

FOREIGN TALENT RECRUITMENT PROGRAMS

[source: *Academic and Researcher Conflicts of Interest and Commitment Policy & Standards*]

XII. Foreign Talent Recruitment Programs

The University is committed to supporting open scientific research, the intellectual exchange of ideas, and the international academic research collaborations and engagement that facilitate them. However, the University is also committed to ensuring research security and requires Disclosers to fully disclose information to identify potential conflicts of interest and conflicts of commitment. To that end, the University is obligated to monitor and regulate participation in certain Foreign Talent Recruitment Programs (FTRP).

Disclosers must disclose any and all participation in any FTRP and are prohibited from participating in any Malign Foreign Talent Recruitment Programs (MFTRP). Participation includes, but is not limited to:

1. affiliation with or membership in an FTRP or MFTRP, including a contractual or other binding agreement between an individual and a MFTRP;
2. an individual reporting participation in an FTRP or MFTRP in a research proposal, curriculum vitae, or resume; or
3. an individual's identification in a publication listing the individual and an FTRP or MFTRP.

Disclosers are required to seek guidance from the Office of Research Integrity prior to agreeing to participate in any program or activity or to accepting an appointment to any position sponsored by a foreign country or entity regardless of whether they believe it to be a MFTRP. All requests for guidance and disclosures will be reviewed by the Office of Research Integrity, which will determine whether the participation or appointment is permissible. When it is impermissible, the Discloser is required to immediately decline or cease participation, as applicable. If the Discloser does not agree with the determination of impermissibility, the Discloser may submit in writing to the Vice Chancellor for Research and Innovation their concerns for further consideration.

Foreign Talent Recruitment Program

Effort organized, managed, or funded by a foreign government, or a foreign government instrumentality or entity, to recruit science and technology professionals or students (regardless of citizenship or national origin, or whether having a full-time or part-time position). Some foreign government-sponsored talent recruitment programs operate with the intent to import or otherwise acquire from abroad, sometimes through illicit means, proprietary technology or software, unpublished data and methods, and intellectual property to further the military modernization goals and/or economic goals of a foreign government. Many, but not all, programs aim to incentivize the targeted individual to relocate physically to the foreign state for the above purpose. Some programs allow for or encourage continued employment at United States research facilities or receipt of Federal research funds while concurrently working at

and/or receiving compensation from a foreign institution, and some direct participants not to disclose their participation to United States entities. Compensation could take many forms including cash, research funding, complimentary foreign travel, honorific titles, career advancement opportunities, promised future compensation, or other types of remuneration or consideration, including in-kind compensation.

Malign Foreign Talent Recruitment Program [from *H.R.4346 – CHIPS and Science Act (2022)*]

- (A) any program, position, or activity that includes compensation in the form of cash, in-kind compensation, including research funding, promised future compensation, complimentary foreign travel, things of non de minimis value, honorific titles, career advancement opportunities, or other types of remuneration or consideration directly provided by a foreign country at any level (national, provincial, or local) or their designee, or an entity based in, funded by, or affiliated with a foreign country, whether or not directly sponsored by the foreign country, to the targeted individual, whether directly or indirectly stated in the arrangement, contract, or other documentation at issue, in exchange for the individual—
- (i) engaging in the unauthorized transfer of intellectual property, materials, data products, or other nonpublic information owned by a United States entity or developed with a Federal research and development award to the government of a foreign country or an entity based in, funded by, or affiliated with a foreign country regardless of whether that government or entity provided support for the development of the intellectual property, materials, or data products;
 - (ii) being required to recruit trainees or researchers to enroll in such program, position, or activity;
 - (iii) establishing a laboratory or company, accepting a faculty position, or undertaking any other employment or appointment in a foreign country or with an entity based in, funded by, or affiliated with a foreign country if such activities are in violation of the standard terms and conditions of a Federal research and development award;
 - (iv) being unable to terminate the foreign talent recruitment program contract or agreement except in extraordinary circumstances;
 - (v) through funding or effort related to the foreign talent recruitment program, being limited in the capacity to carry out a research and development award or required to engage in work that would result in substantial overlap or duplication with a Federal research and development award;
 - (vi) being required to apply for and successfully receive funding from the sponsoring foreign government's funding agencies with the sponsoring foreign organization as the recipient;
 - (vii) being required to omit acknowledgment of the recipient institution with which the individual is affiliated, or the Federal research agency sponsoring the research and development award, contrary to the institutional policies or standard terms and conditions of the Federal research and development award;
 - (viii) being required to not disclose to the Federal research agency or employing institution the participation of such individual in such program, position, or activity; or
 - (ix) having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the Federal research and development award; and

(B) A program that is sponsored by:

- (i) a foreign country of concern or an entity based in a foreign country of concern, whether or not directly sponsored by the foreign country of concern;
- (ii) an academic institution on the list developed under section 1286(c)(8) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note; Public Law 115–232); or
- (iii) a foreign talent recruitment program on the list developed under section 1286(c)(9) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note; 1 Public Law 115–232).