for assistance.
- Take with you only essential personal items such as purses and keys.

FIRE

Once outside, stay clear of the building and out of the way of emergency responders.

Return to the building only when instructed to do so by Police or Fire Department personnel.

- If you are aware of occupants who have not evacuated the building report it to emergency responders.
- Plan a primary and secondary evacuation route in advance.



BOMB THREATS

IF YOU RECEIVE A TELEPHONE THREAT

- Remain calm.
- Listen carefully. Be polite and show interest. Try to keep the caller talking so that you can gather important information.

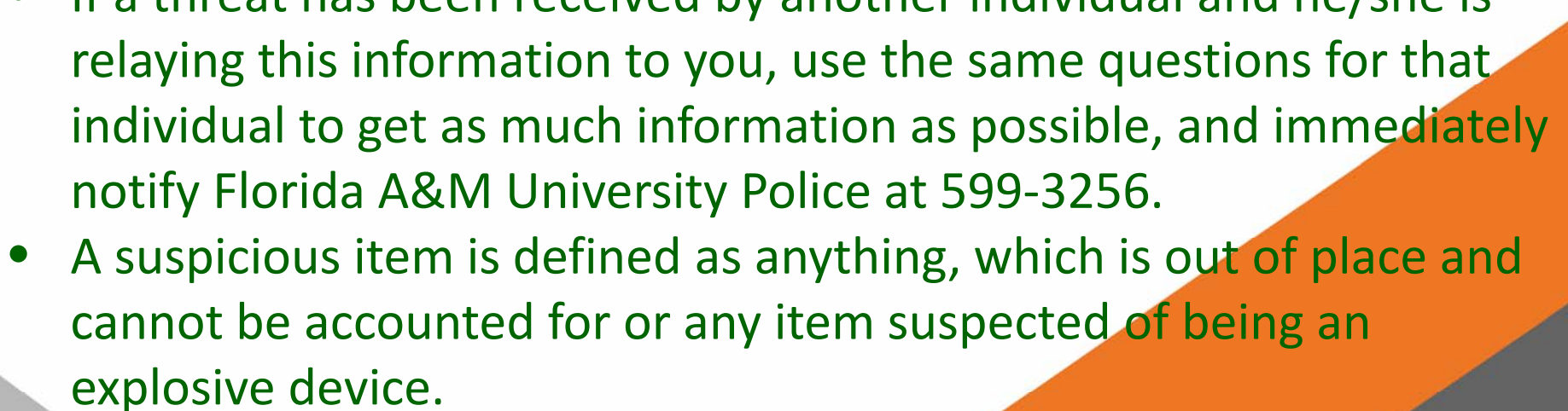


BOMB THREATS

Ask these questions in a polite and non-interrogative manner. Use any means, even humor, to prolong the conversation. This will provide a better chance to identify the voice and hopefully obtain additional information about the device, the validity of the threat, or the identity of the caller:

1. When is the explosive device set to explode?
2. Where is the device right now?
3. What does the device look like?
4. What kind of explosive device is it?
5. What will cause the device to explode?
6. Did you place the explosive device on our campus?
7. Why?

BOMB THREATS

- Upon completion of the call, write down the answers of the questions while they are fresh in your head, and immediately notify Florida A&M University Police at 599-3256.
 - If a threat has been received by another individual and he/she is relaying this information to you, use the same questions for that individual to get as much information as possible, and immediately notify Florida A&M University Police at 599-3256.
 - A suspicious item is defined as anything, which is out of place and cannot be accounted for or any item suspected of being an explosive device.
- 

ACTIVE SHOOTER

- Warning Signs
- It must be stressed that if you have had contact with ANY INDIVIDUALS who display the following tendencies, that you contact the Florida A&M University Campus Police, student affairs officials, a counseling services administrator, or other university official in a timely manner:



ACTIVE SHOOTER

- Threatens harm or talks about killing other students, faculty or staff.
- Constantly starts or participates in fights.
- Loses temper and self-control easily.
- Swears or uses vulgar language most of the time.
- Possesses or draws artwork that depicts graphic images of death or violence.
- Assaults others constantly to include immediate family members.
- Possesses weapons (firearms or edged weapons) or has a preoccupation with them.
- Becomes frustrated easily and converts frustration into uncontrollable physical violence.

ACTIVE SHOOTER

Response

- When a hostile person(s) is actively causing deadly harm or the imminent threat of deadly harm within a building, we recommend the following procedures be followed:

RUN: First and foremost, if you can get out, do so.

- If there is a safe escape path, attempt to evacuate the premises.
- Leave the area whether others agree to or not.
- Leave your belongings behind.
- If possible, help others escape.
- Prevent others from entering the building and/or area.

Call 911 or Florida A&M University Campus Police at 599-3256 immediately.

ACTIVE SHOOTER

HIDE: If you can't get out safely, you need to find a place to hide. Act quickly and quietly. Try to secure your hiding place the best you can.


- Lock and/or blockade the door.
- Silence your cell phone and electronic devices.
- Hide behind large objects.
- Remain quiet.
- Your hiding place should be out of the shooter's view, provide protection if shots are fired in your direction, and not trap or restrict your options for movement

