



XAVIER UNIVERSITY

Anti-Corruption Policy

Effective: May 1, 2023

Last Updated: N/A

Responsible University Office: Controller's Office

Responsible Executive: VP for Financial Administration and Chief Business Officer

Scope: All University Employees and University Agents

A. REASON FOR POLICY

Xavier created this Anti-Corruption Policy to comply with the requirements of the Foreign Corrupt Practices Act of 1977 ("FCPA"), as amended and the rules and regulations thereunder, and any other domestic and foreign anti-bribery and anti-corruption laws applicable to the University. The FCPA is a federal law that prohibits, among other things, corrupt payments of Anything of Value to Foreign Officials for the purposes of obtaining business abroad. This Policy applies to University activities in the United States and throughout the rest of the world and to all University Employees and University Agents.

B. POLICY

It is the policy of the University that all University Employees and University Agents comply with all anti-corruption laws. Bribery of any kind in the United States or abroad, regardless of foreign custom or practice, is strictly prohibited. No University Employee or University Agent shall make any payment or provide Anything of Value (including any reimbursement of expenses) to any Domestic or Foreign Official, any foreign political party, any political party official or any candidate for foreign political office, directly or indirectly (i.e., a payment to a person while knowing that all or a portion of the payment or thing of value will then be offered, given or promised to a Foreign Official, a foreign political party, any political party official or any candidate for foreign political office), for the purpose of influencing an action or decision, inducing the person to do or refrain from doing any act or securing any advantage for the University, including obtaining or retaining business or directing business to any person.

Possible examples of actions prohibited by this Policy include (but are not limited to) payments or providing Anything of Value to: (a) obtain a license or other authorization from a government

where the issuance involves a Foreign Official's or the government's discretion; (b) obtain confidential information about business opportunities, bids or the activities of competitors; (c) obtain relief from government controls; (d) resolve governmental disputes; and (e) affect the nature of foreign regulations or the application of regulatory provisions.

FCPA does not prohibit payments to facilitate or expedite Routine Governmental Actions. Routine Governmental Actions, as more specifically defined above, involve no discretion or decision-making by a Foreign Official. Caution and care must be exercised in determining whether payments to facilitate or expedite Routine Governmental Actions are allowable under the FCPA and this Policy. Any such payments must be thoroughly and accurately documented and maintained consistent with the University's Records Management Policy.

C. DEFINITIONS

Anything of Value - Any item of pecuniary value, whether cash or non-cash, including gifts, investment opportunities, promises of future employment, shares or dividends of a company, contracts or other business opportunities, medical, educational or living expenses and travel, meals, lodging, shopping or entertainment expenses.

Bribery - The direct or indirect (i.e., through a third party) (a) offering, giving, directing or promising to another person (including a Foreign Official's family member) anything of value with the intention to induce or reward a Foreign Official to (i) undertake an official act or decision, (ii) violate his or her official duties, (iii) use his or her influence to affect an act or decision of the government or (iv) give an improper advantage; or (b) engaging in (a) without the aforementioned intention to induce or reward, but which nonetheless could reasonably be interpreted as such an inducement or reward.

Business Courtesies – Gifts, meals, and entertainment used to help strengthen relationships and convey respect and appreciation for University partners.

Foreign Official - Any officer or employee of a foreign government or any department, agency or instrumentality thereof or of any public international organization 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.

Routine Governmental Actions - Any action which is ordinarily and commonly performed by a Foreign Official in: (a) obtaining permits, licenses or other official documents to qualify a person to do business in a foreign country; (b) processing governmental papers, such as visas or work orders; (c) providing police protection, mail pick-up and delivery or scheduling inspections associated with contract performance or inspections related to transit of goods across country; (d) providing phone service, power and water supply, loading and unloading cargo or protecting perishable products or commodities from deterioration; or (e) actions of a similar nature.

University Agents - all agents, representatives, contractors, vendors and other third parties conducting business with or on behalf of the University.

University Employees - all University employees (including officers), faculty and staff.

D. PROCEDURES

1. Business Courtesies

- a. In general, individuals acting on behalf of the University, including University employees and University Agents, must use caution when extending business courtesies to any domestic or foreign official who has duties involving Xavier. All such expenditures should be kept to a minimum, and must at all times be reasonable and appropriately documented in accordance with IRS regulations and Xavier policies.
- b. Meals and Entertainment expenditures must be modest and reasonable and consistent with the University's Travel, Meals, and Entertainment Expense Policy.
- c. University Employees and Agents may express a token of appreciation or hospitality by gifting Xavier branded promotional items.

2. Compliance & Reporting

Each University Employee is responsible for compliance with the FCPA, any other applicable laws or regulations, and this Policy within his or her area of authority and for immediately reporting (anonymously or by name) any alleged violations of the FCPA and this Policy to the Vice President of Financial Administration and Chief Business Officer or through the University's Anonymous Reporting Hotline by phone at 855-481-6238 or [website](#)

University supervisors, managers and officers have a particular responsibility to monitor understanding of and compliance with this Policy by their respective subordinate University Employees and University Agents. If a University Employee is unsure about whether he or she is being asked to make an improper payment, the University Employee should not make the payment and should report their questions and concerns to the Financial Administration at 513-745-3445. Please contact the University Controller's Office to discuss any other questions or concerns about the FCPA or this Policy.

Alleged violations of the FCPA, other applicable laws or regulations, and this Policy will be taken seriously and promptly investigated. The FCPA imposes civil and criminal fines and penalties for violations. Violators of the FCPA and this Policy may also be subject to discipline up to and including termination, depending on the circumstances.

E. EXHIBITS

None

F. HISTORY

New Policy effective May 1, 2023

Other applicable policies and/or resources:

[Travel, Meals and Entertainment Expense Policy](#)

[Purchasing and Expenditure Authorization Policy](#)

[Resource Guide to FCPA, 2nd Addition](#)

[Foreign Corrupt Practices Act](#)