

FLORIDA A&M UNIVERSITY BOARD OF TRUSTEES



NOTICE OF PROPOSED AMENDED REGULATION

DATE: December 7, 2020

REGULATION CHAPTER NO.: Chapter 2

REGULATION CHAPTER TITLE: Student Affairs

REGULATION TITLE AND NUMBER: Anti-hazing. (2.028)

SUMMARY OF REGULATION: This Regulation is being revised to expand the definition of hazing to include the perpetuation or furtherance of a tradition or ritual of any university student organization or group wither or not officially recognized by the University and to require the University to provide an annual report to the Chancellor with the number of hazing incidents that resulted in a student or student organization being held responsible for a violation of the University's anti-hazing policy.

AUTHORITY FOR REGULATION: Section 7, Article IX, Florida Constitution and Board of Governors Regulations 1.001 and 6.0105; Sections 1006.60, 1006.61, 1006.62, 1006.63, Florida Statutes.

RESPONSIBLE VICE PRESIDENT/UNIVERSITY OFFICAL INITIATING THIS REGULATION: William E. Hudson, Jr., Ph.D., Vice President for Student Affairs.

PROCEDURE FOR COMMENTS: Written comments concerning this proposed regulation shall be submitted within 14 days of the date of this notice to the person identified below. The comments must specifically identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: William E. Hudson, Jr., Ph.D., Vice President for Student Affairs, 1700 Lee Hall Drive, 308 FHAC, Tallahassee, Florida 32307-3100, (850) 599-3183 (Telephone), (850) 599-2674 (Fax), William.hudsonjr@famuedu OR Antoneia Roe, Esq., Assistant Vice President for Student Affairs, 1628 S. Martin Luther King Jr. Blvd., 101 Efferson Student Union, Tallahassee, Florida 32307-3100, (850) 599-3541 (Telephone), (850) 561-2169 (Fax), antoneia.roe@famuedu.

FULL TEXT OF THE PROPOSED REGULATION: The full text of this amended regulation follows

Regulations of Florida A&M University



2.028 Anti-hazing.

(1) Florida Agricultural and Mechanical University (“University”) strictly prohibits any student(s), group(s) of students, or student organization(s) affiliated with the University from engaging in any form(s) of hazing activities. The University also has zero tolerance for violation of any provisions of this Anti-hazing Regulation 2.028. “Zero tolerance” means that given the factual circumstances of the alleged violation, the charged student may be removed from University Housing and receive a sanction including, without limitation, suspension or expulsion from the University.

- (a) Due process protections in accordance with University Regulation 2.013 will be appropriately accorded the charged student.
- (b) “Student” is given the same meaning herein as it is defined in the Student Code of Conduct, Regulation 2.012.
- (c) “Engaging” is defined herein and prohibited by this Regulation as anyone who (i) perpetrates hazing activities by planning and/or executing the hazing activities; (ii) is the object of or consents to hazing activities; or (iii) observes or has knowledge of hazing activities and fails to report the incident within twenty-four (24) hours as required.
- (d) This Regulation is incorporated into University Regulation 2.012.

(2) As used in this section, the term “hazing” means any action or situation, which occurs on or off University property, that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes including, but not limited to:

(a) Initiation into any University student organization;

(b) Admission into any University student organization;

(c) Affiliation with any University student organization, or

(d) The perpetuation or furtherance of a tradition or ritual of any University student organization or group whether or not officially recognized by the University.

The term hazing shall include, but not be limited to, pressuring or coercing the student into violating state or federal law, any brutality of a physical nature, such as striking in any manner, whipping, beating, branding, exposure to the elements, forced consumption of food, liquor, drugs, or other substances, or other forced physical activities that would adversely affect the health or safety of the student ~~and also includes~~or any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contacts, forced conduct that would be demeaning or results in extreme embarrassment, or any other forced activity that could adversely affect the mental health or dignity of the student. Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective. For purposes of this section, any activity as described above, or any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes, including, but not limited to, initiation or admission into or affiliation with a University sanctioned organization, shall be presumed to be hazing and a “forced activity.”