ACTIVE SHOOTER

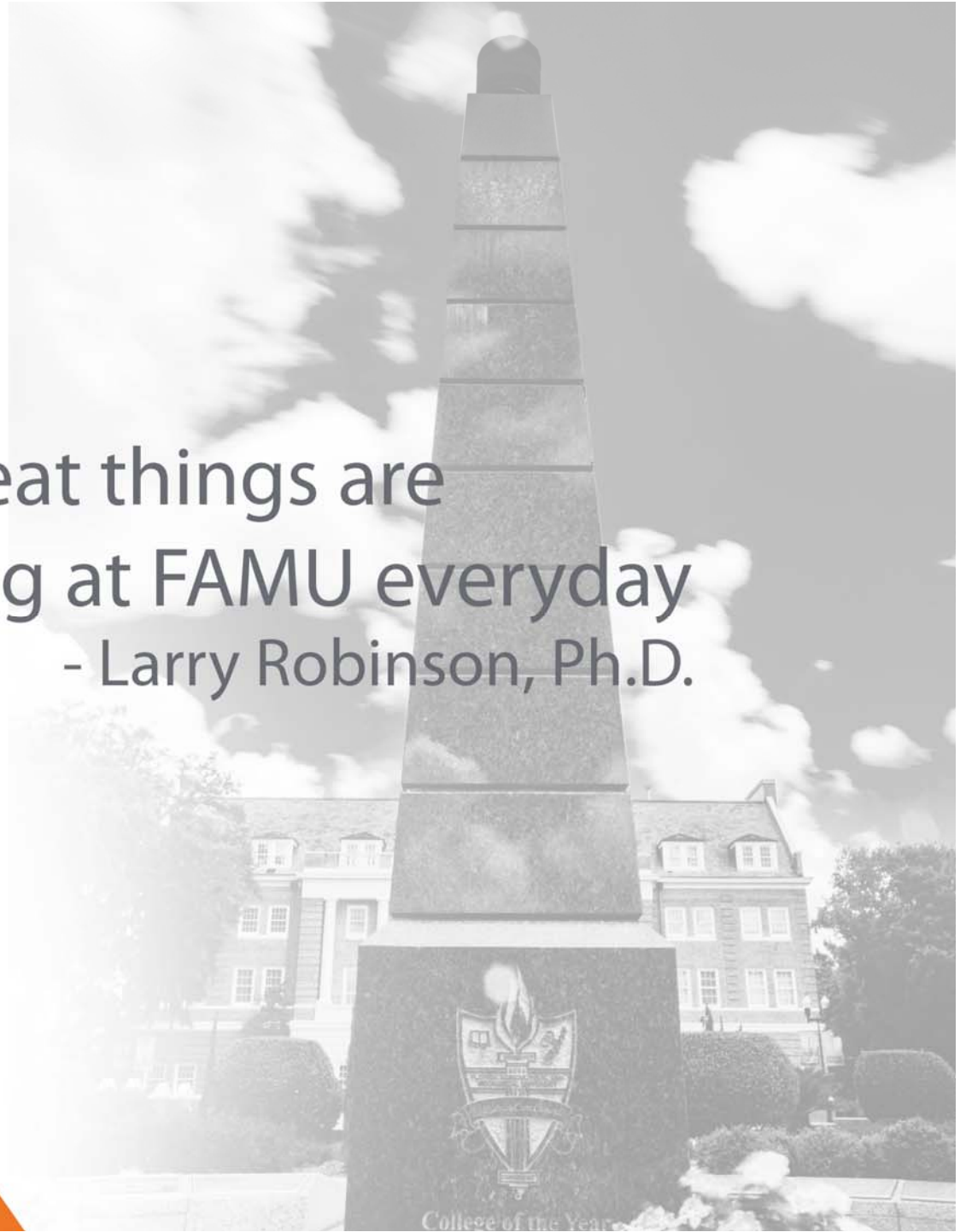
FIGHT: As a last resort, and only if your life is in danger, whether you're alone or working together as a group, fight.

- Attempt to incapacitate the shooter.
- Improvise weapons.
- Commit to your actions.





Great things are
happening at FAMU everyday
- Larry Robinson, Ph.D.





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UNIVERSITY]

2019 MANAGEMENT SEMINAR

The Comprehensive Emergency Management Plan - CEMP

- The Comprehensive Emergency Management Plan (CEMP) provides the framework by which Florida A&M University addresses the four phases of emergency management: mitigation, preparedness, response, and recovery.

The Comprehensive Emergency Management Plan - CEMP

- The plan directs individuals and organizations to provide guidance, relief and assistance as necessary to mitigate, prepare for, respond to, and recover from the effects of a disaster that may occur at Florida A&M University.
- The plan is written with explicit interest in the welfare and safety of the faculty, staff, students and visitors to the University. It provides the opportunity to be better prepared for and quickly recover from disaster(s), thereby saving lives, resources and University assets.

The Comprehensive Emergency Management Plan - CEMP

- This plan provides direction and guidance to Florida A&M University and supporting agencies. It constitutes a directive for this organization to prepare for and execute assigned emergency tasks to ensure maximum survival of the population and property in the event of a disaster or emergency.

COOP - Continuity of Operations Plan

- It is the responsibility of Florida Agricultural and Mechanical University (FAMU) to ensure that each member of the campus community and visitors are provided a safe environment for both work and study, to respond appropriately to emergencies and disasters, and to ensure the execution of the University's mission essential functions during and following any emergency that may or may not necessitate relocation to alternate facilities

COOP - Continuity of Operations Plan

- It is the purpose of this continuity of operations plan (COOP) to provide an organized, expeditious plan of action by all key response personnel to both prepare for and respond to major natural and man-made threats to the university; to ensure the continued performance of minimum essential functions on campus during a wide range of potential emergencies; and to provide procedures and provisions for alternate facilities.

Risk Management

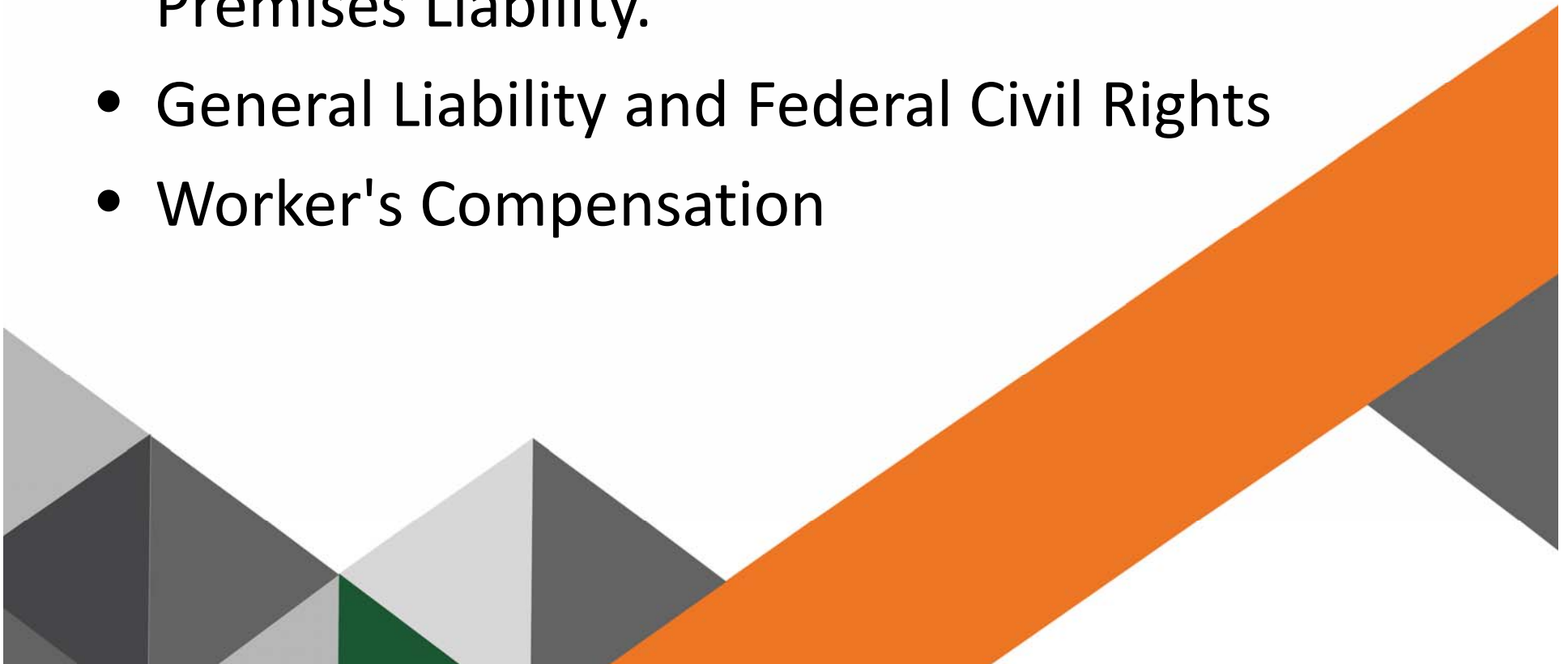
- The Office of Risk Management performs all duties relating to the procurement and administration of the university's insurance needs.
- Respond to questions generated internally and externally to the university concerning coverages provided or available.
- This office further coordinates claims and policy administration with the FAMU Board of Trustees (BOT) and insurance acquisitions with the Department of Management Services, the Department of Financial Services, and insurance carriers.

