

ORA-04-01.01 Definitions

Definitions are as described in the indicated source.

Covered Individual:	As defined in the CHIPS and Science Act ; Public Law No. 117-167.
Foreign Country of Concern:	As defined in the CHIPS and Science Act ; Public Law No. 117-167. Department of State list of Countries of Concern https://www.state.gov/countries-of-particular-concern-special-watch-list-countries-entities-of-particular-concern/
Foreign Talent Recruitment Program (“FTRP”):	As defined in the Office of Science and Technology Policy Memorandum on February 14, 2024
Malign Foreign Talent Recruitment Program (“MFTRP”):	As defined in the National Security Presidential Memorandum-33 (NSPM- 33) (Appendix: Definitions)

ORA-04-01.02 Regulations relating to policy

University Rule [3359-11-17](#).

The [CHIPS and Science Act 2022](#) (the “Act”).

[Office of Science and Technology Policy Memorandum on February 14, 2024](#).

[National Security Presidential Memorandum-33 \(NSPM-33\)](#).

ORA-04-01.03 Purpose

This policy and procedure are designed to ensure compliance with the federal laws related to federally funded research. Further, the University of Akron supports and encourages international collaboration, and at the same time seeks to mitigate the negative effect of undue foreign influence on the research and development enterprise.

The applicable Federal law is the [CHIPS and Science Act 2022](#) (the “Act”), which prohibits covered individuals on federally funded research projects from being involved in malign foreign talent

recruitment programs (“MFTRPs”). Further, this Act mandates that covered individuals disclose whether they are a party to any foreign government-sponsored talent recruitment program (“FTRP”), whether malign or not. The purpose of disclosing FTRP involvement and prohibition from participation in MFTRPs is to protect the research and development enterprise within the United States from undue foreign influence.

Authority to implement this Act falls under University Rule 3359-11-17, which requires disclosure of conflict of interest/commitment, including disclosure of outside activities by university employees.

ORA-04-01.04 Policy

The University of Akron applies the federal disclosure requirement to all covered individuals working on federally funded projects. Further, disclosure of association with an FTRP is required for all University researchers working on a federally funded project, per University Rule 3359-11-17(B)(6).

ORA-04-01.05 Procedure

1. Foreign Talent Recruitment Program (FTRP)

- 1.1. Participation in a FTRP is considered an outside activity under University Rule 3359-11-17.
- 1.2. All employees, regardless of their role, must receive approval in advance of participating in an FTRP.
- 1.3. To gain approval, employees engaged in research must disclose any potential involvement with a FTRP, regardless of whether the involvement includes funding or a commitment of less than one day per week on average.
- 1.4. This disclosure must be provided on the annual employee conflict of interest/commitment, which will be reviewed according to University Rule 3359-11-17.
- 1.5. Researchers must disclose participation in an FTRP on their Financial Conflict of Interest (FCOI) form, when applicable.
 - 1.5.1. Reminder that researchers are required to update the FCOI form annually during the performance of the applicable funded project, within thirty (30) days of acquiring or discovering a new financial interest (or FTRP association), engaging in new outside activities (including an FTRP associating), or if there are changes regarding a previously reported activity (see [Financial Conflict of Interest Policy for Investigators Participating in Funded Research](#)).

2. Malign Foreign Talent Recruitment Program (MFTRP)

- 2.1. Covered Individuals engaged in a federally funded research project are prohibited from participating in an MFTRP.
- 2.2. Employees must immediately contact the groups below if they are currently participating in an MFTRP or have done so within the previous twelve (12) months.
 - 2.2.1. Office of Research Administration: ora@uakron.edu
 - 2.2.2. Employee’s supervisor, chair, or director.

3. Federal Agency Disclosures

- 3.1. Researchers proposing federally funded research must disclose current or pending support, including support from FTRPs, as applicable, in the proposal documentation.
 - 3.1.1. National Science Foundation (NSF): NSF requires disclosure of foreign support, whether financial or otherwise, including if post-docs and other personnel work under Covered Individuals and are funded by a foreign-sourced fellowship. For more information see NSF's table on [Pre-award and Post-award Disclosures](#).
 - 3.1.2. National Institutes of Health (NIH): NIH requires disclosure of foreign support, whether financial or otherwise, including if post-docs and other personnel work under Covered Individuals and are funded by a foreign-sourced fellowship. For more information see NIH's [Requirements for Disclosure of Other Support, Foreign Components and Conflicts of Interest](#).
 - 3.1.3. Department Of Defense (DOD): The DOD requires disclosure of foreign support, however the format of disclosures under DOD funding varies according to the funding program. For guidance, consult the University of Akron Office or Research Administration. Consult the funding program documentation (e.g. CDMRP) for specific requirements.
 - 3.1.3.1. Note that the DOD conducts a risk-based security review of all proposed research receiving a recommendation for funding. The factors that the DOD assesses are available in the publication "[Countering Unwanted Foreign Influence in Department-Funded Research at Institutions of Higher Education](#)."
 - 3.1.3.2. DOD may require mitigation of undue foreign influence, even when Covered Individuals are not participating in MFTRPs or FTRPs.
 - 3.1.4. Department Of Energy (DOE): The DOE is still developing its required disclosures, however it does prohibit Covered individuals from participating in FTRP in certain countries, per the [June 7, 2019 directive](#).
 - 3.1.5. OTHER: Additional information and guidance is available on the Officer of Research Administration [Research Compliance and Integrity webpages](#).
- 3.2. Federal agencies may also require annual certification of non-participation in FTRPs or MFTRPs for the duration of the federal funding award.

4. Non-Compliance

- 4.1. Individuals who violate University Rule 3359-11-17 and this policy may be subject to sanctions as described in University Rule 3359-11-17.
- 4.2. Individuals who knowingly and willfully make false statements or conceal an association on federal agency disclosures may be subject to criminal charges under [18 U.S.C. § 1001](#), including incarceration of up to five years and fines of up to \$10,000 per violation.