



## ADMINISTRATIVE POLICY

Policy Title	Foreign Gift and Contract Reporting
Policy Subtitle/Subject	Research Security and Compliance
Responsible Executive(s) (RE)	Office of General Counsel, Robin Forman, Senior Vice President of Academic Affairs and Provost
Responsible Office(s) (RO)	Research Compliance Office (RCO)
Primary Point of Contact from RO	Christopher M. Dressler
Contact Information (email and phone)	cdressler1@tulane.edu or 504.988.7919
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☒Permanent

☐Temporary

### 1.0 POLICY STATEMENT

This policy provides for gift and contract reporting measures so that research conducted at Tulane University is appropriately secured and protected.

### 2.0 PURPOSE AND SCOPE

Under this policy, all university departments and units are required to report every foreign gift and contract within 10 business days of receipt or contract execution. This information will be used in furtherance of Tulane's research security program and to satisfy federal reporting requirements pursuant to Section 117 of the Higher Education Act of 1965.

### 3.0 APPLICABILITY OF THIS POLICY

This policy applies to all staff, faculty, students, deans, directors, departments, and units of the university that enter into contracts with a foreign entity, or are involved in the receipt, processing, or maintenance of gifts, grants, contracts, or tuition payments from a foreign source.

### 4.0 WEBSITE ADDRESS FOR THIS POLICY

[www.policy.tulane.edu](http://www.policy.tulane.edu)

### 5.0 CONTACTS

Subject	Contact	Telephone	E-mail/Web Address
Export Controls- Foreign Influence	Christopher M. Dressler	504-988-7919	cdressler1@tulane.edu

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### 7.0 DEFINITIONS

Contract - any agreement for the acquisition by purchase, lease, or barter of property or services by a foreign source for the direct benefit or use of any of the parties, and any purchase, lease, or barter of property or services with a foreign source.

Foreign Government - the government of any country, nation or group of nations, or any province or other political subdivision of any country or nation, other than the government of the United States and its states or political subdivisions, including any agent of the foreign government.

Foreign Source - any of the following:

- A foreign government or an agency of a foreign government.
- A legal entity, government or otherwise, created solely under the laws of a foreign state or states.
- An individual who is not a citizen of the United States or of a territory or protectorate of the United States.
- An agent, including a subsidiary or an affiliate of a foreign legal entity, acting on behalf of any foreign source.

Gift - any contract, gift, grant, endowment, award, scholarship, or donation of money or property of any kind, or any combination thereof, including a conditional or unconditional pledge of a contract, gift, grant, endowment, award, scholarship, or donation.

Pledge - means a promise, agreement, or an expressed intention to give a thing of value.

## **8.0 POLICY AND PROCEDURES**

### **8.1 Reporting Requirements**

All foreign gifts and contracts must be reported within 10 business days of receipt of the gift or contract execution.

The following information must be reported at

[https://forms.tulane.edu/frevvo/web/tn/tulaneforms/u/886c09ec-2b0d-45a4-a452-0dec06850a05/app/\\_5NbkgLx3EeqfGKDhTjHHqA/formtype/\\_1e9qQOU4Ee255M-i5VOJNQ?\\_method=post&embed=true](https://forms.tulane.edu/frevvo/web/tn/tulaneforms/u/886c09ec-2b0d-45a4-a452-0dec06850a05/app/_5NbkgLx3EeqfGKDhTjHHqA/formtype/_1e9qQOU4Ee255M-i5VOJNQ?_method=post&embed=true)

- i. The amount of the gift and date the gift was received;
- ii. Contract start/end date (if the gift is a contract);
- iii. Name of the foreign source;
  - a) If the foreign source is not a foreign government, then provide the country of citizenship and the country of principal residence or domicile of the foreign source;
- iv. A copy of any gift agreement between the foreign source and Tulane, signed by the foreign source and the chief administrative officer of Tulane, or their respective designees, which includes:
  - a) A detailed description of the purpose for which the gift is to be used by Tulane;
  - b) The identity of the person(s) whom the gift is explicitly intended to benefit;

- c) Any applicable conditions, requirements, restrictions, or terms made a part of the gift regarding the control of curricula, faculty, student admissions, student fees, or contingencies placed upon Tulane to take a specific public position or to award an honorary degree.

c. A gift received from a foreign source through an intermediary shall be considered an indirect gift to Tulane and must be reported.

d. Information collected may be subject to certain reporting and disclosure obligations imposed by state and/or federal law.

i. According to Section 117 of the Higher Education Act of 1965, universities that receive federal financial assistance are required to disclose semiannually to the U.S. Department of Education any gifts received from and contracts with a foreign source that, alone or combined, are valued at \$250,000 or more in a calendar year. In order to comply with these requirements, the Tulane Associate Vice President of University Financial Aid will submit such reports by January 31 and July 31 of each calendar year, based on the information reported pursuant to this policy.

## 8.2 Audits

The Tulane University Internal Audit Department has the authority and discretion to review all gift and contract information including supporting documentation. It also has the authority to access and review records for completeness and accuracy.

## 9.0 CONSEQUENCE OF VIOLATING THE POLICY

8.1 Violation of this policy may result in disciplinary action, up to and/or including termination.