Risk Manager

- Contract Review
 - Business Contract/Agreements
 - Student Internship Agreements
 - Insurance Coverage
 - Food Services / Catering Request
 - Facilities Request Review

State of Florida Trust Fund

- Automobile – Liability Only
- Property – Fire, Limited Extended Coverages, Premises Liability.
- General Liability and Federal Civil Rights
- Worker's Compensation



Risk Management

- DMS Insurance Coverage Program
- In accordance with Section 287.022 of the Florida Statutes, insurance is purchased and administered by the Department of Management Services, Division of State Purchasing. Outlined herein are the various policies and coverages currently administered and available for participation by Eligible Users. Each category below provides an overview of an insurance policy and its associated forms.

Department of Management Services

- [Accident and Sickness](#)
Accident and sickness coverage on various sponsored events and camps.
- [Accidental Death and Dismemberment](#)
Benefits for law enforcement.
- [Automobile](#)
Comprehensive and collision coverage on fleet vehicles.
- [Aviation](#)
Hull and liability coverage on aircraft.
- [Boiler & Machinery](#)
Equipment breakdown coverage for boilers, chillers, and other large machinery.
- [Contractors' Equipment](#)
Coverage for construction vehicles, land-clearing vehicles, heavy machinery, and more.

Department of Management Services

- [Government Crime Insurance](#)

This policy provides coverage against loss of or damage to money, securities, or other property resulting from employee theft, robbery or safe burglary inside the premises, theft or robbery outside the premises, computer fraud, funds transfer fraud, or money orders or counterfeit money.

- [Electronic Data Processing Equipment \(EDPE\)](#)

Coverage for computers and related IT equipment.

- [Fine Art \(Indoor & Outdoor\) Insurance](#)

Coverage for indoor and outdoor (sculptures) artwork.

- [Miscellaneous Property](#)

Coverage for theatrical equipment, and other similarly unique items.

- [Ocean Marine](#)

Hull and liability coverage on ships.




Risk Manager Roles/Responsibilities

- FEMA – Disaster Recovery
- State of Florida Risk Management
- Property Coverage
- Liability Coverage
- Reporting and Updating Insurance Coverage
- Athletic Coverage
- International Student Coverage
- SOS Student and Faculty Travel Tracker

Risk Manager

- Jim Jacoby
- Insurance & Risk Manager
- 1700 Lee Hall Drive, Suite 304 FHAC
- Tallahassee, Florida.
- 32307-3100
- Office (850) 599-3453
- james.jacoby@famuc.edu



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Occupational Safety and Accident and Injury Prevention

Angela Sutton
Director of Environmental Health and Safety

Strategic Priorities 1,5 and 6



2019 MANAGEMENT SEMINAR



Policy

It is the policy of the Florida A&M University to provide a safe and healthy workplace that is free from recognizable occupational and environmental hazards.

Occupational Safety and Health Administration (OSHA), Florida Statutes 284.50



Responsibilities

- The Department of Environmental Health & Safety (EH&S) is responsible for providing written policies, program oversight and recordkeeping to achieve this goal and to comply with appropriate safety and health regulations.
- Directors, department heads and supervisors are responsible for program implementation.
- Individual employees are responsible for conducting job duties in a manner that adheres to program requirements and minimizes the potential for illness or injury.

Key Components

Key components of an effective safety program include new employee orientation, ***training***, facility and equipment ***inspections***, safety ***committees***, job ***hazard analysis***, risk management and insurance, accident investigations, ***reporting of safety concerns*** and effective implementation of corrective actions.



Hazard Analysis

Five Steps of Integrated Safety Management

1. Define scope of work
2. Analyze hazards
3. Develop/implement hazard controls
4. Perform work within controls
5. Feedback and improvement



Questions associated with each of the five steps:

1. What will the work/job/experiment involve?
2. What are the hazards of this job?
3. What can be done to reduce the hazards?
4. Were all of the hazard reductions followed?
5. Was there anything that could have been changed to improve the quality and safety of the work?

Risk Assessment

		Consequences				
		A	B	C	D	E
Likelihood		Negligible	Minor	Moderate	Significant	Severe
	E	Very Likely	Low Med	Medium	Med Hi	High
D	Likely	Low	Low Med	Medium	Med Hi	High
C	Possible	Low	Low Med	Medium	Med Hi	Med Hi
B	Unlikely	Low	Low Med	Low Med	Medium	Med Hi
A	Very Unlikely	Low	Low	Low Med	Medium	Medium

Safety Training

- **General Safety and Health**
 - New employee orientation
 - Hazard specific training
- **Job-Specific Training**
 - Review of the specific safety policies and procedures; job hazard analysis; on the job training.
- **Periodic Retraining of Employees**
 - Required refresher training; change in process or procedure; injury or incident





Announcements

The Office of Instructional Technology presents **Blackboard 9.1**

What's New in Blackboard Learn?

The enhanced Blackboard Learn delivers exciting innovations as well as deep improvements to core capabilities, resulting in a simpler teaching and learning experience that engages learners and makes everyone's life easier.

