



## FLORIDA GULF COAST UNIVERSITY REGULATION

**Regulation Number: 1.006**

**Regulation Title: Whistle-blower Protection**

**Effective Date: 09/13/16**

### A. GENERAL STATEMENT

Florida Gulf Coast University (“University”) employees have a responsibility to be good stewards of the public resources that have been entrusted to the University’s care. The University and its employees are to behave ethically and to abide by all applicable laws, regulations, rules, and policies. The University takes seriously any allegation of fraud, criminal conduct, mismanagement, misrepresentation, or other dishonest acts.

To that end, the University shall provide “Whistle-blower” protection from retaliatory action for its employees, former employees, or applicants for employment who report violations affecting the University’s resources and assets and that create a substantial and specific danger to the public’s health, safety, or welfare. The University shall also protect from retaliatory action any person who discloses information alleging improper use of one’s position, gross waste of funds, or any other gross neglect of duty on the part of a University employee.

### B. DEFINITIONS

1. *Whistle-blower*: An employee, former employee, or an applicant for employment who discloses information of any activity that is a violation or suspected violation of law by an employee or agent of the University which creates and presents a substantial and specific danger to the public’s health, safety, or welfare. The information disclosed must also include an act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty committed by an employee or agent of the University.
2. *Gross mismanagement*: Substantial risk of significant adverse impact on the University’s mission.
3. *Malfeasance*: An act by an University employee or agent that is legally unjustified, harmful, or contrary to law.
4. *Misfeasance*: An act that is not illegal but is improperly performed. It is a failure to discharge University legal obligations.
5. *Gross waste of public funds*: The use of funds is significantly out of proportion to the benefit received.
6. *Gross neglect of duty*: A dereliction of duty that endangers the welfare of the

University or an arbitrary decision for personal gain and/or to injure others.

7. *Complainant*: A Complainant is a person alleging a violation under this Regulation.

### **C. UNIVERSITY OFFICIAL CONTACT**

Allegations of activities such as, but not limited to, bribery, asset misappropriations, and fraudulent financial and/or non-financial statements should be reported to the University's Director of Internal Auditor or through the University's reporting hotline.

### **D. WHISTLE-BLOWER DETERMINATION PROTOCOL**

When a complaint is filed, it will be filed with the Director of Internal Audit (Director). The Director will coordinate all activities of the University covered under the Whistle-blower's Act. A determination of the status of a Complainant as a Whistle-blower will be completed within the time limits required by law.

### **E. DISCIPLINARY PROCEDURES**

Retaliation against a Whistle-blower, once established, shall result in employee disciplinary action against the retaliator pursuant to University Regulations and any applicable collective bargaining agreement. University agents found to have violated this Regulation will receive sanctions or other disciplinary actions consistent with law and/or contract.

*Action by Florida Gulf Coast University Board of Trustees*

Approved 09/13/16

*Specific Authority*

§112.3187-112.31895, F.S.

*History of Regulation*

New 09/13/16; Format Changed 05/22/17