

## Policy Change Cover Sheet

This form must be completed for each policy presented. All areas in red including the header must be filled in or it will be sent back to you for completion.

\*If the revisions you are requesting include housekeeping changes, please submit the housekeeping changes first. The SCC Secretary will notify you once the housekeeping changes have been made and you can submit the Policy Change Cover Sheet at that time. Please submit housekeeping changes to [ndsu.scc@ndsu.edu](mailto:ndsu.scc@ndsu.edu).

Refer to the [NDSU Senate Coordinating Council process](#) for more information about housekeeping changes.

Policy Number and Name: 152.3 - Foreign Talent Recruitment Programs

Is this a federal or state mandate:  Yes  No

This policy impacts (check all that apply):  Students  Staff  Faculty  Other (please describe):

\*The President's Council for Campus Wellbeing is committed to integrating a "Health in All Policies" approach when current policies are revised and new policies are developed. Why a "Health in All Policies" approach? Policies have health effects—positive or negative--on the communities and the people who live and work within the community where the policy is implemented. In fact, the World Health Organization estimates that the social, financial, and environmental factors of a community influence up to 55% of a person's wellbeing. Health in All Policies (HiAP) is an approach that integrates health into decisions and policy-making. For more information, see [HiAP at NDSU 2023 Report](#).

Individual/Department/Committee or Organization submitting the policy change: Research and Creative Activity – Research Security Working Group

Date Submitted to SCC Secretary: V2 on 8/13/2024

Email address of the person who should be contacted if revisions are requested:

Kristy Shirley, Research Integrity, Security and Compliance Manager – [Kristy.Shirley@ndsu.edu](mailto:Kristy.Shirley@ndsu.edu)

**NDSU's Strategic Plan Inclusivity and Diversity Goal:** Create and maintain an open and collegial environment to promote inclusivity and diversity as a cornerstone of education, research, and outreach.

**Sub-Goal:** Design and implement additional programming, curriculum, outreach opportunities, and **policies** that uphold inclusivity, diversity, respect, and connection. **Please address each item in the checklist below:**

Checklist items	Yes	No	N/A	Comments
The <i>social</i> impact on students, staff, faculty, others was considered (e.g. encourages a positive sense of community through an ethic of care, compassion, collaboration and/or belonging).	x			
The <i>financial</i> impact on students, staff, faculty, others was considered.	x			
The <i>physical health</i> impact on students, staff, faculty, others was considered (e.g. facilitates healthy lifestyle choices, meeting of basic human needs, and/or a safe physical environment).			x	
The <i>mental health</i> impact on students, staff, faculty, others was considered (e.g. supports skills and habits to manage stress, strengthen resilience, reduce substance abuse, and promote help seeking).			x	
Inclusive language is used (i.e. gender pronouns are not used or are inclusive, race/ethnicity, religion, etc.).	x			
Input from the key stakeholders (students, staff, faculty, other) was sought and included during the development/revision of the policy		x		While many conversations have occurred with faculty and staff with regards to evolving Research Security requirements, input on this specific policy was not sought as it has been limited to outlining only what is required by the Federal Agencies to comply with policies for applying for and receiving Federal funding.
Input was sought from on-and off-campus offices, departments, and organizations to ensure the policy is responsive to community needs.			x	
This policy contributes to creating an environment that is safe and conducive to living, learning, working, and recreating.			x	
The policy addresses evaluation, including a person/office/entity responsible for tracking outcomes that ensure changes are positive.			x	
This policy, as written, can be enforced/implemented/applied in a sustainable manner (e.g. human resources, financial resources needed, etc.)	x			

Effect of policy addition or change: Utilize the completed checklist to provide an explanation of the important changes in the policy or effect of this policy. Briefly describe the changes that are being made to the policy and

the reasoning behind the requested change(s):

This establishes a new policy to address evolving federal requirements related to research security. The policy prohibits Covered Individuals (as defined below) from participating in Malign Foreign Talent Recruitment Programs (MFTRP). In order to comply with Federal agency policies, Covered Individuals must: 1) Certify to the agency upon proposal, and annually thereafter for the duration of the award that they are not a party to an MFTRP, and disclose any participation in Foreign Talent Recruitment Program contract, agreement, or other arrangement.

This policy has been drafted to comply with Federal policy enacted over the past several years.

The [Creating Helpful Incentives to Produce Semiconductors \(CHIPS\) and Science Act of 2022](#) requires federal funding agencies (e.g., National Science Foundation, Department of Energy, etc.) to establish policies that required Covered Individuals – defined as: (those contributing in a substantive, meaningful way to the scientific development or execution of a federally funded research project- to disclose if they are a party to a foreign talent recruitment program (FTRP) contract, agreement or arrangement; to certify at the time of any federal proposal submission; and annually thereafter for the duration of the affected award(s) that they are not a party to a malign foreign talent recruitment program (MFTRP). Institutions (such as NDSU) must certify that each Covered Individual who is employed by the institution has been made aware of the requirements.

