



FLORIDA A&M UNIVERSITY  
OFFICE OF COMPLIANCE  
AND ETHICS

# Board of Trustees Report

May 2024



# OFFICE ACTIVITIES

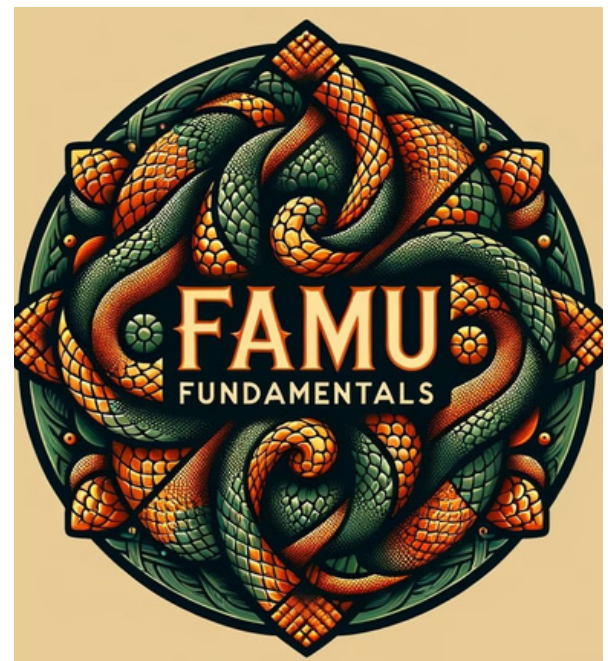


The Office of Compliance and Ethics (OCE) continues to work with compliance partners across the University on initiatives to assist in identifying and mitigating compliance risks across the institution. Since the March meeting, we have continued our work, teaming up with University divisions and units to provide compliance and ethics education, investigate and report misconduct, conduct compliance risk assessments, and gather feedback regarding our efforts.

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## HIGHLIGHTS

- FAMU Fundamentals 2024
- Investigations
- Key Initiatives
  - Title IX Policy Review and Revision
  - Data Privacy Awareness Week
  - Compliance Chronicles (May 2024)





# FAMU Fundamentals 2024

Board of Governors' Regulation 4.003 requires all universities to establish and implement an effective compliance and ethics program. Compliance training is a key requirement of such a program. The training period was from March 1-31, 2024. Reminders were sent to managers and employees throughout the training period. Managers received training completion lists throughout the period as well.

Based on our core audience of (faculty and staff), completion percentages for the initial period:

- Clery: 84%
- Compliance and Ethics: 82%
- Fraud and Internal Controls: 87%
- University Policy Management: 84%
- Cyber Security: 87%
- Emergency Management: 81%
- Sexual Harassment Prevention...: 89%
- Foreign Influence (targeted group):78%



We have also begun implementing additional enhancement strategies to encourage compliance and accountability. On May 8, OCE sent Notices of Non-Compliance (Notices) to all individuals who failed to complete all components of the mandatory training through DocuSign. The Notices require completion of FAMU Fundamentals within 10 days. Copies of each letter were then routed to the Office of Human Resources for inclusion in the employee's personnel file. Immediate observations indicate that completion numbers for core faculty and staff over the last three years were consistently around 80%, we are inching toward about 90% across several modules.

Training compliance partners will meet to discuss enhancement strategies for FAMU Fundamentals 2025.



# Key Initiatives





# Key Initiatives

## Compliance Focus: 23-24 Compliance Risk Assessment

Area	Issue	Risk Level	Status
Administration	Administrative Leave	Medium-High	Compliance Focus: (Compliance Review)
Administration	Conflict of Interest	Medium	Compliance Focus: (Compliance Review Process Review and Enhancement)
Governance	Training	Medium	Compliance Focus: (Additional Training Opportunities)
Research	Foreign Gift Reporting	Medium	Compliance Focus: (REDUCED risk level) (established process effectiveness review and implementation)
Compliance	Retaliation	Medium	Compliance Focus: (Follow up related to retaliation through micro-learning and FAMU Fundamentals)
Academic Affairs	Ch. 2023-82, 2023 Fla. Laws	Medium-High	Compliance Focus: Monitor compliance with law and accompanying BOG guidance
Research	Foreign Influence	High	Compliance Focus: Adapting to changing legislation and continued monitoring and recommendations to ensure compliance with screening and travel requirements.

