

Date: April 10, 2023

To: Faculty, students and staff conducting or supporting research

From: Jon Reuter, Assistant Vice Chancellor of Research Integrity & Compliance

Subject: CU Boulder guidelines for conducting successful international collaborations

Note: *This memo supersedes the original communication “Disclosure and reporting requirements related to foreign support of research” dated January 31, 2019.*

The purpose of this guidance is to empower CU researchers to continue to seek international collaborations that contribute to the progress of science, and in a manner that poses less risk to the individual and to CU research community. CU Boulder is an integral part of the scientific discovery enterprise in the United States and globally, and we must continue to attract bright and ambitious minds from the world over in furtherance of that role. We must continue to find ways to help CU innovators commercialize their ideas in a way that benefits both the individual and the university. We must push forward with expanding the frontiers of knowledge while being cognizant that there are significant threats to exploit trust and engagement in the global scientific community. CU Boulder is committed to ensuring that our community remains an open, welcoming environment and that these Guidelines may serve as the foundation for many successful international collaborations.

CU Boulder is a public research university serving Colorado, the nation, and the world through leadership in high-quality education, public service, and groundbreaking research. At the heart of this focus are the diverse contributions of a wide range of world-class experts, working together to accelerate ideas at each stage of the innovation spectrum. Breakthroughs in science have long been reliant on open exchanges of novel ideas. Accelerating with the advent of the printing press, scientific progress has been built on the ability to share discoveries across borders and through time.

The United States has long fostered scientific collaboration and has made a conscious transformation through policies that encouraged foreign contribution in the form of ideas, investment, immigration, and imports. As universities developed greater capabilities in science and engineering, the U.S. government increased its funding efforts to fuel larger amounts of research and to secure science and technology leadership. Which in turn, enables greater national and economic security.

CU Boulder has risen to lead in certain scientific fields due in part to its ability to attract amazing innovators, regardless of origin, whether in the form of student, professor, or researcher. As a public research institution, CU Boulder is committed to upholding federal regulations, State of Colorado laws, and University policy while remaining a diverse and welcoming place to plug expertise into the progress of science, and leader as the government continues to grow its investments in CU research.

CU Boulder recognizes that as the international landscape shifts, we shall be thoughtful to the international engagements we pursue while upholding our commitment as a public research institution. Unfortunately, science has moved faster than governance, and the broad dissemination of certain advanced technologies is putting tools in the hands of a small cadre of government actors, who are willing to use them in support of their pernicious agendas. The openness that has been a catalyst for university science now becomes the vulnerability to

exploit in the illicit acquisition of emerging technologies. CU Boulder is not immune to the changes in the global environment for research, technology development, and geopolitics. The United States federal government has stated:

“The American research culture is intentional in its strong commitment to openness. Yet maintaining that open research culture also requires being clear-eyed that certain governments seek to exploit our openness and disrupt the integrity of our research. Such threats require the Federal government, in collaboration with the research community, to take protective actions to mitigate research integrity risks without compromising the values that distinguish the U.S. research enterprise: openness, transparency, honesty, equity, fair competition, objectivity, and democratic participation.”¹

CU will continue to pursue international collaboration. We will do so with a conscious understanding of the risks presented by certain adversarial governments, and a deliberate approach to mitigate harm through transparency. In the spirit of leveraging the expertise and experience all who call CU home and contribute to its research prowess, CU Boulder faculty, staff and students have a responsibility in identifying the threats and mitigating the harm.

1. Promptly disclose.

- a. All [foreign engagements](#) for which a benefit (financial or otherwise) is expressly conferred on the CU faculty must be disclosed through the DEPA. Benefits can be in the form of financial payments, in-kind contributions to research, and honorary memberships in special groups.
- b. For those individuals who are responsible for the design, conduct, reporting or management of a project funded by a United States federal agency, one should be familiar with the [expectations for disclosure](#) and ensure that the appropriate sponsor notifications are made.

