

# 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.

## Creating and Evaluating Training Programs

Research institutions should consider creating/evaluate their existing foreign influence training programs and ensure they address key issues reflected in recent enforcement actions.

### ► Key Training Issues:

#### Disclosure Requirements

- Do researchers know when they must disclose ex-US activities/collaborations?
  - Most institutional policies require disclosure annually, when submitting a proposal, AND when a relationship arises or changes
- Do researchers know that various federal agencies require that they disclose ALL of the following?
  - **Any** ex-US academic appointments, participation in **any** ex-US talent program participation (in any country), **any** advisory board positions, **any** consulting arrangements, and **any** other positions, **paid or unpaid**
  - **Any** resources from ex-US entities made available to them, including physical space, equipment, and research or laboratory personnel (even visiting researchers)
  - **Any** significant scientific element or segment of a federally-funded project conducted outside of the U.S.
  - **All** significant financial interests, foreign and domestic (e.g., >\$5,000 or as defined by your institution)

#### Approval Requirements

- What internal approvals are required for ex-US activities (e.g., before a researcher can receive an outside academic appointment or use the home institution's name)?
  - For example, is sign-off required from Deans, Research Administration, Faculty Affairs, Compliance, Legal, or some combination thereof?
- What external prior approvals are required for ex-US activities, collaborations likely to lead to co-authorship, or foreign sponsored activities in the US?

#### Security and IP Concerns

- Include training about general university policies prohibiting theft or diversion of university resources, including any specific policies related to theft of research materials
- Training should specifically address what permissions are required to export data and physical materials to third parties, both domestic and foreign (e.g., export control and shipping policies)

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## ➤ Train faculty to recognize “red flags” in contracts

## ➤ Researchers should be wary of contracts if:

- Required to keep the contract secret from home institution (often hidden in non-disclosure clauses)
- Not permitted to terminate the agreement without cause (or has to request permission from the funding entity)
- Required to give up all IP rights, including not retaining any right to license/copyright or publish his/her own work
- Required to list the foreign institution as the researcher’s first affiliation in publications without considering where and under whose auspices the work was done
- Required or incentivized through substantial funding to have individuals from the foreign funding entity work as researchers or make extended visits into U.S. lab operations
- The researcher is promised significant personal compensation (salary or living expenses)