

Memorandum

Date: April 3, 2026

To: Faculty Senate Operations Committee

From: Nancy D. Middlebrook, University Secretary 

RE: Request Faculty Senate Approval of Proposed Revision to *Faculty Handbook* Policies E10 “Classified Research” and Proposed New Policy E130 “Foreign Talent Recruitment Programs (FTRPs) Policy

The proposed revision to *Faculty Handbook* Policies E10: Classified Research was developed and reviewed by UNM’s Industrial Security Department. The proposed revision was reviewed and endorsed by the Faculty Senate Research Policy Committee (RPC). The Faculty Senate Policy Committee (FSPC) reviewed the proposed revision and sent it to the campus for review and comment. One comment was received asking how faculty members participation in classified research can be documented in promotion review processes. FSPC will forward this comment to AF&T for their consideration in the revision of promotion and review policies.

The proposed new policy E130: Foreign Talent Recruitment Programs (FTRPs) Policy is based on President Stokes Memorandum dated July 23, 2024 regarding compliance with all applicable laws and regulations pertaining to Foreign Talent Recruitment Programs. This proposed policy was developed by the UNM Industrial Security Department and the Faculty Senate RPC. The FSPC reviewed the proposed policy and worked with the RPC on any necessary changes and sent the proposed policy to the campus for review and comment. One comment was received and the FSPC worked with the UNM Industrial Security Department to make changes to address the comment to the extent allowable by federal regulations.

The FSPC approved the attached proposed revision E10 and the proposed new policy E130 to go forward to the Faculty Senate for approval. The FSPC would be happy to have a member at the Faculty Senate meeting to answer questions or concerns. Thank you for your consideration of these important matters.

Attachments:

Proposed Policy Revision E10: Classified Research
Proposed New Policy E130: Foreign Talent Recruitment Programs (FTRPs) Policy

cc: Eve L Espey, Chair, Faculty Senate Policy Committee
Karen Patterson, Vice Chair, Faculty Senate Policy Committee
Tito Busani, Chair, Faculty Senate Research Policy Committee



THE UNIVERSITY OF
NEW MEXICO

Faculty Handbook

E10: Classified Research Policy

Approved By: Faculty Senate and UNM President ~~University Faculty~~

Effective Date: March 13, 1973 **Draft 4/1/2026**

Responsible Faculty Committee: Research Policy Committee

Office Responsible for Administration: Vice President for Research (VPR) and Health Sciences
Vice President for Research (HSVPR)

Legend: Red text is new wording, ~~strikeouts~~ show proposed deletions, Language that is shown in black (not underlined) reflects language that is in one of the current policies and is language that the taskforce does not propose to change.

Revisions to the Applicability, Policy Rationale and, Policy Statement sections of this document must be approved by the Faculty Senate and UNM President.

APPLICABILITY

This Policy applies to all UNM academic units including the Health Sciences Center and Branch Community Colleges. Individuals subject to this Policy include, but are not limited to, faculty, staff, students, visiting scholars, and postdoctoral fellows, external research partners and collaborators, and any other persons at UNM participating in classified research at or on behalf of UNM.

POLICY RATIONALE

~~This document concerns the rights and obligations of faculty members and students insofar as they relate to research done on the The University of New Mexico (UNM) campus. Consideration of faculty members' and students' rights and obligations as consultants to off-campus agencies, individuals, or other parties is specifically excluded.~~

Because of the highly sensitive and regulated nature of classified research, the intent of this Policy is to maintain a separation between classified research and unclassified research functions of UNM. This Policy describes the rights and obligations of UNM faculty, staff, members students, and visiting scholars who participate in classified research on behalf of UNM. It also describes federal requirements and restrictions pertaining to classified research. . insofar as they relate to research done on the The University of New Mexico (UNM) campus. Consideration of faculty members' and students' rights and obligations as consultants to off-campus agencies, individuals, or other parties is specifically excluded.

In preservation of academic freedom, the University of New Mexico (UNM) recognizes the right of every faculty member to solicit, conduct, or participate in both privately and governmentally sponsored research of their choice, ~~whether such research is classified or not~~ including classified research, so long as the research is within the limits of existing UNM policies as detailed in the *Faculty Handbook*. ~~sponsored research at UNM is justified only when it contributes toward the~~

professional development of the faculty and also provides opportunities for the development of students.

