

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

**REGULATION NUMBER AND TITLE: FPU-1.015 Allegations of Fraud, Waste, Abuse, or Financial Mismanagement.**

**SUMMARY OF THE REGULATION:** This regulation is amended to align with Board of Governors (BOG) Regulation 4.001, which was amended by the BOG on June 30, 2022. This regulation also updates the reference in (5), as policy FPU-1.0125P has been repealed and replaced by regulation FPU-1.0125 (approved by the Board of Trustees on September 28, 2022).

**TEXT OF REGULATION:** The full text of the Regulation Amendment can be viewed below and on the Florida Polytechnic University Board of Trustees website, at <https://floridapoly.edu/university-policies-regulations-rules.php>. If you would like a copy of the Regulation Amendment, please contact Sherri Pavlik, Executive Assistant to VP and General Counsel, (863) 874-8412 or [ogc@floridapoly.edu](mailto:ogc@floridapoly.edu).

**AUTHORITY:** Article IX, Sec. 7, Fla. Constitution; Board of Governors Regulations 1.001, 3.003, 4.001.

**NAME OF PERSON INITIATING PROPOSED REGULATION AMENDMENT:** Dr. Allen Bottorff, Vice President, Finance and Administration

**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 PROPOSED REGULATION AMENDMENT IS:** Alex Landback, Associate General Counsel at 4700 Research Way, Lakeland, Florida 33805, Email: [ogc@floridapoly.edu](mailto:ogc@floridapoly.edu), Phone: (863) 874-8487, Fax: (863) 874-8716.

**DATE OF PUBLICATION:** October 14, 2022

**THE FULL TEXT OF THE REGULATION AMENDMENT IS ATTACHED TO THIS NOTICE.**

## THE FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES

### FPU-1.015 Allegations of ~~Waste, Fraud, Waste, Abuse, or~~ 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, abuse, financial 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, abuse, financial mismanagement, misconduct, and other abuses and to review statutory whistle-blower 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.
- (3) **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, abuse, financial 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:
    1. The Board will hire an independent outside firm to conduct the investigation with OIGC guidance and monitoring; or
    2. 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~~provided to ~~the chair of the Board~~ Chair of Trustees and the Board of ~~Governor's Audit and Compliance Committee~~Governors.

- (4) **Allegations Made Against the Chief Audit Executive or Chief Compliance Officer.** If any allegation of fraud, waste, abuse, financial 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.
- (5) **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~~Regulation FPU-1.0125~~P~~ *Fraud Prevention and Detection*.

*Authority: BOG regulation 4.001*

*History: New: 3.16.17; Amended: MM.DD.YYYY*