



SUBJECT: REPORTING FOREIGN GIFTS AND CONTRACTS	Effective Date: 6-14-20 Amended: 1-10-22	Policy Number: 6.4	
	Supersedes: New	Page 1	Of 2
	Responsible Authority: Vice President, Student Affairs & Enrollment Management Vice President, Administrative Affairs		

APPLICABILITY/ACCOUNTABILITY:

This policy is applicable to all University faculty, staff, colleges, departments and units, including any campus or affiliated association, foundation, or entity that operates substantially for the benefit or support of, or under the auspices of, FAU.

DEFINITIONS:

Contract: Any agreement for the acquisition by purchase, lease, or barter of property or services with a foreign source for the direct benefit or use of either of the parties and any purchase, lease or barter of property or services from a foreign country of concern as defined in Section 286.101, F.S.

Foreign source: Includes: (a) a foreign government, including an agencies of a foreign government; (b) a legal entity created solely under the laws of a foreign state or states; (c) an individual who is not a citizen or national of the United States; and (d) an agent acting on behalf of a foreign source.

Gift: A voluntary, charitable contribution of money or property for which the donor does not expect or receive any tangible benefit (other than possible recognition) in return or any contract, gift, grant, endowment, award, or donation of money or property of any kind, or any combination thereof, including a conditional or an unconditional pledge of such contract, gift, grant, endowment, award, or donation.

Indirect gift: A gift received through an intermediary.

Pledge: A promise, an agreement or an expressed intention to give a gift.

POLICY STATEMENT:

The Higher Education Act (HEA) requires institutions that receive federal student aid to report to the U.S. Department of Education (DOE), every six months, contracts with or gifts by the foreign source that, alone or combined, have a threshold value as defined in the HEA for a calendar year. In addition, Florida law requires each state university to semiannually report to the Florida Board of Governors (BOG) any gift received directly or indirectly from a foreign source with a threshold value as defined in the statute during the fiscal year. These reporting obligations include gifts from, or contracts entered into, with any campus or affiliated association, foundation, or entity that operates substantially for the benefit or support of, or under the auspices of, FAU.

PROCEDURES:

Any FAU units that receive gifts or enter into contracts with a foreign source *of any value* must promptly report (within 30 days) the gift or contract to the Compliance Officer within the Office of Student Financial Aid. If the gift or contract is restricted or conditional, the amount, date, and description of the conditions and restrictions must also be provided. The Office of Student Financial Aid will aggregate the dollar amount of all gifts and contracts from each foreign source for each six-month reporting period and review such information with the FAU Compliance Office to determine if and when reporting is appropriate. Additional information and/or a copy of the applicable contract may be requested for the report. Reports are required on or before January 31 or July 31 following the receipt of the foreign gift or contract. The January 31 report will cover the period July 1-December 31 of the previous year, and the July 31 report will cover January 1-June 30 of the same year. The Office of Student Financial Aid shall provide the report to the DOE and the Office of Compliance shall provide the report to the BOG.

For gifts, donations and contracts (such as procurement), the receipt date is the agreement date. For research contracts/awards, the receipt date is the notice of award date. The country to which a gift is attributable is the country of citizenship if the donor is a natural person, or the country of incorporation if the donor is a legal entity. If the person's country of citizenship is unknown, use their country of principal residence. If the legal entity's country of incorporation is unknown, use the country of its principal place of business.

INITIATING AUTHORITY: Vice President, Student Affairs and Enrollment Management

POLICY APPROVAL
(For use by the Office of the President)

Policy Number: 2.6

Initiating Authority

Signature: _____ Date: _____
Name: Dr. Larry Faerman

*Policies and Procedures
Review Committee Chair*

Signature: _____ Date: _____
Name: Elizabeth Rubin

President

Signature: _____ Date: _____
Name: Dr. John Kelly

Executed signature pages are available in the Office of Compliance