POLICY STATEMENT

Classified research is no exception to the validity of these two criteria. Consequently, when a research project is proposed, UNM, on behalf of the proponents and/or principal investigators to be, will inform the potential sponsor of UNM's policies relating to classified research. Simultaneously, UNM will request from the potential sponsor unrestricted dissemination of the procedures and the results of the research. In the event of denial of such request by the potential sponsor, the proponents will still be free to proceed with the implementation of the contract, so long as it is not in violation of the following guidelines.

Classified research is never conducted on UNM Property but only at a government contracting agency facility. It is recognized that, in certain areas of research, the association of faculty members with off-campus facilities has provided access to expensive and sophisticated types of equipment not available at UNM and has consequently contributed toward the training and development of students. However, in order to preserve as open a university society as possible, faculty members should attempt to obtain support for unclassified research. Students may participate in research projects of their interest, whether classified or not, within the limits of UNM and policies, but Classified information requires access only by authorized personnel who possess both a security clearance and a "need to know," therefore UNM faculty, staff and students may not use, share, or provide access to classified data for publications, course presentations, conference presentations, course credit, theses, or dissertations. If a student intends to use material from a classified project for a thesis or dissertation, the supervising faculty member must advise the student that they will not be permitted to use any data that would cause the thesis or dissertation to be restricted from dissemination. Dissemination is interpreted to mean "availability to anyone without restriction."

As a recipient of Government Contracting Agencies Facility Clearance (FCL) UNM is a Cleared Defense Contractor (CDC) and is obligated to follow National Industrial Security Program (NISP) requirements, restrictions and other safeguards that are necessary to prevent unauthorized disclosure of classified information, and to control authorized disclosure of classified information released by U.S. government executive branch departments and agencies to their contractors. This Policy establishes guidelines to ensure UNM's compliance with guidance provided in the 32 CFR Part 117, National Industrial Security Program Operating Manual (NISPOM).

1. Appeals

Per Board of Regents RPM Policy 1.5: Appeals to the Board of Regents, "faculty, staff, or students affected by a final decision of any University authority may appeal the decision to the Board of Regents" only after appealing to the President of the University, or the President's designee. All appeals to the Board of Regents are discretionary, and the Board will exercise discretion to hear such appeals only in extraordinary cases.

Revisions to the remaining sections of this document may be amended with the approval of the Faculty Senate Policy, Research Policy, and Operations Committees in consultation with the responsible Faculty Senate Committee listed in Policy Heading.

PROCEDURES

1. Security Procedures

1.1 UNM has been issued a Facility Clearance (FCL) by the U.S. Department of Defense and Department of Energy. The FCL allows UNM to do classified work with other Government Contracting Agencies.

1.2 All requests for security clearances of employees and students who require access to classified information are originated by the applicable Project Manager and submitted to the Facility Security Officer (FSO) for processing. The project manager must provide a "Justification for Clearance Form." Authorizations are not valid until authenticated by the FSO or designee.

1.3 The Defense Counterintelligence and Security Agency (DCSA) conducts periodic inspections of UNM's Industrial Security practices on behalf of the Department of Defense. The FSO or designee must conduct self-inspections as appropriate to ensure continued compliance with the NISPOM.

1.4. Classified discussions and the storage of classified material is prohibited outside of any DCSA approved facility.

~~With the exception of the Campus Security Office the existence on campus of areas restricted because of classified research is prohibited.~~

1.5 The FSO has developed detailed Standard Practice and Procedures (SPP) to ensure UNM compliance with the NISPOM. Contact the FSO at the Industrial Security Office for questions related to classified information.

2. Disclosure of Classified Information

2.1 Individuals authorized to have access to classified information must follow established procedures at all times and are responsible for guarding against unauthorized disclosure of classified information.

2.2 Cleared employees must ensure that classified information is disclosed only to persons with an appropriate clearance level and a need to know as authorized in accordance with 32 CFR Part 117 NISPOM, Chapter 117.15(h).

2.3 The Government Contracting Agency (GCA) grants classified contracts and security requirements necessary to execute a classified contract.

