

MEMORANDUM

TO: UAH Research Community

From: Office of The Vice President for Research and Economic Development
Office of The Provost and Executive Vice President for Academic Affairs

Date: Effective April 1, 2024

Subject: Addressing Undue Foreign Influence and Enhancing Research Security

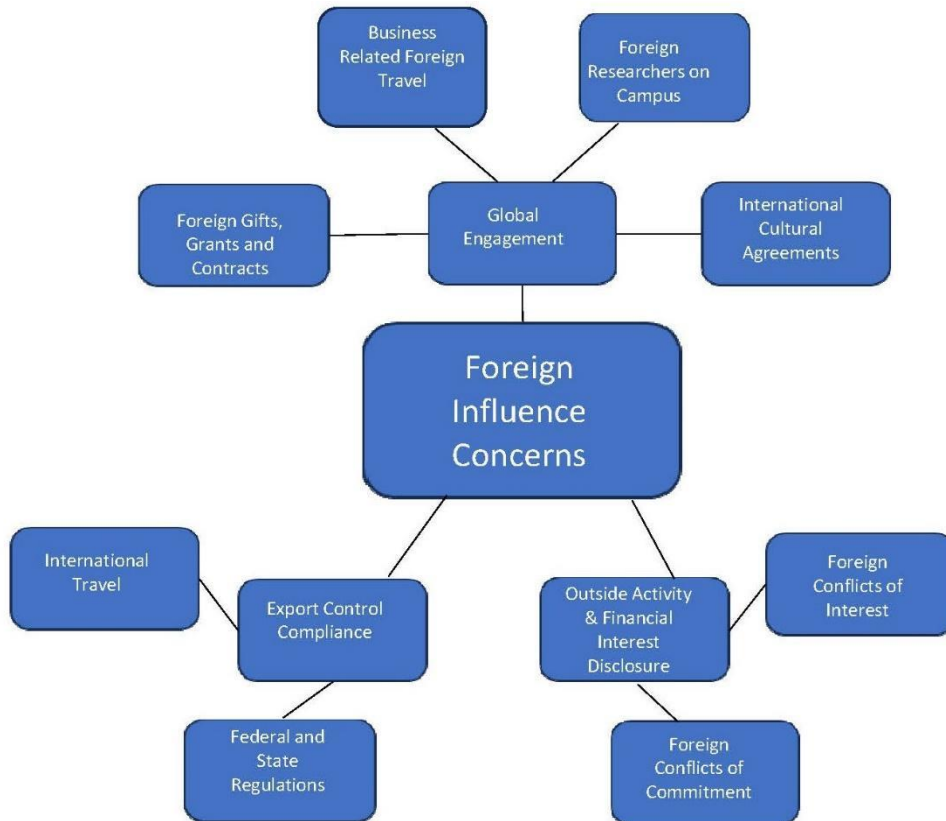
Purpose: Federal and state agencies continue to express concerns about transfers of federally funded research and other IP from US universities and businesses to foreign entities. Such transfers are often illegal, but even when such transfers are legal, the failure to disclose foreign activities can be illegal, especially based on how federal funders, including the Department of Defense (DoD), the National Aeronautics and Space Administration (NASA), the National Institutes of Health (NIH), and the National Science Foundation (NSF), and other federal agencies, are interpreting and supplementing their requirements.

If the government can show that a funded researcher failed to disclose foreign activities as part of a grant application, then the government can take (and, increasingly, is taking) legal action against the researcher because the failure to disclose fully may constitute fraud and involve making a false statement. In short, mandatory disclosure requirements are being interpreted to require comprehensive disclosure of foreign activities and research support and to require universities to have a higher level of awareness about our faculty and research staff's foreign activities than ever before. This memorandum seeks to address undue foreign influence and enhance research security.

Engagement with foreign students, scholars, and institutions has long been a cornerstone of the university's mission. We have and will continue to advocate forcefully for this critical engagement. The steps we are taking in response to the federal and state concerns outlined herein are not intended to diminish the robust international activity that is part of the fabric of our institution. Rather, they are intended to help UAH meet its obligation to comply with federal and state requirements concerning undue foreign influence, to help inform our faculty and researchers of these requirements, and assist them in avoiding legal liability resulting from failure to disclose certain foreign activities. By acting responsibly and thoughtfully, we may avoid more burdensome, less tailored government requirements. While the government is raising these concerns in the context of foreign influence, we believe that about the steps outlined in this memorandum will also further the interests of research integrity and transparency more generally.

Scope This memorandum applies to all Investigators, Principals, Co-Investigators, Key Personnel, Graduate Students, faculty, staff, and students who engage in research on behalf of UAH.

Definitions **Foreign influence** is the inappropriate or inadvertent sharing of confidential and/or proprietary information, intellectual property, or data of grant applications, unpublished research, or technologies.



Key Personnel are the program director/principal investigator (PD/PI) and other individuals who contribute to the scientific development or execution of a project in a substantive, measurable way, whether or not they request salaries or compensation.

This memorandum is subject to all applicable laws, including, but not limited to, UAH policies. Therefore, UAH will continue to require relevant employees, faculty, staff, and students to comply with the following, among other applicable requirements: [32 CFR 147.4 Guideline B – Foreign Influence](#); [Department of Energy, DOE O 486.1](#), [NSF 19-200 Dear Colleague Letter: Research Protection](#), [Letter to U.S. Research Community from Office of Science and Technology Policy – September 16, 2019](#); [Department of Defense Memo – Actions for the Protection of Intellectual Property, Controlled Information, Key Personnel, and Critical Technologies – March 20, 2019](#); [Science article on DOE policies – February 8, 2019](#); [NIH Dear Colleagues Letter – August 20, 2018](#); [NIH Foreign Interference](#) and DOD informed the academic community of threats to the U.S. research environment by foreign governments in this [letter](#).

Violation of this memorandum constitutes grounds for disciplinary action up to and including termination of employment and/or referral for criminal prosecution. Proposers must ensure the following information is included in the current and pending for all key personnel whether or not the

individual's efforts under the project are to be funded:

- A list of all current research projects the individual is working on and any future funding support the individual has applied to receive, regardless of the source.
- Title and objectives of the other research projects.
- The percentage of time per year to be devoted to the other projects.
- The total amount of funding support the individual is receiving in connection to each of the other research projects or will receive if other the proposals are awarded.
- Name and address of the agencies and/or other parties supporting the other research projects.
- Period of performance for the other research projects.
- Disclosure of all professional external affiliations.
- University review of any professional consulting or research funding agreements
- Disclosure of all extended (e.g., one month or longer) travel (foreign or domestic) to other universities, research labs, or businesses.

The disclosures outlined above should be on an ongoing, not once-a-year, basis, using the existing [conflict of interest system](#) to impose the least burden necessary on research and researchers. Material noncompliance can lead to serious repercussions from the government, funders, and the university, including legal liability. Such repercussions may include, without limitation, the requirement to repay grant funding, prohibitions against receiving further grant funding, reputational harm, loss of salary, expulsion, or termination.

All UAH faculty, staff, and students who do not hold a security clearance and are charging to a research grant or contract are required to complete the **Undue Foreign Influence: Risks and Mitigation Training** in [CITI](#).

The President has designated oversight of foreign influence procedures to the Vice President for Research and Economic Development, International Student and Scholar Services, and the Office of General Counsel. The Assistant Vice President, Contracts and Grants, Research Compliance will oversee the implementation of this memorandum. Please contact the Office of The Vice President for Research and Economic Development at rscompliance@uah.edu with questions.



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