Welcome to Blackboard 9.1

FAMU Online

FAMU Online

Your Online Connection to Excellence With Caring
www.famu.edu/online



My Courses

Courses where you are: Instructor

CGS: Compressed Gas Online

ES: Electrical Safety

FDW_DC_ASUTTON: Lab Safety Hazardous Waste Awareness Refresher Online

HTS: Hand Tool Safety

LST: Laser Safety and Training Program

LSW: Lab Safety Hazardous Waste Awareness - ONLINE

RST: Radiation Safety

SA: Stormwater Awareness

STS: Shop and Tool Safety

Courses where you are: Student

CSFM4_: iRattler CS Fundamentals 9.0



Lab Safety Hazardous Waste Awareness - ONLINE

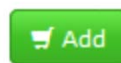
Delivery: Online
Description: Chemicals use in laboratories

[Full description...](#)



Compressed Gas Online

Delivery: Online



Hand Tool Safety Online

Delivery: Online



Inspections

- Laboratory Inspections
- Fire Code Inspections
- Equipment (Lasers, Radiation)
- Environmental
- Building Code
- Air Quality Assessments
- **Self Inspections**

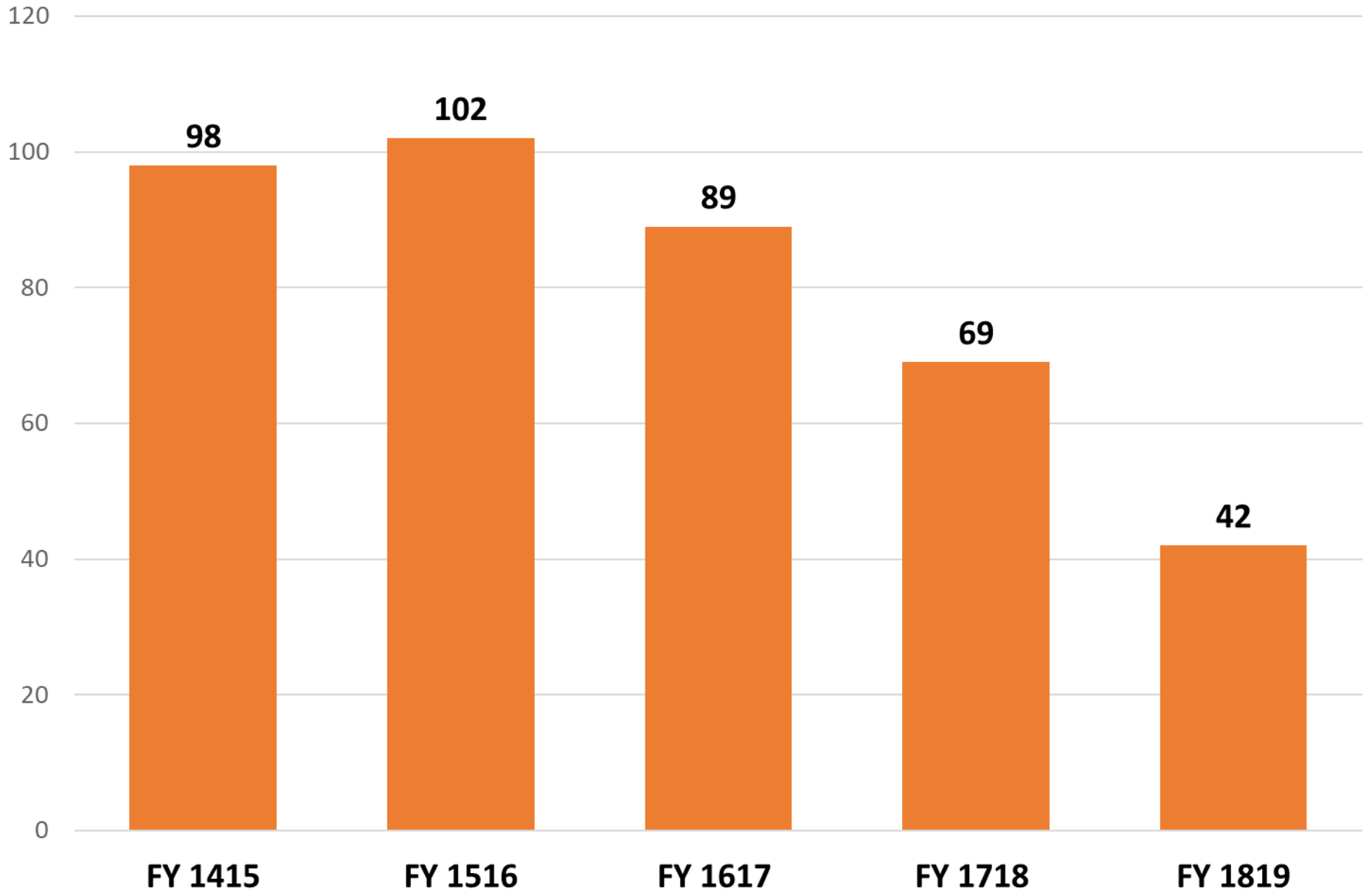


University Safety Committee

- Established in 2015
- Members appointed by the President
- Members serve a two year term
- Meetings bimonthly
- Discuss key safety concerns
- Safety recognition program
- Accident and injury prevention

