

August 16, 2019

Dear WSU Colleagues:

We write today about an issue that is receiving increased attention by the federal government and all major federal agencies that support and sponsor research at Wichita State University: foreign influence in academic research.

In recent months, the U.S. Government has expressed, and continues to express growing concern regarding the influence of foreign governments, entities, and individuals over federally-funded research. Areas of rising concern currently include theft of intellectual property, failure or alleged failure to disclose conflicts of interest with foreign entities and/or individuals, research collaborations with foreign entities and/or individuals, and participation in and collaboration with foreign talent programs.

Wichita State University encourages and values international collaborations and is committed to academic freedom and the ability of our researchers and scholars to communicate, exchange ideas, and collaborate with their counterparts around the world. However, it is critical that our investigators be transparent about their foreign relationships and activities so as not to jeopardize eligibility for future funding.¹ This transparency protects you, your international collaborators, the Federal government, and WSU as a whole. Timely and full disclosure of all international activities allows the university to conduct appropriate review to determine if there are any actual or potential conflicts of commitment or interest, duplication of research, and/or diversion of intellectual property in the performance of federally-funded research. Failure to disclose all relationships, regardless of whether these relationships and collaborations are tied to any funding, could result in the termination of project funding and potential ineligibility for future funding both for individual projects and researchers and for the university as a whole.

Multiple federal agencies have taken steps to guard against and mitigate the effects of improper foreign influence both with regard to their own personnel as well as federally-funded researchers at U.S. academic institutions. It is imperative that all of us remain cognizant of the Federal government's continued concerns and response to foreign influence and the actions we as a research university must take in response to these realities.

In an effort to keep our entire campus community informed, below is a summary of the latest agency guidance regarding federally-funded research. Even as we issue this memo, these and other federal agencies are seeking comment on and are contemplating additional regulations and restrictions. It is therefore critical that you work with the Office of Research and Technology Transfer (ORTT) and the Office of General Counsel for all research activities, regardless of subject matter, dollar amount, or sponsorship.

DEPARTMENT OF DEFENSE

In August 2018, Congress passed the National Defense Authorization Act (NDAA) of 2019 ([H.R. 5515](#)) which, among other things, charged the Secretary of Defense, in consultation with other appropriate government organizations, to “establish an initiative to work with academic institutions who perform defense research and engineering activities . . . to limit undue influence, including through foreign talent programs, by countries to exploit United States Technology...”

Just as companies and organizations recruit and compete for exceptional employees, so do entire countries. Many foreign governments find themselves actively competing with the U.S. to recruit the best and brightest. In order to attract such talent, some foreign governments are providing direct financial incentives to scientists, researchers, and scholars to work in their country. These foreign governments may also create comprehensive retention programs, both for their own talented citizens as well as U.S. citizens. Recruitment incentives can include, but are not limited to competitive salaries, tenure, promotion, research funding, honorific titles, and state-of-the-art research facilities.

¹ Per WSU [Policy 3.04](#) (Commitment of Time, Conflict of Interest, Consulting and Other Employment), every WSU employee must annually report to the university potential or actual conflicts of time or commitment. Reporting can be done online via myWSU.

On March 20, 2019, DoD issued a [memo](#) directing that all new DoD Notices of Funding Opportunities pertaining to research and research-related educational activities include a requirement that proposers provide additional information on the other support and commitments of all key personnel, regardless of whether the proposal is funded.

NATIONAL INSTITUTES OF HEALTH

In March 2018, the National Institutes of Health (NIH) issued a notice reminding research institutions that Principal Investigators (PIs), co-PIs, and sub-awardees must disclose all foreign financial interests. In August 2018, NIH Director Dr. Francis Collins testified before Congress regarding the risk of inappropriate foreign influences on research integrity. Subsequent to that testimony, Dr. Collins issued a “[Dear Colleagues](#)” letter to the NIH grantee community describing “threats” from foreign entities, reiterating the requirement of disclosing “relevant affiliations,” and identifying three areas of concern for grantees: (1) improper handling of intellectual property, (2) peer review violations, and (3) failure to disclose “substantial resources.” As a result of this letter, the NIH also convened a [working group](#) to develop and recommend to NIH formal policy guidance. The working group issued its [final recommendations](#) in December 2018. Additional policy guidance from NIH is expected in the near future. On July 10, 2019, NIH issued “[Reminders of NIH Policies on Other Support and on Policies related to Financial Conflicts of Interest and Foreign Components](#),” again reiterating expectations for disclosure of other support, foreign components, and financial conflicts of interest. NIH-funded researchers must “report foreign activities through documentation of other support, foreign components, and financial conflict of interest to prevent scientific, budgetary, or commitment overlap.” Other Support includes “**all** resources made available to a researcher in support of and/or related to **all** of their research endeavors, **regardless** of whether or not they have monetary value and regardless of whether they are based at the institution the researcher identifies for the current grant.” FAQ can be found [here](#).

