

North Dakota State University

Policy Manual

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](#).

HISTORY:

New 8/14/2024 (Interim); 10/24/2024