In addition, the Department of Defense (DOD) released [Countering Unwanted Foreign Influence in Department-funded Research at Institutions of Higher Education](#), that includes a Policy for Risk-Based Security Reviews of Fundamental Research and associated Decision Matrix for implementing risk-based mitigations to enhance research security. Under this new DOD policy (effective August 9, 2024), the DOD is prohibited from funding any proposal if a Covered Individual is a party to a MFTRP.

To comply with the CHIPS and Science Act, NSF has added certification language as part of Investigators' Biosketch in SciENCv which requires those submitting to the agency to certify the following at the time of proposal submission:

"I certify that the information provided is current, accurate, and complete. This includes but is not limited to current, pending, and other support (both foreign and domestic) as defined in 42 U.S.C. §6605.

I also certify that, at the time of submission, I am not a party to a malign foreign talent recruitment program.

Misrepresentations and/or omissions may be subject to prosecution and liability pursuant to, but not limited to, 18 U.S.C. §§ 287, 1001, 1031 and 31 U.S.C. §§ 3729-3733 and 3802."

More information about NDSU's response to evolving Research Security guidelines as well as definitions of Foreign Talent Recruitment Programs, Malign Foreign Talent Recruitment Programs can be found on the [Research Security](#) website or the [Foreign Talent Recruitment program](#) page.

The SCC Secretary will keep record of all actions taken on this policy change request on the SCC policy tracking spreadsheet. You will be notified once the policy has been approved and updated or if further revisions are requested.

# North Dakota State University

## Policy Manual

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### SECTION 152.3 FOREIGN TALENT RECRUITMENT PROGRAMS

SOURCE: NDSU President

#### 1. PHILOSOPHY AND PURPOSE

NDSU is committed to fostering open scientific research and collaboration with scholars from across the world while complying with federal policy aimed at safeguarding the research enterprise against the misappropriation of research and development to the detriment of national or economic security, related violations of research integrity, and foreign government interference.

The [Creating Helpful Incentives to Produce Semiconductors \(CHIPS\) and Science Act of 2022](#) (CHIPS and Science Act) requires federal funding agencies (e.g., National Science Foundation (NSF), Department of Energy (DOE), etc.) to establish policies that require “Covered Individuals” to disclose if they are a party to a Foreign Talent Recruitment Program (FTRP) contract, agreement or arrangement and to certify at the time of any federal proposal submission and annually thereafter for the duration of affected awards that they are not a party to a Malign Foreign Talent Recruitment Program (MFTRP). NDSU must certify that each Covered Individual who is employed by the institution has been made aware of these requirements.

#### 2. DEFINITIONS

- 2.1 **Covered Individuals:** an individual who contributes in a substantive, meaningful way to the scientific development or execution of a research and development project proposed to be carried out with an award from a federal research agency, and is designated as a Covered Individual by the federal research agency concerned.
- 2.2 **Foreign Talent Recruitment Program (FTRP):** programs organized, managed or funded by a foreign government or foreign government entity, to recruit science and technology professionals or students (regardless of citizenship or national origin).
- 2.3 **Malign Foreign Talent Recruitment Program (MFTRP):** programs/positions/activities that include specified hallmarks (e.g., engaging in unauthorized transfer of intellectual property, being required to recruit trainees for the MFTRP, etc.) AND are programs sponsored by a foreign country of concern or entity based in a foreign country of concern or are on specified lists of FTRP’s or academic institutions.

#### 3. APPLICABILITY

- 3.1 All faculty and staff and students who are Covered Individuals.

#### 4. POLICY:

- 4.1 NDSU prohibits Covered Individuals from participating in MFTRPs.

- 4.2 Covered Individuals must comply with all sponsor policies and certifications regarding MFTRP as they are developed and implemented by the funding agency. Disclosures must be true, complete and accurate to the best of the Covered Individual's knowledge.
- 4.3 In order to comply with federal research agency policies, Covered Individuals must:
  - 4.3.1 Certify upon proposal, and annually thereafter for the duration of an award, that they are not a party to a MFTRP, and
  - 4.3.2 Disclose all participation in FTRP contracts, agreements, or other arrangements. Certifications will not apply to awards made prior to August 9, 2024.
- 4.4 NDSU must certify that Covered Individuals have been made aware of the requirements set forth in this policy.

For more information and procedural components, please see the [Research Security Website: Foreign Talent Recruitment Programs](#).



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HISTORY:

New

