



# University Compliance, Ethics, and Risk Office

UNIVERSITY OF CENTRAL FLORIDA

## University of Central Florida Draft Policy Submission Cover Memo Form

Policy No. and Title:

Initiating Authority:

Initiating Authority Approval Date:

Date of Submission for Review:

Submitted by:

Department:

New Policy

Existing Policy (5-year Review)

Existing Policy (Out of Cycle  
Review)

**Summary of Revisions:** (For a new policy, please provide a summary of the policy. For an existing policy, please provide a summary of the revisions made to the policy.)

**Stakeholders included in the Review Process:** (Provide a list of departments involved in the review/revision process.)

Stakeholder feedback must also be requested from the [Faculty Senate](#) and the [College Policy Liaisons](#). By checking the boxes below, you are confirming that feedback from these groups was requested, received, and considered in the draft policy.

College Policy Liaisons

Faculty Senate

**Regulatory Requirements** (if applicable): (Provide information on regulatory requirements pertaining to the policy, including specific statute or regulation number.)

**Presenters:** (Provide the name(s), position title(s), and email address(s) for all individuals who will be presenting the policy to the university's Policies and Procedures Committee.)



# DRAFT – International Engagement Policy

<b>Policy Number</b>	4-219
<b>Responsible Authority</b>	Director, Office of International Collaboration and Export Control Associate Vice President, Deputy Chief Compliance and Ethics Officer
<b>Initiating Authority</b>	Vice President for People and Workplace Experience Vice President for Research and Innovation
<b>Effective Date</b>	
<b>Date of Origin</b>	

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## APPLICABILITY/ACCOUNTABILITY

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This policy applies to all University of Central Florida (UCF) and UCF Direct Support Organization (DSO) employees.

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## BACKGROUND INFORMATION

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UCF encourages and supports open research and the free exchange of ideas, but also recognizes that both the federal and state government have issued guidance, regulation, or policy related to addressing inappropriate foreign influence in higher education. Multiple Florida Statutes have been amended or enacted to address inappropriate foreign influence. At this time, those statutes include 286.101, 288.860, 1010.35, 1010.36, 1010.25, and 1012.977. In addition, the Florida Board of Governors (BOG) has implemented BOG Regulation 9.012 Foreign Influence.

Prior to the implementation of these statutes and BOG regulation, UCF established a foreign influence compliance program. The purpose of this program is to support our faculty and protect their research interests by identifying and mitigating foreign influence risks and compliance concerns. UCF has subsequently strengthened its foreign influence compliance program to meet these additional requirements.

UCF is committed to mitigating the risks associated with inappropriate foreign influence. The vice president for people and workplace experience, oversees UCF's foreign influence compliance program and, as outlined below, works with the Office of Research, University Compliance and Ethics, and the Office of International Collaboration and Export Control to mitigate the risks associated with inappropriate foreign influence. This policy and corresponding

procedures support UCF's efforts in mitigating those risks and are intended to assist UCF employees with compliance with these requirements.

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## DEFINITIONS

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**Denied Party.** A person or entity whose export and reexport privileges have been denied by the U.S. Government.

**Domicile.** Physical presence in a foreign country of concern with an intent to return thereto. Intent is demonstrated by an absence of seeking citizenship in the United States. For purposes of Domicile, foreign country of concern will be defined in accordance with the applicable Florida Statute.

**Export.** The term export is defined in accordance with the Export Administration Regulations, the International Traffic in Arms Regulations, and other applicable export control regulations, but in general will be defined as sending or taking an item, material, technology, or technical information out of the U.S., the release of certain technology and technical information to a Foreign national, and/or providing assistance, including training, to a foreign national, whether in the U.S. or abroad in the design, manufacture, installation, repair, or operation of a defense article.

**Financial Interest.** Anything of value other than that provided directly by UCF.

**Foreign Country of Concern.** As defined in Florida Statute 286.101(1)(b) the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolas Maduro, or the Syrian Arab Republic, including any agency of or any other entity under significant control of such foreign country of concern.

**Foreign National.** Any 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. 1324(b)(3), including refugees and asylees.

### **Foreign Principal.**

1. The government or an official of the government of a Foreign Country of Concern;
2. A political party or a member of a political party in a Foreign Country of Concern. The term "political party" means an organization or a combination of individuals whose aim or purpose is, or who are engaged in any activity devoted in whole or in part to, the establishment, administration, control, or acquisition of administration or control of a government of a foreign country of concern or a subdivision thereof, or the furtherance or influencing of the political or public interest, policies, or relations of a government of a Foreign Country of Concern or a subdivision thereof;
3. A partnership, an association, a corporation, an organization, or other combination of persons organized under the laws of or having its principal place of business in a Foreign Country of Concern, or a subsidiary thereof; or

4. Any person who is Domiciled in a Foreign Country of Concern and is not a citizen or lawful permanent resident of the United States.

