

Global Engagement

December 14, 2022

*Office of Export Controls, Conflict of Interest, and Responsible
Conduct of Research
Division of Research*



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National Security Presidential Memorandum 33 (NSPM-33)

Guidance for Implementing NSPM-33 on National Security Strategy for United States Government-Supported Research and Development – January 2022

- Strengthen protections of U.S. Government-supported R&D against foreign government interference and misappropriation, while maintaining an open environment to foster research discoveries and innovation that benefit the United States and the world.
- Outlined 5 commitments in the following areas:
 - 1) Disclosure Requirements: disclosure of all sources of research support and all types of appointments and affiliations so that agencies and institutions can identify any areas of commitment, funding, or scientific overlap.
 - Biographical disclosures
 - Research Support disclosures
 - Conflict of Interest/Commitment disclosures
 - 2) Research Security Program Requirements: it is anticipated that OSTP will issue specific requirements “later in 2022” but will include the following components:
 - Cybersecurity
 - Foreign Travel Security/Training
 - Research Security Training
 - Export Control Training
 - 3) Digital Persistent Identifiers
 - 4) Sharing Information
 - 5) Consequences for Violations of Disclosure Requirements

2

International Collaborations

- **Foreign influence:** refers to actions and behaviors by foreign entities against a U.S. party/parties.
- U.S. sponsor concerns when they appear to operate with the intent to further the military and/or economic goals of a foreign government by:
 - acquiring proprietary technology or software, unpublished data and methods, or other intellectual property
- Possible actions include:
 - Foreign employment arrangements
 - Foreign grant support that creates problems with overlap, or over-commitment
 - Non-disclosure of substantial foreign research support as required by Federal sponsor and/or University requirements
 - Undisclosed foreign grants and/or hidden transfers of information, know-how, data, person-time
- Federal agencies have issued statements expressing growing concerns over the potential for foreign influence:
 - failure by some researchers to disclose contributions of resources from other organizations, including foreign governments
 - diversion of intellectual property to foreign entities
 - sharing of confidential information by peer reviewers with others, including in some instances with foreign entities, or otherwise attempting to influence funding decisions

3

Foreign Talent Recruitment Program

- **Foreign Talent Recruitment Program:** based on the U.S. Office of Science and Technology Policy's National Security Presidential Memorandum 33 (NSPM-33), a foreign government talent recruitment program is an effort organized, managed, or funded by a foreign government, or a foreign government instrumentality or entity, to recruit science and technology professionals or students (regardless of citizenship, national origin, or full-/part-time status).
- U.S. sponsor concerns when they appear to operate with the intent to further the military and/or economic goals of a foreign government by:
 - acquiring proprietary technology or software, unpublished data and methods, or other intellectual property
- Possible actions include:
 - Incentivizing/compensating the participant to relocate physically to a foreign country to import/acquire the proprietary technology, software, etc.
 - Allowing for or encouraging the participant to receive U.S. Federal research funds while concurrently working at and/or receiving compensation from a foreign institution for the same, or similar, work
 - Directing participants not to disclose their participation to United States entities
 - Compelling participants to enter into contracts that conflict with their responsibilities to their home institution, or that are disallowed by their home institution
- Compensation could take many forms including: cash, research funding, complimentary foreign travel, honorific titles, career advancement opportunities, promised future compensation, or other types of remuneration or consideration, including in-kind compensation.

4

System Regulation 15.05.04 High Risk Global Engagements and High Risk International Collaborations

- New regulation effective August 18, 2022
- What is a High Risk Global Engagement?
 - contracts with one or more Foreign Persons based outside the United States in a Country of Concern
- What is a High Risk International Collaboration?
 - any of the following relationships with Foreign Persons based outside the United States in a Country of Concern: student and faculty exchanges; placements abroad; unfunded research relationships; technical assistance; unfunded professional development, training, and services; unfunded outside appointments, honorary positions, peer review, or distinguished positions; unfunded outside support including but not limited to lab space or other resources, provided either physically or virtually; activities with Foreign Persons traditionally compensated by a payment, honorarium, or paid travel expenses.
- Currently, what are the Countries of Concern?
 - China, Russia, Iran, and North Korea
- What does this mean?
 - High risk global engagements and high risk international collaborations will now require additional reviews and approvals, including final approval from the Texas A&M System Vice Chancellor for Research.
 - Currently, OGC has indicated that high risk global engagements and high risk international collaborations refers to “all academic and research (funded and unfunded) agreements between the university and an entity domiciled in or person located in, citizen of, or ordinarily resident in a country of concern.”
- University Rule and FAQs are in process

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System Regulation 15.01.03, Financial Conflicts of Interest in Sponsored Research

Significant financial interest (SFI) – a financial interest, including but not limited to one or more of the following interests of the investigator (and those of the investigator’s covered family members), that reasonably appears to be related to the investigator’s institutional responsibilities:

