

Florida State University
Office of Research
Guidance on Foreign Influence & International Activities

Florida State University is committed to facilitating open and publicly accessible research and scholarly activities, both domestically and internationally. In some instances, however, restrictions must be placed on such activity in the interest of national security.

Issues surrounding foreign influence and international activities in federally funded research has been an evolving topic, one for which the U.S. Government has shown growing concern.

- Recently, the Director of the **National Institutes of Health (NIH)**, Francis Collins, issued a "[Foreign Influence Letter to Grantees](#)," and testified to the Senate Health, Education, Labor and Pensions Committee regarding concerns about systematic programs of foreign influence in U.S. research. Dr. Collins reminded the research community that they are required to "disclose all forms of other support and financial interest, including support coming from foreign governments or other foreign entities...in accordance with the NIH Grants Policy Statement, [on] all applications and progress reports ([NOT-OD-18-160](#))" and indicated that NIH's Office of Extramural Research (OER) will be providing additional information in the future.
- The **U.S. Department of Energy (DOE)** issued a [memo](#) on January 31, 2019, stating that they would require disclosure of participation in foreign-talent recruitment programs. In addition, on June 7th, 2019, the DOE issued a [directive](#) regarding foreign influence and talent recruitment programs, which states, in part, that the DOE is also prohibiting those working under a DOE contract from participating in a foreign talent recruitment program. According to DOE: "DOE personnel will be subject to limitations, including prohibitions on their ability currently or in the future to participate in foreign talent recruitment programs of countries determined sensitive by DOE while employed by DOE, or performing work within the scope of a DOE contract. These limitations also will apply to recipients of financial assistance (e.g., grants or cooperative agreements)." Neither the list of sensitive countries nor the list of emerging research areas and technologies comprising the S&T Risk Matrix have been publicly released.

Please refer to the [directive](#) for additional information and definitions about foreign talent recruitment program. Anyone with questions about this issue, may contact Diana Key, Office of Research Compliance Programs, dkey@fsu.edu or (850) 644-8648.

- The **U.S. Department of Defense (DOD)** issued a [memo](#) on March 20, 2019 outlining disclosure requirements for all key personnel listed on research and research-related educational activities supported by DOD grants and contracts.
- The **National Science Foundation (NSF)** issued a [statement](#) on "Security and Science" dated October 23, 2018, stating that U.S. universities must "embrace transparency and rigorously adhere to conflict of interest and conflict of commitment policies."
- The **National Aeronautics and Space Administration (NASA)** has had [restrictions](#) for quite some time on involvement of foreign nationals and the use of NASA funds to enter into agreements "to participate, collaborate, or coordinate bilaterally in any way with China or any Chinese-owned company, at the prime recipient level or at any subrecipient level, whether the bilateral involvement is funded or performed under a no-exchange of funds arrangement."

Best Practices for Disclosing Foreign Relationships and Activities

With the heightened sensitivity on these issues nationally, FSU's Office of Research Compliance Programs (ORCP) wants to remind the members of our research community of their obligations to report on international research and scholarly activities. ***While most international collaborations and other forms of global engagement are acceptable and encouraged, University members are urged to err on the side of transparency. The following existing institutional expectations and practices support transparency and accountability:***

- **Financial Conflicts of Interest:** A University researcher who has a personal financial interest that may bias or appear to bias their research, could have a research related financial conflict of interest. Florida law, federal research rules, and University policy define and regulate these conflicts. No distinction is made between domestic and foreign financial interests with regard to these requirements. For more information, visit the Office of Vice President for Research's [Conflict of Interest](#) website. Acceptance of gifts, monetary awards, and honoraria by University faculty and staff are also governed by financial conflict of interest and, when permitted, must be disclosed. Gifts to the University that are subsequently distributed to support an individual's professional activities, e.g., endowed chairs, that follow standard institutional process need not be disclosed by the individual.
- **Annual Performance Evaluations:** Faculty members are asked to provide a report of evidence of their performance regarding their teaching, research or creative activities, service, and other University duties for the period being evaluated. The annual report should identify all international activities and engagements, whether or not funded, such as honorary appointments, consulting activities, serving on a student advisory committee, corporate board or government advisory committees, and involvement with or participation in a talent development program.
- **Foreign Components Requirements:** Under the NIH Grants Policy Statement, "foreign components" must be disclosed on proposals, progress reports, and final technical reports. Adding a foreign component or transferring substantive programmatic work from a domestic recipient to a foreign component requires prior approval from NIH. A "foreign component" is defined as the performance of any significant scientific element or segment of a project outside of the United States, either by the recipient or by a researcher employed by a foreign organization, whether or not grant funds are expended. Other federal and non-federal sponsors may have similar requirements. Faculty should work with the school or departmental research administration staff or Sponsored Research Administration to comply with all sponsor requirements.
- **Restricted Party Screening:** Restricted party screening is a best practice that should be conducted prior to investing significant time or effort in developing collaborations or agreements with new international entities. Restricted party screening identifies entities and individuals subject to us export control restrictions, denial or debarment orders, sanction programs, as well as state and federal non-procurement programs. Restricted party screening is performed as part of normal business processes for export and sanction assessments, new vendor registration, risk assessment of new sponsors, and to review international visitors. Additional information is available [here](#).
- **Current and Pending Support and Biosketches:** FSU researchers whose research is supported with federal funding should update and maintain their current and pending support

documentation. Make sure to include all sources of support—foreign or domestic, including scholarships or fellowships. When in doubt, err on the side of inclusion in current and pending support documentation and your biosketch. Be cognizant of all sponsor requirements and follow all directions for content and format.

