

DEPAUL UNIVERSITY



International Anti-Bribery and Corruption Laws Compliance

Category: Academic Affairs - Operational

Responsible Department: Academic Affairs

Responsible Officer: Associate Provost for Global Engagement

Effective Date: 04/04/2018

Policy Summary

DePaul University is committed to acting ethically and in compliance with anti-corruption laws, such as the U.S. Foreign Corrupt Practices Act, the U.K. Bribery Act, and foreign local anti-corruption laws in the jurisdictions in which DePaul operates. As part of this commitment, DePaul prohibits the giving or receiving of improper payments or other benefits to any person in order to gain a commercial or other advantage in connection with activities outside the U.S.

The objective of this policy is to state DePaul's policy on preventing bribery and corruption; to address special considerations in interactions with "Foreign Officials"(as defined below) and to advise caution in such dealings; and to direct employees to other DePaul policies that govern the most common payment activities occurring outside the U.S. Adherence to the requirements and procedures outlined in this policy and in the other DePaul policies mitigates the risk of non-compliance with anti-corruption laws by DePaul employees and parties acting on DePaul's behalf when engaging in activities outside the U.S.

Note: U.S. law also prohibits the bribery of U.S. government officials and many state laws criminalize commercial bribery; however, this policy is intended to cover only bribery outside the U.S.

Scope

This policy affects the following groups of the University:

- Executive Offices
- Assoc. / Assist Vice Presidents
- Full-Time Staff
- Part-Time Staff
- Full-Time Faculty
- Part-Time Faculty

- Students
- Budget Managers
- Entire University Community
- Student Employees
- Vice Presidents
- Deans
- Directors/Department Chairs

This Policy applies to all employees involved in activities on behalf of DePaul University outside the United States.

Policy

1. General Requirements to Mitigate Bribery and Corruption Risks

When acting on DePaul's behalf outside the U.S., DePaul employees may not directly or indirectly make, promise, approve, authorize, offer to give, or give to anyone - or accept or solicit from anyone - anything of value to improperly induce the recipient to take (or to refrain from taking) action that would bestow a commercial benefit or advantage on DePaul, its affiliates or any other party.

DePaul employees may not provide anything of value to any person when to do so:

- (i) would be prohibited under foreign local law or the terms of that person's employment; or
- (ii) could be viewed as improperly influencing that person's decision on a matter involving DePaul.

"Anything of value" is broadly defined and can include money and cash equivalents (e.g., gift cards), as well as gifts, meals, entertainment, travel, charitable contributions, and other items of tangible or intangible value, such as paid or unpaid internships or other academic or employment opportunities.

2. Special Considerations for Interactions with Foreign Officials

Interactions with Foreign Officials must be monitored due to the increased risk for violations of applicable anti-corruption laws. Bribery of Foreign Officials is against the law in every country and often carries criminal penalties for both the employee and the organization.

For the purposes of this Policy, a "Foreign Official" includes:

- Any officer or employee of a non-U.S. government or any department, agency or instrumentality thereof, whether local, state, or national (including, for example, a government-owned or

government-controlled state enterprise or a state-run company, public university, or public health care facility or system) or of a public international organization, such as the World Bank, regardless of rank;

- Any person acting in an official capacity for or on behalf of a non-U.S. government or government entity or of a non-U.S. public international organization, including private individuals performing a public function (e.g., a private individual acting as a procurement advisor to a government body);
- Any non-U.S. political party or party official or any candidate for political office;
- Members of a royal family; and
- Though they are not themselves Foreign Officials, interactions with family members of, and others closely associated with, Foreign Officials are subject to the same restrictions as interactions with Foreign Officials.

3. Considerations for Engaging Vendors Outside the U.S.

DePaul may be held liable for the actions of others it hires or otherwise contracts with outside of the U.S. When retaining a vendor to act on DePaul's behalf outside the U.S., the Purchasing and Bidding Requirements policy applies and appropriate due diligence, as directed by that policy, must be performed prior to retention or payment of the vendor.

Additionally, individuals or entities who are specifically engaged to work with Foreign Officials on DePaul's behalf ("Third-Party Representatives") require extra scrutiny. By way of illustration, if a college hires a faculty member who is employed by a foreign public university as a consultant to help DePaul obtain the foreign government's approval of an academic program or arrangement; the foreign faculty member is a Third Party Representative. However, a faculty member who is employed by a foreign public university, who partners with DePaul on a study abroad trip or research project, is not a Third Party Representative because they are not interacting with government entities on behalf of DePaul.

4. DePaul Policies Governing Transactions Outside the U.S.

Various DePaul policies include provisions that support this policy and address compliance with anti-corruption laws. Employees acting or working on DePaul's behalf, or overseeing third parties operating on DePaul's behalf, outside the U.S. are required to be aware of and comply with the following DePaul policies:

- [Gifts or Donations from the University to External Parties policy](#)
- [Honorarium Payments policy](#)
- [Employee and University Guests Reimbursements \(Travel and Other Reimbursements\) policy](#)
- [Contract Requirements and Procedures policy](#)
- [Purchasing and Bidding Requirements policy](#)
- [Conflict of Interest policy](#)

5. **Reporting**

In accordance with DePaul's [Reporting Misconduct policy](#) and [Non-Retaliation policy](#), employees with supervisory or fiscal responsibility are required to report conduct related to university activities and business that violates this policy. No one who in good faith reports or participates in a misconduct investigation at DePaul shall be subject to retaliation or threat of retaliation.

Procedures

Units engaging Third-Party Representatives must obtain prior written approval from the applicable Executive Officer, using the Guidance for Engaging Individuals or Entities Working with Foreign Officials in Appendix 1 to this policy, and must require that the Third-Party Representative complete the Anti-Corruption Certification in Appendix 2 to this policy. Exceptions to these requirements must be approved by the appropriate Executive Officer.

After engaging an individual or entity to act on DePaul's behalf, the unit responsible for the relationship must actively supervise and monitor the individual or entity's actions and activities on behalf of DePaul to ensure compliance with applicable anti-corruption laws and this policy

Divisional Collaborations

Office of the General Counsel
Academic Affairs
Financial Affairs
Community and Government Relations

Contact Information

Questions regarding DePaul's activities outside of the U.S., including working with Foreign Officials and engaging Third Party Representatives should be directed to the Associate Provost for Global Engagement at 312-362-5554. Legal questions should be directed to the Office of the General Counsel at 312-362-8865.

Appendices

[Guidance for Engaging Individuals or Entities Working With Foreign Officials & Anti-Corruption Certification](#)

History/Revisions

Origination Date: 04/04/2018

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