

Policy on Malign Foreign Talent Recruitment Programs & Foreign Talent Recruitment Programs

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| Effective Date: | October 1, 2025 |
| Supersedes: | n/a |
| Policy Review Date: | To be reviewed every 1 year from effective date |
| Issuing Authority: | Research Foundation President |
| Policy Owner: | VP Sponsored Programs & Regulatory Affairs |
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Reason for Policy

The United States government is increasingly concerned with attempts by some foreign governments to inappropriately gain access to commercial and university-based research and research facilities in the United States, particularly federally-funded research, through the use of programs that encourage or require unethical or criminal behavior or impose requirements that may conflict with the terms of federal research or development awards, as well as through cyber-enabled tactics such as credential compromise, unauthorized data access, or exfiltration of sensitive digital research assets, resulting in foreign access to sensitive research or the misappropriation of intellectual property. The Research Foundation for SUNY ("RF") is committed to assuring due diligence is carried out to ensure that the research administered by the RF is not compromised by adversarial governments.

Statement of Policy

1. All individuals that work on any project, grant, or award administered by the RF are prohibited from participating in Malign Foreign Talent Recruitment Programs.
2. Consistent with [SUNY Board of Trustees Resolution No. 2019-49](#) all faculty, employees, students and others working on any grant, project, or award administered by the RF must disclose **all** foreign interests that could reasonably appear to be related to the individual's institutional responsibilities, including but not limited to:
 - Professional affiliations, including employment arrangements or positions and scientific appointments with a foreign entity (including non-compensated activities such as serving on advisory, scientific and other boards);
 - Receipt of compensation (income) from a foreign resource or entity (excluding compensation for activities formally done through SUNY or the RF);
 - Foreign grant support (excluding support received through an agreement with SUNY or the RF);

- Receiving foreign in-kind resources, which includes support for visiting scholars or students, supplies, laboratory space, materials, or equipment (excluding resources received through an agreement with SUNY or the RF); and
- Participation in Foreign Talent Recruitment Programs (whether malign or not).

Disclosures need to be made via the routine disclosure process pursuant to the Conflicts of Interest in Public Health Service Sponsored Programs Policy or the applicable policies at individual operating locations.

Investigators must comply with any applicable federal agency certification requirements regarding participation in Foreign Talent Recruitment Programs and Malign Foreign Talent Recruitment Programs.

This policy is meant to work in conjunction with any existing campus policies and procedures governing participation in Foreign Talent Recruitment Programs and disclosure of foreign interests.

Responsibilities

The following table outlines the responsibilities for compliance with this Policy:

| Responsible Party | Responsibility |
|---|--|
| Investigators (SUNY or RF employees who are the project director or principal investigator, senior key personnel, or any other person, including a student or post-doctoral fellow, regardless of title or position, who are responsible for the design, conduct or reporting of federally-funded research, or proposed for such funding, which may include, for example, collaborators or consultants) | <p>Do not participate in a Malign Foreign Talent Recruitment Program.</p> <p>Disclose all foreign interests that could reasonably appear to be related to your institutional responsibilities, including participation in any Foreign Talent Recruitment Program (whether malign or not).</p> <p>Comply with any applicable federal agency certification requirements regarding participation in Foreign Talent Recruitment Programs and Malign Foreign Talent Recruitment Programs, and complete institutional training that includes cyber hygiene, export controls, and disclosure procedures.</p> <p>Report any known or suspected participation in or solicitation by a Malign Foreign Talent Recruitment Program through established reporting channels.</p> |

| Responsible Party | Responsibility |
|--|--|
| Individuals who perform work on any project, grant, or award administered by the RF (e.g. "Other Personnel" as defined in Exhibit II-3 of PAPPG) | <p>Do not participate in a Malign Foreign Talent Recruitment Program.</p> <p>Disclose all foreign interests that could reasonably appear to be related to your institutional responsibilities, including participation in any Foreign Talent Recruitment Program (whether malign or not).</p> <p>Report any known or suspected participation in or solicitation by a Malign Foreign Talent Recruitment Program through established reporting channels.</p> |

Definitions

Foreign Talent Recruitment Program – Any program, position, or activity that includes compensation in the form of cash, in-kind compensation, including research funding, promised future compensation, complimentary foreign travel, things of non de minimis value, honorific titles, career advancement opportunities, or other types of remuneration or consideration directly provided by a foreign country at any level (national, provincial, or local) or their designee, or an entity based in, funded by, or affiliated with a foreign country, whether or not directly sponsored by the foreign country, to an individual, whether directly or indirectly stated in the arrangement, contract, or other documentation at issue.