- **Outside Activity Reporting:** Faculty members who plan to engage in outside activity must complete and submit the Florida State University Faculty Outside Activity Statement form (FSU Form FOA 802) for approval by the chair/supervisor and dean/director/vice president each year and before any new outside activity begins. AEX, A&P, USPS, and OPS employees seeking approval for outside employment must complete the Statement Concerning Outside Employment.

Additional Resources

The following is a list of resources and reporting requirements:

- The Office of Research Compliance Program's (ORCP) [Conflict of Interest](#) website, which requires:
 - Disclosure of all outside professional activities and financial relationships, whether compensated or uncompensated, through the [Outside Activity Reporting Form](#) (OAR Form) Disclosures must include, but are not limited to, all work for, or financial interests in or received from, a foreign institution of higher education or the government or quasi-government organization of another country.
 - Compliance with all disclosure requirements related to public sharing of your research. These requirements will be detailed in any applicable management plan regarding a financial conflict of interest in research. However, many sponsors, journals, presentations and other publications also have expanded requirements for disclosure.
- ORCP [International Travel Guidance](#) contains information regarding international travel security and travel to high-risk countries, including instructions on:
 - Compliance with FSU's [Travel Policy and Procedures](#), including completion of trip requests in Concur.
 - Pre-trip follow-up: after completion of your pre-trip travel request in Concur, you will receive an automated email notification. If you are traveling to a country of concern (embargoed country), the notification will state that ORCP will contact the traveler to discuss the trip and the probability that a license from the government will be required prior to travel.
- [Office of Commercialization](#) (OC) website includes policies, FAQs, and guidance information, including the requirement to:
 - Disclose intellectual property to the OC in a timely manner, including any that involves international collaborations or involvement.
- ORCP [Export controls](#) website for policies, FAQs, and guidance information, which requires:
 - Compliance with U.S. export control regulations when your work involves publication restrictions, traveling internationally, participating in international collaborations, restrictions from the sponsor or contract, using proprietary information or software, working with international faculty, staff, or students, hosting international visitors, shipping materials internationally, or engaging in international transactions.

- Compliance with these regulations also require that FSU not host visitors, enter into contracts, do business with, or engage in any activity with entities listed on a United States Government Restricted Party List. ORCP can easily and quickly screen people and entities to ensure they do not appear on any such listing.

Frequently Asked Questions

Q1: I have been invited to participate in a foreign talent recruitment program. What should I do?

A1: You should not proceed or agree to participate until you have discussed this situation with ORCP. ORCP keeps up to date on developments in federal guidelines and regulations around foreign talent programs, as well as the University Administration's position on this matter.

Q2: I will have future travel sponsored by a foreign government. Do I need to disclose this?

A2: Yes, all international travel must be booked in Concur, whether or not the University is paying for the travel or another source is providing support. ORCP reviews international travel submissions in Concur and performs necessary screenings and follow up. FSU also requires disclosure of sponsored travel in excess of \$5,000 in EDMS (Electronic Data Management System) in accordance with NIH Financial Conflicts of Interest regulations.

Q3: A foreign entity has asked me to be a consultant on a project they are working on. Do I need to disclose this?

A3: Yes, if you become their consultant, you should update your Outside Activity Report. You should also consult with ORCP on conflict of interest and export control concerns.

Q4: A foreign university has proposed an institutional partnership with FSU. Who should I talk to about this?

A4: You should contact the Center for Global Engagement, which supports mission of connecting FSU to the world by reviewing collaborations and helping to streamline the development of international relationships.

Q5: I frequently work with foreign collaborators on my research funded by NASA and DOD. Do I have to disclose these collaborations?

A5: Yes, NASA and DOD have specific clauses that may limit international collaboration. ORCP provides support to Sponsored Research Administration to identify and negotiate such clauses and works with the PI to develop an appropriate management strategy. Contact ORCP prior to starting any international collaboration related to the research or otherwise.

Q6: I have an ownership interest in a foreign company. Do I have to disclose this?

A6: Yes, you should disclose this interest on your Outside Activity Report. You should also consult with ORCP on conflict of interest and export control concerns, and the Office of Commercialization for intellectual property issues.

Q7: I want to host a foreign visiting scholar to work in my lab for the summer. What do I need to do to accomplish this?

A7: Please follow FSU's policy and procedures concerning inviting visiting scholar. This information can be found at <https://fda.fsu.edu/faculty-employment/appointments/procedures-for-inviting-an-unpaid-visiting-scholar-researcher>.