- (a) With regard to any publicly traded entity, a significant financial interest exists if the value of any remuneration received from the entity in the 12 months preceding the disclosure and the value of any equity interest in the entity as of the date of disclosure, when aggregated, exceeds \$5,000.
- (b) With regard to any non-publicly traded entity, a significant financial interest exists if the value of any remuneration received from the entity in the 12 months preceding the disclosure, when aggregated, exceeds \$5,000.
- (c) Intellectual property and royalty interests (e.g., patents, copyrights), upon receipt of income related to such rights and interests.
- (d) The occurrence of any reimbursed or sponsored travel (i.e., that which is paid on behalf of the investigator and not reimbursed to the investigator so that the exact monetary value may not be readily available), related to their institutional responsibilities; provided, however, that this does not include travel that is reimbursed or sponsored by a federal, state or local government agency, an institution of higher education as defined at 20 U.S.C. §1001(a), an academic teaching hospital, a medical center or a research institute that is affiliated with an institution of higher education.
- (e) Gifts, when the value of a single gift received by the investigator or a covered family member in the preceding 12 months exceeds \$250, or when the aggregated value of multiple gifts received from a single entity within the preceding 12 months exceeds \$250, excluding gifts received from a covered family member.
- (f) Any fiduciary position held by an investigator or a covered family member in a for-profit or nonprofit entity in the preceding 12 months, including a position as a member of the board of directors, an officer or other executive or management position for which the investigator or covered family member received any form of remuneration or reimbursement for expenses.

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System Regulation 31.05.01, Faculty Consulting and/or External Professional Employment – updated April, 2020

- Faculty consulting and/or external professional employment – any work, advice or service related to a faculty’s field of discipline for which a system faculty member receives compensation, services, goods, or any other item of value. The term includes, but is not limited to, any fee-for-service or equivalent relationship with a third party, employment by an individual, self employment, or employment by an entity in which the faculty member is a principal owner. **In addition, the provision of certain types of scholarly or research expertise to foreign entities without compensation constitutes “faculty consulting and/or external professional employment” for purposes of this regulation. These types include, but are not limited to, participation in scholarly or scientific research projects or publications required to be disclosed to any agency of the U.S. government, as well as communication of any information subject to export control, publication restriction or confidentiality agreement.**
- Applies to Countries of Concern

** Virtually identical definition for External Employment under System Regulation 31.05.02 External Employment*

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University SAP 15.99.99.M0.02 Conflict of Commitment

- Conflict of Commitment (COC): exists when a faculty or staff member’s external relationships or activities have the possibility (either in actuality or in appearance) of interfering or competing with the University’s educational, research, or service missions, or with that individual’s ability or willingness to perform the full range of duties and responsibilities associated with his or her position. It includes the performance of duties for an external entity substantially similar to or in competition with any portion of the individual’s employment responsibilities as described in the individual’s position description, letters of appointment, and workload assignments.
 - External employment or other compensated activities, including reimbursement of travel and other expenses, related to the employee’s University responsibilities or professional expertise
 - Providing services as a voluntary or paid expert witness in the employee’s individual capacity in any civil or criminal case
 - Providing private lessons in art, music or any field of study
 - Providing private counseling for financial aid, career development, and academic considerations
 - All service on external boards
 - Any uncompensated activity that reasonably appears to create a conflict of commitment

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Proposed University Rule Global Engagement

- **University is responsible for establishing a rule for global engagement in response to System Regulation 15.05.04, that must contain the following elements:**
 - Designation of individuals authorized to review and approve High Risk Global Engagements and High Risk International Collaborations
 - Academic agreements: Vice President for Academic and Strategic Partnerships, or designee
 - Research agreements: Vice President for Research, or designee
 - Process for reviewing and addressing COC, COI, Export Control, and undue foreign influence concerns
 - Process for obtaining approval from the Vice Chancellor for Research, in coordination with the System Research Security Office
 - Requirement to complete export control training once every two years
- **Entities List:**
 - Collaborations are not allowed with those on the list (examples – Harbin Institute of Technology; Nanjing University of Science and Technology)
 - Only includes entities located in countries of concerns, and is subject to change at any time
 - Currently for Russia, no collaborations are allowed, regardless of whether they are on the list
- **FAQs:**
 - Includes answers to our most frequently asked questions
- **Huron:**
 - Huron is a disclosure system that is used to centralize and streamline Financial Conflicts of Interest disclosures (previously in Maestro), Conflict of Commitment disclosures, and Faculty Consulting/External Employment approval requests, as well as information required by NSPM-33.

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Questions?

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International Collaborations and Other International Activities Involving Countries of Concern

Frequently Asked Questions

Texas A&M embraces a culture of excellence which values diversity in thought and an environment that promotes innovation and creativity in research. As a global leader, the university acknowledges the importance of collaborations, locally as well as around the world, to advance society.

