



Anti-trafficking # 2310.001

INITIAL EFFECTIVE DATE: August 8, 2019	LAST REVISION DATE: March 26, 2021	RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT Office of Research and Economic Development
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POLICY STATEMENT

Florida International University has a zero tolerance policy on Human Trafficking as defined below in this Policy. Federal law, Florida law, and this policy prohibit Human Trafficking. This policy applies only to any portion of a federally funded contract or subcontract that has an estimated value of the supplies acquired or services required to be performed outside the United States exceeds \$500,000 ("a Qualifying Program"). For a Qualifying Program, it is required by federal law that an anti-Trafficking compliance plan be in place for the University and any University contractors or subawardees.

The United States Government has adopted a policy prohibiting trafficking in persons including the trafficking-related activities of this clause which provides that US Government contractors, contractor employees, and their agents shall not –

- 1) Engage in severe forms of trafficking in persons during the period of performance of the contract;
- 2) Procure commercial sex acts during the period of performance of the contract;
- 3) Use forced labor in the performance of the contract;
- 4) Destroy, conceal, confiscate, or otherwise deny access by an employee to the employee's identity or immigration documents, such as passports or drivers' licenses, regardless of issuing authority;
- 5) (i) Use misleading or fraudulent practices during the recruitment of employees or offering of employment, such as failing to disclose, in a format and language accessible to the worker, basic information or making material misrepresentations during the recruitment of employees regarding the key terms and conditions of employment, including wages and fringe benefits, the location of work, the living conditions, housing and associated costs (if employer or agent provided or arranged), any significant cost to be charged to the employee, and, if applicable, the hazardous nature of the work;

- (ii) Use recruiters that do not comply with local labor laws of the country in which the recruiting takes place;
- 6) Charge employees recruitment fees;
- 7) (i) Fail to provide return transportation or pay for the cost of return transportation upon the end of employment
- A. For an employee who is not a national of the country in which the work is taking place and who was brought into that country for the purpose of working on a U.S. Government contract or subcontract (for portions of contracts performed outside the United States); or
 - B. For an employee who is not a United States national and who was brought into the United States for the purpose of working on a U.S. Government contract or subcontract, if the payment of such costs is required under existing temporary worker programs or pursuant to a written agreement with the employee (for portions of contracts performed inside the United States); except that –
- (ii) The requirements of paragraphs (7)(i) of this clause shall not apply to an employee who is –
- A. Legally permitted to remain in the country of employment and who chooses to do so; or
 - B. Exempted by an authorized official of the contracting agency from the requirement to provide return transportation or pay for the cost of return transportation;
- (iii) The requirements of paragraph (7)(i) of this clause are modified for a victim of trafficking in persons who is seeking victim services or legal redress in the country of employment, or for a witness in an enforcement action related to trafficking in persons. The contractor shall provide the return transportation or pay the cost of return transportation in a way that does not obstruct the victim services, legal redress, or witness activity. For example, the contractor shall not only offer return transportation to a witness at a time when the witness is still needed to testify. This paragraph does not apply when the exemptions at paragraph (7)(ii) of this clause apply.
- 8) Provide or arrange housing that fails to meet the host country housing and safety standards; or
- 9) If required by law or contract, fail to provide an employment contract, recruitment agreement, or other required work document in writing. Such written work document shall be in a language the employee understands. If the employee must relocate to perform the work, the work document shall be provided to the employee at least five days prior to the employee relocating. The employee's work document shall include, but is not limited to, details about work description, wages, prohibition on charging



recruitment fees, work location(s), living accommodations and associated costs, time off, roundtrip transportation arrangements, grievance process, and the content of applicable laws and regulations that prohibit trafficking in persons.

SCOPE

University Community (faculty, staff and students)

REASON FOR POLICY

The defining element of Human Trafficking is exploitation, which is contrary to the core values of Florida International University. Furthermore, it is required by federal law that an anti-Trafficking policy be maintained by the University and that a compliance plan be in place as set forth in this policy.

DEFINITIONS

TERM	DEFINITIONS
Human Trafficking or Trafficking	means transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person for the purpose of exploitation of that person. This may be done through the use of force, fraud or coercion and includes for the purpose of obtaining labor or services or for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. Human trafficking also includes sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained eighteen (18) years of age.
Principal Investigator	is the individual with primary responsibility for the performance of the project in compliance with FIU policies and procedures, applicable law and with the requirements of the project’s sponsor, if any.
University	is Florida International University.
Severe forms of trafficking in persons	(1) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or (2) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.



ROLES AND RESPONSIBILITIES

N/A

RELATED RESOURCES

[Combating Trafficking in Persons](#) (FAR Subpart 22.1700, et seq.)
[Combating Trafficking in Persons](#) (FAR Subpart 52.222-50, et seq.)
Fla. Statute Section 787.06, Human trafficking.
[Homeland Security Website on Human Trafficking](https://www.dhs.gov/blue-campaign) at <https://www.dhs.gov/blue-campaign> (includes awareness training information).
[Trafficking Victims Protection Act \(78 U.S.C. § 7101, et seq.\)](#)

1. University policy #140.130, Mandatory Reporting of Child Abuse, Abandonment and Neglect.

U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, human trafficking awareness programs <http://www.state.gov/j/tip/>.