(3) It shall not be a defense that the consent of the victim to participate was obtained, the conduct or activity was not part of an official University organizational event or was not otherwise sanctioned or approved by the University organization, or the conduct or activity was not done as a condition of membership into a University organization.

~~(2)~~(4) A student may not be charged with a violation of the Student Code of Conduct under this section if they establish all of the following:

- (a) That the student was present at an event where, as a result of hazing, a person appeared to be in need of immediate medical assistance.
- (b) That the student was the first person to call 911 or campus security to report the need for immediate medical assistance.
- (c) That the student provided their own name, the address where immediate medical assistance was needed, and a description of the medical issue to the 911 operator or campus security at the time of the call.
- (d) That the student remained at the scene with the person in need of immediate medical assistance until such medical assistance, law enforcement, or campus security arrived and that they cooperated with such personnel on the scene.

~~(3)~~(5) Notwithstanding subsection (3), a student is immune from the Student Code of Conduct charges and/or violations under this section if the student establishes that, before medical assistance, law enforcement, or campus security arrived on the scene of a hazing event, the student rendered aid to the hazing victim. For purposes of this subsection, “aid” includes, but is not limited to, rendering cardiopulmonary resuscitation to the victim, clearing an airway for the victim to breathe, using a defibrillator to assist the victim, or rendering any other assistance to the victim which the student intended in good faith to stabilize or improve the victim’s condition while waiting for medical assistance, law enforcement, or campus security to arrive.

~~(4)~~(6) Any student found in violation of this Regulation resulting from conduct occurring on-campus or off-campus will be subject to appropriate sanctions by the University, which may include but is not limited to: the imposition of fines; withholding of grade(s), transcripts and/or diplomas pending payment of fines or compliance with the Student Code of Conduct, Regulation 2.012; the imposition of counseling, probation, suspension, or expulsion of said

person(s) or organization(s), the rescission of certification for the University organization(s); and/or removal from University Housing.

~~(5)~~(7) All penalties imposed by the University do not absolve the student(s), group(s) of students, or student organization(s) from any penalty imposed for violation of the criminal laws of the State of Florida, including but not limited to such criminal penalties prescribed in section 1006.63, Florida Statutes, for penalties imposed in civil proceedings or for violation of any other University Regulation(s) to which the charged student(s) may be subject.

~~(6)~~(8) All University certified organizations are required to include in their by-laws an anti-hazing section fully incorporating this Regulation. A copy of the by-laws shall be kept on file in the Office of Student Activities. Advisors and each member of a University certified organization must attend one Fall semester and one Spring semester hazing workshop each academic year.

~~(7)~~(9) Any person, including trustees, administrators, faculty, staff, students, members of direct support organizations, vendors, guests and volunteers having knowledge of or receiving information regarding any activity which may constitute hazing or a violation of this regulation must contact the FAMU Department of Public Safety at (850) 599-3256 or www.stophazingatfamu.com within twenty-four (24) hours of gaining such knowledge or receiving information. Any person who fails to report any activity of hazing shall be in direct violation of this regulation.

~~(8)~~(10) It shall be expressly prohibited for any person, including trustees, administrators, faculty, staff, students, members of direct support organizations, vendors, guests and volunteers, to retaliate against a person because that person has been a victim of hazing, reported hazing, refused to participate in hazing, assisted in the investigation of hazing, or participated in the prosecution of any alleged hazing.

(11) Any person who has experienced retaliation for reporting any activity, which may constitute hazing or a violation of this regulation, shall have the right to file a retaliation complaint with the Division of Audit and Compliance within twenty-four (24) hours of becoming aware of the act of retaliation at (866) 445-4968.

(12) The University shall provide an annual report to the Chancellor of Florida Board of Governors of the number of hazing incidents that resulted in a student or student organization or group being held responsible for a violation of the University’s anti-hazing policy, in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g, and the federal regulations issued pursuant thereto, to the Chancellor by October 1 of each year.

Specific Authority: Article IX, Section 7(c), Florida Constitution. Law Implemented 1006.60, 1006.61, 1006.62, 1006.63 FS. History–New 4-3-83, Formerly Rule 6C3-2.028, Amended 1-26-04, 5-9-12. Amended 7-15-13, Amended 8-20-2020; Amended 1- -21.