Universities such as Texas A&M are actively responding to concerns from federal agencies and sponsors regarding foreign influence in academic research. This influence may range from conflicting commitments of researchers to foreign entities to the misappropriation of research results and intellectual property. While we value and encourage international collaborations that promote openness in research and scholarship, Texas A&M must comply with US laws and agency regulations that govern how we manage and report international engagements. Understanding the regulatory environment, the risks, and importance of transparency is an individual responsibility as well as an organizational commitment.

We have provided a [\[insert link\]](#) that includes entities located in the Countries of Concern that employees will not be allowed to have collaborations and that will be denied.

Texas A&M remains committed to the highest level of research integrity and engagement of global partners. The below FAQs are intended to address questions related to the following policies:

- 1) [System Regulation 15.05.04](#): High Risk Global Engagements and High Risk International Collaborations and pending university Rule 15.05.04.M1
- 2) [System Regulation 15.01.03](#) Financial Conflicts of Interest in Sponsored Research and [Texas A&M Rule 15.01.03.M1](#) Financial Conflicts of Interest in Sponsored Research
- 3) [Texas A&M Standard Administrative Procedure 15.99.99.M0.02](#) Conflict of Commitment
- 4) [System Regulations 31.05.01 Faculty Consulting and/or External Professional Employment](#) and [31.05.02 External Employment](#) and Texas A&M Rule [31.05.01.M1 Faculty Consulting and/or External Professional Employment](#)
- 5) [University SAP 21.01.03.M0.02](#) Foreign Travel
- 6) [System Regulation 12.99.01 Faculty Development Leave](#)

Please note the following definitions apply regarding the below FAQs:

Countries of Concern: defined by Texas A&M System Research Security Office (RSO) quarterly, and are currently China, Russia, Iran, and North Korea.

ECO: Texas A&M University Office of Export Controls, Conflict of Interest, and Responsible Conduct of Research

1) Is Texas A&M committed to global engagement and international collaborations?

- a. Yes, Texas A&M encourages its faculty and staff to establish global engagements in the pursuit of mutually beneficial fundamental scientific inquiries, cultural, or educational opportunities. These activities strengthen the academic and research programs and are fundamental to the university's mission.

2) How does one define international collaborations?

- a. Any of the following relationships with entities or individuals based outside the United States: student and faculty exchanges; education abroad programs; placements abroad; unfunded research relationships; technical assistance; unfunded professional development, training, and services; unfunded outside appointments, honorary positions, peer review, or distinguished positions; unfunded outside support including but not limited to lab space or other resources, provided either physically or virtually; activities with international entities traditionally compensated by a payment, honorarium, or paid travel expenses. Such collaborations require appropriate disclosures such as Financial Conflict of Interest, Conflict of Commitment and/or Faculty Consulting and/or External Employment. Please see Texas A&M Rule [15.01.03.M1](#) Financial Conflicts of Interest in Sponsored Research, System Regulation [15.01.03](#) Financial Conflicts of Interest in Sponsored Research, Texas A&M Standard Administrative Procedure [15.99.99.M0.02](#) Conflict of Commitment, Texas A&M Rule [31.05.01.M1](#) Faculty Consulting and/or External Professional Employment and System Regulations [31.05.01](#) Faculty Consulting and/or External Professional Employment and [31.05.02](#) External Employment. See FAQ 6 for additional requirements pursuant to [System Regulation 15.05.04](#): High Risk Global Engagements and High Risk International Collaborations and pending university Rule 15.05.04.M1.

3) Where are the specific documents to consult for what we can and cannot do in terms of international collaborations within these specific countries of concern?

- a. Guidance is available in [System Regulation 15.05.04](#): High Risk Global Engagements and High Risk International Collaborations and pending university Rule 15.05.04.M1
- b. It is best to contact the Texas A&M Export Controls Office for current guidance on the above specific countries and other countries.

4) Why are there rules and requirements for high risk global engagements and other international collaborations?

- a. Texas A&M is committed to protecting the integrity of research and educational programs, including the interests of all involved in contractual relationships and international collaborations.
- b. Many funding agencies require formal disclosures by individual researchers and/or institutions concerning international engagements, collaborations, and funding

sources to ensure compliance, and in many cases have now moved the responsibility for accuracy of these disclosures to the institution.

5) Who do all of these rules and regulations apply to?

