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FOREIGN GIFTS AND CONTRACTS DISCLOSURE POLICY

Related Regulation

The Higher Education Act of 1965, as amended (HEA) requires institutions that receive a gift from or enter into a contract with a foreign source, the value of which is \$250,000 or more considered alone or in combination with all other gifts from or contracts with that foreign source within a calendar year, to file a disclosure report with the Department of Education. Failure to file a disclosure report could result in civil action and assessment of costs against NewU by the federal government.

Scope

The Policy on Foreign Gifts and Contracts Disclosure applies to all NewU Staff and Faculty.

Policy

NewU must submit a foreign source gift and contract disclosure report to the Secretary of the Department of Education's Federal Student Aid (FSA) Case Management Team no later than January 31 or July 31 (whichever is sooner) following the receipt of the foreign gift of money or property or execution of a contract with a foreign source valued at \$250,000 or more. A gift or contract meets the \$250,000 threshold either alone or when considered in combination with all other gifts from or contracts with that foreign source within a calendar year.

To comply with the HEA reporting deadline, all foreign income including grants, contracts and gifts of money and property to NewU must be aggregated properly to evaluate whether the reporting threshold has been met.

Definitions

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.

Foreign Gift or Contract: A gift or contract received from or entered into with a Foreign Source.

Foreign Source: A foreign source may be any of the following: A foreign government or any agency thereof; a legal entity (governmental or otherwise) created under the laws of a foreign state; an individual who is not a citizen or national of the United States or a trust territory or protectorate thereof; or an agent acting on behalf of a foreign source.

Gift: Per 20 U.S.C. §1011f, the term gift means any gift of money or property to NewU. Gifts may be unconditional/unrestricted, or conditional/restricted.

Restricted or Conditional Gift or Contract: Any endowment, gift, grant, contract, award, present or property of any kind which includes provisions regarding:

1. the employment, assignment or termination of faculty;
2. the establishment of departments, centers, research or lecture programs, or new faculty positions;
3. the selection or admission of students; or
4. 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.

[End]