2.4 Classified contracts will be routed from the Office of Sponsored Projects to the FSO for review prior to execution.

3. Security Violations

All security violations regardless of where they occur (on or off campus) must be reported to the FSO. In the event of violations or negligence a faculty, staff, or student member will be subject to discipline in accordance with applicable laws, regulations, and applicable UNM discipline policies (see Related Documents section below).

3.1 Any violation of established security procedures must be reported to the FSO immediately so the FSO may assist in bringing the situation back into compliance. Examples of security violations include but are not limited to:

- (a) Leaving a safe containing classified material open and unattended.
- (b) Allowing non-cleared individuals to have access to classified material, either by viewing classified material or by conducting classified discussions in a non-secured area or over a non-secured form of communication.
- (c) Allowing non-cleared individuals access to combinations for safes in which classified material is stored.
- (d) Storing the written combination to a safe in a non-approved container.
- (e) Sending or sharing classified material via non-approved transmission methods.
- (f) Removing classified material from the building in which it is normally stored without permission from the FSO.
- (g) Copying or destroying classified material.
- (h) Generating, accessing, and storing classified material on a non-approved computer or other device.

Security violations are recorded by the FSO in the form of the Security Incident Report. The FSO will investigate the violation and submit initial and final reports to the DCSA if required.

3.2 In addition to disciplinary action that may be taken pursuant to UNM policy, 32 CFR Part 117, NISPOM, Chapter 118.8(e)(2) requires a plan for a graduated scale of disciplinary actions in the event of employee or student violations or negligence. The FSO provides the plan for a graduated scale of discipline to cleared personnel. Prior to finalizing the disciplinary action, the UNM sanctioning officer must discuss the proposed disciplinary action with the FSO to ensure it complies with 32 CFR Part 117 requirements. Violators may also be subject to criminal punishment.

In the event that a conflict arises concerning the interpretation of existing UNM policies and rules with respect to classified research, an appeal will be heard by the Provost who fulfills the role of KMP (key management personnel) required by federal regulations (32 Code of Federal Regulation Part 117). ~~chair of the Research Policy Committee and the Vice President for Research.~~ At their discretion, they may request the ~~or~~ Research Policy Committee to appoint an ad hoc committee to further deal with the problem. If the conflict cannot be resolved, the route of further appeals would be the President and the Board of Regents (see Policy Statement, Section 1. above).

3.3 Individual Culpability Reports

When individual responsibility for a security violation can be determined and one or more of the following factors are evident, an Individual Culpability Report will be sent to DCSA by the FSO. Factors include:

- (a) Deliberate disregard of security requirements.
- (b) Gross negligence in the handling of classified material.
- (c) A pattern of negligence or carelessness.

4. Insider Threat Program

The Insider Threat Program is intended to address threats to personnel, facilities, material, information, equipment or other Department of Defense, Department of Energy or U.S. government assets. The UNM President has designated the FSO as the Insider Threat Program Senior Official (ITPSO). The FSO has created an Insider Threat Program, in accordance with 32 CFR Part 117 NISPOM, Section 117.7(b)(4), and 117.7(d).

DEFINITIONS

Classified information. Records, files, reports and other data or material relating to contracts between UNM and the U.S. government which are required by the contract, pursuant to Executive Order 12958 (Apr. 17, 1995), to be protected against unauthorized disclosure in the interest of national security.

Classified research. Refers to research that involves information or materials designated by the U.S. government as requiring protection against unauthorized disclosure for national security reasons. This type of research is governed by federal classification standards (e.g. Confidential, Secret, Top Secret) and access is restricted to individuals with the appropriate security clearance and need to know.

Facility Clearance (FCL). An administrative determination issued by the DOD and DOE that a facility is eligible for access to classified information or award of a classified contract. Contractors are eligible for custody (possession) of classified material if they have an FCL and storage capability approved by the Cognizant Security Agency.

National Industrial Security Program Operating Manual (NISPOM). A manual that provides baseline standards for the protection of classified information released or disclosed in connection with classified contracts under the National Industrial Security Program.

Facility Security Officer (FSO). The FSO supervises and directs security measures necessary for implementing the applicable requirements of 32 CFR Part 117 and the related USG security requirements to ensure the protection of classified information.

Insider Threat Program Senior Official (ITPSO). The ITPSO will establish and execute an Insider Threat Program.