# Key Initiatives

## Compliance Focus: 23-24 Compliance Risk Assessment (continued)

Area	Issue	Risk Level	Status
Research/ITS	Research Security and Compliance	Medium-High	Compliance Focus: (Assist ITS in NIST 800-171; centralized cloud solution for research data)
ITS/ Administration	Data Privacy	Medium-High	Compliance Focus: Development of privacy program; GDPR review update and other reviews incorporated into the program.
Athletics	Probation and Reporting	Medium	Compliance Focus: Coordinating with external firm to complete annual review of probation progress (currently in final year)
Athletics	Athletics Plan	Medium-High	Compliance Focus: Effective implementation of areas identified in the athletics plan
Athletics	NCAA and Title IX compliance	Medium	Compliance Focus: Monitor and assist in the achievement of equity goals and reporting (USDOE Equity in Athletics Data Analysis and Florida report).
FAMU DRS	Policy and Legislative Changes	Medium	Compliance Focus: Monitor and implement recommendations through Enterprise Compliance Committee (ECC) working group.



# Compliance Risk Area Highlight: Artificial Intelligence

Artificial Intelligence (AI) is rapidly transforming industries, including higher education. As AI technologies become more prevalent, understanding and managing their compliance implications is essential for FAMU.

AI offers numerous benefits, from enhancing administrative efficiency to advancing research capabilities. However, these advancements come with significant compliance challenges. Key areas of concern include data privacy, ethical use, transparency, and accountability.

- **Data Privacy:** AI systems often rely on vast amounts of data, which raises concerns about the collection, storage, and use of personal information. Compliance with regulations such as the General Data Protection Regulation (GDPR) and the Family Educational Rights and Privacy Act (FERPA) is critical to protecting individuals' privacy rights.
- **Ethical Use:** Ensuring that AI is used ethically is paramount. This involves avoiding biases in AI algorithms, ensuring fairness in automated decision-making, and maintaining the integrity of academic and administrative processes.
- **Transparency:** AI's decision-making processes can be opaque, making it challenging to understand how conclusions are reached. Institutions must strive for transparency by documenting AI systems' workings and ensuring stakeholders understand their use.
- **Accountability:** Establishing clear lines of responsibility for AI systems is essential. This includes defining who is responsible for monitoring AI outputs, addressing potential errors, and managing the systems' overall impact.

## What Are We Doing?

As we integrate AI into our operations, it is vital to remain vigilant and proactive in addressing these compliance challenges. The Office of Compliance and Ethics' Privacy Program is drafting policy recommendations to provide guidance for the University community.

By embracing AI while establishing reasonable parameters, we can harness AI's potential while upholding our commitment to ethical standards and regulatory requirements. For further information or guidance on AI and compliance, please reach out to the Office of Compliance and Ethics.





# 2024-2025 Compliance Risk Assessment Work

## Risk Assessment Updates

Based on compliance partner feedback and our assessment tool, developed in partnership with Gartner, we have developed an additional data point regarding compliance risk. This has allowed us to narrow the universe on inherent and residual risks. While this is a high-level view of top 10 risks, it is still helpful in identifying particular issues for compliance working groups.

### Top 10 Inherent Risks

1. Security Against Terrorism and Violent Attacks
2. Events (Natural and Large Scale)
3. Disposal and Destruction
4. Deferred Maintenance
5. Sexual and Other Harassment
6. Patronage (nepotism and Conflicts of Interest)
7. Asbestos and Other Toxic Substances
8. Perimeter Security Risk
9. Data Collection and Exchange with Third Parties
10. Research Misconduct

### Top 10 Residual Risks

1. Deferred Maintenance\*
2. Disposal and Destruction\*
3. Asbestos and Other Toxic Substances\*
4. Licensing Enforcement
5. Security Against Terrorism and Violent Attacks\*
6. Human Resource Support
7. Open Source Software
8. Tech Transfer/Export Control
9. Data Collection and Exchange with Third Parties \*
10. Export Control