**Foreign source.** For the purposes of foreign source reporting pursuant to Florida Statute 1010.25, the term foreign source means any of the following:

1. A foreign government or an agency of a foreign government. The term foreign government means the government of any country, nation, or group of nations, or a province or other political subdivision of any country or nation, other than the government of the United States or the government of a state or political subdivision, including any agent of such foreign government;
2. A legal entity, government or otherwise, created solely under the laws of a foreign state or states;
3. An individual who is not a citizen or a national of the United States or a territory or protectorate of the United States; and
4. An agent, including a subsidiary or an affiliate of a foreign legal entity, acting on behalf of a foreign source.

**Gift.** For the purposes of foreign source reporting pursuant to Florida Statute 1010.25, the term gift means any contract, gift, grant, endowment, award, or donation of money or property of any kind, or any combination thereof, including a conditional or an unconditional pledge of such contract, gift, grant, endowment, award, or donation. Contract in this context means any agreement for the acquisition by purchase, lease, or barter of property or services by a foreign source, for the direct benefit or use of either of the parties, and any purchase, lease, or barter of property or services from a foreign country of concern. The term pledge means a promise, an agreement, or an expressed intention to give a gift.

**Malign Foreign Talent Recruitment Program.** The term Malign Foreign Talent Recruitment Program is defined in accordance with the definition of Malign Foreign Talent Recruitment Program in Section 10638(4)(A)(i)-(ix) of the CHIPS and Science Act of 2022 or as otherwise defined by applicable regulations but in general will be defined as:

1. 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, in exchange for the individual:
  - a. 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;

- b. Being required to recruit trainees or researchers to enroll in such program, position, or activity;
  - c. 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;
  - d. Being unable to terminate the foreign talent recruitment program contract or agreement except in extraordinary circumstances;
  - e. 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;
  - f. 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;
  - g. 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;
  - h. 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
  - i. Having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the Federal research and development award; and
2. A program that is sponsored by:
- a. A foreign country of concern, or any other country determined to be a country of concern by the U.S. Secretary of State or an entity based in one of the above countries, whether or not directly sponsored by the foreign country of concern;
  - b. 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. 2358 note; Public Law 115–232); or
  - c. 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. 2358 note; 1 Public Law 115–232).

**Outside Activity.** Any compensated or uncompensated secondary employment or activity, private practice, private consulting, teaching, research, or other activity that is not part of the employee's assigned duties at the university.

**Permanent Resident.** An individual who has permission to reside in the U.S. on a permanent basis, i.e., a “Green Card” holder.

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## **POLICY STATEMENT**

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UCF has established processes and procedures to identify and mitigate foreign influence risks and compliance concerns which are embedded in several business processes at UCF, including, but not limited to, agreement processes, hiring processes, travel processes, conflict of interest and commitment disclosure processes, and processes for reporting of gifts and contracts with foreign sources. The Office of International Collaboration and Export Control (OICEC) will administer the compliance program as outlined below related to agreements, employment, export control, hosting unpaid visiting scholars, participation in malign foreign government talent recruitment programs, and international travel. University Compliance and Ethics provides oversight and administers UCF’s conflict of interest and commitment program, UCF’s process for soliciting and accepting gifts, and foreign source gifts and contracts reporting.

### **A. Agreements.**

In accordance with Florida Statute 288.860, UCF will not enter into an agreement with a Foreign Principal. In addition, UCF will not enter into an agreement with a Denied Party or an entity that is determined by OICEC in consultation with the vice president for people and workplace experience and the vice president for research and innovation (as needed), to be a threat to U.S. national security interests. For the purposes of Florida Statute 288.860 the term agreement means a written statement of mutual interest in academic or research collaboration.

### **B. Employment.**

1. For purposes of Florida Statute 1010.35, OICEC is designated as the Research Integrity Office and manages the UCF Foreign Influence Screening Process. In accordance with this statute, before certain individuals can be offered employment in a research position, these individuals must be approved by OICEC through the screening process. Approval through the Screening Process is required for:
  - a. All Foreign Nationals.
  - b. U.S. citizens or permanent residents:
    - i. Who have had one year or more of higher education, employment, or training in a foreign country of concern; or
    - ii. Who have an affiliation (i.e., board membership, company ownership, honorary title, etc.) with an institution or program in a foreign country of concern.

These requirements do not apply to U.S. citizens or U.S. permanent residents if the employment or training was/is through an agency of the U.S. Government.

2. In addition to the above requirements, UCF will not hire an individual in a faculty or postdoctoral position who is currently employed or who has been employed within the last 10 years with a Denied Party. Current employees or those already approved in writing by UCF for hire are grandfathered in as of the original approval date of this policy.

### **C. Export Control.**

The U.S. Government has enacted export control laws that control the Export of certain technologies and information outside of the U.S. and to foreign nationals within the U.S. UCF engages in activities, research, and the development of new technologies that are subject to export restrictions. The UCF community must comply with all applicable U.S. export control laws and UCF export control requirements. These requirements are outlined in UCF Policy 4-209.1, Export Control Policy. The U.S. Government has a policy of denial related to export authorizations related to a Denied Party. Due to national security concerns, UCF does not permit the Export and will not seek export approval from the U.S. Government to engage with a Denied Party or an entity that is determined by OICEC in consultation with the vice president for people and workplace experience and the vice president for research and innovation (as needed), to be a threat to U.S. national security interests.