- a. [System Regulation 15.05.04](#): High Risk Global Engagements and High Risk International Collaborations and pending university Rule 15.05.04.M1
 - i. All System member employees
- b. [System Regulation 15.01.03](#) Financial Conflicts of Interest in Sponsored Research and [Texas A&M Rule 15.01.03.M1](#) Financial Conflicts of Interest in Sponsored Research
 - i. Any employee who is responsible for the design, conduct, or reporting of research or research activities on externally sponsored research
- c. [Texas A&M Standard Administrative Procedure 15.99.99.M0.02](#) Conflict of Commitment
 - i. Full time faculty members with a 9 month or greater appointment
 - ii. Full or part time faculty members holding 50 percent or greater appointments
 - iii. Part-time faculty members holding less than 50 percent appointments only if the activity reasonable appears to create a conflict of commitment
 - iv. Full time professional and administrative employees
 - v. Part time professional and administrative employees only if the activity reasonably appears to create a conflict of commitment
 - vi. Graduate student academic employees including, but not limited to, teaching assistants, instructional assistants, and research assistants
- d. [System Regulations 31.05.01 Faculty Consulting and/or External Professional Employment](#) and Texas A&M Rule [31.05.01.M1 Faculty Consulting and/or External Professional Employment](#)
 - i. Full-time faculty members for activities directly related to their academic and professional discipline
 - ii. Includes uncompensated scholarly or research activities involving a country of concern.
- e. [31.05.02 External Employment](#)
 - i. All employees other than faculty covered by System Regulation 31.05.01 Faculty Consulting and/or External Professional Employment
 - ii. Includes external employment by faculty members that is not directly related to their professional discipline
 - iii. Includes uncompensated scholarly or research activities involving a country of concern.
- f. [University SAP 21.01.03.M0.02](#) Foreign Travel
 - i. All university employees and students traveling on university business
- g. [System Regulation 12.99.01 Faculty Development Leave](#)
 - i. Those faculty members who meet the eligibility requirements as listed in the FDL regulation

- 6) What is impacted by the [System Regulation 15.05.04: High Risk Global Engagements and High Risk International Collaborations](#) and pending university Rule 15.05.04.M1?
- a. The regulation covers all academic and research (funded and unfunded) agreements between the university and an entity domiciled in or person located in, citizen of, or ordinarily resident in a country of concern.
 - b. This includes all agreements and sub-agreements between the university and an entity domiciled in or person located in, citizen of, or ordinarily resident in a country of concern (includes but is not limited to contracts, MOUs, MOAs, student exchanges, non-disclosure agreements, data use/transfer agreements, and dual research agreements).
 - c. Please note that certain unfunded international collaborations fall under additional System regulations as follows:
 - i. High risk international collaborations (involving the university or not, and funded or not) require review and approval under [System Regulation 15.05.04: High Risk Global Engagements and High Risk International Collaborations](#) and pending university Rule 15.05.04.M1.
 - ii. Texas A&M Rule [31.05.01.M1 Faculty Consulting and/or External Professional Employment](#) and System Regulation [31.05.01 Faculty Consulting and/or External Professional Employment](#)
 1. Certain types of scholarly or research expertise to foreign entities located in a country of concern without compensation constitutes “faculty consulting and/or external professional employment” for purposes of this regulation, and requires prior approval. These types include, but are not limited to, participation in scholarly or scientific research projects or publications required to be disclosed to any agency of the U.S. government, as well as communication of any information subject to export control, publication restriction or confidentiality agreement.
 2. Please see below FAQs for answers to specific questions pertaining to the above definition.
 - iii. System Regulation [31.05.02 External Employment](#),
 1. Certain types of scholarly or research expertise to foreign entities located in a country of concern without compensation constitutes “external employment” for purposes of this regulation, and requires prior approval. These types include, but are not limited to, participation in scholarly or scientific research projects or publications required to be disclosed to any agency of the U.S. government, as well as communication of any information subject to export control, publication restriction or confidentiality agreement.
 2. Please see below FAQs for answers to specific questions pertaining to the above definition.
 - d. Only authorized officials are able to sign agreements on behalf of the University pursuant to University Rule [25.07.99.M1](#). Academic agreements are approved by the Vice President for Academic and Strategic Partnerships, or designee. Research Agreements are approved by the Vice President for Research, or designee.

7) **What falls outside the scope of [System Regulation 15.05.04: High Risk Global Engagements and High Risk International Collaborations](#) and pending university Rule 15.05.04.M1?**

- a. **Not included in this regulation are activities that do not involve countries of concern.**
- b. **It is important to note that activities that do not involve countries of concern may be subject to another review and approval process. Examples include:**
 - i. Faculty member conducting a peer review as part of a journal or organization is permitted unless the journal is from a country of concern. If the journal is from a country of concern it will fall under [System Regulation 15.05.04: High Risk Global Engagements and High Risk International Collaborations](#)
 - ii. Co-Authorships and Collaborations that are not subject to this regulation due to lack of an agreement between the university and an entity in a country of concern will instead be reviewed as part of the University's other disclosure requirements.
 - iii. Honorary Positions and/or placements on a national academy at entities located in a country of concern would still be reviewed but under the assumption these add prestige to the university and would likely be approved for those entities not deemed high-risk; however, would require external employment approval under Texas A&M Rule [31.05.01.M1 Faculty Consulting and/or External Professional Employment](#) and System Regulations [31.05.01 Faculty Consulting and/or External Professional Employment](#) and [31.05.02 External Employment](#).
 - iv. Participation in international workshops and conferences, however these would be reviewed and approved through international travel and export control for those located in a country of concern.