\*indicates that this risk is also inherent





**FAMU**

FLORIDA A&M UNIVERSITY  
**OFFICE OF COMPLIANCE  
AND ETHICS**



**ADDITIONAL  
MATERIALS**





# THE COMPLIANCE CHRONICLES

FAMU's Compliance & Ethics  
Quarterly Newsletter

MAY 2024

VOLUME TWO | ISSUE ONE



# TABLE OF CONTENTS



FLORIDA A&M UNIVERSITY  
OFFICE OF COMPLIANCE  
AND ETHICS

Message from Chief Compliance & Ethics Officer, Rica Calhoun

3

Office of Compliance & Ethics Updates & Highlights

4

Equal Opportunity Programs Updates & Highlights

5

Athletics Compliance Office Updates & Highlights

6

Compliance in Focus:  
Trending Topics

7

Compliance & the Road Ahead: Recent Headlines & Compliance Notices

9

Resources and Reports

15

Meet the Compliance and Ethics Team!

16



## MESSAGE FROM THE CHIEF COMPLIANCE & ETHICS OFFICER, RICA CALHOUN

Greetings Rattlers,,

As we step into another quarter, I am pleased to present our latest compliance newsletter, an essential touchpoint for us all at FAMU. This edition is not only a reflection of our continuous commitment to integrity and ethical conduct but also a forward look at the evolving landscape of compliance that affects us all. First, I would like to acknowledge the success of FAMU Fundamentals 2024. This initiative has been pivotal in strengthening our foundational understanding of compliance and ethics topics. The enthusiastic participation across the campus underscores our collective dedication to maintaining the highest standards of conduct. Your involvement ensures that these fundamentals are not just guidelines, but active principles guiding our daily actions and decisions.

The importance of compliance and ethical decision-making cannot be overstated. Each member of our community plays a vital role in upholding these standards. As laws and regulations continue to evolve, the need for vigilance in compliance becomes increasingly critical. These changes are not merely procedural, we must be proactive in the way we meet these requirements while still staying true to FAMU's mission and values. We must all stay informed and adaptable to navigate these changes effectively.

In this light, I would like to outline the top five compliance risks currently facing our campus:

- 1. Security Against Violent Attacks:** Ensuring the safety of our campus community from physical threats remains a top priority.
- 2. Event Management:** With numerous events hosted on our campus, managing compliance with safety, accessibility, and regulatory requirements is crucial.
- 3. Disposal and Destruction:** Proper procedures for the disposal and destruction of sensitive and hazardous materials are critical in maintaining confidentiality and environmental standards. This not only protects our information integrity but also aligns with our sustainability commitments.
- 4. Deferred Maintenance:** Addressing maintenance issues promptly is essential to avoid safety hazards and ensure the longevity of our campus facilities. We must prioritize these tasks to safeguard our community and infrastructure.
- 5. Sexual and Other Harassment:** Our commitment to a harassment-free environment is unwavering. We continue to strengthen our policies and support systems to prevent, address, and resolve such issues effectively, ensuring a respectful and equitable campus culture.

In closing, I invite each of you to engage with this newsletter actively. Let it be a resource to foster not only compliance but a deeper understanding of why these efforts matter. Together, we will continue to cultivate an environment where compliance and ethical decision-making are not just expected but exemplified.

Best,  
Rica Calhoun







# Office of Compliance and Ethics

*highlights*

In this section of Compliance Chronicles, we share updates and highlights in each of our areas: The Office of Compliance and Ethics, Equal Opportunity Programs, and the Athletics Compliance office.



OCE has coordinated with the Marching 100 Band Compliance Officer and the Office of the General Counsel to digitize the pre-drill packet form, which will allow for a streamlined experience and greater capability to track and monitor compliance.

OCE employee, La'Tonya Baker, presented "Navigating Integrity: Leveraging Effective Employee Misconduct Investigations for Organizational Growth for the Association for Fraud Examiners.