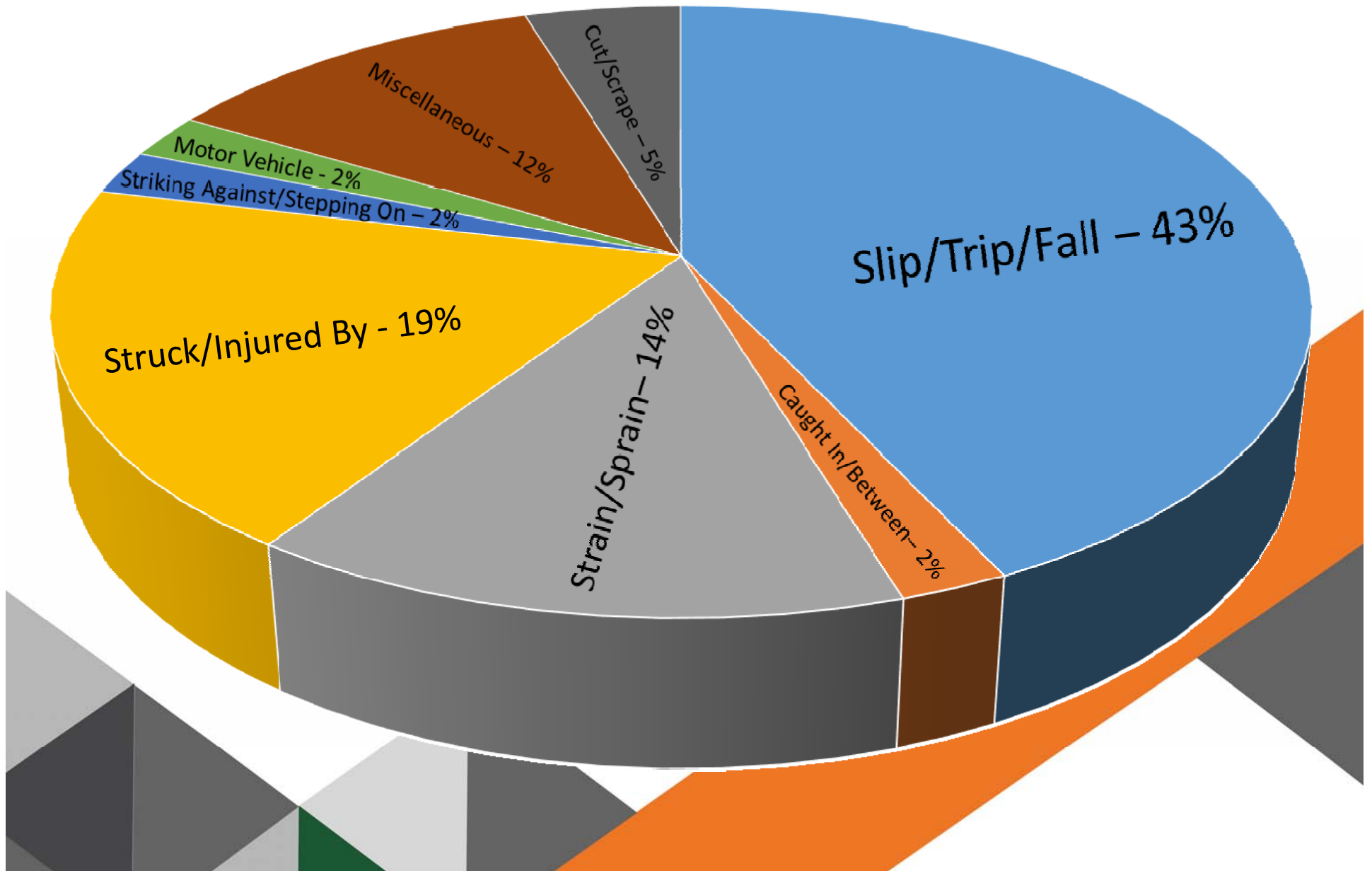


Total Injuries By Fiscal Year



FY 18/19 Injuries

July 1, 2018 - March 1, 2019



What Can You Do?

- Discuss safety in your department meetings
- Report safety concerns
 - Facilities related safety concerns (599-3525)
 - Environmental Health and Safety (599-3442)
- Review and mitigate hazards
 - Hazard analysis
 - Self inspection
- Recognize good safety practices



QUESTIONS?





STRATEGIC EXCELLENCE



2019 MANAGEMENT SEMINAR

COMMUNICATIONS POLICY & STYLE GUIDE

- Reflects Best Practices
- Ensures Uniform Use of FAMU's Brand
- Includes Updated Logos/Colors



COMMUNICATIONS POLICY & STYLE GUIDE

- Directs Stakeholders to Seek Approval from the Office of Communications
- Manage Dissemination of News & Information



COMMUNICATIONS POLICY & STYLE GUIDE

Prior to Scheduling News Conferences, Video Production
and Photo Shoots, (Including President's Participation)
and Releasing Op-eds

Contact Media Relations

850-599-3413 or communications@famu.edu

COMMUNICATIONS POLICY & STYLE GUIDE

- Contact Communications Prior to a Crisis or Possible Crisis
- Defined as an “Unstable Situation with the Distinct Possibility of a Highly Undesirable Outcome”

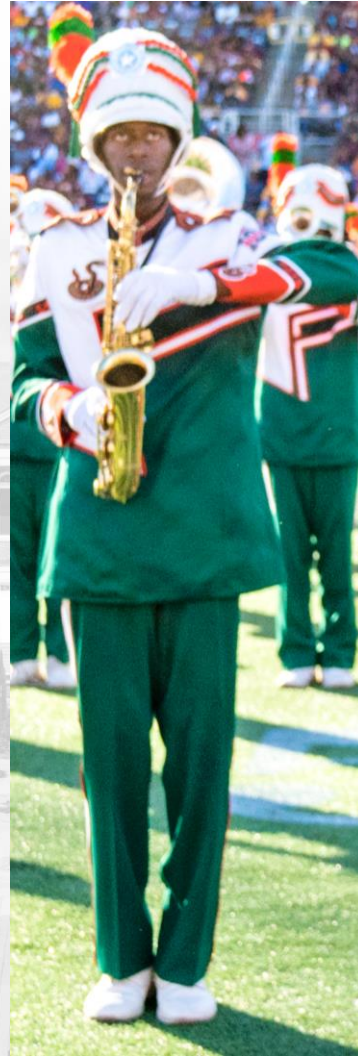
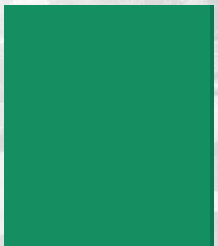
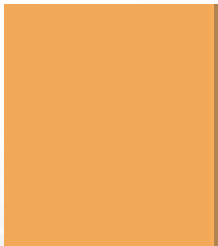


COMMUNICATIONS POLICY & STYLE GUIDE

- Student Death Protocol Managed by Student Affairs
- Contact Communications at 850-599-3413 or Student Affairs Prior to Disclosing Information
- Primary University Spokesperson (President)
- Chief Communications Officer/Media Relations Designate and Prepare Stakeholders for Interviews

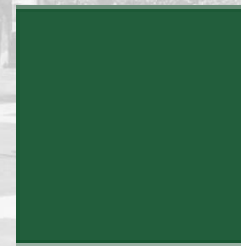
Original Colors

PMS 151
PMS 348



New Colors

Fang Orange (PMS 158)
Venom Green (PMS 357)





BLOCK LOGO



TEXT LOGO



RATTLER HEAD
(APPROVED FOR ATHLETICS)

