



University of Manitoba Directive: Foreign Talent Recruitment Programs

Purpose

As research security grows nationally and internationally, researchers obtaining funding need to abide by policy, guidelines, and laws governing the various funding opportunities. Regarding Foreign Talent Recruitment Programs, only the United States government has legislation in place specifically regarding foreign talent recruitment programs. The United States government under Section 10638 (4) (a) (i-ix) of the CHIPS and Science Act 2022 expressly prohibits university employees, students, and faculty members from participation in/with malign foreign talent recruitment or malign foreign talent like recruitment programs.

The University of Manitoba Directive: Foreign Talent Recruitment Programs provides information to researchers accessing Canadian and US Federal funds.

Definitions

Under the United States' CHIPS and Science Act of 2022:

Covered Individuals means an individual 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; similar to a named individual under the Canadian Sensitive Technology and Affiliations of Concern Policy; and
- B. Is designated as a covered individual by the Federal research agency concerned

Foreign Talent Recruitment Programs (FTRP) means a recruitment effort organized, managed, or funded by a foreign government or foreign entity to recruit science and technology professionals or students.

Foreign Talent Recruitment Programs

Foreign Talent Recruitment Program (FTRP) are used by numerous countries to attract researchers in a specific field to advance the country's strategic development and research goals.

A FTRP is a program, position, or activity that includes some type of compensation, either in the form of cash, research funding, complementary travel, appointments or awards, access to labs and equipment, or any other form of in-kind support. This list is non-exhaustive. Compensation is directly provided by a foreign country at any level of government, through a government sponsored individual or entity.

FTRPs typically contact researchers directly with an invitation to participate in the program.

Canadian Research Security Requirements

There are currently no direct preventions on participating in FTRP in Canada; however, participating in a FTRP could raise issues or concerns under the federal [Sensitive Technology and Affiliations of Concern \(STRAC\) Policy](#) and the [Tri-Agency Framework on the Responsible Conduct of Research](#).

If you participate in a FTRP with a [Named Research Organization](#), this could create an affiliation under the STRAC Policy and make you ineligible for Canadian federal funding.

Under the Tri-Agency Framework on the Responsible Conduct of Research, researchers receiving federal funding are required to disclose foreign affiliations and funding. Failure to do so is considered a conflict of interest and breach of the Tri-Agency Responsible Conduct of Research Policy. This could jeopardize your research funding from Canadian federal sources.

US Research Security Requirements

The United States Government, under the CHIPS and Science Act of 2022 (the “Act”), requires disclosure of participation in all FTRP and prohibits recipients of federal funding from participating in Malign Foreign Talent Recruitment Programs (MFTRPs).

To continue to access US federal funding directly or indirectly researchers must abide by these requirements. This includes sub-agreements and funds passing through other institutions and entities to University of Manitoba researchers.

What makes a FTRP malign?

A malign FTRP includes any attempts by a foreign state to unethically or unlawfully acquire research being conducted in Canada. A *malign* FTRP will usually request one or more of the following:

- You are asked to transfer your knowledge, IP and/or expertise to a foreign government or entity
- You are offered incentives to relocate to a foreign country
- You are asked to sign a contract that creates a conflict of interest and/or commitment
- You are asked to establish a lab or company or accept a position/appointment in a foreign country
- You are asked to recruit others to the talent program, or to train other members of the FTRP
- You are asked to not disclose your participation in the talent program
- You are unable to terminate the FTRP contract, except under extraordinary circumstances

Foreign talent programs may also be malign if they are sponsored by: (i) US foreign countries of concern, (ii) entities based in US foreign countries of concern, or (iii) other designated entities under national defense legislation. The US defines foreign country of concern as, China, Iran, North Korea, and Russia.

Scope

The requirements relating to FTRPs and MFTRPs outlined in the Act, extend to all sources of US Federal funding. This includes the National Science Foundation (NSF), the National Institutes of Health (NIH), the Department of Defence (DoD) and the Department of Energy (DoE). This list is not exhaustive and other agencies may have additional requirements.

Penalties for failing to disclose or making a false certification regarding your participation in MFTRPs in US federal funding awards can include restrictions on funding, requirements to return any funding received, employee consequences, and other personal civil and/or criminal penalties.

What is not considered participating in a malign FTRP?

Making scholarly presentations and publishing research not otherwise impacted by government policies and guidelines.

Participating in international conferences, exchanges, research projects, or programs that are open and reciprocal aimed at advancing scientific understanding and is not otherwise impacted by government policies or guidelines.

Advising a student from a foreign institution or writing a recommendation for such a student, at the student's request.

There are exceptions in respect of defense research, and relationships with certain designated academic institutions within certain countries (e.g. People's Republic of China, Russian Federation). Please contact the Office of Research Security if you have any questions.

What to do if you have been contacted by a FTRP

If you suspect that you have been contacted by a FTRP, or may be a member of one, please reach out to research.security@umanitoba.ca for guidance on how to proceed. The Office of Research Security will conduct a risk assessment to help you make an informed decision.

Do not agree to or sign any contract without first obtaining detailed description of what is involved in participation of the FTRP. Not all FTRPs are problematic; however, determine whether joining such a program could negatively impact your ability to receive funding in Canada, the US or internationally over the long term and/or have other consequences.

You should also be aware that participating in a FTRP may conflict with the University of Manitoba's Responsible Conduct of Research Policy and/or:

- [Conflict of Interest](#) Policy and Procedure
- Conflict of Commitment – see Article 12.2 “Outside Professional Activity” of the [University of Manitoba Faculty Agreement](#) for more information.
- [UM Directive: Disclosure of Financial Conflict of Interest: US Public Health Services Funding](#)