

FLORIDA A&M UNIVERSITY BOARD OF TRUSTEES



NOTICE OF PROPOSED AMENDED REGULATION

DATE: April 5, 2012

REGULATION CHAPTER NO.: Chapter 2

REGULATION CHAPTER TITLE: Student Affairs

REGULATION TITLE AND NUMBER: Anti-hazing (2.028)

SUMMARY OF REGULATION: This regulation is amended to require any person, including trustees, administrators, faculty, staff, students, members of direct support organizations, vendors, guests and volunteers having knowledge of or receiving information of activities which constitute hazing or a violation of this regulation to report that information to the FAMU Department of Public Safety within 24 hours. Any person failing to report any activity of hazing shall be in direct violation of the regulation. In addition, the amendment expressly prohibits retaliation by the named parties toward any person reporting hazing. Further, the amendment requires persons experiencing retaliation for reporting hazing activities to file a complaint with the Division of Audit and Compliance within 24 hours.

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

UNIVERSITY OFFICIAL INITIATING THIS REGULATION: Dr. William Hudson, Jr., 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 PERSONS TO BE CONTACTED REGARDING THE PROPOSED REGULATION ARE: Dr. William Hudson, Jr., Vice President for Student Affairs, 308 Foote-Hilyer Administration Center, Tallahassee, Florida 32307, (850) 599-3183 (phone), (850) 561-2674 (fax), william.hudsonjr@famu.edu or Avery Mcknight, Vice President for Legal Affairs and General Counsel; 1601 S. Martin Luther King, Jr. Blvd., Suite 300 Lee Hall, Tallahassee, Florida 32307, (850) 599-3591 (phone), (850) 561-2862; avery.mcknight@famu.edu.

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) It is the policy of Florida Agricultural and Mechanical University that any student(s), group(s) of students, or student organization(s) affiliated with the Florida Agricultural and Mechanical University are prohibited from engaging in any form(s) of hazing activities.

(2) 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 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, the willingness or consent of an individual to participate in such activity notwithstanding.

(3) Penalties – Any student(s), student group(s), or student organization(s) which are affiliated with the Florida Agricultural and Mechanical University, on campus or off-campus, that are found responsible for hazing will be subject to appropriate sanctions by the university, which may include the imposition of fines; withholding of grade(s), transcripts and/or diplomas pending payment of fines or pending compliance with the current Student Code of Conduct, Regulation 6C3-2.012, F.A.C., of which this Regulation becomes a part of; the imposition of counseling, probation, suspension, dismissal or expulsion of said person(s) or organization(s), and/or the rescission of permission for the University

sanctioned organization(s) to operate on the Florida A&M University campus or to otherwise operate under the sanction of the University.

(4) 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 criminal laws of the State of Florida, including but not limited to such criminal penalties prescribed in s. 1006.63, Florida Statutes, for penalties imposed in civil proceedings or for violation of any other university Regulation(s) to which the violator(s) may be subject. It shall not be a defense that the consent of the victim to participate was obtained, the conduct or activity that resulted in the death or injury of the person 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 that resulted in death or injury of the person was not done as a condition of membership to a university organization.

(5) All existing university sanctioned organizations are required to amend their existing by-laws to include an anti-hazing section, and all future university sanctioned organizations must include the same in their by-laws. A copy of the by-laws shall be kept on file in the Office of Student Activities. Advisors and each member of a university sanctioned organization must attend one Fall semester and one Spring semester hazing workshop each academic year.

(6) 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 within twenty-four (24) hours at (850) 599-3256. Any person who fails to report any activity of hazing shall be in direct violation of this regulation.

(7) 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.

(8) 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.

Specific Authority: Article IX, Section 7(c), Florida Constitution ~~001.74(4)FS~~. Law Implemented ~~1001.74(10)(d), (e)~~, 1006.60, 1006.61, 1006.62, 1006.63 FS. History—New 4-3-83, Formerly Rule 6C3-2.028, Amended 1-26-04, _____ -12.