AUTHORIZED vs. UNAUTHORIZED USE OF UNIVERSITY SEAL



COMMUNICATIONS POLICY & STYLE GUIDE

Apparel Approval

Contact Sabrina Thompson

Office: 850-412-5716

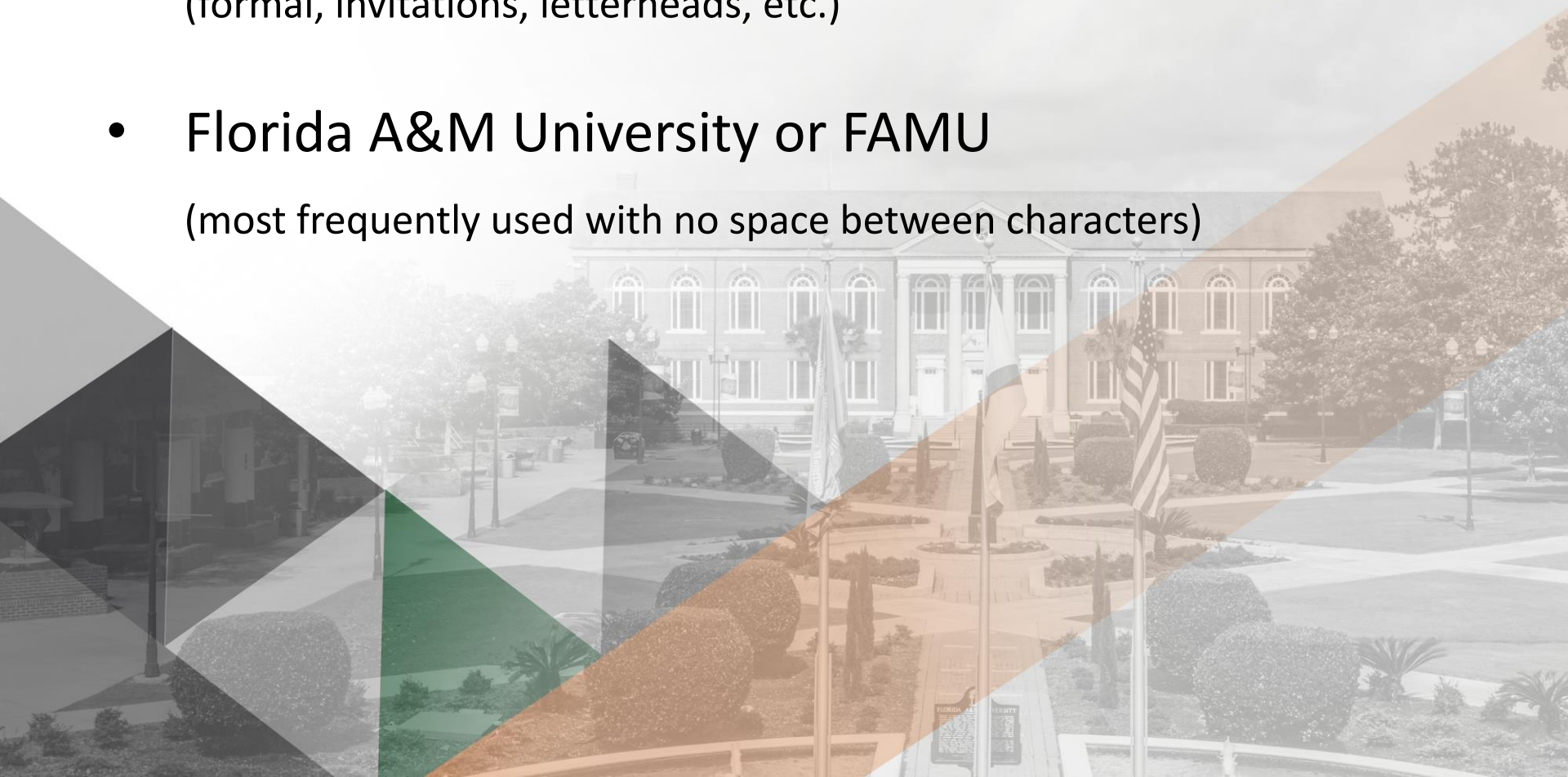
Email: sabrina.thompson@famu.edu



COMMUNICATIONS POLICY & STYLE GUIDE

Acceptable Names

- Florida Agricultural and Mechanical University
(formal, invitations, letterheads, etc.)
- Florida A&M University or FAMU
(most frequently used with no space between characters)



COMMUNICATIONS POLICY & STYLE GUIDE

Office of Communications Manages

- Production of FAMU Videos Publications, Images and Promotional Material, Billboards, Advertisements
- Social Media and Web Content Guidelines



COMMUNICATIONS POLICY & STYLE GUIDE

HOW CAN YOU SUPPORT THE BRAND?

- Use Social Media Guidelines
- Establish a Marketing Plan/Budget to Cover the Cost of Advertising, Marketing and Printing.
- Use Design Conductor Templates

FLIER TEMPLATE



LOREM IPSUM DOLOR.

Lorem ipsum dolor sit amet, consectetur adipiscing elit.



**LOREM IPSUM
DOLOR SIT AMET**



**LOREM IPSUM
DOLOR**

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**LOREM IPSUM
DOLOR**

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COMMUNICATIONS POLICY & STYLE GUIDE


OPPORTUNITIES FOR SUPPORT

- Communicators Network
- Deans Council
- Joint Meetings With ITS (Thursday at 1:30 p.m.)

