



## **FCPA (Anti-Bribery and Anti-Corruption) Policy (2018)**

### **Policy**

College Community Members (as defined below) are required to act with honesty and integrity and comply with applicable laws at all times when transacting College business. This policy specifically prohibits College Community Members from engaging in bribery of a public official in connection with College business or other College activities, in order to obtain or retain business or otherwise secure an improper advantage. College Community Members must comply with applicable anti-bribery laws of the foreign countries with which they carry out international activities, including the provisions of the U.S. Foreign Corrupt Practices Act ("FCPA"), as well as with applicable anti-bribery laws of their local country.

**College Community Members** include:

- (a) faculty, other academic appointees, staff, and other employees of the College and its affiliates;
- (b) students;
- (c) members of the Board of Trustees;
- (d) consultants, vendors, contractors and third parties doing business with, or on behalf of, the College and its affiliates; and
- (e) volunteers associated with the College.

**Public Official** is defined as any:

- (a) employee, officer or agent of a government,
- (b) political candidate of a party, or
- (c) employee of a:
  - (i) government owned or controlled commercial enterprise, university, research institution, health care facility, or instrumentality,
  - (ii) public international organization (e.g., United Nations, World Bank, World Health Organization), or (iii) political party.

**Bribery** is defined as the direct or indirect (through a third party):

(a) offering, giving, directing or promising to another person (including a Public Official's family member) anything of value with the intention to induce or reward a Public 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;

(b) requesting, agreeing to receive, accepting, or directing a financial or other advantage for oneself or others if such advantage is intended to induce or reward improper performance of one's responsibilities or duties or to gain an improper advantage; or

(c) engaging in (a) or (b) without the intention to induce or reward or gain an improper advantage, but which could reasonably be interpreted as such an inducement or reward.

**Forms of Bribery** may include, but not be limited to:

- (a) cash, or cash equivalents such as stock shares;
- (b) Unreasonable gifts, entertainment, travel expenses or other hospitality;
- (c) Unwarranted discounts, rebates or excessive commissions (e.g. to sales or marketing agents);
- (d) Unwarranted allowances or expense reimbursements;
- (e) Political/charitable contributions;
- (f) Uncompensated use of College services or facilities; or
- (g) kickbacks.

### **Due Diligence of Agents, Vendors and other Third Parties**

When entering into a relationship with a third party that may interact with a Public Official on behalf of the College, College Community Members should complete sufficient due diligence to confirm that the retained individual or organization does not have a history of corrupt payments, and that they understand and agree that they are not authorized to engage in bribery on the College's behalf. The level of due diligence required will vary depending on the level of risk involved in the underlying arrangement or transaction (e.g., whether the third party will be interacting directly with Public Officials on behalf of the College or whether the services will occur in a country that involves a high risk of corruption).

College Community Members should ensure that the third parties they interact with do not have a history of violations of anti-bribery laws, provide them with a copy of this Policy, and regularly audit their activities to ensure ongoing compliance. Any agreements with these types of third parties should include provisions that they will comply with the FCPA and all other applicable local anti-bribery laws. Please see a sample agreement provision at the end of this policy (Appendix I).

### **Responsibilities of College Community Members**

College Community Members must assess the risk of bribery in the activities under their purview and take appropriate care to prevent and detect bribery and ensure compliance with College policies. Certain countries have a high incidence of corruption, and particular care should be taken when undertaking activities in or involving those countries. For information regarding high risk countries, see the Transparency International Corruption Perceptions Index available at <http://www.transparency.org/research/cpi/>.

Depending on the individual circumstances, appropriate steps may involve (i) additional training of employees and other third parties concerning this Policy, (ii) conducting appropriate due diligence before engaging third party vendors, agents or partners, and (iii) ensuring that contracts contain anti-bribery and compliance with law provisions.

Failure to take appropriate steps to prevent and detect bribery creates legal risk for the College and potential personal liability for the individuals involved.

### **Consequences of Violations**

Violations of this Policy may result in appropriate disciplinary action up to and including termination of employment or other relationships with the College. Conduct that constitutes a violation may also expose the College and its Community Members to criminal or civil penalties in the United States, Greece, and elsewhere.

### **Non-Retaliation**

The College prohibits retaliation against any person for making a report in good faith or cooperating in an investigation in connection with this Policy. Individuals who take retaliatory action will be subject to corrective action up to and including termination of employment.

### **Questions and Reporting Concerns**

Known or suspected violations of this Policy must be reported immediately to the Human Resources Department or to the Hotline, in accordance with the College Whistleblower Policy.

### **Review of this Policy**

The College periodically reviews this Policy and reserves the right to amend any and all of its sections at any time in accordance with the needs and requirements of the institution.

The codes of practice set out in this Policy will be reviewed on an annual basis.

Responsible Office	<i>Finance &amp; Administration</i>
Date of Last Review	<i>April 2023</i>
Approval/ review	<i>President's Cabinet</i>
Review interval (years)	<i>1</i>
Date of next review/ approval	<i>Spring 2024</i>
File location	<i>Blackboard Public Folders</i>

## Appendix I

### Draft Language for Agreements with Third Parties

**Compliance with Anti-Corruption Laws.** [The Third Party] shall comply with all applicable anti-bribery and corruption laws, including but not limited to the U.S. Foreign Corrupt Practices Act and the laws of any country in which it will be providing services on behalf of The American College of Greece. [The Third Party] shall not, in connection with any activities contemplated in this Agreement, transfer anything of value, directly or indirectly, to a public official or government official (as such term is defined by the Anti-Corruption Laws) or other private (non-government) persons or entities working on behalf of any government in order to obtain any improper benefit or advantage for The American College of Greece or for [The Third Party] on the College's behalf. [The Third Party] warrants that no compensation paid or payable to it has been or will be used to pay any bribe or kickback in violation of Anti-Corruption Laws.

For more information about the U.S. Foreign Corrupt Practices Act, please visit this link:

<https://www.justice.gov/criminal-fraud/foreign-corrupt-practices-act>