## OCE's Spring 2024 Interns!

This spring we had the pleasure of working with Ms. LaChae George and Chloe Mitchell, two interns from the Strike Forward CEE internship program.

# EQUAL OPPORTUNITY PROGRAMS *highlights*



**Allysan McGill**

Allysan is a Title IX Investigator in the Office of Equal Opportunity Programs.

Allysan recently received a certification in Investigation Foundations for Higher Education and another in Investigation Skills & Report Writing for Higher Education.



**Kimberly Ceaser**

- Achieved a certification in Report Writing for Higher Education form ATIXA.
- Received recognition (supervisor) for the Career Exploration Internship Program with the Office of Freshmen Studies
- Employee of the Quarter for the university.



## April was Sexual Assault Prevention Month

- Title IX organized a tabling event at the quad and distributed ribbons and literature.
- Title IX participated in a Teal Table Talk with the Victim Advocate.
- Title IX collaborated with FAMU PD in hosting a self-defense class.



**Dicye Baker**

Dicye is a Title VI and VII EOP Investigator and recently received the following training and certifications:

- ATIXA - Investigation Skills and Report Writing for Higher Education
- ATIXA - Title IX: Sex-Based Harassment for Higher Education Certification
- Unveiling ADA Rights and Responsibilities



**Montell Holmes**

Montell is an ADA Coordinator for Equal Opportunity Programs and recently received a training certificate for "Unveiling ADA Rights and Responsibilities"

**Need to file a complaint?**  
Call the FAMU Compliance hotline:  
1-866-445-4968  
or click here for online reporting.



# ATHLETICS COMPLIANCE

*highlights*

Congratulations to our Athletics Compliance Office team member, Alexis Davenport, who graduated with a Master's degree in Sports Management on May 3rd, 2024.



Tia Huie, one of our Athletics Compliance Coordinators, was selected to participate in the 2024 Women Leaders Women's Leadership Symposium on May 21 & 22, 2024.

Athletics Compliance Coordinator, Jerry Goodson, has been selected to participate in the 2024 NCAA Effective Facilitation Workshop held in Las Vegas, NV this June.



“ ETHICS IS KNOWING THE DIFFERENCE BETWEEN WHAT YOU HAVE A RIGHT TO DO AND WHAT IS RIGHT TO DO ”



# COMPLIANCE IN FOCUS

We can encounter compliance issues in many ways. A helpful practice to avoid becoming a headline is educating our campus community and providing a space where questions can be asked when unsure what to do.

This Compliance in Focus section provides real-life examples to create awareness, facilitate discussion, and avoid the headlines.

**COMPLIANCE  
STARTS WITH  
YOU.**

## Apr 08: Athletics Compliance

Athletes in the National Association of Intercollegiate Athletics (NAIA) will only be allowed to compete in women's sports if they were assigned the female gender at birth, the national small-college organization announced Monday. The NAIA's Council of Presidents approved the policy in a 20-0 vote Monday morning after a December survey indicated widespread support for the move. The association's previous policy only applied to postseason competition. The new directive applies to all NAIA competitions. The NAIA is a national athletic governing body for 249 mostly small colleges across the country that are not part of the NCAA's three divisions of competition. The membership is 80% private schools. This decision does not apply to NCAA competitions. ([link](#))

## Apr 03: Title IX Settlement

Victims of sexual misconduct by a University of Maryland, Baltimore County swim coach will be entitled to \$180,000 or \$60,000 each as part of a settlement approved by the Maryland Board of Public Works on Wednesday. The \$4.1 million settlement is a result of a consent decree the university is entering with the U.S. Department of Justice following a blockbuster Title IX investigation. It requires a number of changes, including offering financial compensation to victims. Under the agreement, athletes on the men's swim team between 2015 and 2021 could receive \$180,000 if the DOJ or university investigation found they experienced dating violence that staff knew about or sexual assault by a former head coach. The same goes for swimmers on the women's team during certain academic years. ([link](#))

