



**Office of the President  
University Policy**

**SUBJECT:**  
REPORTING FOREIGN GIFTS AND CONTRACTS

**Effective Date:**  
1/16/26

**Policy Number:**  
8.8

**Supersedes:**  
Policy 6.4

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**Responsible Authority:**  
Chief Compliance and Ethics Officer

**APPLICABILITY/ACCOUNTABILITY:**

This policy is applicable to all University employees, 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:**

**Affiliate organization:** Means any entity under the control of or established for the benefit of an organization required to report under this regulation, including a direct-support organization.

**Contract:** Any agreement for the acquisition by purchase, lease, or barter of property or services for the direct benefit or use of either of the parties and any purchase, lease or barter of property or services. The term contract is also broadly interpreted and may include any of the following: conference sponsorships, honorarium, licensing agreements, material transfer agreements, research agreements, service agreements, sponsored project agreements, and scholarships for students.

**Direct-support organization (DSO):** (a) A Florida corporation not for profit incorporated under the provisions of chapter 617 and approved by the Department of State; (b) organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of a state university in Florida or for the benefit of a research and development park or research and development authority affiliated with a state university and organized under part V of chapter 159; or (c) an organization that a state university board of trustees, after review, has

certified to be operating in a manner consistent with the goals of the university and in the best interest of the state.

Foreign country of concern (FCOC): Means the People's Republic of China (including Hong Kong and Macau), the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicholas Maduro, or the Syrian Arab Republic, including any agency of or any other entity under significant control of such FCOC.

Foreign principal: Means any of the following. 1. The government or an official of the government of a FCOC; 2. A political party or a member of a political party in a FCOC. The term "political party" means an organization or a combination of individuals whose aim or purpose is, or who are engaged in any activity devoted in whole or in part to, the establishment, administration, control, or acquisition of administration or control of a government of a FCOC or a subdivision thereof, or the furtherance or influencing of the political or public interest, policies, or relations of a government of a FCOC or a subdivision thereof; 3. A partnership, an association, a corporation, an organization, or other combination of persons organized under the laws of or having its principal place of business in a FCOC, or a subsidiary thereof; or 4. Any person who is domiciled in a FCOC and is not a citizen or lawful permanent resident of the United States;

Foreign source: Includes: (a) a foreign government, including an agency 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. For the purposes of this policy, a subsidiary of a foreign source, regardless of whether the subsidiary is organized under the laws of the United States, will be considered 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. For the purposes of this policy, student sponsorships are also included.

Restricted or conditional gift or contract: transactions which include restrictions related to any of the following matters:

- a. The employment, assignment, or termination of faculty;
- b. The establishment of departments, centers, research or lecture programs, or new faculty positions;
- c. The selection or admission of students; or
- d. The award of grants, loans, scholarships, fellowships, or other forms of financial aid restricted to students of a specified country, religion, sex, ethnic, origin, or political opinion.

Examples of restricted gifts are tuition payments from a particular country for just students from that country or foundation gifts given for the purpose of establishing new departments, centers, research or lecture programs, or new faculty positions.

Grant: A transfer of money for a specified purpose, including a conditional gift.

Indirect gift: A gift received through an intermediary.

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

## **POLICY STATEMENT:**

### **Reporting Obligations:**

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.

### **Prohibited Conduct:**

The university, or any employee or representative of the university, may not solicit or accept any transfer of money or property from one entity to another without compensation, in its official capacity, including any physical object, loan, reward, promise of future employment, favor, or service, from a college or university based in a FCOC or from a foreign principal.

## **RESPONSIBILITIES:**

### **1. Office Compliance and Ethics:**

a. Oversees compliance with Florida laws and regulations regarding gifts and contracts from foreign sources as the Research Integrity Office for Foreign Influence.

b. Submits Foreign Gift report to the BOG via FAU's Office of Institutional Effectiveness and Analysis.

c. Submits Foreign Gift report to the DOE in accordance with the HEA.

d. Oversees training of employees on HEA and Florida foreign source-derived gift and contract reporting requirements.

### **2. Division Vice Presidents**

a. Responsible for appointing a Foreign Gift & Contract Reporting Representative that will oversee the foreign gift and contract reporting process for their respective division.

### **3. Foreign Gift & Contract Reporting Representatives**

a. Responsible for submitting reports to the Office of Compliance and Ethics on their division's reportable contracts and gifts from foreign sources in accordance with this policy.

b. Responsible for coordinating with their division's cost-center managers and other employees, as needed, to accurately identify their division's reportable contracts and gifts from foreign sources.

c. Responsible for raising any questions about reportable contracts or gifts from foreign sources directly to the Office of Compliance and Ethics and for identifying any training needs for their respective divisions.