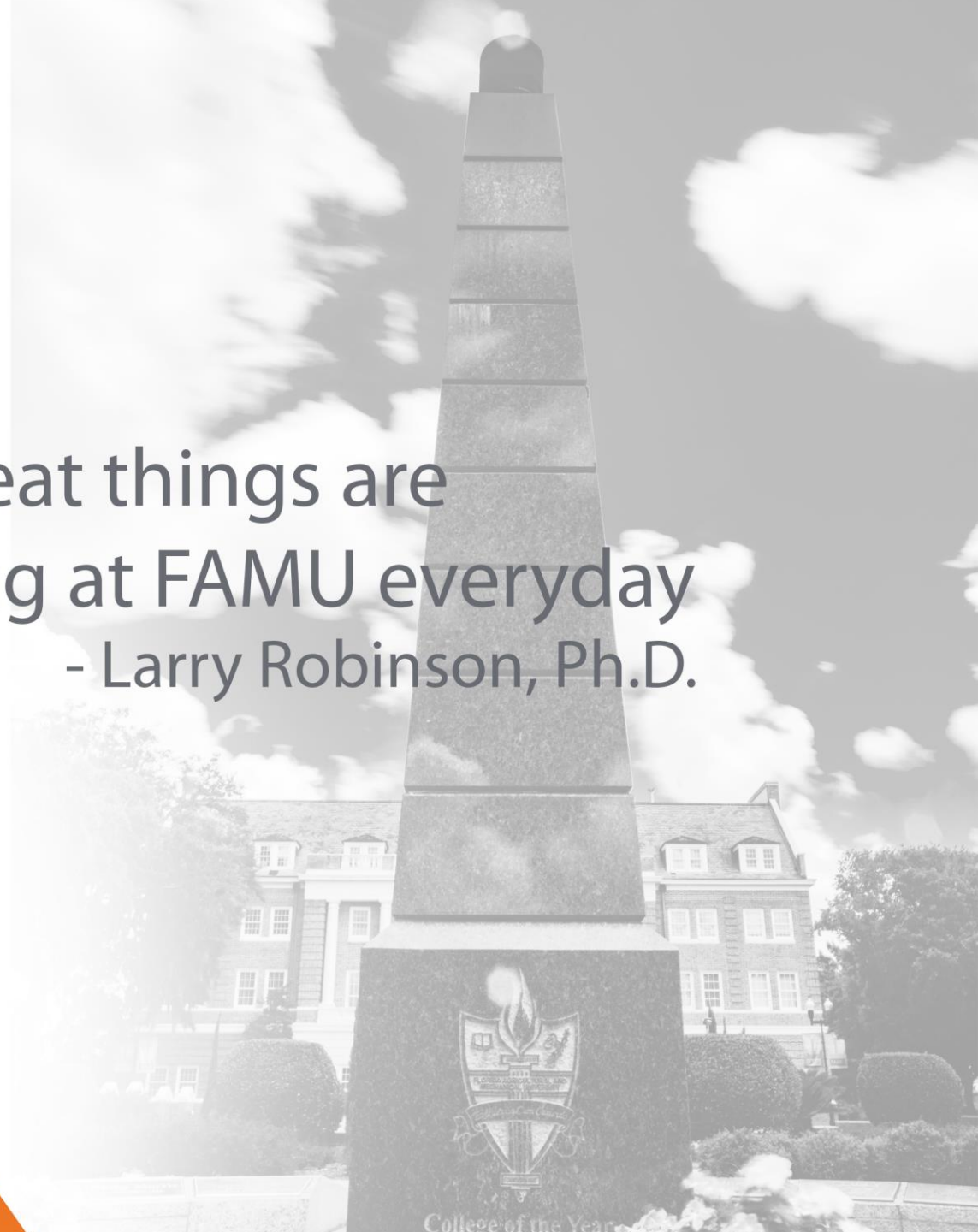


Thank You!

Kathy Y. Times
Executive Associate Director
of Communications
850-412-7770 Direct
850-599-3413 Office
kathy.times@famu.edu



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STRATEGIC EXCELLENCE



2019 MANAGEMENT SEMINAR

Office of Procurement Services

- Responsible for:
 - The acquisition of goods and services
 - Contract Administration
 - Procurement Card Administration
 - Procurement Compliance
 - Supplier/Vendor Management
 - Receiving



Requirements for Procuring

Acquire goods and services to support university activities in compliance with BOT Req. 6.005 which requires the purchases with a value of:

1. \$5,000 shall be carried out using good purchasing practices
2. \$5,000.01 up to \$10,000 shall use good purchasing practices and 2 or more written quotations.
3. \$10,000.01 but less than \$75,000 shall be secured by submitting 3 written quotes.
4. \$75,000 or more shall be awarded pursuant to a competitive solicitation.

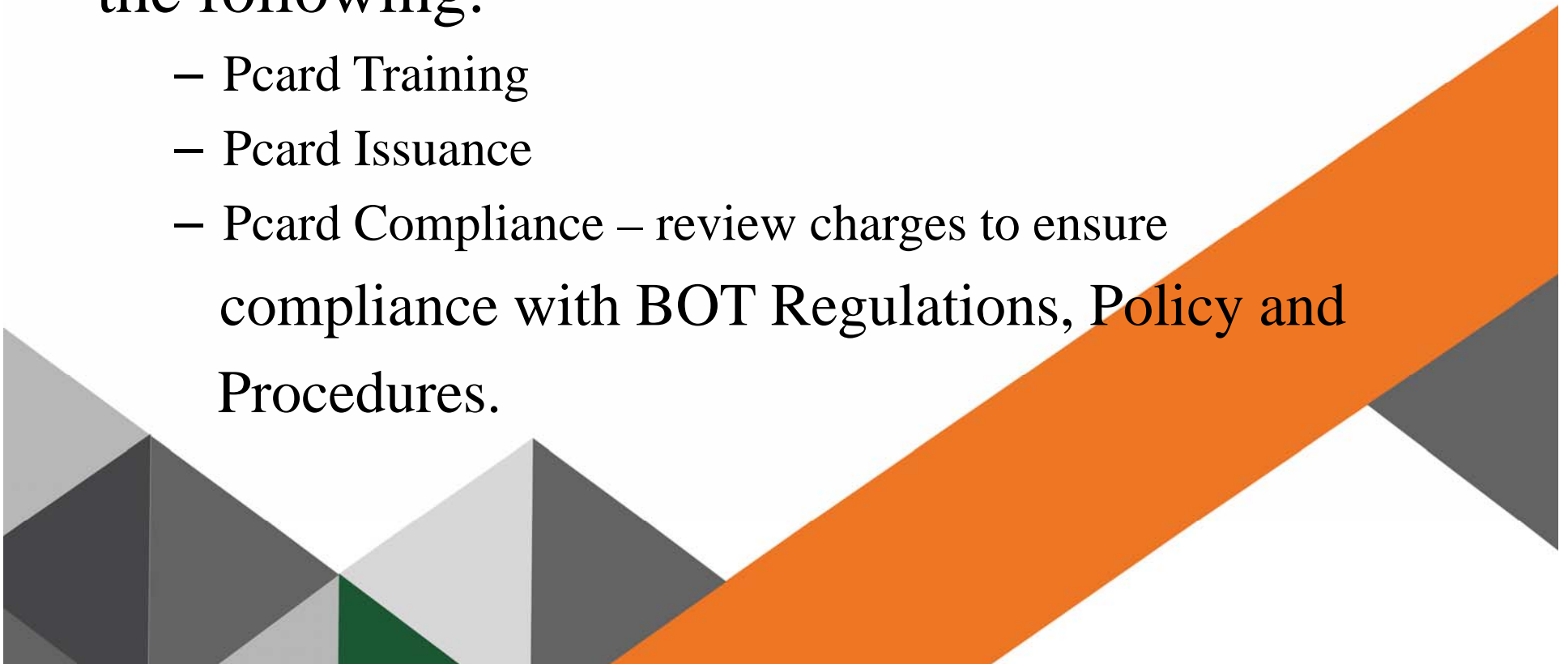
Contract Administration

- We solicit, negotiate and develop contracts in support of the University activities in compliance with of the following:
 - FAMU BOT Regulation 6.005
 - Florida Statutes
 - Federal Regulations
 - Florida BOG Regulations
- All contracts for goods and services **MUST** be submitted to Procurement Services before they are forwarded to General Counsel review.

Purchasing Card Administration

The Director of Procurement Services serves as the Pcard Administrator and is responsible for the following:

- Pcard Training
- Pcard Issuance
- Pcard Compliance – review charges to ensure compliance with BOT Regulations, Policy and Procedures.



Purchasing Card Administration

Purchases of a personal nature are not permitted.

Payments on the Pcard for hotels must follow the same procedure as the outlined in the Travel Policy.

- Must have an approved TA
- Payment should not exceed \$150 for in state.
- Payment should not exceed \$200 for out of state.



Purchasing Card Reconciliation


- Completed reconciliation reports are due in the OPS via PCardComplianceDocs@famu.edu the 25th of each month.
- Reconciliation documents and receipts are due to your reconciler 7 business days after your purchase or 7 business days after you return from travel.
- Cardholders are responsible for the charges on their procurement cards and must make sure reports are submitted on time.
- Non-Compliance
 - Three infractions within a fiscal year may result in card privileges being terminated.