## Apr 01: Financial Aid Lawsuit

The settlement administrator Angeion Group LLC announced a proposed settlement with several U.S. colleges and universities Friday over alleged deceptive tactics in giving out financial aid. The preliminary proposal includes 10 schools in one case and 17 in a second. The schools include Yale University, Johns Hopkins University and the University of Pennsylvania. The lawsuit alleged the schools conspired to make formulas for financial aid that resulted in students receiving a lower amount of support compared to if the schools didn't conspire, constituting a violation of antitrust laws. The schools have denied the allegations and argued the plaintiffs have no merit. ([link](#))





# COMPLIANCE IN FOCUS

continued



## Apr 05: Athletics

Suicides among U.S. college athletes have doubled over the past two years, according to data from the National Collegiate Athletic Association (NCAA). Suicide is now the second most common cause of death for college athletes after accidents, results show. "Athletes are generally thought of as one of the healthiest populations in our society, yet the pressures of school, internal and external performance expectations, time demands, injury, athletic identity and physical fatigue can lead to depression, mental health problems and suicide," wrote the research team led by Bridget Whelan, a research coordinator with the University of Washington in Seattle. During the two decades, 1,102 athletes died. Of those, 128 took their own lives, including 98 men and 30 women. The suicide rate among college athletes doubled comparing the first decade and the second, rising from 7.6% to 15.3%. ([link](#))

## Apr 23: Compliance

A critical audit of the University of Northern Iowa's Office of Compliance and Equity Management -- responsible for making sure UNI offers equal education opportunities and complies with state and federal laws like Title IX and affirmative action -- uncovered shortcomings that could "expose the university to unacceptable risks" and "result in serious consequences." "The current governance and reporting structure for (the office) does not promote collaboration with the necessary and appropriate functional areas of the institution, resulting in inefficiencies and the risk for non-compliance with university policy, and state and federal laws and regulations," according to the April internal audit being presented to the Board of Regents this week. ([link](#))

## Apr 19: Title IX Regulations

The Biden administration issued new rules on Friday cementing protections for L.G.B.T.Q. students under federal law and updating the procedure schools must follow when investigating and adjudicating cases of alleged sexual misconduct on campus. The new rules, which take effect on Aug. 1, effectively broadened the scope of Title IX, the 1972 law prohibiting sex discrimination in educational programs that receive federal funding. They extend the law's reach to prohibit discrimination and harassment based on sexual orientation and gender identity. While the new rules are expected to restore protections for accusers and expand the set of harassment complaints that schools are required to investigate, they are far from the sweeping rollback of Trump-era rules that was anticipated.

## Apr 08: Privacy & Data Ethics

Our personal data has become a hot commodity--traded and sold with little regard for the individuals it represents. An engineer at Deepmind, a leading artificial intelligence company, received a targeted advertisement that appeared to be from the University of Michigan. The ad made a simple offer of access to an extensive dataset containing student papers and audio recordings of academic lectures--all for the (relatively) low price of \$25,000. The backlash was swift, leading many to ask how U-M, a prestigious public university, could sell students' work in such cavalier fashion? ([link](#))



# Compliance and the Road Ahead

Recent headlines, as well as several pieces of regulatory and legal guidance, have occurred in the last month that may impact the University's compliance risk. In the following pages, we share a guide to these areas with links to the source material. Focus areas for this compliance notice are listed to the right.

The Office of Compliance and Ethics, which includes the Offices of Equal Opportunity Programs and Athletics Compliance, will continue to monitor these areas and support compliance partners in mitigating risk.

**New Title IX  
Regs**

**Title VII and  
Adverse Action  
US Supreme  
Court Decision**

**Pregnant Workers  
Fairness Act--  
EEOC Final Rule**

**NCAA Transfer  
Rule Change**

**Virginia and  
NIL**



# New Title IX Regs are Here

## 1

### Key Takeaways

The final rule implementing new guidance re: Title IX was released today. A fact sheet is found here: <https://www2.ed.gov/about/offices/list/ocr/docs/t9-final-rule-factsheet.pdf>. According to the Department of Education, the new regulation seeks to:

