



Guidelines for Foreign Entity Relationships

Recent communications from federal agencies have made it clear that there is increased scrutiny from our research sponsors regarding our relationships with foreign entities. As a result, a number of investigators, here and at other universities, have asked for guidelines in this area. Below is guidance that we hope will help clarify UM's position on various activities relating to foreign entities. Further information may be obtained from the Office of Research Administration, the Office of the Vice Provost for Research, the Office of Faculty Affairs, and the Office of Technology Transfer.

Activities that are permitted, but which require disclosure to UM.

- UM will receive an award/subaward from a foreign university or company.
- A foreign entity (university, government, industry, or foundations) will reimburse investigator travel costs or pay an honorarium to an investigator to participate in a conference or deliver a lecture.
- An investigator will engage in unpaid research activities with a foreign research laboratory-- typically at a university. *However, review and approval may be required* because of intellectual property considerations, or if an investigator's affiliation on research products (such as proposals and publications) will not *solely* be that of UM.
- An investigator participates in research in a foreign country. This must be disclosed as current or pending support in funding applications. This includes grants, gifts, or any other financial support for research. In addition, if a faculty member is a named investigator at another institution, the project should be disclosed even if compensation is not provided. Any resulting publications or presentations must include the investigator's affiliation with UM as a primary affiliation.

Activities that are reviewed on a case-by-case basis.

- A foreign university will pay an investigator directly to participate on a research project as a consultant (this requires approval from the university)
- An academic (non-honorary) title, such as "professor" or "research professor", is conferred at a foreign institution. This requires the approval of the investigator's Chair and/or Dean. Approval is required whether or not the investigator is compensated.
- Recruitment into a foreign "talents" program (e.g., 1000 Talents Plan). If an investigator is considering, or is contacted by, such a program, s/he should notify his/her Dean and/or the Office of the Provost for guidance.



Federal legislation has been considered that would bar individuals who have participated in such programs from receiving grant funding from the Department of Defense. There is some concern that this proposed bar could be revived and/or broadened to include other federal granting agencies, such as the Department of Energy.

- An investigator will take an extended absence overseas while employed at the university (i.e., not on sabbatical or other leave). This generally must be approved by the university in advance, and for a limited period of time. Payment from sponsored sources for any such time must be carefully monitored and fully disclosed to, and acknowledged/approved by, the funding agency and UM.
- Export of data/materials to a foreign entity. This may be done with an appropriate Material Transfer Agreement or Data Use Agreement/Data Transfer Agreement, subject to the export control rules of EAR (Export Administration Regulations; Bureau of Industry and Security, Dept. of Commerce) and/or ITAR (International Traffic in Arms Regulation; Department of State). If an investigator takes or sends equipment, hardware, software, or related technical data abroad, or shares it with foreign persons (e.g., students) *even if it stays in the US*, a federal export license may be required prior to export. A principal investigator on a project that is subject to publication and/or personnel restrictions, or who intends to take or send such items abroad, must consult with the Office of Export Control¹.
- An investigator forgets to disclose a financial interest, but self-discloses the violation. While this is a policy violation, it is preferable that it be discovered via self-disclosure rather than via audit by the university (or worse, by a federal agency). If the non-disclosed interest is a conflict of interest with federally (HHS)-sponsored research, HHS policy (and usually, university policy) requires that UM conduct a retrospective review of the research to check for the introduction of bias.

Activities that are not permitted for UM investigators

- Outside activity for a foreign entity beyond the duration allowed by university policy (normally 1 day/week). An investigator may devote additional outside effort during periods when s/he is not working full-time at the university, such as during unpaid months in the summer for those on 9-month academic year appointments.
- “Double-dipping”; i.e., receiving support for the same project/effort from two different entities (e.g., one foreign and one domestic)

¹ Restricted Party Screening (RPS) is recommended prior to any related business interchange or interaction



- Disclosure of any confidential information (privileged grant application or grant/publication review information, approval status, confidential results, reviewer identity, etc) to any unapproved entity, foreign or domestic.
- Serving as an “honorary” author, researcher or principal investigator at a foreign institution. Any effort, compensation, or authorship credit relating to foreign research must be disclosed, and must be in accord with actual work done/effort expended.
- Development of intellectual property without disclosure to the university, and/or release of intellectual property for work conceived or done as a university investigator to a foreign entity without appropriate licensing/contract from the university.

Some useful links:

NIH reminder on Other Support and Foreign Components:

<https://grants.nih.gov/grants/guide/notice-files/NOT-OD-19-114.html>

NSF “Dear Colleague” letter on Research Protections:

https://www.nsf.gov/pubs/2019/nsf19200/research_protection.jsp