Memo To: All UH-Downtown/PS Holders

From: William Flores, President

Subject: Debarment and Suspension Policy

1. PURPOSE

Executive Order 12549 provides that a person who is debarred or suspended shall be excluded from Federal financial and non-financial assistance and benefits under Federal programs and activities. To this extent, this PS emphasizes the commitment of the University of Houston-Downtown (UHD) to insure that when applying for federal funds, the University’s principals and researchers are not debarred, suspended, or proposed for debarment or suspension.

2. DEFINITIONS

2.1 Person or Applicant is defined as any individual, corporation, partnership, and association, unit of government or legal entity. For the purposes of this policy, person or applicant refers to the University of Houston-Downtown.

2.2 Principal is defined as an officer, director, owner, partner, key employee or other person with primary management responsibilities. In this context, principals will include the members of the UH System Board of Regents and senior administrative staff.

2.3 Researchers are defined as the faculty and their professional colleagues undertaking research activities.

2.4 Debarment is an action taken to exclude a person from participating in covered transactions.

2.5 Suspension is an action that immediately excludes a person from participating in covered transactions for a temporary period pending completion of an investigation.

2.6 Ineligible is defined as excluded from participation in Federal non-procurement programs pursuant to a determination of ineligibility under statutory, executive order, or regulatory authority.

2.7 Voluntary Exclusion is a status of nonparticipation or limited participation in covered transactions by a person pursuant to the terms of a settlement.

2.8 Covered Transactions refers to any non-procurement transaction between an agency and a person, regardless of the type, including: grants, cooperative agreements, scholarships, fellowships, contracts of assistance, loans, loan guarantees, subsidies, insurance, payments for specified use, donation agreements and any other non-procurement transactions between a Federal agency and a person.
3. POLICY

3.1 UHD requires that individuals applying for federal funds meet the following criteria:

3.1.1 Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any federal department or agency.

3.1.2 Have not, within a three year period preceding the application, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (federal, state or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property.

3.1.3 Are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state or local) with commission of any of the offenses listed in 3.1.2 above.

3.1.4 Have not, within a three year period preceding the application, had one or more public transactions (federal, state or local) terminated for cause or default.

4. PROCEDURES

Any individual who is debarred or suspended (or proposed for such) is required to notify the Assistant Vice President for Research and Sponsored Programs immediately upon notification of such action.

5. EXHIBITS

There are no exhibits associated with this policy.

6. REVIEW PROCESS

Responsible Party (Reviewer): Assistant Vice President for Research and Sponsored Programs

Review: Every three years on or before May 1st.

Signed original on file in Employment Services and Operations.

7. POLICY HISTORY

Issue #1: 05/16/94
8. REFERENCES

There are no references for this policy.