

POLICY

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Title: Participation in Foreign Talent Recruitment Programs - Interim

Policy Statement

The University of Vermont (University) requires that all Covered Individuals comply with University and Sponsor policies and disclosure requirements regarding Foreign Talent Recruitment Programs (FTRP) as they are developed and implemented, and that disclosures are true, complete and accurate to the best of the covered individual's knowledge.

The University prohibits all Covered Individuals from participating in or engaging with a Malign Foreign Talent Recruitment Program (MFTRP).

The University prohibits all Covered Individuals from participating in or engaging with a Foreign Talent Recruitment Programs (FTRP) when that participation would violate the University [Conflict of Interest and Conflict of Commitment Policy \(pdf\)](#) and/or the [Financial Conflict of Interest in Sponsored Research \(pdf\)](#) Policy.

Reason for the Policy

As a recipient of federal research and development funds, the University is committed to complying with all research security laws and regulations. This Policy is established to (i) ensure compliance with University and Federal funding agency rules and regulations concerning Foreign Talent Recruitment Programs, Conflicts of Interest, Conflicts of Commitments and (ii) comply with the requirements of the CHIPS and Science Act of 2022 (Subtitle D Research Security, Sections 10631, 10632 and 10638 of U.S. Public Law 117-167), which includes the following federal research requirements;

- Requires Covered Individuals to disclose all participation in a Foreign Talent Recruitment Program (FTRP) contract, agreement, or other arrangement;
- Prohibits federal research and development awards from being made for any proposal in which a Covered Individual is participating in a Malign Foreign Talent Recruitment Program (MFTRP); and
- To the extent practicable, requires recipient institutions to prohibit Covered Individuals participating in an MFTRP from working on projects supported by federal research and development awards.

Applicability of the Policy

This Policy applies to all University Covered Individuals, as defined below, and is effective on May 20, 2024, for National Science Foundation proposals and awards and August 9, 2024, for all other federal agency proposals and awards and any non-federal agencies that adopt any of the federal rules.

Definitions

Covered Individual:

An individual who:

- a. Contributes, in a substantive, meaningful way to the scientific development or execution of a research and development project proposed to be carried out with a research and development award from a federal research funding agency; and
- b. Is designated as a Covered Individual by a federal research funding agency.

Congressional legislation and federal agencies use different terms for a Covered Individual, such as Principal Investigator (PI), Co-PI, Investigator, Project Director, Project Co-Director, Key Performer, Key Personnel, Senior Personnel, Named Researcher, Named Individuals, and Sponsored Researcher, all of which, for this Policy, have the same meaning.

Status as Covered Individuals is based on their contribution to the project as defined above and is not related to the title of the individual, who could be a faculty member, research scientist, researcher, visiting scientist, student (undergraduate or graduate) or post-doctoral fellow regardless of whether they are paid or unpaid.

Foreign Country of Concern:

The term "Foreign Country of Concern" for the purpose of this Policy is as defined in Section 10612 of CHIPS and Science Act of 2022 and as of August 9, 2024 includes the People's Republic of China, the Democratic People's Republic of Korea, the Russian Federation, the Islamic Republic of Iran, and any other country determined to be a country of concern by the [Secretary of State](#).

Foreign Talent Recruitment Program:

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 an individual, whether directly or indirectly stated in the arrangement, contract, or other documentation at issue.

Consistent with Section 10632(d) of the CHIPS and Science Act of 2022, an FTRP does not include the following international collaboration activities, so long as the activity is not funded, organized, or managed by an academic institution or an FTRP on the lists developed under paragraphs (8) and (9) of Section 1286(c) of the National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note; Public Law 115-232):

- Making scholarly presentations and publishing written materials regarding scientific information not otherwise controlled under current law;
- Participating in international conferences or other international exchanges, research projects or programs that involve open and reciprocal exchange of

