

Research Integrity & Undue Foreign Influence

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.

Ensuring Compliance: What to look for

An effective compliance program asks the right questions to gather information needed to meet disclosure and/or prior approval obligations. Keep in mind that many of the activities below are lawful – so long as they are disclosed, vetted, and managed.

Institutions should require researchers to disclose in writing the following types of activities to help ensure compliance with legal obligations (to funding agencies, to the institution, and to other third parties):

- ▶ Participation in foreign talent recruitment programs
- ▶ Ex-US professorships/appointments
- ▶ Other contracts/agreements with outside entities
- ▶ Ex-US research funding
- ▶ Ex-US labs/operations or research projects conducted abroad
- ▶ Ex-US collaborations anticipated to result in co-authorship
- ▶ Oversight of students sponsored by ex-US entities
- ▶ US graduate students sent to work overseas (particularly if they are supported in part by US federal funding for any of their research)
- ▶ Foreign and domestic equity interests, royalties, license agreements, consultant fees, and board positions
- ▶ Foreign sponsored or reimbursed travel