



**THE GEORGE  
WASHINGTON  
UNIVERSITY**  
WASHINGTON, DC

**Responsible University Official:** Senior Vice President and General Counsel

**Responsible Office:** Office of Senior the Vice President and General Counsel

**Last Revised Date:** September 26, 2016

## **COMPLIANCE WITH LAWS WHEN CONDUCTING UNIVERSITY ACTIVITIES OVERSEAS: Anti-Bribery, Economic Sanctions, Foreign Boycotts, Anti-Terrorism and Foreign Laws**

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### **Policy Statement**

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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 for activities in the U.S. or overseas; conducting research and attending conferences overseas; offering courses, training, goods or services 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, Economic Sanctions, Participation in Unsanctioned Foreign Boycotts, and Anti-Terrorism. Other university policies applicable to overseas academic activities address export control laws, international travel approval, and international travel insurance coverage (see Related Information, pages 5-6 below). It is also the policy of the university to comply with applicable foreign laws of the host country or countries in which GW activities are to take place.

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### **Reason for Policy**

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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 of, or a promise to pay, 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 restricts imports from, exports to, and transactions with, persons or entities in designated countries, absent specific approval from the U.S. Government. This includes educational services.

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

The Anti-Terrorism and Effective Death Penalty Act and the USA Patriot Act make it a crime to provide material support to designated foreign organizations and individuals 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.

GW also may be subject to applicable foreign laws of the country in which the GW activity will take place. Such laws will need to be analyzed with the Office of the Senior Vice President and General Counsel well in advance of the anticipated activity.

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## **Who is Governed by this Policy**

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Faculty, staff and students

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# Policy

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## **I. The Foreign Corrupt Practices Act (FCPA); Other Anti-Bribery Laws**

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. Other countries' anti-bribery laws may also apply to GW activity and may cover a broader range of activity than the FCPA.

Under the FCPA, no university 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. University 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 Senior Vice President and General Counsel at (202) 994-6503 for guidance.

## **II. Economic Sanctions**

U.S. law may prohibit or restrict imports, exports and transactions with designated countries or areas under economic sanctions programs. There are generally two types of sanctions programs administered by the Office of Foreign Assets Control of the U.S. Department of Treasury (OFAC): A) Comprehensive sanctions and B) Targeted sanctions. OFAC sanctions programs can be found [using this link](#). Other government agencies also restrict certain exports (refer to the university's [Export Control Policy](#) and [Mobile Device Security Policy](#)).

## **A. Comprehensive Sanctions**

Comprehensive sanctions prohibit most imports and exports of goods, technology and technical data to end-users in designated countries (currently Cuba, Iran, North Korea, Sudan, and the Crimea Region of Ukraine), as well as the provision or receipt of services to/from entities or individuals in these countries, absent a license approving the intended activity from OFAC. In addition, among other restrictions, U.S. citizens, U.S. permanent residents and foreign nationals traveling on behalf of the university to Iran, North Korea, and Sudan generally may not carry a university laptop or other mobile electronic device to these countries without prior authorization from the U.S. Government. Obtaining a license for activity subject to U.S. sanctions typically takes a minimum of 45 days, often longer, from date of submission.

Any university employee or student contemplating academic or other activities with persons or entities in Cuba, Iran, North Korea, Sudan, or the Crimea Region of Ukraine or other sanctioned countries, is advised to contact the Office of the Senior Vice President and General Counsel, at (202) 994-6503, or the university's Export Control office at (202) 994-2312.

## **B. Targeted Sanctions**

Targeted sanctions are limited in scope and generally block or "freeze" the assets or property of designated persons or entities in or related to the targeted area, and/or impose additional restrictions. Targeted sanctions programs change from time to time and currently include persons or entities in or related to: The Balkans, Belarus, Burma, Burundi, Central African Republic, Democratic Republic of Congo, Iraq, Lebanon, Libya, North Korea, Somalia, Syria, Ukraine/Russia, Venezuela, Yemen and Zimbabwe. For guidance regarding activities with persons or entities in targeted areas, please contact the Office of the Senior Vice President and General Counsel at (202) 994-6503.

Please note that OFAC licenses are completely separate from the licenses that may be required for certain exports of goods and technical data and for "deemed exports," both of which are described in the university's [Export Control Policy](#).

## **III. Anti-Boycott Laws**

Two separate U.S. laws prohibit or penalize participation in, or cooperation with, foreign boycotts that the U.S. does not support. For practical purposes, these "foreign boycotts" mean the Arab League 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 relationships 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 must report it immediately to the Office of the Senior 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. At present, Iraq, 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 [using this link](#), 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 Senior Vice President and General Counsel at (202) 994-6503.

#### **IV. 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 payments, training and may include other services the university would provide overseas. This means that university offices involved in international activities must check before negotiating or entering into any agreements or initiating activities so 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. These lists can be found [using this link](#).

## **V. Other Laws of Possible Concern; Foreign Law**

In addition to the laws and regulations described in other university policies relevant to its international activities, U.S. employment, environmental, trade, tax and anti-trust laws also may apply to international activities (see Related Information, below).

An analysis of laws of the foreign country likely will be triggered, among other possible situations, when the university: leases, rents or owns space in the foreign country; engages nationals of that country or other individuals to work in some capacity for the university in the country; generates tuition or other revenue in the foreign country through the offering of degree granting or other programs; or enters into contracts with entities or individuals in that country. Please note that such analysis usually requires significant time and must be started and accomplished before the foreign activity starts.

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## **Procedures**

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The Office of the Senior Vice President and General Counsel must be consulted early in the development of overseas activities so that any legal requirements can be identified and addressed.

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## **Related Information**

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[Anti-Money Laundering Policy](#)

[Approval of Academic Agreements Policy](#)

[Export Control Policy](#)

[International Travel Approval Policy](#)

[International Travel Insurance Policy](#)

[Mobile Device Security Policy](#)

[Opening Bank Accounts Policy](#)

[Signing of Contracts and Agreements Policy](#)

[1996 Anti-Terrorism and Effective Death Penalty Act](#)

[2001 USA Patriot Act](#)

[Foreign Corrupt Practices Act](#)

Office of Foreign Assets Control (OFAC) links:

[Sanctions Program and Country Summaries](#)

[Lists to Check](#)

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## Contacts

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Contact	Telephone	Email
Senior Vice President and General Counsel	(202) 994-6503	<a href="mailto:gwlegal@gwu.edu">gwlegal@gwu.edu</a>

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## Document History

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- **Last Reviewed Date:** April 21, 2017
- **Last Revised Date:** September 26, 2016
- **Policy Origination Date:** December 17, 2001

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## Who Approved This Policy

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

*This policy, as well as all [university policies](#), are located on the [Office of Compliance and Privacy's](#) home page.*