

Dear Faculty, Staff, and Researchers:

One of the relatively few areas in Washington, D.C. that has bipartisan support is how best to protect the intellectual property created at U.S. universities, particularly the research funded by federal dollars and related to vital national security interests.

NYU's foremost goal is to support the research enterprise and the scholarly activity of NYU faculty in the U.S. and abroad. I want to highlight the impacts that may emerge from the federal government for faculty and researchers actively engaged in research, and the resources we have to help faculty remain in compliance.

How NYU Maintains Compliance

Let me begin by rehearsing current policies and procedures that should guide our efforts. Any research supported in any form by any sponsor - including foreign organizations - must be conducted with proper stewardship and in accordance with U.S. laws. In cases where the research is performed outside the U.S., it must also be in compliance with the laws of the country in which a project is taking place. This includes business registration and tax laws, export controls, as well as NYU policies and procedures involving intellectual property, conflict of interest, and conflict of commitment.

To assist researchers in ensuring proper reporting, there are important resources available through the Office of Sponsored Programs (OSP). This includes the Advisors on Foreign Activities and Research (AFAR), which offers faculty targeted, specialized support in response to the increasingly complex challenges inherent in conducting and collaborating on research internationally. Click here to learn more about this important resource:

<https://www.nyu.edu/research/resources-and-support-offices/sponsored-programs/sponsored-projects-international-and-afar/export-control-regulations/afar.html>.

Congress, Federal Agencies, U.S. Research Universities, and Chinese Tech Companies – Current Steps NYU Is Taking

Legislation created last summer prohibited the procurement of telecommunications equipment and services from Huawei and ZTE, both Chinese corporations. Additional legislation is currently being considered in Congress that might disadvantage faculty in pursuing federal funding if they have accepted funding from certain foreign government affiliated firms. Legislation may also prohibit the use of technology from these firms being used in certain federally funded research projects.

Many federal sponsoring agencies -- NSF, NIH, DoE, and DoD - are updating and/or developing new ways in which faculty will be required to disclose and detail their engagements with foreign organizations when seeking US government funding to support research and other sponsored activities. Huawei funding has been under particular scrutiny, and many federal

agencies have implied in various settings that the hurdles for receiving grants will be higher for those who continue to have relationships with Huawei. And a number of universities – UC Berkeley, UCSD, MIT, Stanford, among others – have severed their ties with Huawei.

NYU is reviewing all of our foreign sponsored arrangements and gifts, including associated agreements and talent program support for NYU faculty, to ensure compliance with the relevant laws and regulations as well as NYU's own policies. During this time, any funds previously provided by Huawei may continue to be used.

Next Steps

Supporting research and maintaining an environment of open inquiry is vital. At the same time, protecting the intellectual property rights of the University and our researchers and complying with all applicable laws is crucial. NYU will continue to:

- Closely monitor developments in Washington and in the higher education sector, and keep faculty informed about them, and
- Review funding opportunities and work with faculty in proposal development and award management in support of their research.

My office, in collaboration with University leadership, will continue to engage our federal partners on these issues and actively support the work of professional associations and advocacy groups including the American Association of Universities and the Council on Government Relations to minimize the administrative burden to faculty and potentially unintended adverse outcomes in peer review and award processes.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Stacie Grossman Bloom
Vice Provost for Research