

# Mandatory Disclosure of Foreign Talent Recruitment Programs Policy

## Overview

The purpose of this policy is to establish institutional requirements for the mandatory reporting and disclosure of involvement with Foreign Talent Recruitment Programs, including Malign Foreign Talent Recruitment Programs (MFTRP's), by faculty, staff, researchers, and other covered individuals at Kennesaw State University (KSU).

Federal law and sponsor policies explicitly require transparency regarding foreign affiliations, activities, appointments, and support to protect U.S. research security, intellectual property, and national interests. These requirements are grounded in the CHIPS and Science Act of 2022, as well as disclosure policies issued by major federal research sponsors including, but not limited to, the National Institutes of Health (NIH) and the National Science Foundation (NSF).

Failure to comply with these requirements may result in enforcement actions by sponsors, loss or termination of funding, audit findings, civil or criminal penalties, and reputational harm to both the individual and the institution.

## Definitions

- **Foreign Talent Recruitment Program:** Any organized effort by a foreign government, foreign government-controlled entity, or their proxies to recruit scientists, engineers, or students to participate in research, development, or innovation activities—often offering compensation or resources—in ways that create conflicts of interest or commitment.
- **Malign Foreign Talent Recruitment Program (MFTRP):** As defined by federal law and sponsor guidance, a foreign-state-sponsored program, initiative, or arrangement that incentivizes or requires participation in activities that compromise U.S. research integrity, intellectual property protections, disclosure obligations, or national security interests. These programs are identified and described in federal statutes, agency guidance, and sponsor policies.
- **Covered Individual:** Any KSU faculty member, researcher, staff member, postdoctoral scholar, student researcher, or other individual involved in the design, conduct, or reporting of sponsored research or research-related activities.
- **Foreign Affiliation:** Any appointment, employment, visiting position, honorary title, or formal association with a foreign institution, organization, or government entity, whether compensated or

uncompensated. This does not include consulting, mentoring, or other responsibilities conducted as part of the individual's appointment with KSU

- **Foreign Support:** Any financial or in-kind resource provided by a foreign entity in support of an individual's research or scholarly activities, including salary, stipends, travel, lab space, equipment, personnel support, or access to research facilities.
- **Disclosure:** The complete, accurate, and timely reporting of required foreign activities, affiliations, and support through sponsor applications, progress reports, and KSU's institutional disclosure processes.

## **Policy Statement**

Kennesaw State University requires full, accurate, and timely disclosure of any involvement with Foreign Talent Recruitment Programs by all Covered Individuals. Foreign Talent Recruitment Programs are considered outside activities by KSU and must be disclosed per University System of Georgia policies.

Additional disclosure requirements in research are mandated by federal law and sponsor policy, including but not limited to:

- The CHIPS and Science Act of 2022 (Public Law 117-167), which prohibits participation in MFTRPs for individuals supported by certain federal research funding and requires certification of compliance.
- NIH disclosure requirements, including Other Support, Biosketch, and Just-in-Time certifications, which require disclosure of all foreign affiliations and support.
- NSF disclosure requirements, including Current and Pending (Other) Support and senior personnel certifications, which mandate disclosure of all appointments, positions, and support, domestic and foreign.

Failure to disclose such involvement constitutes a violation of sponsor requirements and KSU policy.

Covered Individuals must disclose, as applicable:

- Participation in or recruitment by any foreign talent recruitment program
- All foreign appointments or affiliations, paid or unpaid
- All foreign financial or in-kind research support
- Any contractual, honorary, or informal obligations to foreign entities related to research or scholarly activities

Disclosures are required during the course of a research project at the following milestones:

- At proposal submission
- During Just-in-Time or award negotiation
- In annual and interim progress reports (e.g., NIH RPPRs, NSF annual reports)
- When changes occur during the project period

**Malign Foreign Talent Recruitment Programs**

Participation in MFTRPs that are prohibited by federal law or sponsor policy is not permitted. Due to the risk of potential criminal or civil penalties from involvement in a MFTRP, Covered Individuals who are unsure if a Foreign Talent Recruitment Program falls in the category of a MFTRP should seek immediate outside guidance from KSU legal counsel and Research Integrity.

**Considerations**

Nondisclosure or misrepresentation of foreign relationships is a serious compliance violation. Consequences for noncompliance may include but are not limited to:

- Termination or suspension of active awards
- Repayment of awarded funds
- Removal of investigators or senior personnel from projects
- Government-wide debarment
- Civil or criminal enforcement actions

KSU’s compliance obligations apply throughout the entire award lifecycle, not solely at proposal submission.

**Procedures**

**Initial Disclosure**

Covered Individuals must complete required sponsor and institutional disclosures prior to proposal submission. Institutional disclosures must be submitted via the Office of Research Conflict of Interest System in Cayuse. Research Integrity, in collaboration with Sponsored Programs Administration (SPA), will review disclosures to ensure alignment with federal statutes and sponsor-specific requirements.

**Ongoing Disclosure**

Institutional and sponsor disclosures must be updated promptly when new foreign activities, appointments, or support arise. Retroactive disclosure does not negate noncompliance.

**Roles and Responsibilities**

Covered Individuals	Ensure accurate, complete, and timely disclosure of all foreign activities, affiliations, and support.
Department/College/Center	Support compliance expectations and ensure required disclosures are completed within their units.
Sponsored Programs Administration (SPA)	Coordinates institutional responses to sponsor inquiries.
Research Integrity	Reviews disclosures for compliance. Provides oversight, guidance, and training related to research security and foreign influence.

**Related Policies and References**

- USG policy 04.02 Conflicts of Interest, Conflicts of Commitment and Outside Activities
- KSU Financial Research Conflict of Interest policy
- CHIPS and Science Act of 2022, Pub. L. 117-167
- NIH Grants Policy Statement and Other Support Disclosure Requirements
- NSF Proposal & Award Policies & Procedures Guide (PAPPG)
- 2 CFR 200 – Uniform Guidance

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