Research and Sponsored Projects Manual (RSP)

RSP 215: Foreign Malign Talent Programs

Effective: 11/12/2024 **Revised**: 7/1/2026

Purpose

To provide Foreign Malign Talent policy level guidelines and procedures to identify, prevent, and address potential threats posed by foreign actors seeking to infiltrate, influence, or exploit Arizona State University for malicious purposes. This policy aims to protect University interests, assets, and reputation from foreign interference and espionage activities.

Sources

Guidelines for Federal Research Agencies Regarding Foreign Talent Recruitment Programs (Executive Office of the President, February 14, 2024)

2024 Memorandum on Guidelines for Federal Research Agencies Regarding Foreign Talent Recruitment Programs

Knowledge Enterprise Research Administration

Knowledge Enterprise (KE) - Office of Research Compliance

Applicability/Eligibility

Faculty, academic professionals, classified, administrative, and university staff and students. It encompasses activities both within and outside the workplace that may impact the security and integrity of university operations.

Background

Participation in a Foreign Talent Recruitment Program (FTRP) may constitute a conflict of interest or commitment in violation of university policy. Participation in a Malign FTRP by federally funded researchers is prohibited under federal law and University policy. Definitions of a FTRP and a Malign FTRP are found at the end of this Policy.

Federal research funding agencies require that all persons who are responsible for the design, conduct or reporting of research of a federally funded research project: (i) disclose if they are party to a FTRP; and (ii) certify at proposal, and annually for the duration of the award, that they are not party to a Malign FTRP.

Policy

1. Awareness:
    - All employees are required to remain vigilant and aware of potential threats posed by foreign entities.
    - Regular training and awareness programs will be conducted to educate employees about the tactics, strategies, and indicators of foreign malign influence (including those activities that constitute participation in a Malign FTRP).

2. Disclosure and Reporting:
    - Report foreign entities, suspicious activity involving foreign individuals, organizations, or governments to the university's designated security or compliance personnel.
    - Prior to participating in a FTRP, fully disclose the nature and extent of the FTRP to Knowledge Enterprise – Office of Research Compliance at export.control@asu.edu and fully comply with any plan implemented to manage participation in that FTRP. In addition, any persons currently participating in a FTRP must fully disclose the nature and extent of the FTRP to Knowledge Enterprise - Office of Research Compliance at export.control@asu.edu and fully comply with any plan implemented to manage continued participation in that FTRP.
    - As related to sponsored research, disclose significant financial (RSP206) or business interests (ACD204-08), foreign and domestic, which, due to their relationship to research or other scholarly activities, could give rise to a real or perceived conflict of interest or conflict of commitment.
    - Any offers of gifts, favors, or inducements from foreign entities must be reported and evaluated for potential influence or coercion.
3. Engagement and Collaboration:
    - Collaboration with foreign entities, including partnerships, research agreements, or joint ventures, must undergo rigorous advance review and approval processes.
    - Due diligence assessments will be conducted to evaluate the reputation, intentions, and affiliations of potential foreign partners or collaborators.
4. Protection of Information:
    - Employees must adhere to strict protocols for safeguarding sensitive information, including proprietary data, trade secrets, and intellectual property, from unauthorized access or disclosure.
    - Access to classified or restricted information will be granted only to authorized personnel with appropriate security clearances.
5. Travel and Interaction:
    - Employees travelling to foreign countries must adhere to ASU travel policies and security protocols.
    - Precautions should be taken to avoid compromising information, engaging in unauthorized activities, or becoming targets of foreign intelligence operations.
6. Compliance and Enforcement:
    - Non-compliance with this policy may result in disciplinary action, including termination of employment, legal consequences, or other appropriate measures.
    - ASU will cooperate with law enforcement and government agencies to investigate and address instances of foreign malign influence.

Exception

Non-compliance with this policy is not permitted under any circumstances.

Definitions

Foreign Talent Recruitment Program (FTRP): 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.

Malign Foreign Talent Recruitment Program (MFTRP): Any program, position, or activity that:

1. is sponsored by:
    1. a foreign country of concern [defined as: China, North Korea, Russia, Iran or any other country determined to be a concern by the Secretary of State];

2. an academic institution on the list developed under section 1286(c)(8) of the 2019 National Defense Authorization Act; or
3. a foreign talent recruitment program on the list developed under section 1286(c)(9) of the 2019 National Defense Authorization Act; and

2. 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 Scholar, whether directly or indirectly stated in the arrangement, contract, or other documentation at issue, in exchange for the individual—
    1. 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;
    2. being required to recruit trainees or researchers to enroll in such program, position, or activity;
    3. 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;
    4. being unable to terminate the foreign talent recruitment program contract or agreement except in extraordinary circumstances;
    5. 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;
    6. 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;
    7. 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;
    8. 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
    9. having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the federal research and development award.

See: Guidelines for Federal Research Agencies Regarding Foreign Talent Recruitment Programs (Executive Office of the President, February 14, 2024)

https://bidenwhitehouse.archives.gov/ostp/news-updates/2024/02/14/memorandum-on-guidelines-for-federal-research-agencies-regarding-foreign-talent-recruitment-programs/

Cross-References

For related information, see:

1. Academic Affairs Policies and Procedures Manual: ACD 204–08, "Conflict of Interest."

2. Research and Sponsored Projects Policies and Procedures Manual (RSP)—RSP 206, "Objectivity in Research—Disclosure of Financial Interests and Management of Conflicts of Interest"

3. Research and Sponsored Projects Policies and Procedures Manual (RSP)—RSP 214, "Export Control"

and

4. Staff Personnel Policies and Procedures Manual—SPP 813, "Code of Conduct for Business Activities."