Senior Management Official (SMO). The SMO is a person occupying a position in the entity with ultimate authority over the facility’s operations and the authority to direct actions necessary for the safeguarding of classified information in the facility.” UNM’s SMO is the UNM President.

WHO SHOULD READ THIS POLICY

- Students
- Faculty
- Staff
- Department chairs, academic deans and other academic administrators and executives
- External research collaborators who are provided access to UNM managed research data.

RELATED DOCUMENTS

UNM Regents’ Policy Manual

[RPM Policy 5.10: Conflicts of Interest in Research](#)

[RPM Policy 5.11: Classified Research](#)

[RPM Policy 5.13: Research Fraud](#)

[RPM Policy 5.17: Conflict of Interest Waiver Policy for Technology Transfer](#)

Faculty Handbook

[FH Section B: Academic Freedom and Tenure](#)

[FH Policy C07: Faculty Disciplinary Policy](#)

[FH Policy D175: Undergraduate Student Conduct and Grievance Procedures](#)

[FH Policy D176: Graduate and Professional Student Conduct and Grievance Procedures](#)

[FH Policy E30: Research Data Management](#)

[FH Policy E40: Research Misconduct](#)

[FH Policy E60: Sponsored Research](#)

[FH Policy E110: Conflict of Interest in Research](#)

[FH Policy E130: Foreign Talent Recruitment Programs](#) (under development)

University Administrative Policies and Procedures Manual

[UAP Policy 3215: Performance Improvement](#)

Federal Regulation

[32 Code of Federal Regulation Part 117](#)

CONTACTS

Direct any questions about this Policy or its components to the Office of the Vice President for Research (OVRP) or the Office of the Health Sciences Vice President for Research (HSVPR).

HISTORY

Approved by the University Faculty on March 13, 1973

E130: Foreign Talent Recruitment Programs (FTRPs) Policy

Approved By: Faculty Senate

Last Updated: **New Policy Draft 4/1/2026**

Responsible Faculty Committee: Research Policy Committee

Office Responsible for Administration: Vice President for Research (VPR) and Health Sciences
Vice President for Research (HSVPR)

Legend: **Draft** of New Policy—no highlighting,

Revisions to the Applicability, Policy Rationale, and Policy Statement sections of this document must be approved by the full Faculty Senate.

APPLICABILITY

The Policy applies to all members of the University of New Mexico (UNM) community participating in research activities at or on behalf of UNM, who contribute in a substantive, meaningful way to the scientific development or execution of a research and development project proposed to be carried out with a research and development award, including but not limited to faculty, staff, students, visiting scholars, postdoctoral fellows. We refer to those individuals as “covered individuals,” within this policy as defined by the CHIPS and Science Act 2022.

POLICY RATIONALE

Many countries sponsor Foreign Talent Recruitment Programs (FTRPs) to attract researchers in targeted fields. Many programs utilize legitimate, transparent mechanisms of talent recruitment, including use of research fellowships, student and scholar exchanges, and grants. However, some programs, designated by the federal government as malign foreign talent recruitment programs (MFTRPs), provide direction or levy requirements, including through language in binding contracts, that create conflicts of interest and/or conflicts of commitment for people directly or indirectly involved in research activities; some have been shown to encourage or direct unethical and even criminal behaviors.

To ensure that federal funds are not used to support MFTRPs, federal regulations require covered individuals to disclose all participation in FTRPs and to certify at proposal, and annually for the duration of the award, that they are not a party to a MFTRP. Research Institutions applying for awards will need to certify that covered individuals have been made aware of this requirement.

UNM promotes and conducts research to advance knowledge, enhance student learning experiences, and build its reputation in the scientific community. While UNM endorses the principles of freedom of inquiry and open exchange of knowledge, it is the policy of UNM to comply with all federal laws and regulations, as well as other relevant sponsor requirements. It is UNM's responsibility to safeguard information and technologies from exploitation. This Policy provides UNM faculty, staff, and students and any other persons participating in research activities at, or on behalf of, UNM, with information on applicable federal regulations and definitions pertaining to FTRPs; UNM's requirements designed to ensure compliance with applicable laws, regulations and sponsor requirements; and prohibits participation in a MFTRP.