## PROCEDURES:

### 1. REPORTABLE CONTRACTS AND GIFTS

a. All FAU divisions, including FAU's affiliate and DSOs, must report any foreign source purchases, leases, or barter for property or services from FAU within 15 days of agreement. These reportable transactions involve foreign sources providing money to FAU.

b. Purchases, leases, or barter for property by FAU from a foreign source do not need to be reported under this policy unless from a FCOC. These reportable transactions involve FAU providing money to foreign sources in FCOCs.

c. All FAU divisions, including FAU's affiliate and DSOs, must report all "pledged" contracts by a foreign source with FAU, to include, but not limited to, clinical trials and research agreements within 15 days of agreement regardless of value. These reportable transactions involve foreign sources providing money to FAU. "Pledged" contracts are not the same as gift pledges. Gift pledges are treated and reported as gifts.

d. All FAU divisions, including FAU's affiliate and DSOs, must develop procedures to ascertain whether:

(1) contracts totaling \$50,000 (onetime or aggregate in a fiscal year or calendar year) involving any purchases, leases, or barter for property or services from FAU are made by a foreign source;

(2) any contracts involving any purchases, leases, or barter for property or services by FAU are made to a foreign source in a FCOC;

(3) gift and gift agreement totaling \$50,000 (onetime or aggregate in a fiscal year or calendar year) to the university is coming from any non-FCOC foreign source either directly or indirectly; and

(4) any gift and gift agreement is coming from a foreign source in a FCOC either directly or indirectly.

e. The following measures must be taken as part of each division's required due diligence when receiving a gift:

(1) Require the donor to disclose whether they are a foreign source if a gift or gift agreement totals \$50,000 (onetime donation or aggregate) in a fiscal year or calendar year;

(2) Screen donors to determine whether they are a foreign principal,

(3) Review applicable databases, including open-source internet searches, which may indicate whether a donor is a foreign source or foreign principal, and

(4) Periodically review current gift agreements to determine whether corporate ownership has changed.

f. The following measures must be taken as part of each division's required due diligence when engaging in a contract:

(1) Require the party to disclose whether they are a foreign source or foreign principal;

(2) Review applicable databases, including open-source internet searches, which may indicate whether a donor is a foreign source or foreign principal; and

(3) Periodically review current contracts to determine whether corporate ownership has changed.

g. Reports of gift agreements between the University and a foreign source include the following information:

(1) a detailed description of the purpose for which the gift will be used by the University;

(2) the identification of any people for whom the gift is explicitly intended to benefit; and

(3) any applicable conditions, requirements, restrictions, or terms made a part of the gift granting control of curricula, faculty, student admissions, student fees, or any contingencies placed upon the University to take a specific public position or to award an honorary degree.

h. In the event of a traditional pledge that meets the reporting threshold and may be paid through installment payments, FAU divisions, including FAU's affiliates and DSOs, must report the pledge at the time of the obligation. Subsequent installment payments for the previously reported pledge do not need to be reported.

i. If any FAU division, including FAU's affiliate and DSOs, receives a gift indirectly from a clinical research organization (CRO) or other third-party contract management company, the foreign gift and source information should reflect that of the prime sponsor or contracting companies, not the CRO or other third-party contract management company.

## **REPORTING REQUIREMENTS:**

### **1. HEA REPORTING**

a. All FAU divisions, including FAU's affiliate and DSOs, shall report all gifts, gift agreements, and contracts, totaling a minimum of \$250,000 from a single foreign source directly or indirectly during the calendar year to the Office of Compliance and Ethics within 15 days of receipt or award approval date. The reporting unit is responsible for aggregating the data to determine whether the reporting thresholds are met.

b. In accordance with the HEA, FAU shall report all gifts, gift agreements, and contracts valued at \$250,000 or more received from a foreign source directly or indirectly during the calendar year to the DOE. If a foreign source provides more than one gift in a single calendar year and the total value of those gifts is \$250,000 or more, all gifts received from that foreign source must be reported to the DOE.

c. The following information must be submitted with any gifts, gift agreements, and contracts that meet the reporting threshold as applicable:

- (1) amount of each transaction;
- (2) date the gift received or contract agreed upon; for research contracts/awards, the receipt date is the award approval date;
- (3) contract start and end date;
- (4) name of the foreign source;
- (5) country of citizenship and country of principal residence or domicile of the foreign source if that source was not a foreign government;
- (6) any additional details that would be relevant in understanding any terms or conditions of the gift, gift agreement, or contract.

d. The reporting requirements are as follows:

