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Purchasing and Business Services Manual (PUR)

Effective: 3/15/1990

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PUR 108: Anti-Kickback Guidelines

Purpose

To comply with the provisions of the Anti-Kickback Act of 1986 and to establish university policy prohibiting kickbacks

Sources

- 41 *United States Code* § 51 *et seq.*, "Anti-Kickback Act of 1986"
- Federal Acquisition Regulations* 3.502-2 and 52.203.7
- University policy

Policy

In connection with any contract between the university and another party, no university employee shall receive from, or offer to the other party, or an employee of the other party, a [kickback](#).

Reporting

A university employee who becomes aware of a violation of this policy should report such violation to University Audit and Advisory Services.

Penalties

The Anti-Kickback Act of 1986 (41 U.S.C. 51-58):

- a. Prohibits any person from:
 - 1. providing, attempting to provide, or offering to provide any kickback
 - 2. soliciting, accepting, or attempting to accept any kickback
 - or
 - 3. including, directly or indirectly, the amount of any kickback in the contract price charged.
- b. Imposes criminal penalties on any person who knowingly and willfully engages in the prohibited conduct addressed in paragraph (a) above.
- c. Provides for the recovery on civil penalties by the United States from any person who knowingly engages in such prohibited conduct and from any person whose employee, subcontractor, or subcontractor employee provides, accepts, or charges a kickback.

Cross-References

For further information about ethics in procurements, see:

- 1. [PUR 102](#), "Code of Ethics"
- 2. [PUR 103](#), "Conflict of Interest" and
- 3. [PUR 104](#), "Gifts and Gratuities."

For information about reporting kickbacks as alleged wrongful conduct, see the *Academic Affairs Policies and Procedures Manual*, at [ACD 204-07](#), "'Whistle-Blowing' and Personnel Actions."

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