POLICY STATEMENT

Participation in FTRPs can involve risks that warrant careful consideration, mitigation, and in some cases complete avoidance. Therefore, all members of the UNM community who are designated as covered individuals by a federal agency:

- must disclose all participation in FTRP contracts, agreements, or other similar arrangements;
- are prohibited from participating in any MFTRP;
- comply with all sponsor policies and certifications regarding MFTRP as they are developed and implemented, and that disclosures are true, complete, and accurate to the best of the covered individual's knowledge;
- certify at proposal submission stage, and annually for the duration of the award, that they are not a party to a MFTRP; and
- attend all training required by the Office of Research Integrity and Compliance (ORIC) or HSC Office of Research, only if those trainings are required by the Federal sponsors.

1. Violations

Any individual who suspects a violation of this Policy **should contact** the ORIC and/or the HSC Office of Research who will refer the matter to **Industrial Security Department (ISD)**. The investigation procedures in [FH Policy C07 "Faculty Disciplinary Policy"](#) may be used for guidance. Individuals who violate this Policy may be subject to an internal compliance review, which may include reporting to relevant federal agencies. False, fictitious, or fraudulent statements or claims (including omissions) in violation of this Policy may result in criminal, civil, and administrative penalties and/or UNM disciplinary action. Penalties for violations can be quite severe, potentially including large fines and imprisonment and could apply to both individuals and the institution.

Examples of violations include, but are not limited to:

- An employee or researcher failing to appropriately disclose participating in an FTRP or MFTRP to OSP or HSC-SPO;
- A researcher engaged in federally funded research failing to disclose participation in a MFTRP to the federal sponsor, per federal research agency requirements; or

- A researcher engaged in federally funded research participating in an MFTRP, in violation of federal sponsor requirements.

Comprehensive definitions of applicable federal terms are provided in the Definitions section below.

Revisions to the remaining sections of this document may be amended with the approval of the Faculty Senate Research Policy Committee, Policy Committee, and Operations Committee.

PROCEDURES

These procedures pertaining to FTRPs and MFTRPs are to be used in conjunction with all sections of this document, including Definitions. It is the responsibility of members of the UNM community to safeguard information and technologies from exploitation as described below.

1. Covered Individuals' Responsibilities

All UNM Covered Individuals are responsible for:

- seeking assistance from the Industrial Security Department (ISD) if a potential Malign Foreign Talent issue occurs; **and**
- fully disclosing such participation in a FTRP to the Office of Sponsored Projects (OSP) or HSC Sponsored Projects Office (HSC-SPO); and
- complying with federal sponsor policies; and
- fulfilling training required by the federal sponsor and offered by the Office of Research Integrity and Compliance (ORIC) or HSC Office of Research; and
- refraining from participating in MFTRPs.

1.1 Prohibition of Malign FTRP Participation

Participation in a MFTRP is a prohibiting factor for a researcher involved in certain federal funding. Personnel involved in a MFTRP may need to be replaced on projects, or a proposal may be rejected by the federal funding agency. Participation with a Foreign Entity of Concern may result in termination of support from the federal funding agency, and a prohibition from receiving or participating in covered support for a period of not less than one (1) year but not more than ten (10) years.

2. OSP/HSC-SPO Responsibilities

OSP/HSC-SPO is responsible for:

- requesting a FTRP review by the UNM Industrial Security Department (ISD) if a covered individual discloses participation in a FTRP; and
- certifying that covered individuals have been made aware of this Policy's requirements.

3. ORIC/HSC Office of Research Responsibilities

ORIC/HSC Office of Research is responsible for:

- administering policies for Conflict of Interest and Conflict of Commitment related to UNM research;
- administering annual disclosure processes;
- including MFTRP as part of Responsible Conduct of Research training; and
- referring appropriate cases to the ISD.

4. UNM ISD Responsibilities

The ISD serves as the primary representative and point-of-contact for all UNM foreign related activities. Specifically, ISD is responsible for:

- conducting FTRP reviews and MFTRP control reviews;
- administering and monitoring the Research Security Program and serving as the central point-of-contact for procedures administered to mitigate risks;
- overseeing foreign participation activities to proactively manage compliance;
- raising awareness through communication and required trainings, so that faculty and other academic appointees, staff, students, and non-employee participants in UNM programs, especially those conducting work in high-risk areas, can identify activities that may have foreign influence implications and seek guidance from subject experts;
- investigating any known or suspected export control or foreign influence violations; and
- creating and implementing an MFTRP evaluation process according to federal guidelines to mitigate the severity of any fines or penalties that might be imposed.