- **Protect against all sex-based harassment and discrimination.**
  - The rule clarifies the steps a school must take to protect students, employees, and applicants from discrimination based on pregnancy or related conditions. And the rule protects against discrimination based on sex stereotypes, sexual orientation, gender identity, and sex characteristics.
- **Promote accountability and fairness.**
  - The final rule requires schools to respond promptly to all complaints of sex discrimination with a fair, transparent, and reliable process that includes trained, unbiased decisionmakers to evaluate all relevant and not otherwise impermissible evidence.
- **Empower and support students and families.**
  - The rule requires schools to communicate their nondiscrimination policies and procedures to all students, employees, and other participants in their education programs so that students and families understand their rights. The rule supports the right of parents and guardians to act on behalf of their elementary school and secondary school children. And the rule protects student privacy by prohibiting schools from making disclosures of personally identifiable information with limited exceptions.

### Considerations for FAMU

We are currently working to ensure that we are meeting any changes in standards.

# Title VII and Adverse Action

## 2

### Key Takeaways

In *Muldrow v. City of St. Louis, Missouri*, a unanimous U.S. Supreme Court held on April 17, 2024, that an employee bringing a claim for discrimination under Title VII related to a job transfer need only show some employment disadvantage resulting from the transfer but need not show a "significant" disadvantage." (Source)

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Specifically, "...employees must show some harm respecting an identifiable term or condition of employment," but the transferee does not have to show that "the harm incurred was 'significant' ... [o]r serious, or substantial, or any similar adjective suggesting that the disadvantage to the employee must exceed a heightened bar." 601 U.S. 6 (2024).

### Considerations for FAMU

Right now, this seems narrowly applied to job transfers; however, this does call into question the types of action that will be considered harmful.



# Pregnant Workers Fairness Act: EEOC Final Rule

## 3 Key Takeaways

On April 15, the EEOC released its final rule implementing the Pregnant Workers Fairness Act (PWFA). The final rule goes into effect 60 days from April 18, 2024.

"Generally, the PWFA requires a covered employer to provide a "reasonable accommodation" to a qualified employee's or applicant's known limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an "undue hardship." (Source: PWFA Fact Sheet)

The PWFA does not replace federal, state, or local laws that are more protective of workers (used here to mean job applicants and employees) affected by pregnancy, childbirth, or related medical conditions.

### Considerations for FAMU

The Office of Equal Opportunity Programs should coordinate with the Office of Human Resources to develop additional communications and guidance to the University community on this topic.

# NCAA Transfer Rule Change

## 4

### Key Takeaways

According to the NCAA, "The Division I Council on Wednesday unanimously adopted a package of rules changes to allow transferring student-athletes who meet progress toward degree requirements to be immediately eligible at their new school, regardless of whether they transferred previously. If ratified, these rules are set to become **effective immediately**."

Student-athletes are expected to enter the Transfer Portal within their sport's notification-of-transfer windows. Exceptions to the legislated transfer windows, including for the departure of a head coach or a discontinued sport, will continue.

Student-athletes enrolling as graduate students at their next school can enter the portal at any time during the academic year but must enter the portal prior to the conclusion of their respective sports' final transfer windows."

### Considerations for FAMU

- Assess the impact of this change on recruitment, admissions, and scholarships.
- Develop strategies to address any identified gaps, if needed.



# Virginia and NIL

## 5

### Key Takeaways

- 1. Direct Payment Permitted:** Starting July 1, Virginia schools can use university funds to pay athletes for NIL rights, specifically for marketing purposes, although not for performance in sports.
- 2. NCAA Compliance:** This law is unique in making it illegal for the NCAA to penalize schools for such payments, posing a challenge to existing NCAA regulations which prohibit direct NIL deals by schools with their athletes.

### Considerations for FAMU

- Athlete Inquiries: Clear communications for our athletes on the current legal and regulatory status of NIL payments at our institution.
- Policy Planning: Proactively consider our stance and potential strategies concerning NIL compensations, anticipating possible shifts in NCAA rules or state laws.
- Equity and Compliance: Ensure that any approach to NIL aligns with Title IX requirements and treats all athletes fairly.

