



KEAN

POLICY PROHIBITING PARTICIPATION IN MALIGN FOREIGN TALENT RECRUITMENT PROGRAMS

Policy Statement

This policy prohibits participation in Malign Foreign Talent Recruitment Programs (MFTRPs) by all Kean University research personnel, which may include employees, faculty, students, visiting scholars, and/or affiliates who contribute to federally funded research or are designated as covered individuals under federal definitions.

Overview

This policy ensures compliance with federal mandates to protect the integrity of U.S. research from foreign interference. Prohibition in MFTRPs by university research personnel and establishment of researcher and institutional responsibilities aligns with the CHIPS and Science Act of 2022, National Security Presidential Memorandum-33 (NSPM-33), and current Department of Defense (DoD) guidance. The following definitions are derived from these federal regulations:

- **Foreign Talent Recruitment Program (FTRP):** Any effort organized, managed, or funded by a foreign government or entity to recruit science and technology professionals, offering compensation or benefits.
- **Malign Foreign Talent Recruitment Program (MFTRP):** A subset of FTRPs that:
 - Involve unethical or illegal activities such as unauthorized transfer of intellectual property or concealment of affiliations;
 - Are sponsored by a **foreign country of concern** (e.g., China, Iran, North Korea, Russia) or listed entities under Section 1286 of the FY2019 National Defense Authorization Act;
 - Include coercive or non-transparent terms, such as requiring secrecy, dual affiliations, or conflicting obligations.
- **Covered Individual:** Anyone who contributes meaningfully to the scientific development or execution of a federally funded research project, including principal investigators, co-investigators, and senior/key personnel.

Regulatory Framework

The CHIPS and Science Act of 2022 (Sections 10631–10638) requires federal research funding agencies (i.e. National Science Foundation, National Institutes of Health, Department of Energy) to establish policies that require “covered individuals” to disclose all participation in foreign talent recruitment programs and to certify at proposal, and annually for the duration of the award, that they are not a party to a malign foreign talent recruitment program and that institutions prohibit MFTRP participation, certify compliance by covered individuals, and maintain policies that distinguish between malign and legitimate international collaborations. *NSPM-33* requires covered institutions¹ to standardize disclosure of foreign affiliations, conflicts of interest/commitment, and participation in talent programs and mandates that institutions implement *Research Security Programs* including training, digital persistent identifiers, and information sharing. As of August 9, 2024, the *Department of Defense* will not fund institutions that lack a policy prohibiting MFTRP participation and fail to conduct risk-based reviews of research personnel and proposals.

On July 10, 2025, the National Science Foundation issued Important Notice No. 149 to Presidents of colleges/universities with its research security policy updates to align with the CHIPS and Science Act of 2022 and the NSRM-33 requirements.

Policy Requirements

A. Covered Individuals

Covered individuals are strictly prohibited from participating in any MFTRP. Participation in any FTRP must be disclosed and reviewed for compliance. All covered individuals must:

- Disclose all foreign affiliations and talent program participation during proposal submission and annually thereafter.
- Certify that they are not participating in an MFTRP as a condition of receiving federal research support.
- Comply with all sponsor policies and certifications regarding MFTRP as they are developed and implemented, and that disclosures must be true, complete, and accurate to the best of the covered individual's knowledge.

B. Institutional Responsibilities

Kean University prohibits participation in MFTRPs. Kean University will certify that covered individuals have been made aware of the requirements set forth in this policy. Kean University will implement mitigation strategies for past MFTRP involvement, including training, reporting, or removal from projects.

C. Exceptions

The following are not considered MFTRPs:

- Scholarly presentations or publications;
- Participation in open, reciprocal international research;

¹ Currently, Kean University is not a covered institution under NSPM-33. However, this policy is intended to comply with the requirements of NSPM-33 based on Important Notice No. 149 issued by the National Science Foundation on July 10, 2025.

- Academic awards (e.g., Fulbright, Nobel Prize);
- Sabbaticals or visiting scholar roles at reputable institutions [\[2\]](#).

Compliance

Violations of this policy may result in disciplinary action, including termination; removal from federally funded projects; and/or institutional ineligibility for federal research funding. Fraudulent statements or claims (including intentional omissions) in violation of this policy may result in criminal, civil, administrative or university penalties.