4.1 UNM Research Security Program

The purpose of the Research Security Program, coordinated by ISD, is to provide oversight to help UNM research community understand their responsibility for compliance and to manage foreign influence-related decisions and transactions to ensure compliance with applicable laws and regulations. Key elements of the Research Security Program are:

- (1) cybersecurity;
- (2) foreign travel security;
- (3) research security training; and
- (4) export control training.

Some examples:

- Identification of research activities with the greatest risk;
- Risk assessment of employees who are participants in FTRPs;
- Documentation of risk assessment procedures and results;
- Foreign Influence training for individuals based on expected roles at UNM;
- Procedures for investigating and addressing a problem;

- Regular audits of research policies and procedures to ensure they are being followed and follow applicable laws and regulations; and
- Audits of selected research activities based on the sensitivity of the involved technology and existing government recommendations.

4.2. ISD **Facility Security Officer**

Facility Security Officer is responsible for analysis of foreign programs or sponsorship activities to ensure compliance with laws and regulations.

DEFINITIONS

Covered Individual. As defined in the CHIPS and Science Act.

The term “covered individual” means an individual (faculty, student, postdoctoral fellow, staff) who:

- (A) contributes in a substantive, meaningful way to the scientific development or execution of a research and development project proposed to be carried out with a research and development award from a federal research agency; and
- (B) is designated as a covered individual by the federal research agency concerned.

Export. The transfer of products, technology or services from the United States to another country or to foreign persons within the United States. This includes Deemed Exports which include the transfer of technology, including articles, information, data or use of equipment that has certain export restrictions, to a foreign national in the US.

Foreign Country of Concern. Any country determined to be a country of concern by the Department of State. For the most current list, refer to:

[Countries of Particular Concern, Special Watch List Countries, Entities of Particular Concern - United States Department of State](#)

Foreign Entity of Concern. As defined in the CHIPS and Science Act.

“The term “foreign entity of concern” means a foreign entity that is—

- (A) designated as a foreign terrorist organization by the Secretary of State under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a));
- (B) included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (commonly known as the SDN list);
- (C) owned by, controlled by, or subject to the jurisdiction or direction of a government of a foreign country that is a covered nation (as such term is defined in section 4872 of title 10, United States Code);
- (D) alleged by the Attorney General to have been involved in activities for which a conviction was obtained under—

- (i) chapter 37 of title 18, United States Code (commonly known as the Espionage Act);
 - (ii) section 951 or 1030 of title 18, United State Code;
 - (iii) chapter 90 of title 18, United State Code (commonly known as the Economic Espionage Act of 1996);
 - (iv) the Arms Export Control Act (22 U.S.C. 2751 et seq.);
 - (v) The Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.); or
 - (vi) The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); or
- (E) Determined by the Secretary of Commerce, in consultation with the Secretary of Defense and the Director of national Intelligence, to be engaged in unauthorized conduct that is detrimental to the national security or foreign policy of the United States.

Foreign Person. Any natural person who is not a lawful permanent resident of the United States, citizen of the United States, or any other protected individual as defined by 8 U.S.C. 1324b(a)(3). It also means any corporation, business association, partnership, trust, society or any other entity or group that is not incorporated in the United States or organized to do business in the United States, as well as international organizations, foreign governments and any agency or subdivision of a foreign government.

Foreign Talent Recruitment Program (FTRP). As defined by the CHIPS and Science Act. <https://www.congress.gov/bill/117th-congress/house-bill/4346>

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 or national origin, or whether having a full-time or part-time position).

Malign Foreign Talent Recruitment Program (MFTRP). As defined by the CHIPS and Science Act.

A MFTRP exists if the arrangement is as described in Section A below, and has at least one factor from Section B below and at least one factor from Section C below.

Section A. Definition:

Any program, position, or activity that includes compensation in the form of cash, in-kind compensation, including research funding, promised future compensation, complimentary foreign travel, things of non de minimis value, honorific titles, career advancement opportunities, or other types of remuneration or consideration directly provided by a foreign country at any level (national, provincial, or local) or their designee, or an entity based in, funded by, or affiliated with a foreign country, whether or not directly sponsored by the foreign country, to the targeted individual, whether directly or indirectly stated in the arrangement, contract, or other documentation at issue.

