

**I. Purpose**

The Foreign Corrupt Practices Act (FCPA) is a federal law (15 U.S.C. § 78dd-1 *et seq.*) that exists to prevent corrupt practices in international transactions. The Act prohibits bribery of foreign officials and employees who work for foreign governments. Publication of and adherence to this policy helps the University comply with this law.

**II. Policy**

It is the policy of the University of Pittsburgh that faculty, staff, agents, representatives, vendors and other third parties that work with the University comply with the anti-bribery laws of the United States and of the foreign countries where the University does business. Bribery of any kind in the United States and abroad, regardless of foreign custom or practice, is strictly prohibited. No University employee, faculty, staff, agent, representative, vendor or any other third party with which the University works shall make any payment or provide anything of value, to any person, in order to improperly influence that person to secure any advantage for the University, including obtaining or retaining business, or directing business to any person or entity.

It is also the policy of the University that each of its employees, faculty, staff, agents, representatives, vendors and all third parties that work with the University make and keep books, records, and accounts, which, in reasonable detail, accurately reflect any transactions and dispositions of the University and any of its subsidiaries or partners. Any contracts involving, directly or indirectly, foreign officials must be in writing and reviewed by the University Office of General Counsel prior to execution. See University of Pittsburgh policies 01-05-01 and 02-01-05. Contracts should include FCPA provisions prohibiting bribery as necessary.

**III. Scope**

The FCPA prohibits the corrupt payment (or offer, promise or authorization of payment) of anything of value to any foreign official or employee, directly or indirectly, for the purpose of obtaining or retaining business, directing business to any person or entity, or securing any improper advantage.

The FCPA's prohibitions may be applicable to United States organizations, public or private, and any person, including a foreign person or firm, if they commit a prohibited act in the United States or abroad. Further, a United States entity may be held liable under the FCPA for the improper activities of its subsidiaries abroad if the United States entity authorized or participated in the conduct. This Policy ensures the University of Pittsburgh community is aware of, monitors, and complies with this statute. For more information, see the U.S. Department of Justice's "Layperson's Guide" to the FCPA available here: <http://www.justice.gov/criminal/fraud/fcpa/docs/lay-persons-guide.pdf>.

This Policy applies to all University of Pittsburgh operations worldwide. It applies to the University's (including subsidiaries) own employees, faculty, and staff. The University expects that third parties with whom the University works, i.e., all universities, vendors, representatives, joint venture partners, and other third parties on international operations, will comply with this Policy.

**IV. Violations**

In addition to the federal civil and criminal fines and penalties imposed by the FCPA itself, violators of this University Policy may be subject to disciplinary measures imposed by the University. Penalties for violations will vary with the circumstances, but may include termination. Suspected violations should be reported to the Dean or Director of the School or Unit involved, Internal Audit, or the Office of General Counsel.

If any University employee is unsure about whether they are being asked to make an improper payment, they should not make the payment. They should consult with their supervisor or the University of Pittsburgh Office of General Counsel.

**V. Key Definitions**

*Anything of Value:*

As interpreted by the FCPA includes not only cash or cash equivalents, but also trips, donations, and services. The determination is not retail value but whether the recipient subjectively attaches value to the disbursement.

*Foreign Official:*

Officers or employees of a foreign government (including armed forces or any departments, agencies, or instrumentalities thereof), foreign state-run or state-owned universities or entities; public international organizations; and foreign political parties, or any person acting in an official capacity for or on behalf of any such government or department, agency or instrumentality or for or on behalf of any such public international organization. The term can also include candidates for foreign public office and close family members or relatives of such officials or employees. This broad interpretation also includes entities partially or wholly owned by a foreign government, or entities in which the foreign government has the power to appoint board members or the power to exercise effective or de facto control.

While the above descriptions are the most common examples of Foreign Officials, they are not exhaustive. If you are not sure if a person is a Foreign Official, consult the OGC.

Further definitions may be found at <http://www.justice.gov/criminal/fraud/fcpa>.