A foreign talent recruitment program does not include the following international collaboration activities, so long as the activity is not funded, organized, or managed by an academic institution or a foreign talent recruitment program on the lists developed under paragraphs (8) and (9) of Section 1286(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note; Public Law 115-232):

- Making scholarly presentations and publishing written materials regarding scientific information not otherwise controlled under current law;
- Participating in international conferences or other international exchanges, research projects or programs that involve open and reciprocal exchange of scientific information, and which are aimed at advancing international scientific understanding and not otherwise controlled under current law;
- Advising a foreign student enrolled at an institution of higher education or writing a recommendation for such a student, at such student's request; and
- Engaging in the following international activities:
 - Activities that are partly sponsored or otherwise supported by the United States such as serving as a government appointee to the board of a joint scientific fund (e.g., the U.S.- Israel Binational Industrial Research and Development Foundation); providing advice to or otherwise participating in international technical organizations, multilateral scientific organizations, and standards setting bodies (e.g., the International Telecommunications Union, Intergovernmental Panel on Climate Change, etc.); participating in a Fulbright Commission program funded in whole or in part by a host country government; or other routine international scientific exchanges and interactions such as providing invited lectures or participating in international peer review panels.

- Involvement in national or international academies or professional societies that produce publications in the open scientific literature that are not in conflict with the interests of the federal research agency (e.g., membership in the Pontifical Academy of Sciences or The Royal Society).
- Taking a sabbatical, serving as a visiting scholar, or engaging in continuing education activities such as receiving a doctorate or professional certification at an institution of higher education (e.g., the University of Oxford, McGill University) that are not in conflict with the interests of the federal research agency.
- Receiving awards for research and development which serve to enhance the prestige of the federal research agency (e.g., the Nobel Prize).
- Other international activities determined appropriate by the federal research agency head or designee.

Investigator- A SUNY or RF employee who is the project director or principal investigator, senior key personnel, and any other person, including a student or post-doctoral fellow, regardless of title or position, who is responsible for the design, conduct or reporting of federally-funded research, or proposed for such funding, which may include, for example, collaborators or consultants.

Malign Foreign Talent Recruitment Program- Any program, position, or activity that includes compensation (cash, in-kind, research funding, promised future compensation, complimentary foreign travel, items of non-de minimis value, honorific titles, career advancement opportunities, or other types of remuneration or consideration directly provided by a foreign country at any level (national, provincial, or local) or their designee, or an entity based in, funded by, or affiliated with a foreign country, whether or not directly sponsored by the foreign country, to the targeted individual, whether directly or indirectly stated in the arrangement, contract or other documentation at issue, in exchange for the individual:

- engaging in the unauthorized transfer of intellectual property, materials, data products, or other nonpublic information owned by a U.S. entity or developed with a federal research and development award to the government of a foreign country or an entity based in, funded by, or affiliated with a foreign country regardless of whether that government or entity provided support for the development of the intellectual property, materials, or data products;
- being required to recruit trainees or researchers to enroll in such program, position, or activity;
- establishing a laboratory or company, accepting a faculty position, or undertaking any other employment or appointment in a foreign country or with an entity based in, funded by, or affiliated with a foreign country if such activities are in violation of the standard terms and conditions of a federal research and development award;
- being unable to terminate the foreign talent recruitment program contract or agreement except in extraordinary circumstances;
- through funding or effort related to the foreign talent recruitment program, being limited in the capacity to carry out a research and development award or required to engage in work that would result in substantial overlap or duplication with a Federal research and development award;
- being required to apply for and successfully receive funding from sponsoring foreign government's funding agencies with the sponsoring foreign organization as the recipient;
- being required to omit acknowledgement of the recipient institution with which the individual is affiliated, or of the Federal research agency sponsoring the research and development award, contrary to the institutional policies or standard terms and conditions of the Federal research and development award;

- being required to not disclose to the Federal research agency or employing institution the participation of such individual in such program, position, or activity; or
- having a conflict of interest or conflict of commitment that is contrary to the standard terms and conditions of the Federal research and development award;

AND

A program that is sponsored by:

- a foreign country of concern or an entity based in a foreign country of concern, whether or not directly sponsored by the foreign country of concern;
- an academic institution on the lists developed under Sec. 1286(c)(8) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note; Public Law 115-232); or a foreign talent recruitment program on the list developed under section 1286(c)(9) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note; Public Law 115-232).

Related Information

[Conflicts of Interest in Public Health Service Sponsored Programs Policy](#)

[SUNY Chancellor's September 2019 Memo on Foreign Disclosure and Export Controls](#)

Forms

None

Change History

| Date | Summary of Change |
|-----------------|-------------------|
| October 1, 2025 | New Policy |

Feedback

Was this document clear and easy to follow? Please send your feedback to webfeedback@rfsuny.org.