

Research Integrity & Undue Foreign Influence

In the midst of a global pandemic, international scientific collaboration has perhaps never been more important. However, the U.S. government's efforts to prevent and investigate undue foreign influence in federally-funded research remain active.

Why Foreign Influence Matters

As tensions between the U.S. and various foreign governments increase, accusations of academic espionage by foreign-supported researchers at U.S.-based research institutions are on the rise. The NIH, NSF, DOE, and other agencies are increasingly warning institutions of researchers who have not disclosed foreign associations in compliance with grant funding regulations and other laws. The government continues to initiate enforcement actions and we expect this to increase in frequency and scope during the coming months.

As a result, research and academic institutions in the U.S. need to be ever more vigilant to mitigate brand risk, the loss of federal funds, intellectual property assets and exposure to enforcement actions.

Transparency With Our Government Is Paramount When Collaborating With Foreign Entities

In an increasingly global society, international projects and collaborations are essential to continue the advancement of science and technology and address challenges we all face. Understanding that international collaboration should and must occur, the key is to ensure that those collaborations are transparent – meaning disclosed to, and where necessary, approved by, employers and federal agencies or other organizations who may be supporting the researcher or his/her home institution.

Train Faculty to Understand Their Reporting Obligations

- Prohibit faculty from signing agreements with foreign entities prior to conferring with one or more administrative offices (e.g., Research Administration, Faculty Affairs, Compliance and/or Legal).
- Remind faculty that they must seek approval for ALL agreements, even for arrangements on their “own time,” like visiting appointments during the summer or when on sabbatical if the nature of the arrangement relates in any way to their faculty role (teaching, research, expertise in the same area as their academic appointment).
- Require reporting of any agreements with foreign entities, including collaborations, payments, talent program recruitment, visiting appointments, advisory board positions, sponsored/reimbursed travel, etc.

Develop a Risk-Based Review Process

- Designate individuals or departments to serve on pre-determined review committees (e.g., finance, law, tax, export control, conflicts of interest).
- Consider a multi-phase review process to escalate high-risk proposals for additional review.
- Identify countries, organizations, and research areas with heightened risk (e.g., China, Russia, Saudi Arabia, dual use military technologies, use of biohazardous substances).

Key Areas for Review in Agreements with Foreign Entities

- Intellectual property rights
- Financial conflicts of interest
- Any demand to keep it secret from the institution
- Location of the research (in U.S., in foreign countries)
- Time commitment – potential for conflicts; impact on Time/Effort reports
- Termination rights