2. Identify the benefits. When evaluating a potential foreign engagement, one should assess and understand the benefits that could flow to CU and to the CU researcher. In considering the benefits, CU encourages the researcher to ask the following questions of engagement with a foreign entity or person under the influence or control of an adversarial government.

- a. Is there a unique opportunity for CU to expand its research capabilities that would not otherwise exist?
- b. Are the terms of the engagement—including who owns any technology that results from it—clearly identified? Is it clear what each party is contributing to the collaboration?

3. Acknowledge the risks with the specific entity/person. What are the costs to CU and to the CU researcher, both real and potential, associated with this collaboration?

¹ <https://www.whitehouse.gov/ostp/news-updates/2022/08/31/an-update-on-research-security-streamlining-disclosure-standards-to-enhance-clarity-transparency-and-equity/>

- a. CU researchers should understand that the university system is different in adversarial countries, with many universities in several countries being directly managed by the government.
 - i. For example, in China, many of the top universities are directly managed by SASTIND, the government agency in charge of ensuring modernization of military technology through civil-military fusion.
 - b. This does not mean that every aspect of research at these universities will contribute to military end-uses. It does mean, however, that if the research could significantly contribute to such end-use, the researcher should assume that it will be used in that manner.
 - c. CU researchers shall not engage in a foreign collaboration that is likely to support one or more of the following activities:
 - i. Nuclear, biological, or chemical weapons proliferation.
 - ii. Human rights abuses, including by working with biometric, genetic, or other data that has a potential application in conflict with ethical and informed consent standards at CU.
4. **Understand research sharing norms.** How do the laws and culture of the foreign collaborator effect the sharing of research results under U.S. norms?
- a. Does the foreign entity have a conflict of interest assessment (to ensure that the foreign researcher is not funneling information or data for proprietary goals)?
 - b. Will resulting publications be open and accessible to all?
 - c. Does the foreign entity exist in a jurisdiction that respects and enforces intellectual property rights held by foreign persons?
 - d. Is there a substantial mismatch between the research norms at CU compared to those of the foreign university (e.g., fundamental research at CU, but controlled research at the foreign university)?
5. **Question the implications of excessive compensation.** When interacting with an entity under the control of a foreign government, it is best to follow the guidelines on “reasonable compensation” and to seek approval and insight for opportunities that are outside the ranges indicated therein.
6. **Understand talent recruitment programs, including the implications of certain terms.**
- a. Prior to acceptance or continuation of such programs, ensure that one is familiar with the United States federal agencies’ position and what are allowable and/or reportable activities. Note that most granting agencies are now prohibiting talent program participation. All talent programs must be disclosure on the DEPA for review by the university. Copies of signed agreements may be required for review and must be provided in English.

- b. Avoid those that require outright, or appear to be predicated on, a transfer of technology back to the foreign university (other than teaching classes).
- c. Avoid providing benefits for students or researchers from the foreign university in exchange for remuneration; for example, by agreeing to write letters of recommendation, or agreeing to host a certain number of students/researchers.

7. Manage informal collaborations.

- a. Be aware of the scope and scale of collaborations and what is being offered (and asked for in return).
- b. Reach out to the appropriate CU Boulder unit(s) if you have questions or need support in managing an informal collaboration (Export Control, Conflicts of Interest and Commitment, Research Security, or Office of Contracts and Grants).

8. Screen for restricted or denied entities.

- a. In general, regardless of the nature of the research, no collaborations are permitted between CU Boulder researchers and individuals or entities that have been identified on a U.S. government list as restricted or denied. This includes the [Specially Designated National list](#) maintained by the Department of Treasury, as well as the [Entity list](#) and [Military End User list](#) maintained by the Department of Commerce.
- b. Should a compelling argument exist, approval by the Assistant Vice Chancellor of Research integrity and Compliance is required and must be obtained prior to any exchange of information or research data. For instruction on submitting an approval, please contact the Office of Research Integrity; <https://www.colorado.edu/researchinnovation/ori>
- c. Campus approval of collaboration may still require a license from the [U.S. Department of Commerce, Bureau of Industry and Security \(BIS\)](#) before initiation. The [Office of Export Control](#) manages all license applications.