8) **What are the countries of concern as identified by RSO and how are they determined?**

- a. Presently there are four countries of concern as identified by RSO as it pertains to this regulation: China, Iran, North Korea, and Russia. These countries were selected because they have demonstrated organized efforts to illicitly acquire intellectual property from other nations, are involved with industrial and/or cyber espionage, and demonstrate efforts to damage U.S. economic and national security.
- b. Countries of concern are determined by the Texas A&M System Research Security Office based on the deemed risk associated with potential collaborations.
- c. Countries of concern are reviewed quarterly.

9) **What is deemed high-risk collaborations?**

- a. Collaborations are deemed high-risk when they include involvement with entities located in countries of concern, including but not limited to state owned entities, entities identified in any US government denied party list, individuals affiliated with

the government or communist party, entities known to sponsor foreign talent programs, or otherwise subject to government sanctions or embargoes.

10) Are there Entities within the specific countries of concern that collaborations will be denied?

- a. Yes: [\[insert link\]](#) for the current listing. The list was compiled by RSO and includes entities that are subject to at least one US government restricted list. Please note the list focuses on those entities in a country of concern and is not intended to be all-inclusive. It is subject to change at any time.

11) Can we invite visiting scientists and students from countries of concern to Texas A&M?

- a. Students and visiting scientists from countries of concern (with the exception of Russia) are encouraged, but visiting is dependent on their affiliation, and the nature of the work, collaboration or purpose of the visit. The appropriate documentation that addresses the home institution, purpose of visit, duration of visit and funding source is required to be submitted for review and approval as outlined in [Standard Administrative Procedure 15.99.99.M0.02 Visiting Scholars Not Involved in an Employer/Employee Relationship with Texas A&M University](#).
- b. Visiting Scholars affiliated with an entity on [\[insert link\]](#) will be denied.
- c. Russia: No collaborations are acceptable at this time.

12) Can we hire faculty/researchers/students from countries of concern?

- a. Yes, if the individual meets all hiring requirements.

13) Can Texas A&M faculty continue collaborations with former students in a country of concern?

- a. It depends on the specific institutes within the country of concern and the nature of the collaboration. The proposed collaboration should be submitted to the ECO for review and approval pursuant to [System Regulation 15.05.04: High Risk Global Engagements and High Risk International Collaborations](#) prior to continuing the collaboration.
- b. Russia: No collaborations are acceptable at this time.

14) Can researchers publish and co-author papers with colleagues in countries of concern?

- a. Yes, however, collaborations with any colleague in a country of concern depends on the colleague; their affiliation; and the nature of the work/collaboration. Agreements for the collaboration should be submitted to the ECO for review and approval pursuant to [System Regulation 15.05.04: High Risk Global Engagements and High Risk International Collaborations](#) prior to continuing the collaboration. Depending on results of the review, a collaboration may be denied. Also, the collaboration may require approval under Texas A&M Rule [31.05.01.M1 Faculty Consulting and/or External Professional Employment](#) and System Regulations [31.05.01 Faculty Consulting and/or External Professional Employment](#) and [31.05.02 External Employment](#)
- b. Russia: No collaborations are acceptable at this time.

15) Can faculty have regular zoom meetings with colleagues in countries of concern to discuss collaborations?

- a. Collaborations with any colleague in a country of concern depends on the colleague; their affiliation; and the nature of the work/collaboration. Zoom meetings to discuss collaborations (funded or unfunded) can continue as long as the collaboration has been disclosed to the University and any Federal sponsors where applicable, and has received approval from the ECO pursuant to [System Regulation 15.05.04](#): High Risk Global Engagements and High Risk International Collaborations.
- b. Russia: No collaborations are acceptable at this time.

16) Can we accept state-sponsored students from other universities, or host state-sponsored visiting scientists from other universities?

- a. Yes, however one needs to follow university procedures for review and approval as outlined in [Standard Administrative Procedure 15.99.99.M0.02 Visiting Scholars Not Involved in an Employer/Employee Relationship with Texas A&M University](#).
- b. State-sponsored students from entities on [\[insert link\]](#) will not be approved.
- c. Regarding Russia, if a Russian entity is providing support, it will not be approved.

17) Can we still have colleagues on our graduate faculty as members on graduate student committees from countries of concern?

- a. Representation will depend on the individual and their affiliations. Representation from entities on [\[insert link\]](#) will not be approved.
- b. Russia: No collaborations are acceptable at this time.

18) Can we host visiting scholars from these countries? Does it matter if they are funded by the home institution of the scholar, funded by the home country of the scholar, funded privately, or funded by TAMU?

- a. It depends, each visitor request will be reviewed on a case-by-case basis. The purpose, source of support and benefit to the University will be factors in the review. More information may be found on our [website](#).
- b. Visiting Scholars affiliated with an entity on [\[insert link\]](#) will be denied.
- c. Currently for Russia, no.

19) Can we accept new students from these countries, to be funded by TAMU (TA or RA supported by e.g., NSF/NASA)?

