

**THE FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES
NOTICE OF PROPOSED REGULATION**

REGULATION NUMBER AND TITLE: FPU-1.015 Allegations of Waste, Fraud, Financial Mismanagement, Misconduct, and Other Abuses.

SUMMARY OF THE REGULATION: Board of Governors Regulation 4.001 University System Processes for Complaints of Waste, Fraud, or Financial Mismanagement requires the University to adopt a regulation regarding allegations of fraud or misconduct. This proposed regulation complies with the requirements established in BOG Regulation 4.001.

TEXT OF REGULATION: The full text of the Proposed Regulation can be viewed below and on the Florida Polytechnic University Board of Trustees website, at <http://floridapolytechnic.org/board-of-trustees/university-policies-and-regulations/>.

If you would like a copy of the Proposed Regulation, please contact Bacogie Luke, Executive Assistant to the VP and General Counsel at (863)874-8412.

AUTHORITY: Board of Governors Regulation 4.001

NAME OF PERSON INITIATING PROPOSED REGULATION: Mark Mroczkowski, VP and CFO

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

THE CONTACT PERSON REGARDING THIS REGULATION IS: Bacogie Luke, Executive Assistant to the VP and General Counsel at 4700 Research Way, Lakeland, Florida 33805-8531, Email: bluke@flpoly.org, Phone: (863)874-8412, Fax: (863)874-8716.

DATE OF PUBLICATION: February 14, 2017

THE FULL TEXT OF THE PROPOSED REGULATION IS PROVIDED BELOW:

FPU-1.015 Allegations of Waste, Fraud, Financial Mismanagement, Misconduct, and Other Abuses.

(1) Purpose. This regulation addresses the responsibility for detecting and reporting any significant and credible allegation(s) of fraud, waste, mismanagement, misconduct and other abuses in accordance with Board of Governors (“BOG”) Regulation 4.001.

(2) Responsibilities and Authority of the Chief Audit Executive. The Florida Polytechnic University Board of Trustees (“Board”) designates the University Chief Audit Executive (“CAE”) as the official university contact for reporting and investigating allegations of suspected waste, fraud, mismanagement, misconduct, and other abuses and to review statutory whistleblower information and coordinate all activities of the university as required by the Florida Whistle-blower’s Act (112.3187, F.S.). Upon the CAE’s receipt of a complaint alleging suspected waste, fraud, mismanagement, misconduct, or other abuses, the CAE will evaluate the nature of the complaint(s) and suspected activity and whether the allegation is significant and credible to determine if an investigation is warranted. University policies will be promulgated to implement this process.

(4) Allegations Made Against the President or a Board Member. The CAE shall provide timely notification to the BOG, through the OIGC, of any significant and credible allegation(s) of fraud, waste, mismanagement, misconduct, and other abuses made against the university president or a Board member. Such allegations will be handled as follows:

- (a) **Initial Review and Preliminary Inquiry.** The Chair of the Board (or the Chair of the Audit and Compliance Committee if the allegations involve the Board Chair), in consultation with the Chair of the Board of Governors, shall review the matter and may ask the OIGC to conduct a preliminary inquiry, in accordance with section 10.2.a of the OIGC charter.
- (b) **Investigation.** If, as a result of the review and/or preliminary inquiry, it is determined that an investigation is warranted, it shall take one of the following forms:
 - i. The Board will hire an independent outside firm to conduct the investigation with OIGC guidance and monitoring; or
 - ii. The OIGC will perform the investigation.
- (c) **Subject’s Response to Investigation Report.** At the conclusion of such investigation, the investigator’s report shall be submitted to the subject, who shall have twenty (20) working days from the date of the report to submit a written response.
- (d) **Investigator’s Rebuttal to Subject’s Response.** If the subject submits a written response to the investigation report, the investigator may, within ten (10) working days from receipt of the written response, create a rebuttal to the response.
- (e) **Final Report.** The subject’s response and the investigator’s rebuttal to the response, if any, shall be included in the final report presented to the chair of the Board Chair and the Board of Governor’s Audit and Compliance Committee.

(5) Allegations Made Against the Chief Audit Executive or Chief Compliance Officer. If any allegation of fraud, waste, mismanagement, misconduct, or other abuses is made against the chief audit executive or chief compliance officer, the General Counsel will serve as the official contact for reporting and investigating such suspected fraudulent or wrongful acts and misconduct. If such allegation is significant and credible, the General Counsel will timely notify

the Board of Governors, through the OIGC. The investigation will then be handled in accordance with paragraph (4) above.

(6) Alternate Authority Designation. In the absence of a CAE the Office of the General Counsel shall assume the responsibilities and authority delegated to the CAE herein and in accordance with University Policy FPU-1.0125P *Fraud Prevention and Detection*.

Authority: BOG regulation 4.001

History: New: _____

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