### **D. Foreign Source Reporting**

Semiannually UCF must report to the Florida Board of Governors any gift, as defined in Florida Statutes Section 1010.25 and in this policy, received directly or indirectly from a foreign source with a value of \$50,000 or more during the fiscal year to the Board of Governors. Additionally, Section 117 of the Higher Education Act, 20 U.S.C. § 1011f requires the university to submit to the U.S. Department of Education a report containing any gift from or contract with a foreign source, the value of which is \$250,000 or more, considered alone or in combination with all other gifts from or contracts with that foreign source within a calendar year. UCF implemented procedures for identifying and submitting these required reports. Designated representatives, as defined in the procedures, are responsible for identifying foreign sources on behalf of their respective departments and units and reporting all gifts and contracts, regardless of amount, from foreign sources to University Compliance and Ethics twice a year based on the schedule defined in the procedures.

### **E. Gifts**

UCF, employees, and representatives of UCF may not solicit or accept any gift as defined in Florida Statutes Section 286.101, in their official capacity, including any physical object, loan, reward, promise of future employment, favor, or service, from a college or university based in a foreign country of concern or from a foreign principal. A gift in this context is defined as any transfer of money or property from one entity to another without compensation.

### **F. Hosting Unpaid Visiting Scholars.**

UCF supports hosting unpaid visiting scholars, including unpaid international visiting scholars. However, due to national security concerns, UCF will not host unpaid visiting scholars who are currently employed or who have been employed within the last 10 years with a Denied Party. Current visiting scholars or those already approved in writing by UCF are grandfathered in as of the original approval date of this policy.

## **G. International Travel.**

Travel outside of the U.S. may require an export license due to several factors. These include but are not limited to the proposed destination, item/material/technology or technical information being exported, the purpose of the travel, and the person, entities, or countries involved in the travel. Prior to engaging in international travel that is employment-related, UCF organized, UCF funded, or for which UCF academic credit will be provided, the travel must be reviewed and approved by OICEC. OICEC's approval is incorporated into the travel approval process outlined in UCF Policy 2-903, International Travel. UCF will not approve travel to visit or collaborate with a Denied Party or an entity that is determined by OICEC in consultation with the vice president for people and workplace experience and the vice president for research and innovation (as needed), to be a threat to U.S. national security interests.

## **H. Participation in Malign Foreign Government Talent Recruitment Programs.**

International collaborations and engagements are a key component of higher education and UCF supports international collaborations and engagements. However, UCF employees are not permitted to engage in Malign Foreign Talent Recruitment Programs.

## **I. Reporting Outside Activities, Financial Interests, and Potential Conflicts of Interest or Conflicts of Commitment in Research.**

All employees must comply with applicable federal regulations, state statutes, and university regulations and policies in regard to disclosing, managing, and reporting outside activities and financial interests. All employees are required to comply with University Regulation UCF-3.018 Conflict of Interest or Commitment; Outside Activity or Employment and employees engaged in university research, must also comply with UCF Policy, 4-504.3, Reporting Outside Activities, Financial Interests, and Potential Conflicts of Interest or Conflicts of Commitment in Research. UCF will not approve Outside Activities or Financial Interests with a Denied Party or an entity that is determined by OICEC in consultation with the vice president for people and workplace experience and the vice president for research and innovation (as needed), to be a threat to U.S. national security interests.

Employees found to have knowingly violated this policy and corresponding procedures may be subject to disciplinary action up to and including termination.

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## **RELATED INFORMATION**

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Florida Statute Title XLVIII, Part III Audit Requirement and Procedures Chapter 1010.35-1010.36: [Statutes & Constitution :View Statutes : Online Sunshine \(state.fl.us\)](#)

Florida Statute Title XIX, Part VII International Affairs: [Statutes & Constitution :View Statutes :->2023->Chapter 288->Part VII : Online Sunshine \(state.fl.us\)](#)

[Florida Statute Section 286.101 Foreign Gifts and Contracts](#)

[Florida Statute Section 288.860 International Cultural Agreements](#)

[Florida Statute Section 1010.25 Foreign Gift Reporting](#)

[Florida Statute Section 1010.36 Foreign Travel](#)

[State University System of Florida Board of Governors Regulation 9.012 Foreign Influence](#)

[UCF Regulation 3.018 Conflict of Interest or Commitment; Outside Activity or Employment](#)

[UCF Policy 2-900 International Academic Agreements](#)

[UCF Policy 2-903 International Travel](#)

[UCF Policy 2-901 UCF Policy for All Foreign Nationals](#)

[UCF Policy 4-504.3 Reporting Outside Activities, Financial Interests, and Potential Conflicts of Interest or Conflicts of Commitment in Research](#)

[UCF Policy 4-209 Export Control Policy](#)

[UCF, Office of Research, International Collaboration and Export Control](#)

[U.S. Department of Commerce, Consolidated Screening List Search Engine](#)

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## **CONTACTS**

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