- a. Generally, students can be accepted; however, certain countries have specific license requirements. Also, sponsors each have their requirements and restrictions. The Texas A&M Export Controls Office can assist with both of these issues.

20) Can students from countries of concern continue their study here? Can current students be supported by RAs from federal sources?

- a. Yes, however, the same review would apply as for #19

21) Can we co-author peer-reviewed journal articles and book chapters with scientists from these countries of concern?

- a. No, if it involves entities on [\[insert link\]](#).

- b. Currently for Russia, it would be no.

22) Can we review journal manuscripts authored by scientists from these countries? What if we don't know who the co-author and/or their country/entity affiliation? What if the journal review is double blind?

- a. No, if it involves entities on [\[insert link\]](#).
- b. Currently for Russia, no.
- c. [\[need answer for highlighted text\]](#)

23) Do the rules change with respect to different disciplines (e.g., water resources and hydrology research; manufacturing, hypersonic)

- a. The discipline is certainly included in the review; however, is not the sole determining factor related to a risk management approach.

24) Can we participate in collaborative research in grants funded by countries of concern (with proper disclosure to TAMU)?

- a. No, if it involves entities on [\[insert link\]](#).
- b. Entities not included on [\[insert link\]](#) will depend on, sponsor, nature of research, and proper internal approvals (e.g., has the department head and/or Dean approved the time commitment necessary to participate in the funded research grant, especially if it is not going through TAMU; have you received prior approval under System Regulations [31.05.01 Faculty Consulting and/or External Professional Employment](#) and/or [31.05.02 External Employment](#)).
- c. Currently for Russia, no.

25) Can we present papers and presentations in international conferences hosted in countries of concern?

- a. No, if it involves entities on [\[insert link\]](#).
- b. For other entities in countries of concern, reviews are conducted as part of the prior approval requirement of University SAP [21.01.03.M0.02 Foreign Travel](#).
- c. Currently for Russia, no.

26) Can we teach courses/short courses/workshops hosted by institutions within countries of concern?

- a. Each course/workshop would need to be reviewed by the ECO, along with the country and the entity hosting the course/workshop. The review would be conducted as part of the prior approval requirements under System Regulations [31.05.01 Faculty Consulting and/or External Professional Employment](#) and/or [31.05.02 External Employment](#).
- b. Currently for Russia, no.

27) Can we conduct faculty-led education abroad courses/field trips to countries of concern?

- a. All faculty-led education abroad trips must have their travel pre-approved by the University through Concur pursuant to University SAP [21.01.03.M0.02 Foreign Travel](#). As part of the Concur process, the trip will be reviewed by ECO.

28) Can I serve as an advisor/mentor/graduate committee to a graduate student enrolled at an entity on [\[insert link\]](#)?

- a. No, such relationships need to be terminated.
- b. For other entities in countries of concern, ECO review and approval is required.

29) Is there a transition plan if countries are added to the countries of concern listing?

- a. What about researchers who are simply finishing up a sponsored research project?
 - i. If there will be no further exchange of data or new information provided, and the sponsor has approved, the collaboration may be completed if it can be finished within three months and the collaboration is approved by ECO.
- b. What if it is a new award, and the federal sponsor has already approved the collaboration?
 - i. While a sponsor's approval may be taken into consideration, the recommendation is to deny approval for new awards going forward. Many of the sponsor "approvals" were done at the proposal stage several months prior to award and are no longer applicable in the current climate.
- c. What about researchers who are simply finalizing publications based on previous collaborations?
 - i. Yes, if there will be no further exchange of data or new information provided, and the collaboration and publication can be completed within three months. However, approval of the ECO is required prior to finalizing publications.
- d. What about students/postdocs working on projects (i.e., dissertations)?
 - i. Yes, if there will be no further exchange of data or new information provided, and the collaboration and publication can be completed within three months. However, approval of the ECO is required prior to finalizing publications.
 - ii. For new collaborations, the student/postdoc should be directed to alternate collaborators/projects.
- e. What about publications that list a co-author involving a country of concern going forward?
 - iii. As long as it was approved to move forward by ECO after March 1, 2022, documentation will be on file to support any issues that arise at a later date due to a co-author's affiliation on a publication.

30) I serve on a program committee for [\[foreign conference\]](#); the conference is either virtual or in a foreign country. Do I need to submit through the external employment process for this activity?

- a. If it involves entities on [\[insert link\]](#), it is not allowed.
- b. For other entities in a country of concern, approval is not required under System Regulations [31.05.01 Faculty Consulting and/or External Professional Employment](#) and/or [31.05.02 External Employment](#); however, reviews will be conducted as part of the prior approval requirement of University SAP [21.01.03.M0.02 Foreign Travel](#).
- c. Virtual conference requests for entities located in a country of concern should be sent to the ECO for review and prior approval pursuant to System Regulation [15.04.04](#)

High Risk Global Engagements and High Risk International Collaborations, and pending Texas A&M Rule 15.04.04.M1.