NATIONAL SCIENCE FOUNDATION

In October 2018, the National Science Foundation (NSF) issued a statement reminding U.S. universities of the need to rigorously and transparently adhere to conflict of interest and commitment policies. On July 11, 2019, NSF Director France Cordova issued a “[Dear Colleagues](#)” letter outlining NSF existing disclosure expectations for current and pending agency support, announcing an independent scientific advising commission (JASON) to further study the issues related to science and security, and issuing a policy that NSF personnel and IPAs detailed to NSF cannot participate in foreign government talent recruitment programs. This letter references the draft [NSF Proposal and Award Policies and Procedures Guide](#) published in May 2019.

DEPARTMENT OF ENERGY

On December 14, 2018, the Department of Energy (DOE) announced plans for an International Science and Technology Engagement Policy focusing on intellectual property, conflict of interest, and disclosure. On January 31, 2019, DoE issued a [policy memorandum](#) requiring employees, contractors, fellows, interns, and grantees to fully disclose and, as necessary, terminate all affiliation with foreign government-supported talent recruitment programs. In June 2019, DoE issued a [memorandum](#) announcing it will restrict its employees, contractor personnel, and grantees from participating in talent recruitment programs operated by “sensitive” countries.

NASA

NASA has had long-standing restrictions on using NASA funds to enter into agreements “to participate, collaborate, or coordinate bilaterally in any way with China or any Chinese-owned company, at the prime recipient level or at any subrecipient level, whether the bilateral involvement is funded or performed under a no-exchange of funds arrangement.”

WHAT YOU SHOULD DO RIGHT NOW:

1. Disclose financial interests and outside professional activities in accordance with WSU Policy [3.04](#) (Commitment of Time, Conflict of Interest, Consulting and Other Employment). Activities requiring disclosure include support from foreign governments and foreign academic institutions, domestic and foreign consulting relationships, visiting positions at domestic and foreign institutions, investment in start-up or other companies, outside consulting, etc.

2. Discuss any invitation for any academic appointment or position at another domestic or international institution (visiting, honorary, or other) with your Dean and ORTT **prior** to accepting the appointment.
3. Disclose to your Dean and ORTT any involvement in a foreign recruitment or “talent” program.
4. Discuss any anticipated foreign travel with your Dean, ITS, and ORTT **prior** to such travel, to ensure that any information carried abroad is properly secured.
5. When collaborating or sharing materials or data with other institutions or organizations, foreign or otherwise, ensure appropriate written agreements are in place, in accordance with WSU Policy [1.04](#) (Execution of Contracts) and [9.03](#) (Research and Sponsored Program Authorization). ORTT and the General Counsel’s Office can provide guidance on these agreements. **REMEMBER: ALL AGREEMENTS MUST BE REVIEWED AND SIGNED BY UNIVERSITY OFFICIALS WITH APPROPRIATE SIGNATURE AUTHORITY.**
6. Disclose and submit for review any gift from or contract with a foreign source to the General Counsel’s Office, regardless of dollar amount, in accordance with WSU Policy [13.16](#) (Foreign Gifts and Contracts).
7. Promptly disclose any potential inventions or other intellectual property to the university.

Updates and any additional correspondence that we receive from federal agencies, as well as other tools and resources, will be posted as they become available on ORTT’s [webpage](#).

We will continue to work closely with professional academic organizations and government leaders to ensure that the value of international engagement for our entire WSU community is well understood. We recognize that these issues are complex and navigating them can be overwhelming. Staff in the offices that support research and contracting are dedicated to working together with you to protect the integrity of your research and that of our entire university in these changing times. Should you have any questions, please reach out to ORTT or the Office of General Counsel.

As always, thank you for the important work you do and for working with us to ensure compliance with these issues and concerns.

Sincerely,

John Tomblin
Vice President of Research and Technology Transfer

Rick Muma
Provost