
Response to Undue Foreign Influence on U.S. Academic Research

1 message

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NOTRE DAME RESEARCH

Dear Colleagues,

I am writing to you today about the University of Notre Dame's response to the increasing dialogue heard in various circles about the potential for what is referred to as "undue foreign influence" on U.S. academic research. This issue has received considerable attention from the federal government, federal agencies that sponsor our research, our peer institutions, and the national press.

If you have followed this dialogue, you are aware that the federal government and federal agency research sponsors are concerned about the potential for improper foreign influence in U.S. academic research. Examples include [a letter sent by Francis Collins](#), director of the NIH, alerting the research community to "threats" from foreign entities, and the [FY19 National Defense Authorization Act](#), which includes a provision alluding to the restriction of federal funding to institutions doing business with certain Chinese telecommunications companies. You may also be aware that academic institutions have fired employees and federal labs have changed employment policies. Our representatives in Washington and the research administrators within [Notre Dame Research](#) have followed this dialogue closely. We have also participated in discussions with other academic institutions and have participated with our colleagues to push for reasonable policy that will both address the concerns of the federal government and maintain our principles of international collaborative research. The White House Office of Science and Technology Policy has formed [a committee](#) to address issues important to research and will be holding meetings at institutions across the U.S. to talk with researchers and students about matters of research security.

In his recent letter to the faculty, Provost Burish reiterated Notre Dame's enduring commitment to maintaining borderless collaboration in research, scholarship, and creative endeavor. Stating that, "Advancing the frontiers of science, technology, and the arts requires talent, interaction, and the exchange of ideas with people all over the world. Only through such collaboration can we hope to develop solutions to the

world's most pressing concerns and advance human civilization.” Our goal, is to ensure and commit to the careful stewardship of our programs of research and scholarship while respecting and welcoming our international students and scholars. I would characterize the situation now as a bit more reasoned and predictable than it was a year ago but still at risk of some unexpected developments.

Notre Dame has formed a cross-functional working group to help address this topic. The names of members on the working group can be found at the end of this message. Given what we know now, we have identified situations where we believe there is heightened scrutiny. In light of this reality, it is incumbent on each of us to understand the regulatory landscape surrounding federally funded research and our responsibilities within it. We urge all faculty members and other Notre Dame employees and students involved in the conduct or support of research be mindful of the following [requirements](#):

Peer Review

Information gained through peer review processes – whether reviewing grant applications or publications – is confidential and should not be shared with anyone outside those processes. The Collins letter specifically reminds the research community to adhere to the confidentiality of these processes.

Transparency in Disclosure

Faculty members and other researchers should be thorough and complete in accounting for all forms of research support, including from foreign sources and gifts, in [NIH's Other Support](#), the [NSF's Current and Pending Support](#), and similar documentation submitted to other sponsors; these disclosures are important for the University to meet its compliance obligations.

Faculty members and other researchers must disclose financial interests or other activities that might create the perception of or potential for a conflict of interest – both annually and within 15 days of acquiring any new interests, as required by the [University Conflict of Interest Policy](#). They must also disclose or seek prior approval for activities described in the [University Conflict of Commitment Policy](#), including support from foreign governments and foreign academic institutions, consulting relationships, visiting positions, and all investments in start-up companies. Faculty and other researchers must disclose any involvement in any foreign recruitment or “talent” programs. These programs are of particular interest to the federal government, as they are seen as presenting a uniquely high risk of undermining U.S. economic and security interests.

Compliance with the [Foreign Corrupt Practices Act](#), which prohibits payments to foreign government officials to assist in obtaining or retaining business, is required.

Intellectual Property

Pursuant to the University's [Intellectual Property Policy](#), Intellectual property and inventions must be promptly disclosed and appropriately reported to [the IDEA Center](#) using the [Invention Disclosure Form](#) to ensure intellectual property is protected.

Export Controls

Notre Dame expects research activities performed for any sponsor, especially non-U.S. sources, will be fundamental in nature and placed in the public domain or disseminated freely in open publication, without restrictions. Any deviation from this practice should be discussed with [Notre Dame Research Administration](#) (NDRA) prior to accepting the work; a separate review by Notre Dame's Export Control officer may be required.

To ensure compliance with the University's obligations under U.S. export control laws and other applicable laws and regulations, the University must maintain a thorough understanding of the entities with which we work and share information. Accordingly, University faculty members, staff, and students are required to coordinate with Notre Dame's Export Control Officer in any case in which collaboration or sponsorship of research with University personnel or is proposed by a non-U.S.-owned company or foreign government-related entity (either a person, company, or governmental organization) in order to verify that export control or U.S. government sanction obligations are satisfied.

Export control regulations seek to protect our national economic competitiveness, national security, and enforce U.S. trade sanctions. These regulations are complex and constantly evolving. For example, several countries are under comprehensive federal embargo (Cuba, Iran, North Korea, Syria, and the Crimea Region of the Ukraine). Travel to/from these countries/territories should be disclosed to Notre Dame's Export Control Officer as early as possible in advance of the anticipated travel to ensure appropriate clearance can be obtained.

Notre Dame faculty and staff members traveling internationally on University business should register at the University's [Travel Registry](#); students are required to register. International travelers should also consult with the [Office of Information Technologies](#) to ensure that any information carried abroad is properly secured and to review the [Information Security Standards for International Travel](#).

Policies for Engaging Visiting Collaborators

Visiting scientists and other researchers are essential to our research programs. It is important to follow proper appointment processes to ensure that individuals are properly vetted and that their access to University resources and systems is appropriate for the purpose of their work. We must be professional and diligent in evaluating the nature of any visiting collaborators, especially for those visitors with extended stays or who do not have the appropriate background for the anticipated research activity. Activities that raise suspicion should be reported to your Dean's office and NDRA. In the coming months, we will issue more comprehensive guidance regarding hosting international visitors.

Proper Security of Materials, Data, and Confidential Information

Faculty members and staff who plan to share research materials or data with other institutions, foreign or otherwise, should ensure that an institutionally approved agreement is in place between Notre Dame and that institution, such as a material

transfer agreement (MTA), data use agreement (DUA), or nondisclosure agreement (NDA) to govern the use of those materials or data. [Notre Dame Research Administration](#) provides guidance on these agreements.

Similarly, faculty members and staff should consult with NDRA before accepting any sensitive or controlled information under a research contract that may require heightened physical or cybersecurity requirements.

Faculty members and investigators must ensure that all agreements are reviewed and signed by institutional officials with specific delegation of signatory authority under the University's bylaws.

Working Group Members

- Jim Brockmole, Associate Dean for Research, Professor of Psychology, College of Arts and Letters
- Dave Delgado, Research Security Program Director, Notre Dame Research
- Brian Flaherty, Program Director, Strategic Initiatives, The Graduate School
- Tim Flanagan, Associate General Counsel, Office of General Counsel
- Patrick Gibbons, Executive Director of Academic Communications, Office of the Provost
- Bert Hochwald, Professor of Electrical Engineering, College of Engineering
- Jun Li, Associate Professor, Applied Computational Mathematics and Statistics, College of Science
- Greg Luttrell, Director Research Contracts and Export Control Officer, Notre Dame Research Administration
- Christine Maziar, Vice President and Senior Associate Provost, Office of the Provost
- Laura McAleer, Associate Vice President for Federal and Washington Relations, Office of Public Affairs and Communications
- Jonathan Noble, Assistant Provost for Internationalization, Notre Dame International

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