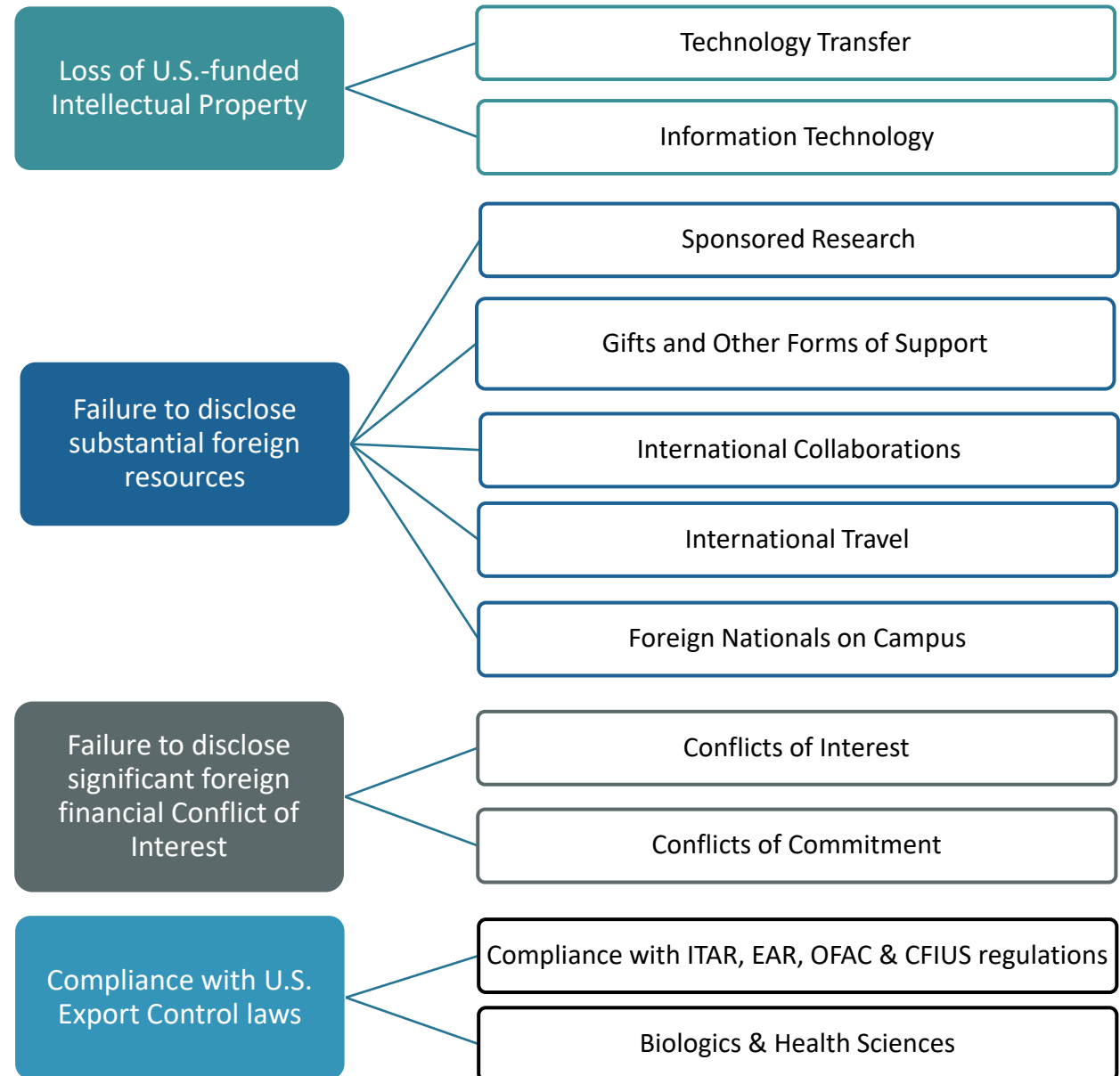


# Foreign Interference:

Strategies For Building a Successful  
Program to Address Federal, State, and  
Institutional Concerns

Presented by Don Fischer, Principal  
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# U.S. Government Foreign Interference Concerns & Affected Areas in Higher Education



# Foreign Interference Concerns

## Conflicts of Interest and Commitment

- COI/COC policies and processes pertaining to global engagement scenarios.

## Foreign Nationals on Campus: Visa-holders and Visitors

- Preventative measures to selectively detect and avoid undue foreign influence where it could potentially arise in the context of foreign nationals on campus.

## International Collaboration

- Concerns triggered by collaboration with international entities as part of global research and other endeavors.

## Sponsored Research

- Pre-and post-award processes to account for foreign influence concerns and complex, evolving sponsor notification requirements.

## Intellectual Property Transfer/ Commercialization

- IP generation and transfer activities which may inadvertently be vulnerable to inappropriate foreign influence.

# Foreign Interference Concerns

## Gifts and Other Forms of Support

- Foreign influence exerted through the provision of gifts and other forms of support from international entities.

## International Travel

- Travel which indicates engagement with individuals, entities, or foreign government agencies of concern.

## Information Technology

- Leveraging and protecting IT systems, teams, and resources from foreign influence intrusion.

## Compliance with Export Controls

- Aligning export control processes to account for and support foreign influence prevention strategies.

## Biologics and Health Sciences

- Addressing security and federal concerns unique to health sciences research.