- scientific information, and which are aimed at advancing international scientific understanding and not otherwise controlled under current law;
- Advising a foreign student enrolled at an institution of higher education or writing a recommendation for such a student, at such student's request; and
 - Engaging in the following international activities:
 - a. Activities that are partly sponsored or otherwise supported by the United States such as serving as a government appointee to the board of a joint scientific fund (e.g., the U.S.-Israel Binational Industrial Research and Development Foundation); providing advice to or otherwise participating in international technical organizations, multilateral scientific organizations, and standards setting bodies (e.g., the International Telecommunications Union, Intergovernmental Panel on Climate Change, etc.); participating in a Fulbright Commission program funded in whole or in part by a host country government; or other routine international scientific exchanges and interactions such as providing invited lectures or participating in international peer review panels.
 - b. Involvement in national or international academies or professional societies that produce publications in the open scientific literature that are not in conflict with the interests of the federal research agency (e.g., membership in the Pontifical Academy of Sciences or The Royal Society).
 - c. Taking a sabbatical, serving as a visiting scholar, or engaging in continuing education activities such as receiving a doctorate or professional certification at an institution of higher education (e.g., the University of Oxford, McGill University) that are not in conflict with the interests of the federal research agency.
 - d. Receiving awards for research and development which serve to enhance the prestige of the federal research agency (e.g., the Nobel Prize).
 - e. Other international activities determined appropriate by the federal research agency head or designee.

Malign Foreign Talent

Recruitment Program: A malign foreign talent recruitment program is:

- 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. 4001 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. 4001 note; Public Law 115-232)."

Procedures

Certification of Non-Participation in a Malign Foreign Talent Recruitment Program

Covered Individuals will be required to certify as individuals to federal agencies that they are NOT a party to a Malign Foreign Talent Recruitment Program at time of proposal submission, during the period of performance of an award or at any frequency as required by a federal agency.

All Covered Individuals must disclose participation in any Foreign Talent Program in the [UVMClick – COI system](#), annually, as part of Sponsored Project Administration federal research award acceptance process or within 30 days of the start of the participation in such a recruitment program.

Disclosure of Participation in a Foreign Talent Recruitment Program

University Disclosures

All Covered Individuals, using the University electronic disclosure system known as [UVMClick](#), must disclose to the University participation in a Foreign Talent Recruitment Program whether compensated or uncompensated. Examples include, in-kind contributions, research funding, promised future compensation, complimentary foreign travel, honorary titles, establishing a research lab or company.

Sponsor Disclosures

All Covered Individuals must disclose participation in a Foreign Talent Recruitment Program whether compensated or uncompensated in proposals and during an active award period of performance following federal agency rules, regulations, forms and formats as instructed by the federal agency. Most common disclosure forms used are the biosketch, current, pending and other support pages, and award progress reports.

The University, where required, will disclose to federal agencies whether applicable personnel are participating in a Foreign Talent Recruitment Program.

Participation in Foreign Talent Programs

Covered Individuals should be aware that participating in a Foreign Talent Recruitment Program without full disclosure to the University is a violation of the University's [Conflict of Interest and Conflict of Commitment policy \(pdf\)](#), the [Financial Conflict of Interest in Sponsored Research policy \(pdf\)](#), as well as a violation of federal rules and regulations.

Sanctions

Sanctions for false, fictitious, or fraudulent statements or claims (including intentional omissions) in violation of this policy will be determined in accordance with university policy (for non-represented employees) or collective bargaining agreements (for represented employees). Further, under federal rules and regulations, violations of this policy exposes the individual to criminal, civil, and/or administrative penalties.

For Assistance with Identifying FTRP or MFTRP Participation

If a Covered Individual or other University employee is unsure if an opportunity qualifies as a Foreign Talent Recruitment Program or a Malign Foreign Talent Recruitment Program, they should reach out to Research Integrity at coi@uvm.edu.

Contacts

Questions concerning the daily operational interpretation of this policy should be directed to the following (in accordance with the policy elaboration and procedures):	
Title(s)/Department(s):	Contact Information:
Research Administration and Integrity	coi@uvm.edu
Compliance Services	coi.coc@uvm.edu
Vice President for Research	ovpr@uvm.edu
Legal Affairs & Gen Counsel	general.counsel@uvm.edu

Forms/Flowcharts/Diagrams

- TBD.

Related Documents/Policies

- [Conflict of Interest and Conflict of Commitment \(pdf\)](#)
- [Financial Conflict of Interest in Sponsored Research \(pdf\)](#)

Regulatory References/Citations

- [Section 10631\(b\) of the CHIPS and Science Act of 2022](#)
- [2 U.S.C. 19231 – 19237](#)
- [Executive Office of the President, Memorandum for the Heads of Federal Research Agencies](#)

Training/Education

Training will be provided on an as-needed basis as determined by the Approval Authority or the Responsible Official.

About this Policy

Responsible Official:	Vice President for Research	Approval Authority:	Vice President for Research
Policy Number:	V 6.9.1	Effective Date:	September 26 th , 2024
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