

COLUMBIA UNIVERSITY ANTI-CORRUPTION POLICY

Effective Date: December 1, 2013

Policy Statement

Columbia University has long been committed to upholding the highest standards of ethical and lawful conduct. In keeping with this commitment, all members of the Columbia University community, both in and outside the United States, are strictly prohibited from engaging in any type of corrupt activity, including unlawful bribery of a government official or private person in connection with University activities. This prohibition extends to persons acting on the University's behalf, including agents, attorneys, and consultants. Faculty, staff, and other representatives of the University are expected to recognize and appropriately address situations that raise corruption concerns.

Reason for the Policy

The policy provides guidance to the University community on how to recognize and respond to situations that may involve corruption.

Primary Guidance to Which This Policy Responds

The United States and many other countries have enacted laws to prohibit corruption both at the governmental and private level. These laws include:

- Foreign Corrupt Practices Act, 15 U.S.C. § 78dd-1, et seq. prohibits payment of anything of value to foreign officials to influence their acts or decisions or to secure any other improper advantage in retaining or obtaining business.
- U.K. Bribery Act 2010, makes it unlawful to offer, give or promise to give a "financial or other advantage" to either a private individual or government official in exchange for improperly performing a function or activity.

Responsible University Offices & Officers

Provost: Activities related to academic, service and other programs, except for research

Executive Vice President for Research: Activities related to research

Who is Governed by this Policy

Members of the Columbia University community, including officers of administration, instruction, research, libraries, and athletics, support staff, volunteers, graduate and undergraduate students who are acting as employees or volunteering as part of a Columbia sponsored program, activity, or event, interns, contractors, consultants, agents, and other persons and organizations acting on the University's behalf. Under this policy, members of the Columbia University community include the Columbia Global Centers and other related entities formed by the University, and references to University activities refer also to activities of such entities.

Who Should Know this Policy

All members of the Columbia University community, including contractors, consultants, agents, and other persons and organizations acting on the University's behalf.

Exclusions & Special Situations

None

Policy Text

All members of the Columbia University community are strictly prohibited from engaging in any type of corrupt activity, including unlawful bribery of a government or private person in connection with University activities. This prohibition extends to persons and organizations acting on the University's behalf, including contractors, consultants, attorneys, and agents.

As explained more fully below, compliance with this policy has three major components:

- Refusing to engage in any actual or attempted corrupt activity; and promptly reporting the circumstances to the person's direct supervisor or other University official with management responsibility for the subject activity;
- Recognizing and appropriately addressing situations that may involve corruption; and
- Ensuring that transactions, activities, and payments are approved, documented, and processed through routine University channels.

Each member of the University community must refuse to participate in any attempt to bribe or make any other improper Payment (as defined below) to a public or private person in connection with a University activity. This includes, as examples only: (i) offering or providing a Payment to a government official to rule favorably on an application for tax exemption or a permit, registration, or license; (ii) making a Payment to a private person or official who has responsibility for awarding or influencing the award of a grant, contract, or gift; (iii) reimbursing an official for personal expenses other than as part of bona fide, documented University activity or project in accordance with Columbia expense policies; and (iv) providing any Payment to a consultant, agent, or other person to enable any of the foregoing or other corrupt activities.

In addition, faculty, staff, and other representatives of the University are expected to recognize and appropriately address situations that raise corruption concerns, or so-called "red flags." Red flags include, but are not limited to:

- A history of corruption in the country;
- An unusual payment pattern or financial arrangement;
- A party's refusal to agree in writing not to violate applicable anti-corruption laws;
- Lack of transparency in expenses and accounting records;
- Apparent lack of qualifications to perform the services offered; and
- Proposed selection of a vendor or service provider based on the recommendation of a governmental official or other person with responsibility for or influence over the award of a grant, contract, or gift.

These circumstances require closer scrutiny into the planned activities, but do not necessarily prohibit going forward after the University department, working with appropriate University resources (as referenced below), confirms that the planned activities will be lawful and in keeping with the University's requirements of ethical conduct.

All proposed contracts and transactions for grants, contracts, and gifts should go through routine appropriate channels within the University and have a documented legitimate purpose. Proposals and agreements for sponsored projects, for example, are reviewed and approved by the University's Sponsored Projects Administration. Legitimate purposes may include, as examples only, making fair payment for services actually provided or for hosting research conferences in accordance with University practices.

Each department should maintain accurate and current financial records of its transactions and projects. Expenses and payments must never be hidden or purposefully misclassified. In addition, each department should have sufficient knowledge of its vendors, agents, consultants, and collaborators in any transaction or activity to reasonably assure that there is a common commitment to principles of lawful and ethical conduct, including compliance with anti-corruption laws. For new relationships, this often involves due diligence on service providers, agents, and other participants, particularly in countries with a history of corruption or where a provider, agent, or participant has been recommended by government officials.

Failure to comply with this policy may result in disciplinary action, up to and including termination of employment.

Compliance with anti-corruption laws and policies can be complex, and the University has a variety of resources to help. The Executive Vice President for Research, with guidance from the General Counsel, has overall responsibility for oversight and implementation of the University's anti-corruption compliance programs with respect to research activities. The Provost, with guidance from the General Counsel, has overall responsibility for oversight and implementation of the University's anti-corruption compliance programs with respect to academic, service, and other activities, except for research. Any instances where a corrupt Payment has been requested by a private or public official should be reported to a person's direct supervisor or other University official with management responsibility for the subject activity. In addition, all such instances should be reported to the University's General Counsel. Individuals with questions or issues about anti-corruption may reach out directly to the Associate Vice President for Research Compliance and Training, or the General Counsel. Additionally, the Compliance Hotline is a confidential channel for employees to report or seek guidance on possible ethical or compliance issues.

Definitions

- **Payment** – Paying, offering, promising to pay, or authorizing to pay or offer money or anything of value with the intent to induce improper behavior. "Anything of value" can include services, gifts, lavish meals, entertainment, travel expenses, favors for family or acquaintances, or the uncompensated use of University facilities or property.

- **Corruption** – Activities taken to induce an official or private person to misuse his or her authority, such as inducing the person to take any improper action or to refrain from taking appropriate actions.
- **Related entity** – Global Centers and other entities based either inside or outside the United States that are directly or indirectly controlled by Columbia University. The term “controlled” means the possession, directly or indirectly, of the power to direct or cause the direction of the management policies of an entity, whether through the ownership of voting securities or by contract or otherwise.

Contacts

Provost: (212) 854-2404

Executive Vice President for Research: (212) 854-1656

Associate Vice President for Research Compliance and Training: (212) 854-8123

Compliance Hotline: (866) 627-3728 or compliance.columbia.edu/hotline.html

General Counsel: (212) 854-0286

Reference Material

A Resource Guide to the U.S. Foreign Corrupt Practices Act, Criminal Division of the U.S. Department of Justice and the Enforcement Division of the U.S. Securities and Exchange Commission (November 2012), available at <http://www.justice.gov/criminal/fraud/fcpa/guidance/>
Other materials related to the U.S. Foreign Corrupt Practices Act are available at <http://www.justice.gov/criminal/fraud/fcpa> and <http://www.sec.gov/spotlight/fcpa.shtml>

Cross References to Related Policies

- [Statement of Ethical Conduct](#)
- [Policy Governing Lobbying Activities](#)
- [Business Expense Policy](#)
- [Faculty and Staff Working Overseas](#)
- [Vendor Validation](#)
- [Policy Governing Lobbying Activities](#)
- [Payments to Foreign Nationals and Entities](#)