# 4-Step Approach to Addressing Foreign Interference

## Step One:

Build Senior  
Administration "Buy In"

- Charter and create a Foreign Interference Task Force
  - Task Force members represent all key university functions that facilitate or respond to global engagement requirements
- Convene Task Force members for a high level "Foreign Interference" presentation that sets forth key due diligence requirements and challenges
- Confirm as necessary Task Force Chair and Coordinator/Owner
- Plan next steps (including Subcommittee formation aligned to key functions)

## Step Two:

Perform Gap Analysis  
on Existing Policies,  
Processes, and  
Awareness

- Issue Gap-identification questionnaires to selected Task Force/ Subcommittee stakeholders
- Task Force stakeholders and related Units complete questionnaires; review with Task Force and clarify responses as needed
- Task Force evaluates final questionnaire responses and ranks risk levels
- Summarize key Foreign Interference risks within each functional area and elevate to Senior Leadership

# 4-Step Approach to Addressing Foreign Interference

## Step Three:

Implement Risk  
Mitigation Measures

- Senior Leadership and Task Force leadership develop Implementation Plan based on risk, required mitigation, and resources
- Implementation Plan owners are identified, and timeline is established.
- Task Force and Implementation Owners implement Plan
- Specific Implementation tools include pragmatic checklists and data filters; process components list; regulatory guidance; and ready-to-use informational materials that can be posted on university webpage

## Step Four:

Monitoring and  
Periodic Assessment

- Evaluate implementation progress and effectiveness
- Deploy monitoring tool; assess and implement changes
- Respond to potential inappropriate foreign interference and/or regulatory violations: elevate to Senior Leadership consistent with university compliance policies

# Key Focus #1- Coordinate Stakeholders

- Who needs to be on a Task Force?
- Who will be involved in sub-unit working groups to address key Foreign Interference areas?
- Most key Foreign Interference concerns require that a diverse group of stakeholders work together to effectively assess and address the issues.
- Example:
  - Addressing Foreign Gifts & Other Support concerns (including HEA 117 reporting) may require a combined effort from:
    - Development/ Advancement
    - Technology Transfer
    - Export Control
    - Procurement
    - Finance
    - General Counsel
    - University Compliance
    - Department representatives

# Key Focus #1- Coordinate Stakeholders

Foreign Interference Concerns and Related Units- SAMPLE (to be completed by Task Force)

A	Foreign Influence Affected Areas									
Responsible Unit or Department ↓	Conflicts (FCOI/COC)	Foreign Nationals on Campus	International Collaboration	Sponsored Research	IP Transfer & Commercialization	Gifts & Other Support	International Travel	Information Technology	Compliance w/ Export Controls	Biologics & Health Sciences
Research Admin			•	•	•				•	•
Research Compliance	•	•	•	•					•	•
Export Control		•	•	•	•	•	•		•	•
International Students & Scholars	•	•	•				•		•	
Development	•		•			•			•	
Tech Transfer	•	•	•	•	•	•			•	
Information Technology		•	•				•	•	•	
Procurement			•	•		•			•	•
Finance				•		•			•	•
Academic Affairs	•	•	•	•			•		•	•
Human Resources	•	•	•						•	
Risk Management		•	•				•		•	•
General Counsel	•		•	•	•	•			•	•
University Compliance	•	•	•	•	•	•	•	•	•	•



# Key Focus #2- Establish Governance

- Who makes the “big” decisions? Who communicates those decisions?
- Do decision makers **know** that they have the authority to make a decision impacting foreign interference?
  - Applies to high-level decisions (ex. will the university contract with a Restricted Party?)
  - Also applies to specific transactions (ex. approval of a potential COI or COC)
- Example:
  - A Task Force sub-group is formed to address engagements with international parties.
  - After discussion and review they determine that there is no single document that helps faculty and staff identify or anticipate engagements that might be problematic.
  - The group must then determine which stakeholders have the *governance* to determine whether certain types of engagements will be prohibited, allowed, or determined on a case-by-case basis.

# Key Focus #3- Focus on Researcher Security

- Foreign Interference should not be targeted at foreign-national or foreign-born faculty.
- Institutional policies and procedures should apply to all institutional personnel regardless of citizenship and/or nationality.
- Foreign Interference poses as much of a threat to individual researchers as it does to institutional research.
- Examples:
  - Loss of intellectual property as an institutional asset may also represent the loss of an individual's life's work
  - Sponsor reporting requirements help ensure transparency between individual faculty, the institution, and sponsors
  - Foreign travel reporting requirements associated with research security also serve the dual purpose of protecting travelers in the case of a medical emergency, natural disaster, political unrest, terrorist attack, etc.

# Key Focus #4- Communicate w/ the Campus

- Proactive and transparent communication with faculty, staff, and students will help avoid confusion and the appearance of discrimination.
- The campus community should know:
  - What Foreign Interference is (and isn't)
  - That the Institution places a priority on addressing these concerns
  - That the Institution will develop and provide resources and guidance to help faculty navigate these issues
  - Who to contact for questions and concerns
- Examples:
  - Letter to the Campus from the President/ Provost/ VP Research
  - Website and/or web-based resources to assist faculty and staff in complying with federal and state requirements
  - Updates via web or campus newsletter highlighting the progress of the Task Force

# Conclusion

- Institutions can take simple steps to facilitate a foreign interference program that is appropriate for their faculty and environment
- It is important to assess your institution's vulnerabilities, and prioritize your efforts to address those gaps
- These efforts should reflect an enterprise-wide synthesis of stakeholder effort to effectively mitigate foreign interference concerns

# Contact Information

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