



FOREIGN GIFTS AND CONTRACTS

UF COMPLIANCE AND ETHICS



MAY 18, 2022

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OVERVIEW

REPORTING REQUIREMENT

Requirements	Higher Education Act Section 117 (Federal)	Florida Statutes Section 1010.25 (State)
Type of Transaction Reported	<ul style="list-style-type: none"> Gifts and contracts received from a foreign source, including its subsidiaries and affiliates (i.e., money, property, or services flowing <i>into</i> the university) 	<ul style="list-style-type: none"> Gifts and contracts received from a foreign source, including its subsidiaries and affiliates (i.e., money, property, or services flowing into the university) Purchases UF makes from foreign countries of concern (i.e., money, property, or services flowing <i>out</i> of the university)
Value Threshold	<ul style="list-style-type: none"> \$250,000 or more from the same foreign source in a calendar year, alone or in aggregate 	<ul style="list-style-type: none"> \$50,000 or more from/to the same foreign source in a fiscal year, alone or in aggregate
Reporting Deadlines	<ul style="list-style-type: none"> Semiannually by January 31st and July 31st each year 	<ul style="list-style-type: none"> Semiannually by January 31st and July 31st each year
Additional Requirements	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Must submit copies of agreements for each transaction reported



DEFINITIONS

These definitions apply only for purposes of Section 117 and Section 1010.25 reporting

Core Reporting Offices: Division of Sponsored Programs; University of Florida Foundation; UF Innovate; Bursar; Banking and Merchant Services; Disbursements; Procurement.

Contract: Any agreement for the acquisition by purchase, lease, or barter of property or services by the foreign source, for the direct benefit or use of either of the parties, and any purchase, lease, or barter of property or services from a foreign country of concern.

Foreign Country of Concern: People's Republic of China; Russia; Iran; North Korea; Cuba; Venezuela; Syria.

Foreign Source: Any of the following: (1) a foreign government, including an agency of a foreign government; (2) a legal entity, governmental or otherwise, created solely under the laws of a foreign state or states; (3) an individual who is not a citizen or a national of the United States or a trust territory or protectorate of the United States; and (4) an agent, including a subsidiary or an affiliate of a foreign legal entity, action on behalf of a foreign source.

Gift: Any gift of money or property including a grant, endowment, award, or donation of money or property of any kind. Gift also includes a conditional or an unconditional pledge of a gift or contract.

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

JANUARY 2022 STATS



\$12,929,126
Reported

28

Countries
Represented



1

Country of
Concern

202

Agreements
Submitted



199

Agreements
Redacted

JANUARY 2022 STATS



71
Units/Dept.
Contacted



9
Units/Dept.
with
Reportable
Gifts or
Contracts



RESPONSIBILITIES

- All units/departments/offices within the **Impacted Entities** must semiannually report foreign gifts and contracts to UF Compliance and Ethics (UFCE) in accordance with the guidance and procedures provided by UFCE.

IMPACTED ENTITIES

- University of Florida
- UF Direct Support Organizations
- Consortium for Medical Marijuana Clinical Outcomes Research
- UF Faculty Practice Plans
- UF Self-Insurance Company and UF Healthcare Education Insurance Company
- UF Health Shands, including
 - Shands Teaching Hospitals and Clinics, Inc. (and subsidiaries and affiliates) and
 - Shands Jacksonville Healthcare Inc. (and subsidiaries and affiliates)

RESPONSIBILITIES – CORE REPORTING OFFICES AND OTHERS

Core Reporting Offices

- DSP, Bursar, UFF, UF Innovate, Banking and Merchant Services, Procurement, Disbursements
- Vast majority of reportable gifts and contracts will come from these central departments

All other entities/departments/ units/offices

- To the extent you have a reportable gift or contract with a foreign source that *did not* go through one of the core reporting offices, you must directly report that to UF Compliance and Ethics

RESPONSIBLE AREAS & DATA REPORTED

Core Reporting Offices	Data to Report
Division of Sponsored Programs (DSP)	Sponsored agreements (e.g., grants, contracts, MOUs, etc.) with foreign sources
University of Florida Foundation (UFF)	Gifts, donations, and pledges from foreign sources to the following entities: <ul style="list-style-type: none">• UFF• UF Health Jax Advancement/Jax Foundation• UF Health Office of Development in Gainesville• Shands Southeastern Healthcare Foundation• Children Medical Network• Children's Miracle Network Hospitals Jax• Gator Boosters Inc.• UF Alumni Association
Bursar's Office	Tuition and fees paid by a foreign entity or a foreign student

RESPONSIBLE AREAS & DATA REPORTED

Core Reporting Offices	Data to Report
Banking & Merchant Services	Wire transfers from foreign sources
Disbursements	As included in myUFMarketplace, any purchase, lease, or barter of property or services from a foreign country of concern
Procurement	P-card purchases from countries of concern
UF Innovate	<p>Material Transfer Agreements with foreign sources where compensation is provided</p> <p>Licensing income, royalties, etc. from foreign sources to the following entities:</p> <ul style="list-style-type: none">• UF Innovate• UF Research Foundation

RESPONSIBLE AREAS & DATA TO REPORT

Other/Non-Core Reporting Offices	Data to Report
All Impacted Areas receiving foreign funds directly without processing the transaction through any of the core reporting offices and/or purchases that did not go through myUFMarketplace	Any transactions (gifts, contracts, and purchases) from the same foreign source including its subsidiaries and affiliates
UF Compliance and Ethics (UFCE)	Any transactions (gifts, contracts, and purchases) from the same foreign source including its subsidiaries and affiliates that alone or in aggregate, across all areas impacted, meet the applicable threshold

CRITERIA FOR REPORTING

For Money Flowing In

You received gifts/contracts of any amount from a foreign source, **and**

The gift/contract was not processed through one of the core reporting offices.

