



THE GEORGE
WASHINGTON
UNIVERSITY
WASHINGTON DC

Responsible University Official: Senior Vice President and General Counsel
Responsible Office: Office of the Vice President and General Counsel
Origination Date: December 17, 2001

**COMPLIANCE WITH U.S. LAWS WHEN CONDUCTING
UNIVERSITY ACTIVITIES OVERSEAS:
Anti-Bribery, Foreign Boycotts and Anti-Terrorism
(formerly the Policy on International Contract Compliance)**

Policy Statement

It is the policy of the University to comply with U.S. laws and regulations applicable to the University's overseas activities, including but not limited to: Negotiating and entering into contracts with foreign entities or individuals; conducting research and attending conferences overseas; offering courses, training, goods or services overseas; establishing academic programs overseas; and co-authoring or co-publishing scholarly articles or journals with faculty at foreign academic and research institutions. This Policy addresses laws related to Anti-Bribery, Participation in Unsanctioned Foreign Boycotts, and Anti-Terrorism. Other University policies applicable to overseas academic activities address economic sanctions, export control laws, and international travel. Foreign laws and international treaties will also apply in certain situations.

Reason for Policy/Purpose

The U.S. Foreign Corrupt Practices Act (FCPA) contains anti-bribery provisions that prohibit U.S. persons and organizations from making an offer or payment, or the promise to pay, of anything of value to a foreign official for the purpose of obtaining or maintaining business or gaining an unfair advantage.

U.S. law prohibits or penalizes participation in, or cooperation with, foreign boycotts that the U.S. does not sanction, namely, the Arab boycott of Israel. The University must also report annually its activities that take place in certain Middle Eastern countries.

The Anti-Terrorism and Effective Death Penalty Act and the USA Patriot Act make it a crime to provide material support to a foreign organization engaged in terrorist activity.

The U.S. Government may assess criminal and monetary fines, as well as other penalties, against individuals or institutions for violations of these laws.

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Who Needs to Know This Policy

Faculty and staff

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Policy

I. The Foreign Corrupt Practices Act (FCPA)

The FCPA applies to U.S. citizens, residents and entities and to persons acting on their behalf. The FCPA’s anti-bribery provisions must be considered whenever a GW faculty or staff member, division, department or other office, plans to engage in an activity with a foreign government official, foreign political party or party official, or any candidate for foreign political office (“Foreign Officials”). The FCPA will be implicated, for example, if GW entertains Foreign Officials in the U.S. or overseas or if GW offers or provides gifts or other business entertainment to Foreign Officials.

The FCPA provides that no GW faculty, staff, agent, representative or subcontractor may pay or offer to pay, or give or offer to give, any money or thing of value to any employee, agent, or representative of a foreign government, or a public international organization, or any department, agency or instrumentality thereof, or any foreign political party or official thereof, or any candidate for foreign official or political party position, directly or indirectly, for the purpose of influencing any such person in his or her official capacity or to secure an improper advantage or to obtain or retain business. Note that gifts or offers/promises of payment or gifts to family members of Foreign Officials will also raise an FCPA concern.

The FCPA does not specifically define permissible and non-permissible gifts or payments, and it contains limited exceptions and defenses. GW officers, trustees, faculty and staff should proceed carefully when considering entertaining or making gifts to Foreign Officials in the U.S. or overseas and should contact the Office of the Vice President and General Counsel at (202) 994-6503 for guidance.

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II. Anti-Boycott Laws

Two separate U.S. laws prohibit or penalize participation in, or cooperation with, foreign boycotts that the U.S. does not sanction. For practical purposes, “unsanctioned foreign boycotts” means the Arab boycott of Israel. U.S. persons and organizations may not:

- Refuse to do business with Israel or with “blacklisted” companies;
- Discriminate against other persons based on race, religion, sex or nationality;
- Furnish information about business relationship with or in Israel or with blacklisted companies, or about the race, religion, sex or national origin of another person; or
- Implement letters of credit or documents containing “stamps,” sometimes in Arabic, requiring boycott compliance or containing prohibited boycott terms or conditions.

Boycott-related requests can be written or verbal. The receipt of a boycott request must be reported. If a University faculty or staff member receives one of the above boycott-related requests, he or she must not comply with the request and immediately report it to the Office of the Vice President and General Counsel at (202) 994-6503.

In addition, certain identified countries are known to actively require participation with the Arab boycott of Israel. As of August 2007, Kuwait, Lebanon, Libya, Qatar, Saudi Arabia, Syria, United Arab Emirates and the Republic of Yemen participate in the Arab boycott of Israel. This list, available at <http://www.irs.gov/pub/irs-pdf/i5713.pdf> (see page 2, Definitions) is updated quarterly and may change. If any GW activity takes place in or with these countries, or with persons in them, the University must report this activity to the Department of Treasury, *even if the University or a University employee has not been asked to participate in the boycott*. For further details on how to identify boycott issues and comply with anti-boycott laws, consult the Office of the Vice President and General Counsel at (202) 994-6503.

III. Anti-Terrorism Laws

Two principal laws, the *1996 Anti-Terrorism and Effective Death Penalty Act* and the *2001 USA Patriot Act*, make it a crime for the University or an individual University employee, agent, or subcontractor, to provide material support to a foreign organization engaged in terrorist activity. Material support is defined broadly, and includes training and may include other services GW would provide overseas. This means that GW offices involved in international activities should check before negotiating or entering into any agreements or initiating activities that they are not engaging in any dealings or business with persons or entities designated on anti-terrorism and anti-trade-related lists maintained by the U.S. government. For links to these lists, see the following web link: <http://www.bis.doc.gov/complianceandenforcement/liststocheck.htm>.

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IV. Other Laws of Possible Concern

In addition to the laws and regulations described in other GW policies relevant to GW's international activities, U.S. employment, environmental, trade, tax and anti-trust laws may also apply to international activities (see Related Information, below). Certain international treaties and laws of the host country may also apply, depending on the nature and location of the activity.

V. Procedures

The Office of the Vice President and General Counsel (OGC) should be consulted early in the development of overseas academic programs, research projects, or other initiatives so any legal requirements can be identified and addressed.

Website Address for This Policy

[GW University Policies](#)

Contacts

Subject	Contact	Telephone	E-mail
International Contracts	Senior Vice President and General Counsel	(202) 994-6503	gwlegal@gwu.edu

Related Information

1996 Anti-Terrorism and Effective Death Penalty Act

2001 USA Patriot Act

[Office of Foreign Assets Control \(OFAC\) links:](#)

[Sanctions Program and Country Summaries](#)

Lists to Check (<http://www.bis.doc.gov/complianceandenforcement/liststocheck.htm>)

[A Brief Primer on Doing Business Abroad: U.S. Laws that Affect GW's International Activities](#)

[Anti-Money Laundering Policy](#)

[Export Control Policy](#)

[International Travel Insurance Policy](#)

[Foreign Corrupt Practices Act](#)

[Approval of Academic Agreements Policy](#)

[Signing of Contracts and Agreements Policy](#)

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Who Approved This Policy

Louis H. Katz, Executive Vice President and Treasurer
Beth Nolan, Senior Vice President and General Counsel

History/Revision Dates

Origination Date: December 17, 2001

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Next Review Date: October 31, 2010