31) I am a co-author of a paper which has several co-authors from foreign entities. Does this require me to submit through the external employment process?

- a. If it involves entities on [\[insert link\]](#), it is not allowed.
- b. For other entities in countries of concern, prior approval under System Regulations [31.05.01 Faculty Consulting and/or External Professional Employment](#) and [31.05.02 External Employment](#) is required if you are being paid by a foreign entity in a country of concern. All co-authors may still be required to be disclosed to federal sponsors and/or through the Huron disclosure process.

32) I do not have outside funded research. All of my research is internal, unfunded research for outside activities. Does this require me to submit through the external employment process?

- a. If it involves entities on [\[insert link\]](#), it is not allowed.
- b. For other entities in countries of concern, prior approval is required under System Regulations [31.05.01 Faculty Consulting and/or External Professional Employment](#) and [31.05.02 External Employment](#). For example, unfunded research provided for an individual/entity in a country of concern would require prior approval.
- c. If not for a foreign entity in a country of concern, it may still be required to be disclosed to federal sponsors and/or through the Huron disclosure process.

33) Is there a situation where the receipt of an honorarium would require external employment approval?

- a. If it involves entities on [\[insert link\]](#), it is not allowed.
- b. For other entities in countries of concern, if the honorarium is from a foreign institution in a country of concern or if the work requires more than a minimal amount of the employee's time, pre-approval is required under System Regulations [31.05.01 Faculty Consulting and/or External Professional Employment](#) and [31.05.02 External Employment](#).
- c. It may still be required to be disclosed to federal sponsors and/or through the Huron disclosure process.
- d. For purposes of this FAQ, an honorarium is defined as a voluntary payment that is given to a person for services for which fees are not legally or traditionally required. Please note payments to employees or payments to independent contractors are not honoraria (such as where an amount has been agreed upon by the individual providing the service and the individual/entity seeking service), nor are recurring payments to the same individual.

34) Do I need to submit through the external employment process to present at a conference/workshop (either in person or virtually) in a foreign country?

- a. Prior approval is required for all foreign travel pursuant to [University SAP 21.01.03.M0.02 Foreign Travel](#).

- b. For other entities in countries of concern, prior approval under System Regulations [31.05.01 Faculty Consulting and/or External Professional Employment](#) and [31.05.02 External Employment](#) is required if the foreign entity is located a country of concern. All co-authors may still be required to be disclosed to federal sponsors and/or through the Huron disclosure process.

35) Do I need to submit through the external employment process for a peer review of another university's department (external review board)?

- a. If it involves entities on [\[insert link\]](#), it is not allowed.
- b. For other entities in a country of concern, yes, prior approval is required.

36) Do I need to submit through the external employment process to serve on an international graduate student committee (not a TAMU student) for a foreign institution?

- a. If it involves entities on [\[insert link\]](#), it is not allowed.
- b. For other entities in a country of concern, yes, prior approval is required whether or not reimbursement or payment is received.

37) Do I need to submit through the external employment process to review a non-TAMU student thesis?

- a. If it involves entities on [\[insert link\]](#), it is not allowed.
- b. For other entities in a country of concern, prior approval is needed whether or not reimbursement or payment is received.

38) Do I need to submit through the external employment process for receiving an honorarium or payment for serving on a U.S. grants review panel?

- a. No, provided that no more than a nominal amount of the employee's time is required and it is within the faculty member's normal duties and responsibilities.

39) Do I need to submit through the external employment process for receiving an honorarium or payment for serving on a foreign grants review panel?

- a. Yes, approval is required if the review panel is located at an institution in a country of concern whether or not compensation is received.

40) What are researchers required to disclose pertaining to international collaborations?

- a. Financial Conflicts of Interest: Requirements are outlined in Texas A&M Rule [15.01.03.M1](#) Financial Conflicts of Interest in Sponsored Research and System Regulation [15.01.03](#) Financial Conflicts of Interest in Sponsored Research. It should be noted that each sponsor also has their own set of disclosure requirements pertaining to international collaborations.
- b. Conflict of Commitment: Requirements are outlined in Texas A&M standard administrative procedure [15.99.99.M0.02](#) Conflict of Commitment.

- c. External Employment: Requirements are outlined in Texas A&M Rule [31.05.01.M1 Faculty Consulting and/or External Professional Employment](#) and System Regulations [31.05.01 Faculty Consulting and/or External Professional Employment](#) and [31.05.02 External Employment](#). Specifically regarding international collaborations and in addition to compensated outside activity with a foreign entity, the definitions of “faculty consulting and/or external professional employment” and “external employment” also requires review and approval for “the provision of certain types of scholarly or research expertise to foreign entities without compensation.”
- d. Global Engagements: Requirements are outlined in System Regulation [15.04.04 High Risk Global Engagements and High Risk International Collaborations](#), and pending Texas A&M Rule 15.04.04.M1.