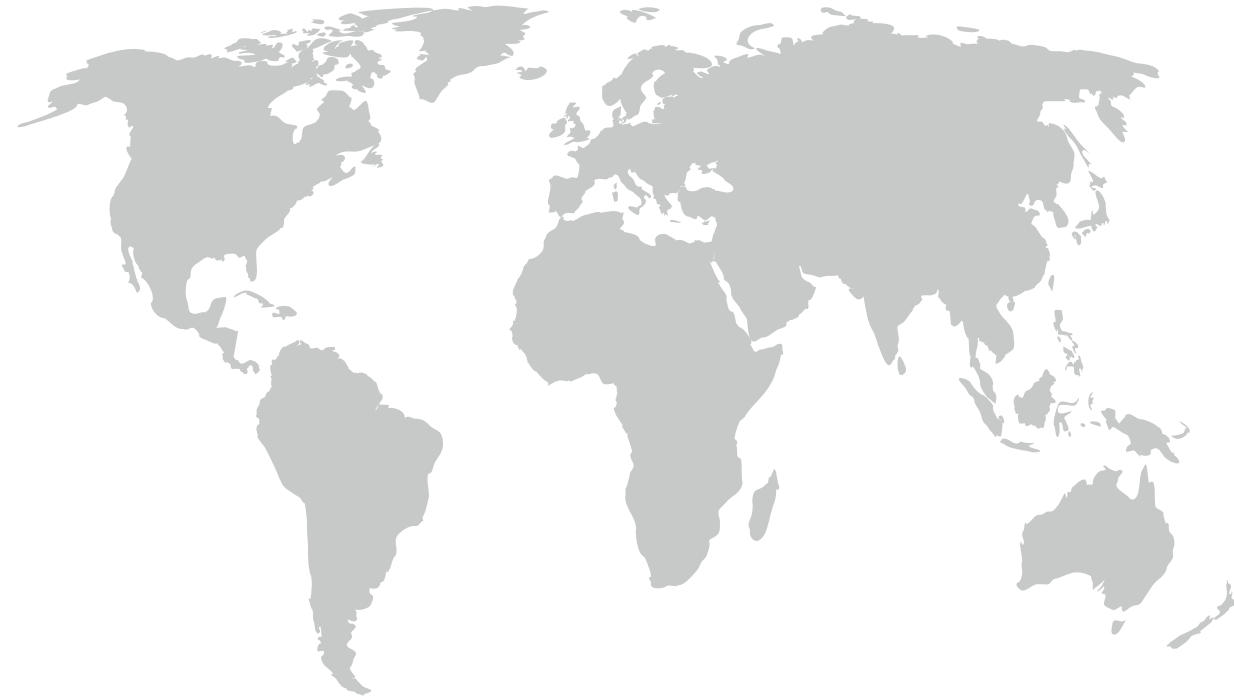
For Money Flowing Out

You purchased goods or services from a foreign country of concern, **and**

You did not make the purchase through myUFMarketplace.

RESPONSIBILITIES

- Track all gifts or contracts received from any foreign source
 - Track goods and services purchased from foreign countries of concern
 - Identify subsidiaries and affiliates of foreign sources
 - Report all transactions to UFCE by the applicable deadline using the required spreadsheet
 - Provide to UFCE agreements, in pdf format, for all transactions with a value of \$50,000 and above, alone or in aggregate (Note: in absence of an agreement, provide an invoice for purchases, a summary for student sponsorships, or a memo stating there is no agreement)
 - Redact agreements where required by law (redacted agreements must be submitted with an abstract)
- If, after the collection period deadline, you identify a foreign gift/contract meeting the threshold of \$50,000 that should have been included in a prior report, inform UFCE immediately



RESPONSIBILITIES – TIMING OF REPORTS

- All reports must be submitted to UFCE by latest 7/7 (July Report) and 1/7 (January report)
- Report this data on the provided spreadsheet as it includes all the information the oversight agencies require
- For transactions with a value of \$50,000 and above, submit agreements via UF DropBox (please request access if you don't already have it) or e-mail

RESPONSIBILITIES – SUBSIDIARIES AND AFFILIATES

- The definition of a foreign source includes its subsidiaries and affiliates.
- Identifying subsidiaries and affiliates of a foreign source is crucial to reporting accurately.
- Dept. of Ed. requires institutions to perform due diligence and “make a good faith effort” to make that determination.
- If you are aware that an entity is a subsidiary or affiliate of a foreign entity, indicate that in the comment column of your report and name the foreign entity.

How do we know if a source is a foreign source or a subsidiary or affiliate of a foreign entity?

- Departments should make their own determination with information supplied by the sponsor/donor/contracting entity or with information otherwise at the department’s disposal.
- If the address is foreign, or if it is a foreign embassy with a US address, that is sufficient to conclude it is a foreign source.
- You may also ask the sponsor/donor/contracting entity to certify their status.

EXAMPLES OF ITEMS TO REPORT

- Scholarship/Student sponsorship agreements
 - Licensing agreements
 - Consulting service agreements
 - Conference sponsorships
 - Non-degree seeking course registration
 - Honorarium (if it comes to the university and not to the individual directly)
 - Lease agreements
 - Building Access Agreements
- Testing agreements (e.g., for UF to perform testing for external parties or when entities use UF lab equipment to run tests)
 - Sponsored project agreements
 - Donations of money or property of any kind
 - Contributions involving the cancellation or settlement of a liability

REQUIRED TEMPLATE

[illegible]



QUESTIONS