Contact the OPS for all of your procurement needs.

850-599-3203

Q&A

A decorative graphic at the bottom of the slide consists of several overlapping geometric shapes. On the left, there are several triangles in shades of gray and dark gray, with a small green triangle. A large orange triangle points upwards from the bottom left towards the right. A dark gray triangle is positioned at the bottom right corner.



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STRATEGIC EXCELLENCE




2019 MANAGEMENT SEMINAR

Office of Human Resources

Exit Process
Cost Center Report
Reference Checks
Discipline

April 4, 2019

Exit Process

- HR Operating Procedures 9000 - Separation of Employment
 - Responsibilities
 - Exit Survey
 - Contact Time & Attendance, Office of Human Resources
- 

Cost Center Report

- **Print and Review** the Cost Center Report (CCR)
- CCR is **available on Wednesday of each pay week.**
- **Sign and Maintain a file copy** of the CCR in your respective areas.
- Contact Lakeisha Brooks, assistant director, Payroll Operations and Time & Attendance, Office of Human Resources at 850.599.3416.

Employee Name	Employee ID	Pay Dept	Pos Nbr	Pay Grp	FTE	Type	Earnings	Hours	Total Earnings
		030300	19661000	ADM	1.00	HOL	323.56	8.00	
		030300	19661000	ADM	1.00	REG	1,617.82	40.00	
		030300	19661000	ADM	1.00	SCK	1,294.25	32.00	3,235.63
		030300	19677000	USP	1.00	ANL	95.21	7.00	
		030300	19677000	USP	1.00	HOL	108.81	8.00	
		030300	19677000	USP	1.00	REG	425.05	31.25	
		030300	19677000	USP	1.00	SCK	122.41	9.00	751.48
		030300	17005000	ADM	1.00	ANL	46.70	1.50	
		030300	17005000	ADM	1.00	HOL	249.05	8.00	
		030300	17005000	ADM	1.00	REG	2,101.33	67.50	
		030300	17005000	ADM	1.00	SCK	93.39	3.00	2,490.47
		030300	19286000	USP	1.00	HOL	141.76	8.00	
		030300	19286000	USP	1.00	REG	1,258.14	71.00	
		030300	19286000	USP	1.00	SCK	17.72	1.00	1,417.62
		030300	16761000	ADM	1.00	HOL	249.05	8.00	
		030300	16761000	ADM	1.00	REG	2,046.85	65.75	
		030300	16761000	ADM	1.00	SCK	194.57	6.25	2,490.47
		030300	19227000	ADM	1.00	HOL	229.89	8.00	
		030300	19227000	ADM	1.00	REG	2,069.01	72.00	2,298.90
		030300	16788000	USP	1.00	HOL	168.61	8.00	
		030300	16788000	USP	1.00	REG	1,522.76	72.25	1,691.37
		030300	17581000	USP	1.00	ANL	53.16	3.00	
		030300	17581000	USP	1.00	HOL	141.76	8.00	
		030300	17581000	USP	1.00	REG	1,249.28	70.50	
		030300	17581000	USP	1.00	SCK	35.44	2.00	1,479.64
		030300	19163000	USP	1.00	HOL	172.51	8.00	
		030300	19163000	USP	1.00	REG	1,568.76	72.75	
		030300	19163000	USP	1.00	SCK	16.17	0.75	1,757.44
		030300	19429000	USP	1.00	ADM	317.32	16.00	
		030300	19429000	USP	1.00	ANL	39.66	2.00	
		030300	19429000	USP	1.00	HOL	158.66	8.00	
		030300	19429000	USP	1.00	REG	1,070.95	54.00	1,586.59
		030300	18972000	ADM	1.00	HOL	197.40	8.00	

Certify Dept 030300 Personnel
Fund: 101
Project:
Business Unit FAM01

Employee Name	Employee ID	Pay Dept	Pos Nbr	Pay Grp	FTE	Type	Earnings	Hours	Total Earnings
		030300	40021572	OPS	0.75	OPS	1,065.00	71.00	1,065.00

Project Total

39,741.21

Fund Total

39,741.21


I certify that the above changes are true and accurate as reflected above with the exceptions as listed below and I have notified the appropriate office to correct the exceptions: Signed _____ Department Chair and/or Project Manager

Reference Check and Employment Verification Form

- The Reference Check and Employment Verification Form (reference check) should be completed once the final candidate has accepted and signed the contingent employment offer letter.
- Reference checks for staff positions are used by Human Resources to verify the required years of experience as outlined in the minimum qualifications of the classification and job announcement. Separate forms should be used for each employment verification.
- Hiring Managers should ask for a list of references from the final candidate; however, it is a good practice to check the provided list against the application/resume to see if any current or former places of employment are included. If the final candidate has worked for a state agency or other public employer in the area, contact the appropriate Human Resources Office to review the personnel file. If the candidate is an internal at FAMU, contact Records Management in our office for assistance.
- Executive Level Reference Checks
- Employment Verification

Discipline

- University Regulations
- Delegation of Authority
- Hiring Decision
- Managing Employee Performance & Behavior
- Making the Decision to Discipline
- Progressive, Cumulative and Position Discipline
- Contact Employee Relations, Office of Human Resources



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FAMU REGULATIONS AND POLICIES

1. Link to all University Regulations
<http://www.famu.edu/index.cfm?a=regulations#>
2. Link to all FAMU Board of Trustees Policies
<http://www.famu.edu/index.cfm?BOT&Policies>
3. Link to University Policies
<http://www.famu.edu/index.cfm?a=generalcounsel>
4. FAMU Non-Discrimination Policy Statement Link
<http://www.famu.edu/index.cfm?EOP&NON-DISCRIMINATIONPOLICYSTATEMENT>
5. FAMU Drug-Free Workplace Policy Link
<http://www.famu.edu/index.cfm?a=generalcounsel>
6. Links to FAMU Collective Bargaining Agreements
<http://www.famu.edu/hr/2010-2013%20AFSCME%20Collective%20Bargaining%20Agreement.pdf>
http://www.famu.edu/AcademicAffairs/FAMU%20UFF%20CBA_Ratified_%208_15_%205.5x8.5.pdf
http://www.famu.edu/AcademicAffairs/uff_gradagreement%20-%20020415.pdf
<http://www.famu.edu/AcademicAffairs/2012-2015%20FAMU-DRS%20Collective%20Bargaining%20Agreement.pdf>
7. FAMU Delegations of Authority Index Link
<http://www.famu.edu/generalcounsel/delegations%20of%20authority%20index%2006-17%20rev.pdf>
8. Link to Office of the General Counsel Advisories
<http://www.famu.edu/index.cfm?a=generalcounsel#>

FLORIDA BOARD OF GOVERNORS

<http://www.flbog.org/about/regulations/>