41) I have an approved FDL. Do I need additional approvals regarding export controls or international activities?

- a. No, as long as there have been no changes to the activities as listed in the approved FDL. Any new international activities and/or collaborations that arise as part of the FDL will require further review.

42) I am traveling internationally. What approvals do I need?

- a. University SAP [21.01.03.M0.02 Foreign Travel](#) requires prior approval for all foreign travel pertaining to official university business.
- b. In addition, all foreign travel is reviewed for export control and research security concerns. If traveling to a country of concern or other high risk country, or if other circumstances are involved, a further review will be conducted. Other circumstances could include, but not be limited to, involvement with sponsored research awards, technology control plans, or traveling with materials/equipment.

43) I was invited to co-organize a professional society conference/meeting in a foreign country. What approvals do I need?

- a. Answer pending

44) I am the chief editor of a US journal. What approvals do I need to work with co-authors in foreign countries as part of my duties as chief editor?

- a. Answer pending

45) I am an editor for a journal located in a foreign country. We accept submissions from around the world. What are my responsibilities if I receive a submission from a scholar in Russia, or another country of concern? What are my responsibilities with respect to each co-author on a submission?

- a. Answer pending

46) I am going on leave without pay. What approvals do I need?

- a. Answer pending

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47) I serve on a dissertation committee. What approvals do I need?

- a. While serving on a dissertation committee is not typically a reportable activity, you should be mindful that future collaborations as a result of the dissertation may become research and require reporting. You may also need to include the student's name on your NSF COA table.

48) Who do I contact with questions?

- a. Texas A&M Export Controls Office: exportcontrols@tamu.edu

DRAFT

Rule 15.05.04.M1 High Risk Global Engagements and High Risk International Collaborations

Approved (MO XX-2022)

Next Scheduled Review: XX-20XX

Rule Statement

Texas A&M University encourages its faculty to establish global engagements in the pursuit of mutually beneficial fundamental scientific inquiries, cultural, or educational opportunities. These activities strengthen the academic and research programs and are fundamental to each member's educational system. However, such engagements need to be considered in a risk framework that preserves authorized transfer of proprietary technology or software, unpublished data and methods, or other intellectual property.

Reason for Rule

This rule implements the requirements of [System Regulation 15.05.04, High Risk Global Engagements and High Risk International Collaborations](#) involving Countries of Concern.

Definitions

Definitions of capitalized terms used in this rule are found in [System Regulation 15.05.04, High Risk Global Engagements and High Risk International Collaborations](#).

Procedures and Responsibilities

1. PURPOSE AND BACKGROUND

International Collaborations that promote equitable, scientific inquiry, cultural, and educational opportunities are fundamental to our university mission. The University is committed to protecting the integrity of research and educational programs,

including the interests of all involved in contractual relationships and international collaborations.

2. HIGH RISK GLOBAL ENGAGEMENT AND HIGH RISK INTERNATIONAL COLLABORATION ADMINISTRATION

2.1 High Risk Global Engagements

(a) Only authorized individuals are delegated to review and approve High Risk Global Engagements. These are contracts, and are defined as “an agreement that creates an obligation to do or not do a particular thing” by [System Policy 25.07](#) Contract Administration. Pursuant to SAP 25.07.01.M1.01 President’s Delegation of Authority for Contract Administration, all agreements with foreign entities have final signature and execution authority by the following senior administrators:

- i. Vice President for Research or designee: all research agreements, sub-agreements/sub-recipient/sub-grant/sub-contract agreements for sponsored research and ancillary services (includes but is not limited to contracts, MOUs, MOAs, student exchanges, and dual research agreements)
- ii. Vice President for Academic and Strategic Collaborations or designee: all non-research agreements (includes by is not limited to agreements described in Sections 2.1, 19.3, and 19.4 of SAP 25.07.01.M1.01 President’s Delegation of Authority for Contract Administration).

(b) Prior to signature of the above agreements, they will route through the Office of Export Controls, Conflict of Interest, and Responsible Conduct of Research (EC/COI/RCR) for reviews of any potential conflicts of commitment, conflicts of interest, export control, or undue foreign influence concerns.

2.2 High Risk International Collaborations

- (a) As part of the EC/COI/RCR’s review of High Risk Global Engagements and/or High Risk International Collaborations, any arrangement not initially denied by the University will be sent to the system RSO for review.
- (b) Employees involved in High Risk Global Engagements or High Risk International Collaborations are required to complete export control training once every two years.
- (c) Approvals for High Risk Global Engagements or High Risk International Collaborations are valid for the duration of the contract. If any

amendments are made to the contract or collaboration, a new review process is required.

Related Statutes, Policies, or Requirements (If applicable)

[System Regulation 15.05.04](#), High Risk Global Engagements and High Risk International Collaborations.

Appendix (If applicable)

- Frequently Asked Questions
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Forms (If applicable)

- XXX
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Contact Office

Office of the Vice President for Research
(979) 845-8585