CONTACTS

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HISTORY

Initial Effective Date: August 8, 2019
Review Dates (*review performed, no updates*): N/A
Revision Dates (*updates made to document*): March 26, 2021



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PROCEDURE STATEMENT

Obligations

To prevent Human Trafficking and to comply with federal law, University employees, and in the case of a Qualifying Program, any subawardees at any tier, or their employers, labor recruiters, brokers, or other agents, must do the following:

- 1) Report any suspected Trafficking activity in a University program or activity to the Office of Inclusion Diversity Equity and Access (IDEAIDEA). That reporting can also be made on the University’s Compliance Hotline called the Ethical Panther Line via the link on the University Office of Compliance and Integrity’s website at <https://compliance.fiu.edu/hotline> (24 hours a day, 365 days a year). Additional reports can be made to the Global Human Trafficking Hotline at 1-844-888-FREE and its email address at help@befree.org. Individuals are protected from acts of retaliation for reporting concerns or suspected wrongful conduct in good faith, consistent with applicable federal and state laws and University policy. University employees are also required to report any incidents of child abuse in accordance with the University policy #140.130, Mandatory Reporting of Child Abuse, Abandonment and Neglect. Always contact 911 or law enforcement if you or someone you know is in immediate danger.

- 2) Cooperate fully in providing reasonable access to allow contracting agencies and other responsible enforcement agencies to conduct audits, investigations, or other actions to ascertain compliance with the Trafficking Victims Protection Act (TVPA), Executive Order 13627, or any other applicable law or regulations establishing restrictions on Trafficking in persons, the procurement of commercial sex acts, or the use of forced labor. Violations of this Policy for activities funded by federally funded grants, contracts and agreements may require additional reporting to and cooperation with federal sponsoring agency officials. Reports of potential and actual Trafficking situations involving federal funding will also involve coordination with the Office Research and Economic Development (ORED) to ensure compliance with grant and contract requirements.

- 3) Post the relevant contents of the compliance plan, no later than the initiation of contract performance, at the workplace (unless the work is to be performed in the field or not in

a fixed location) and on the University's Web site. If posting at the workplace or on the Web site is impracticable, the University shall provide the relevant contents of the compliance plan to each worker in writing. The University shall provide the compliance plan to the US Government contracting officer upon request.

- 4) For a Qualifying Program, the Principal Investigator of the subject project must contact ORED who will work with Human Resources and the Principal Investigator and any other University unit, as needed, to create a tailored compliance plan specific to the Qualifying Program. If requested, a copy of the project specific plan shall be provided to the federal sponsor officer. Qualifying Program specific compliance plans must be appropriate to the size and complexity of the federally funded project and to the nature and scope of the activities to be performed. These project specific compliance plans must include, at a minimum, the following:
 - A. An awareness program to inform employees about the Trafficking-related prohibitions included in this provision, the activities prohibited, and the action that will be taken against an employee for violations;
 - B. A reporting process for employees to report, without fear of retaliation, activity inconsistent with this Policy prohibiting Trafficking, including a means to make available to all employees the Global Human Trafficking Hotline at 1-844-888-FREE and its email address at help@befree.org;
 - C. A recruitment and wage plan that only permits the use of recruitment companies with trained employees, prohibits charging of recruitment fees to the employee, and ensures that wages meet applicable host-country legal requirements or explains any variance;
 - D. A housing plan, if the University or any of its contractors or subawardees intends to provide or arrange housing. The housing plan is required to meet any host-country housing and safety standards; and
 - E. Procedures for the University to prevent any of its contractors and subawardees at any tier and at any dollar value from engaging in Trafficking in persons activities described in applicable federal agency regulatory guidance. Qualifying Programs must have procedures to monitor, detect, and implement appropriate sanctions, including termination, of any contractor, agent, subawardee, or subawardee's employee who has engaged in such activities.

Conduct of Investigations

Upon receiving a report, IDEA will conduct a timely investigation, to the extent practicable, to determine whether a violation of this Policy has occurred regarding a University employee or University program, including Qualifying Programs. In consultation with the Office of the General Counsel, IDEA will prepare a report of its findings and will provide that report to the appropriate University administrator(s) for further decision making.

If IDEA determines at any time that there is credible information indicating that this Policy and/or FAR 22.1703(a) may have been violated in a Qualifying Program, IDEA will inform the

Vice President for Research. The Vice President for Research will take appropriate steps to comply with federal law, including, but not limited to, notifying the agency Inspector General.

FIU will protect all employees suspected of being victims or witnesses to the prohibited activities, prior to returning to the country from which the employee was recruited, and shall not prevent or hinder the ability of these employees from cooperating fully with Government authorities.

Notification

- 1) The University shall inform the US Government contracting officer and the US agency Inspector General immediately of
 - i. Any credible information it receives from any source (including host country law enforcement) that alleges a University employee, subcontractor, subcontractor employee, or their agent has engaged in conduct that violates the policy in paragraph (b) of this clause (see also 18 U.S.C. 1351, Fraud in Foreign Labor Contracting, and 52.203-13(b)(3)(i)(A), if that clause is included in the solicitation or contract, which requires disclosure to the agency Office of the Inspector General when the University has credible evidence of fraud); and
 - ii. Any actions taken against a University employee, subcontractor, subcontractor employee, or their agent pursuant to this clause.
- 2) If the allegation may be associated with more than one US Government contract, the University shall inform the US Government contracting officer for the contract with the highest dollar value.

Sanctions

Any violations of this Policy may include disciplinary action up to and including termination of employment and termination/suspension of the contractor or subawardee relationship, as well as remedies imposed pursuant to federal contracting regulations.

Furthermore, suspected violations will be referred to law enforcement and/or the appropriate federal agency, and may result in