Section B Problematic Obligations/Activities

In exchange for the individual—

- (i) engaging in the unauthorized transfer of intellectual property, materials, data products, or other nonpublic information owned by a United States entity or developed with a federal research and development award to the government of a foreign country or an entity based in,

funded by, or affiliated with a foreign country regardless of whether that government or entity provided support for the development of the intellectual property, materials, or data products;

(ii) being required to recruit trainees or researchers to enroll in such program, position, or activity;

(iii) establishing a laboratory or company, accepting a faculty position, or undertaking any other employment or appointment in a foreign country or with an entity based in, funded by, or affiliated with a foreign country if such activities are in violation of the standard terms and conditions of a federal research and development award;

(iv) being unable to terminate the foreign talent recruitment program contract or agreement except in extraordinary circumstances;

(v) through funding or effort related to the foreign talent recruitment program, being limited in the capacity to carry out a research and development award or required to engage in work that would result in substantial overlap or duplication with a federal research and development award;

(vi) being required to apply for and successfully receive funding from the sponsoring foreign government's funding agencies with the sponsoring foreign organization as the recipient;

(vii) being required to omit acknowledgment of the recipient institution with which the individual is affiliated, or the federal research agency sponsoring the research and development award, contrary to the institutional policies or standard terms and conditions of the federal research and development award;

(viii) being required to not disclose to the federal research agency or employing institution the participation of such individual in such program, position, or activity; or

(ix) having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the Federal research and development award.

Section C Problematic Sponsorship

A program that is sponsored by—

(i) a foreign country of concern or an entity based in a foreign country of concern, whether or not directly sponsored by the foreign country of concern;

(ii) an academic institution on the list developed under section 1286(c)(8) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note; Public Law 115-232);

(iii) or a foreign talent recruitment program on the list developed under section 1286(c)(9) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note; Public Law 115-232).

Acronyms

FTRP Foreign Talent Recruitment Programs

MFTRP Malign Foreign Talent Recruitment Programs
COI Conflict of Interests
COC Conflict of Commitments
ISD Industrial Security Department
OSP Office of Sponsor Research
HSC Health Science Center
SPO Sponsor Project Office
ORIC Office of Research & Compliance

WHO SHOULD READ THIS POLICY

- Faculty, postdoctoral fellows, students and staff conducting research.
- Members of the Faculty Senate and the Research Policy Committees.
- Academic deans or other executives, department chairs, directors, and managers.
- Administrative staff responsible for research management.
- Any other persons participating in research activities at or on behalf of UNM

RELATED DOCUMENTS

UNM Regents' Policy Manual

[RPM Policy 5.9](#) "Sponsored Research"

[RPM Policy 5.11](#) "Classified Research"

[RPM Policy 5.10](#) "Conflicts of Interest in Research"

[RPM Policy 5.17](#) "Conflict of Interest Waiver Policy for Technology Transfer"

Faculty Handbook

[FH Policy C07](#) "Faculty Disciplinary Policy"

[FH Policy C130](#) "Outside Employment and Conflicts of Commitment"

[FH Policy E10](#) "Classified Research"

[FH Policy E60](#) "Sponsored Research"

[FH Policy E90](#) "Human Beings as Subjects in Research"

[FH Policy E50](#) "Export Control" (under development)

[FH Policy E80](#) "Conflicts of Interest Waiver Policy for Technology Transfer"

[FH Policy E110](#) "Conflict of Interest in Research"

University Administrative Policies

[UAP 3720](#) "Employee Code of Conduct and Conflicts of Interest"

Federal Regulations

National Security Presidential Memorandum (NSPM)-33

[The White House - NSPM-33](#)

[Creating Helpful Incentives to Produce Semiconductors \(CHIPS\) and Science Act of 2022](#)

<https://www.govinfo.gov/content/pkg/PLAW-117publ167/pdf/PLAW-117publ167.pdf>

CONTACTS

Direct any questions about this policy to the UNM Industrial Security Department.

HISTORY

New policy proposed.

DRAFT HISTORY

1/16/26 Revised per FSPC review

8/29/24 New Policy draft

10/30/2024 New Policy Revised by RPC subcommittee