- (1) A semi-annual report will be made no later than January 31 and July 31 to the DOE.
  - (a) The January 31 report will cover gifts and contracts received between July 1 and December 31 of the previous year.
  - (b) The July 31 report will cover gifts, gift agreements, and contracts received between January 1 and June 30 of the same year. If a foreign source provides a gift, gift agreement, or contract between January 1 and June 30 that is less than \$250,000, it does not need to be reported by July 31. If a subsequent gift, gift agreement, and contract is provided by that same foreign source between July 1 and December 31 that increases the total gift, gift agreement, or contract amount to \$250,000 or more, the subsequent gift, gift agreement, and contract must be included in the January 31 report.
- (2) Any FAU divisions, including FAU's affiliate and DSOs, that have gifts, gift agreements, and reportable contracts will submit their inputs along with copies of the gift agreements and contracts to the Office of Compliance and Ethics by January 15 and July 15, respectively, for each report. Divisions that do not have any gifts, gift agreements, and reportable contracts are required to submit a negative report to the Office of Compliance and Ethics.
- (3) The Office of Compliance and Ethics will submit FAU's report directly to the DOE.

## 2. STATE OF FLORIDA REPORTING

- a. All FAU divisions, including FAU's affiliate and DSOs, shall report all gifts, gift agreements, and contracts, totaling a minimum of \$50,000 from a single foreign source directly or indirectly during the calendar year to the Office of Compliance and Ethics within 15 days of receipt or award approval date. The reporting unit is responsible for aggregating the data to determine whether the reporting thresholds are met.
- b. In accordance with Florida law and BOG regulations, FAU shall report all gifts, gift agreements, and contracts, valued at \$50,000 or more received from a foreign source directly or indirectly during the fiscal year to the BOG. If a foreign source provides more than one gift in a single fiscal year and the total value of those gifts is \$50,000 or more, all gifts received from that foreign source must be reported to the BOG.

c. The following information must be submitted with any gifts, gift agreements (except for student sponsorships which will be addressed in paragraph 2d), and contracts that meet the reporting threshold as applicable:

- (1) amount of each transaction;
- (2) date the gift received or contract agreed upon; for research contracts/awards, the receipt date is the award approval date;
- (3) contract start and end date;
- (4) name of the foreign source;
- (5) country of citizenship and country of principal residence or domicile of the foreign source if that source was not a foreign government;
- (6) a copy of the gift agreement or contract between the foreign source and FAU; or if a redacted gift agreement must be provided then an abstract explaining the gift's purpose must also be submitted and include statutory and regulatory reasons for redaction; and
- (7) any additional details that would be relevant in understanding any terms or conditions of the gift, gift agreement, or contract.

d. The following information will be submitted with any student sponsorships on the Student Sponsorship Summary Form from a foreign source:

- (1) foreign source's name, country, and address;
- (2) fiscal year;
- (3) collection period end date;
- (4) aggregate payment received;
- (5) student count;
- (6) amount and date per transaction;
- (7) purpose of the fees;
- (8) any restrictions on the student sponsorship; and
- (9) a copy of the student sponsorship agreement between the foreign source and FAU.

e. The reporting requirements are as follows:

- (1) A semi-annual report will be made no later than January 31 and July 31 to the BOG.
  - (a) The January 31 report will cover gifts and contracts received between July 1 and December 31 of the previous year.

(b) The July 31 report will cover gifts, gift agreements, and contracts received between January 1 and June 30 of the same year. If a foreign source provides a gift, gift agreement, or contract between July 1 and December 31 that is less than \$50,000, it does not need to be reported by January 31. If a subsequent gift, gift agreement, and contract is provided by that same foreign source between January 1 and June 30 that increases the total gift, gift agreement, or contract amount to \$50,000 or more, the subsequent gift, gift agreement, and contract must be included in the July 31 report.

(2) Any FAU divisions, including FAU's affiliate and DSOs, that have gifts, gift agreements, and reportable contracts will submit their inputs along with copies of the gift agreements and contracts to the Office of Compliance and Ethics by January 15 and July 15, respectively, for each report. Divisions that do not have any gifts, gift agreements, and reportable contracts are required to submit a negative report to the Office of Compliance and Ethics.

(3) The Office of Compliance and Ethics will provide the report along with the Student Sponsorship Summary Form, if applicable, and copies of the gift agreements and contracts to FAU's Office of Institutional Effectiveness and Analysis which will submit the report to the BOG.

**INITIATING AUTHORITY:** Chief Compliance and Ethics Officer.

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POLICY APPROVAL

(For use by the Office of the President)

Policy Number: 8.8

*Initiating Authority*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: Neil D'Arco

*Policies and Procedures*

*Review Committee Chair*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: Neil D'Arco

*President*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: Adam Hasner

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Executed signature pages are available in the Office of Compliance and Ethics