

Addressing Inappropriate Foreign Influence and Enhance Research Integrity at IU

Federal and state concerns about transfers of federally funded research and other IP from US universities and businesses to foreign entities have escalated in recent years. Such transfers are often not illegal, but the failure to disclose foreign activities can be, especially as federal funders, and particularly the NIH and the NSF, 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 not because the underlying activity was illegal, but rather because the failure to disclose fully may constitute fraud. This same approach is being used with US universities that receive federal funding. In short, existing and new disclosure requirements are being interpreted to require more disclosure of foreign activities and research support, and to require universities to have a higher level of awareness about our faculty's foreign activities than ever before.

At Indiana University, 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 that we are taking in response to the federal and state concerns outlined here are not intended to diminish the robust international activity that is part of the fabric of our institution. Rather, they are intended to help IU meet its obligation to comply with government requirements concerning inappropriate foreign influence and to help inform our faculty and other researchers of these requirements and assist them to avoid legal liability resulting from failure to disclose certain foreign activities. And by acting responsibly and thoughtfully, we may avoid more burdensome, less tailored government requirements.

In addition, while the government is raising these concerns in the context of foreign influence, **we believe that for IU and other research universities they also raise questions about research integrity and transparency.**

IU therefore is taking additional actions, including updating its policies to require:

1. Disclosure of all professional external affiliations, new and existing. This would **not** apply to personal, political, religious, or charitable affiliations. We should know about any professional affiliation or sources of research support from entities other than IU that a researcher discloses (or should disclose) in any professional grant, publication, or presentation.

2. University review of any professional consulting or research funding agreements that involve payment or research support (e.g., funding, space, materials, and personnel) by a third party to or for the benefit of a university employee, and:
 - a. The use or transfer of any IU IP;
 - b. The use of transfer of any IU data or equipment;
 - c. The use of any IU personnel (other than the person making the disclosure); or
 - d. Research or related activities in any field in which the researcher also receives federal funding.

We are **not** trying to discourage external activities, compensated or otherwise, but rather to ensure that any agreements establishing them do not adversely affect IU's interests or our faculty's interests. We obviously are not able to provide personal legal services to our employees, but we can at least help flag for them what they are committing to or signing away and what will raise issues with federal funders.

3. Disclosure of all extended (e.g., one month or longer) travel (foreign or domestic) to other universities, research labs, or businesses. Federal officials believe universities should be aware of extended faculty absences, especially when they involve work at foreign institutions. IU also has an interest in knowing when its faculty are working at other institutions for extended periods, whether those institutions are foreign or domestic. This would **not** apply to travel (such as vacations) that does not involve significant work for a third party. Again, we are not trying to discourage such engagements, but rather to ensure that they are not compromising IU's interests or creating difficulties for our faculty with federal officials.

The disclosures outlined above should be on an on-going, not once-a-year, basis, using the existing conflict of interest system to impose the least burden necessary on research and researchers. In addition to the policy changes above, IU will also:

4. Establish university oversight of all research appointments at IU, including visiting positions. Currently the campus or the university scrutinizes faculty appointments, but we often do not even have advance knowledge of other research appointments (e.g., post-docs and other grant-funded appointments). It is important that there be both a university-level check against the various USG entity lists and a department-level review, subject to university-level procedures, to assess basic qualifications.

Questions have already been added to the Applicant Information E-Form International visitors to IU who require official sponsorship—including H-1B, J-1, and O-1 visa applicants—asking whether the applicant holds or will hold at the time of appointment an active affiliation or position with a military organization or security agency, and whether the applicant expects that his or her appointment will be funded by a foreign military organization or security agency. Applicants who answer yes will be asked to provide details of the military organization or security agency and their affiliation. If the military organization or security agency is included on the U.S. government's list of

restricted foreign entities (currently China, Cuba, Iran, North Korea, Sudan, and Syria), the application will be denied. If the military organization or security agency is not included on that list but has been flagged by the U.S. government as posing security concerns (currently Iraq, Libya, Russia, Venezuela, Yemen, and Turkey), the application will be subjected to a risk-based review by the Research Security Office that takes into account the nature of the affiliation and organization or agency and the field of study.

5. Update Graduate Student Admission Applications to seek information about active affiliations with, and/or funding from, military organizations or security agencies. New questions have been incorporated into the system-wide application process. Those questions, posed to all applicants—international and domestic—ask whether the applicant holds or will hold at the time of enrollment an active affiliation with a military organization or security agency, and, whether the applicant expects that his or her graduate education will be funded by a military organization or security agency. Applicants who answer yes will be asked to provide details of the military organization or security agency and their affiliation. If the military organization or security agency is included on the U.S. government’s list of restricted foreign entities, the application will be denied. If the military organization or security agency is not included on that list but has been flagged by the U.S. government as posing security concerns, the application will be subjected to a risk-based review by the Research Security Office that takes into account the nature of the affiliation and organization or agency and the field of study.

IU will make clear that material noncompliance can lead to serious repercussions from the government, funders, and the university, including legal liability, requirements to repay grant funding, prohibitions against receiving further grant funding, reputational harm, loss of salary, expulsion, or termination.

6. IU will also provide ongoing education for all faculty, graduate students, and visitors about the university’s expectations and relevant legal requirements. This education will help individuals avoid missteps that can create liability.
7. The university has established a Research Security Office under the Vice President for Research to help administer these changes, lead educational efforts, assist researchers with protecting the security of their own facilities and data, and work to minimize the burden on faculty and other IU employees. This office will also provide a central point of contact and a repository of foreign influence-related disclosures and other information.

The President has designated oversight of foreign influence policies to the Vice President for Research, Vice President for International Affairs, and the Vice President and General Counsel. Carl Rhine, Director of the Research Security Office, will oversee implementation and educational efforts.