

Policy on Foreign Corrupt Practices Act

GOVERNANCE AND LEGAL

Effective Date: July 1, 2015

Date Revised: November 30, 2016

Supersedes: N/A

Related Policies:
Code of Ethical Conduct
Policy on Conflict of Interest and Commitment
Policy on Professional Standards and Business Conduct
Whistleblower Policy
Conflict of Interest Policies

Responsible Office/Department:
Office of the Senior Vice President and Treasurer

Keywords: Bribery; FCPA; gifts; international agreements; international transactions

I. Purpose and Scope

The university has developed this policy to comply with requirements of the U.S. Foreign Corrupt Practices Act. The policy applies to all university faculty and staff, as well as to agents, representatives, contractors and vendors or any other third party when conducting business with or on behalf of the university. It applies to university activities throughout the world. Northeastern employees who work at or on behalf of the university's Toronto campus are also subject to Canada's *Corruption of Foreign Public Officials Act* ("CFPOA") and the anti-corruption provisions of the *Criminal Code*.

II. Definitions

For purposes of this Policy,

Anything of Value includes not only cash or cash equivalents, but also trips and airfare upgrades, entertainment, donations, investment opportunities other than arm's length transactions for fair market value, an interest in a business venture, services, payment of medical, educational or living expenses, and transfer of information. The determination is not the retail value, but whether the recipient subjectively attaches value to the inducement.

Foreign Official means any official or employee of a foreign government, or any department, agency, or instrumentality thereof, or any public international organization, and includes agents acting in an official capacity for or on behalf of any such government, department, agency, or instrumentality, or public international organization.

III. Policy

Northeastern University requires that all faculty, staff, agents, representatives, contractors, vendors, and any other third parties that work with or on behalf of the university comply with federal anti-bribery laws. Under law and this university policy, bribery of any kind, within or outside of the United States, notwithstanding any local practice, custom or convention, is strictly prohibited. The university prohibits anyone acting on its behalf to make any payments or provide anything of value to any person, including any foreign official, directly or indirectly, for the purpose of influencing an action or decision, inducing the person to do or refrain from doing any act, or securing an unfair advantage. This policy applies to informal interactions as well as formal agreements.

Any contracts with or involving foreign officials must be in writing and reviewed by the Office of General Counsel prior to execution of any such contract. Specific contract language and provisions are required by the university to address compliance with the Foreign Corrupt Practices Act and this policy, including for contracts with third parties engaged by the university to represent its interests in another country.

If you have any question about whether a person, agency or other entity with whom you are dealing is a foreign official, consult the Office of Government Relations or Office of the General Counsel.

IV. Additional Information

Although not formally defined in the statute, bribery is commonly understood to refer to the offering of money, favors or other incentives to someone in a position of trust in order to induce or obtain preferential treatment or an unfair advantage. Guidance and additional information on the Foreign Corrupt Practices Act can be found at the U.S. Department of Justice website: <http://www.justice.gov/criminal/fraud/fcpa/>

Report any concerns with respect to this policy to your supervisor, or a Department Chair, as appropriate, or to any senior official at the university, who may consult with the Office of the General Counsel as necessary. To make an anonymous report of a known or suspected violation, you may also use the university's *whistleblower hotline*: <http://www.northeastern.edu/neuhome/aboutnortheastern/helpline.html>.

Alleged violations will be taken seriously and promptly investigated. Both the FCPA and the CFPOA impose civil and criminal fines and penalties for violations of the law. Violators of this Policy may also be subject to discipline up to and including termination.

V. Contact Information

- Director of Procurement Services, 617-373-2135
- Office of General Counsel: 617-373-2157
- Office of Government Relations: 617-373-8528