

R545, Disclosure of Foreign Donations to Higher Education Institutions¹

R545-1. Purpose: To provide direction on required reporting of foreign donations to the institutions of the Utah System of Higher Education (USHE).

R545-2. References

- 2.1. Utah Code Section §53B-1-201
- 2.2. Utah Code Section §53B-1-202

R545-3. Definitions

- 3.1 **Foreign government** means a government other than the government of the United States (U.S.), or U.S. state, territory, possession or political subdivision. .
- 3.2 **Foreign person** means an individual who is not a citizen or national of the U.S. or a U.S. territory or protectorate, or is a foreign government as defined in 3.1, or a foreign business, charitable organization or other entity that "has its principal place of business located outside the United States."
- 3.3 **Gift** means "an endowment, scholarship, gift, donation, or grant of money or property of any kind." Gift does not include payments to an institution for services that are contracted, tuition or fees paid for students.
- 3.4 **Conditional gift** means a gift as defined at 3.3 that is subject to conditions imposed, requested, or provided by a foreign government or foreign person. Conditions may include but are not limited to specific programs being supported, lectures, or subject matters to be taught.

R545-4. Disclosure Report

4.1 **Annual report:** Each institution shall, pursuant to Utah Code Section 53B-1-202, provide the Board of Regents with an annual disclosure report submitted no later than July 31, for the recently concluded fiscal year, in a format prescribed by the Office of the Commissioner of Higher Education that includes:

- 1) The name of the person or entity, date, country of citizenship or entity origin (if known) and the amount of any gift of \$50,000 or more from a foreign person, considered alone or in combination with all other gifts from the foreign person.
- 2) The name of the person or entity, date, country of citizenship or entity origin (if known) and the amount of any gift of \$250,000 or more if the gift, considered alone or in combination with all other gifts is from a foreign person with a principal residence or principal place of business located in the United States and with a permanent resident status under Section 245 of the Immigration and Nationality Act for 10 years or more.

¹ Adopted June 25, 2010.

3) Every foreign gift that is conditional or has restrictions must have a description of the conditions or restrictions.

4.2. Status Determination: Each institution shall, pursuant to Utah Code Section 53B-1-201(d), disclose based on their knowledge of an entity being foreign-owned. Institutions may, pursuant to Utah Code Section 53B-1-202(b), rely on the "address of a foreign person to determine the citizenship or nationality of the foreign person if the citizenship or nationality is unknown." Institutions shall make good-faith efforts using the best and most reliable information that is readily available to them or their first-hand knowledge in making such determinations.

4.2.1. Education Interim Committee: the Commissioner's Office shall annually compile the reports provided by institutions and provide a summary report to the Education Interim Committee listing all reportable gifts prior to the November interim meeting as required by law.