

EXHIBIT T



Florida Agricultural and Mechanical University

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OFFICE OF THE VICE PRESIDENT
DIVISION OF AUDIT AND COMPLIANCE
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March 4, 2013

To: Leroy Pernell
Dean, College of Law

From: Richard Givens, Vice President for Audit and Compliance *RG*

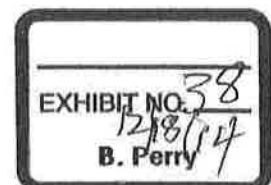
Subject: Investigation of Salary Request College of Law

In January 2013, the Division of Audit and Compliance completed an investigation pertaining to an allegation that College of Law faculty attempted to process unauthorized salary increases. The investigation resulted from a written allegation concerning documents that were submitted to the Provost's Office that requested an increase in salary for two College of Law faculty. The report, including findings and recommendations, is attached.

If there are any questions, please contact me at (850) 412-5479.

Attachment

cc: Larry Robinson, Interim President
Interim Vice President Academic Affairs and Provost, Rodner Wright
Jennifer Smith
Barbara Bernier



Summary of Allegations

The Division of Audit and Compliance received a complaint from Leroy Pernell, Dean and Professor of Law, Florida A&M University dated February 29, 2012.

The Dean requested that a formal investigation be commenced regarding possible irregular, unauthorized and or fraudulent attempts to promote, recommend and or otherwise achieve unauthorized official actions and expenditures by and/or on behalf of the Florida A&M University College of Law by the possibly knowing initiation of unauthorized processes purporting to come from and/or represent official actions of the College of Law.

Introduction

According to Academic Affairs personnel, in spring 2012, the Office of Academic Affairs received a package from the College of Law. Inside were two Personnel Action Request (PAR) forms from Professors Smith and Bernier.

According to Mr. Bailey, the documents were filled out as if a salary increase was submitted for each Professor. Upon review of the documents, Mr. Bailey noticed areas of concern about the documents:

- The documents were not signed by the Dean of the College of Law nor any Administrator at the College; and
- The forms used (PAR) were not the correct form as they should have used a faculty recommendation form.

Mr. Bailey informed the Provost of the documents to see if she was aware of this request. She informed him that she was not aware of this and that he should contact the Dean to see what his intention was. The Dean was also not aware of the documents being sent to the Office of Academic Affairs and had not approved any salary increases for the two professors. The Dean stated that the documents were submitted without his approval. No action was taken to process the documents by the Office of Academic Affairs.

Investigative Results

Our review disclosed that two College of Law faculty submitted Personnel Actions Request Forms (PARs) on their own behalf to the Provost's Office. The PARs were submitted unsigned, but included proposed salary increases of approximately \$55,000 and \$40,000 for the two faculty. Also submitted was a document titled Attachment to Charge of Discrimination, which indicated the salaries paid to male faculty were significantly higher than salaries paid to female faculty. No explanation was included in the package when the PARs were submitted.

In response to our inquiry for the reason for submitting the PARs, the employees stated that the "...document is on FAMU'S website and is used by faculty/staff to simply request an equitable adjustment that would have enabled FAMU to cure the injustice caused by Pernell when he paid similarly situated male professors more than females....The document was to get the ball rolling using FAMU'S own stated process, which is why there are no signatures and sent to the provost's office which can move it forward or void it."

Although requested, we were not provided with any University policy, procedure, or process that provides for employees to submit a PAR directly to the Provost's office to request an equitable adjustment in pay.

Our review disclosed the following:

- The general instructions for the PAR form state that the form is to be completed for all appointments, leaves, separations, and other employment actions and that all signatures required for approval of personnel action and funding sources should be secured, which would further indicate the PAR is to be used for official actions and should include approvals when submitted. The PAR includes spaces for signatures of the dean, provost, and assistant vice president of Human Resources.
- The PAR has a column for proposed changes, such as position number, pay grade, and pay rate, and instructions on the face of the form state that the proposed column of the form should be used for new employees and current employees promoted/transferred/reassigned/other. Use of the PAR for requesting an equitable salary adjustments does not appear to be a purpose of the form.
- The PAR includes a section for justification/remarks to explain special pay increases. This section of the PAR was not completed.

Although it may have been the employees' intent to report a salary inequity through submission of the PARs, official University documents used to request personnel actions, such as pay increases, were submitted as if the Dean was submitting a salary increase for approval by the Provost. As noted above, the documents were submitted with no explanation that an equitable salary adjustment was requested.

Conclusions and Recommendation

Based on our review, we conclude that the allegation regarding initiation of unauthorized processes to obtain salary increases purporting to come from and/or represent official actions of the College of Law is substantiated.

The Division recommends that training be provided to faculty regarding the appropriate methods and procedures for initiating official requests for salary increases.

Objective and Methodology

We inquired, communicated through emails, and received documentation from the Dean, Associate Dean for Research and Faculty Development, Professor Barbra Bernier and Professor Jennifer Smith. We reviewed the College of Law's procedures for granting salary increases.

Our investigation was conducted in accordance with standards found in the *Principles and Standards for Offices of Inspector General*, published by the Association of Inspectors General.

The investigation was conducted by James Hakemoller.

Pursuant to the provisions of the Division of Audit and Compliance charter, I have directed that this report be prepared to present the results of our investigation.

Richard E. Givens
Richard E. Givens
Vice President of Audit & Compliance
January 17, 2013