Please see a recent article from ESPN that discusses the new law:  
[Virginia law allows schools to pay athletes for NIL - ESPN](#)



## Mandatory Training Calendar

[FIND OUT MORE](#)

## SEE SOMETHING, SAY SOMETHING

**Do you know a FAMU employee who has demonstrated a commitment to compliance and integrity?**

We believe that ethical behavior starts with individuals who are willing to take a stand when they see something that doesn't align with our values, even when it is difficult or uncomfortable to do so.

We want to celebrate the employees who exemplify a dedicated commitment to integrity and ethics.

Let us know by nominating them for the “See Something, Say Something” Award at [complianceandethics@famuedu](mailto:complianceandethics@famuedu) and be on the lookout for a feature in our next issue!



## Resources and Reports

[ACCESS NOW](#)



# Meet the University Compliance (OCE) Team



**RICA CALHOUN**

Chief Compliance & Ethics Officer  
[rica.calhoun@famou.edu](mailto:rica.calhoun@famou.edu)



**LA'TONYA BAKER**

Director of Compliance,  
Chief Privacy Officer  
[latonya.baker@famou.edu](mailto:latonya.baker@famou.edu)



**EDNA GASQUE**

Program Manager  
[edna.gasque@famou.edu](mailto:edna.gasque@famou.edu)



**MIRANDA WASHINGTON**

Compliance Coordinator  
[miranda.washington@famou.edu](mailto:miranda.washington@famou.edu)



**THOMAS WOOD**

Compliance Coordinator  
[thomas.wood@famou.edu](mailto:thomas.wood@famou.edu)

**For inquiries, contact us.**

[famou.edu/oce](http://famou.edu/oce)

[complianceandethics@famou.edu](mailto:complianceandethics@famou.edu)

# Equal Opportunity Programs (EOP)



**DR. LATRECHA SCOTT**

Director, EOP and Labor Relations/Title IX  
[latrecha.scott@fam.u.edu](mailto:latrecha.scott@fam.u.edu)



**KIMBERLY CEASER**

Assistant Director  
Equal Opportunity Programs  
[kimberly.ceaser@fam.u.edu](mailto:kimberly.ceaser@fam.u.edu)



**LETITIA MCCLELLAN**

Title IX Coordinator  
Equal Opportunity Programs  
[letitia.mcclellan@fam.u.edu](mailto:letitia.mcclellan@fam.u.edu)



**MONTELL HOLMES**

ADA Coordinator  
[montell.holmes@fam.u.edu](mailto:montell.holmes@fam.u.edu)



**ALLYSAN MCGILL**

EOP Coordinator  
[allysan.mcgill@fam.u.edu](mailto:allysan.mcgill@fam.u.edu)



**DICYE BAKER**

ADA Coordinator  
[dicye.baker@fam.u.edu](mailto:dicye.baker@fam.u.edu)

**For inquiries, contact us.**

[oeop@fam.u.edu](mailto:oeop@fam.u.edu)  
850-599-3076



# Athletics Compliance Team



**BRITTNEY JOHNSON**

Sr. Associate Athletic Director  
[brittney.johnson@famuedu](mailto:brittney.johnson@famuedu)



**LORI GOODART**

Associate AD  
Financial Air & Benefits  
[lori.goodart@famuedu](mailto:lori.goodart@famuedu)



**KELLEY BICKHAM**

Associate AD  
Eligibility and Compliance  
[letkellae.bickham@famuedu](mailto:letkellae.bickham@famuedu)



**JERRY GOODSON**

Athletic Compliance Coordinator  
[jerry2goodson@famuedu](mailto:jerry2goodson@famuedu)



**TIA HUIE**

Athletic Compliance Coordinator  
[tia1.huie@famuedu](mailto:tia1.huie@famuedu)



**ALEXIS DAVENPORT**

Athletic Compliance Front Office Assistant  
[alexis1.davenport@famuedu](mailto:alexis1.davenport@famuedu)

**For inquiries, contact us.**

[aco@famuedu](mailto:aco@famuedu)

850-599-8303