



FGCU REGULATION 1.008

Complaints of Waste, Fraud, or Financial Mismanagement

*Effective Date of
Regulation:*

January 14, 2020

A. GENERAL STATEMENT

Board of Governors (BOG) Regulation 4.001, University System Processes for Complaints of Waste, Fraud, or Financial Mismanagement, requires the Florida Gulf Coast University (FGCU) Board of Trustees (BOT) to adopt a regulation to address complaints of waste, fraud, or financial mismanagement, which requires timely notification to the BOG, through the Inspector General and Director of Compliance (OIGC), of any significant and Credible Allegations of Waste, Fraud, Mismanagement, Misconduct, or other Abuses made against the President, a member of the FGCU BOT, the Chief Audit Executive, and the Chief Compliance Officer.

B. DEFINITIONS

1. *Abuse*: Behaving improperly or unreasonably or misusing one's position or authority.
2. *Credible Allegation*: An allegation that has been verified by FGCU as having *indicia of reliability*.
3. *Fraud*: The knowing, willful, or intentional deception or misrepresentation of material facts in order to obtain some benefit or payment for which no entitlement would otherwise exist.
4. *Indicia of Reliability*: Circumstances that point to the existence of a given fact or allegation as probable, but not certain.
5. *Misconduct*: Actions that occur during or after work hours which show a conscious disregard of FGCU's interests and found to be a deliberate violation or disregard of the reasonable standards of behavior which FGCU expects of all employees and representatives of the University.
6. *Mismanagement*: Negligence or neglect where one fails to observe laws or guidelines when handling matters on behalf of FGCU thereby creating a substantial risk to FGCU being able to accomplish its mission.
7. *Waste*: The unnecessary spending or squandering of University resources, whether intentional or unintentional.

C. PROTOCOL

1. Significant and Credible Allegations of Waste, Fraud, Mismanagement, Misconduct, and other Abuses made against the President or a member of the FGCU BOT shall be handled as follows:
 - a. The Chair of the FGCU BOT (or the Chair of the Audit and Compliance Committee of the FGCU BOT if the allegations involve the Chair of the FGCU BOT), in consultation with the Chair of the BOG, shall review the matter and may ask the OIGC to conduct a preliminary inquiry to determine whether the allegations warrant further investigation or other appropriate action. If it is determined that an investigation is warranted, it shall take one (1) of the following forms:
 - 1) The Vice President and General Counsel, at the request of the BOT, will hire an independent outside firm to conduct the investigation with OIGC guidance and monitoring, or
 - 2) The OIGC will conduct the investigation.
 - b. At the conclusion of the investigation, a report shall be submitted to the subject of the investigation, who shall have twenty (20) working days from the date of the report to submit a written response to the Chair of the FGCU BOT or the Chair of the Audit and Compliance Committee, as appropriate. 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 FGCU BOT and the BOG's Audit and Compliance Committee. If the subject is the Board Chair, the response and rebuttal to the response shall be included in the final report presented to the Chair of the Audit and Compliance Committee of the FGCU BOT and the BOG's Audit and Compliance Committee.
 - c. The report will be submitted to the FGCU BOT, or BOG, as appropriate, for disciplinary action if warranted.
2. Significant and Credible Allegations of Waste, Fraud, Mismanagement, Misconduct, and other Abuses made against the Chief Audit Executive or the Chief Compliance Officer shall be handled as follows:
 - a. The Chair of the Audit and Compliance Committee of the FGCU BOT and the University President shall review the matter and may ask the Vice President and General Counsel to conduct a preliminary inquiry to determine whether the allegations warrant further investigation or other appropriate action. If it is determined that an investigation is warranted, it shall take one (1) of the following forms:
 - 1) The Vice President and General Counsel, at the request of the Audit and

Compliance Committee and the President, will hire an independent outside firm to conduct the investigation with his or her guidance and monitoring, or

- 2) The OIGC will conduct the investigation.
 - b. At the conclusion of the investigation, a report shall be submitted to the subject of the investigation, who shall have twenty (20) working days from the date of the report to submit a written response to the Chair of the Audit and Compliance Committee and the President. 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 Audit and Compliance Committee of the FGCU BOT and the President. The report will be submitted to the FGCU BOT, and/or BOG, as appropriate.
 - c. The President shall determine disciplinary action, if any, in consultation with the Chief Human Resources Officer, or designee, and in accordance with FGCU Regulation 5.016, Disciplinary Actions.
 - d. The President, in consultation with the Vice President and General Counsel, shall confer with the appropriate law enforcement entity in all instances where there are reasonable grounds to believe a criminal violation has occurred.

Authority

BOG Regulation 4.001, University System Processes for Complaints of Waste, Fraud, or Financial Mismanagement

Board of Governors Office of Inspector General and Director of Compliance, Charter, section 10.2

FGCU Regulation 5.016, Disciplinary Actions

History of Regulation

New 01/14/20

Approved by Florida Gulf Coast University Board of Trustees

January 14, 2020