



ADMINISTRATIVE POLICY

Policy Title	Research Security Pre-Employment Screening
Policy Subtitle/Subject	Pre-employment background screening for research and research-related support positions
Responsible Executive(s) (RE)	Chris Dressler, Export Controls and Foreign Influence Compliance Officer (cdressler1@tulane.edu and 504-988-7919)
Responsible Office(s) (RO)	The Office of Human Resources & Institutional Equity
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Permanent

Temporary

1.0 POLICY STATEMENT

This policy provides pre-employment screening measures so that research conducted at Tulane University is appropriately secured and protected.

2.0 PURPOSE AND SCOPE

Tulane continues to strengthen existing international collaborations and pursue new opportunities that benefit our faculty, students, and research objectives. The scope of science and research reasonably contemplates collaboration with others, including, but not limited to, with persons or entities outside the United States. Tulane recognizes the potential for some international collaborations to present risks to

national security, as well as potential theft of intellectual property, proprietary information, trade secrets and classified and/or otherwise controlled government information housed at universities. In addition, undisclosed international collaboration may pose conflict of interest issues, as well as divert required time and effort from researchers' primary commitment to their U.S. research university. In light of these concerns, the purpose of this policy is to promote research security.

3.0 APPLICABILITY OF THIS POLICY

This policy applies to all applicants for employment, graduate students, and/or visiting researchers (without regard to national origin, citizenship, or other protected classification) who are seeking a research and/or research-supporting position. Click [HERE](#) for a full list of positions subject to research security screening under this policy.

If an admissions/ hiring authority reasonably believes that a position should not be subject to screening under this policy, that admissions/hiring authority may contact the Office of Human Resources & Institutional Equity to discuss potential grounds for an exemption. Unless the admissions/hiring authority receives an exemption from the Office of Human Resources & Institutional Equity, the position will be subject to the screening requirements in this policy.

This policy also applies to any Tulane employees, graduate students, or visiting professors who seek to transition into a new research or research-related support position after July 1, 2023 (unless the employee has already participated in screening under this policy).

4.0 WEBSITE ADDRESS FOR THIS POLICY

www.policy.tulane.edu

5.0 CONTACTS

Subject	Contact	Telephone	E-mail/Web Address
Human Resources	Kelly Bankston	504-247-1746	kbanksto@tulane.edu
OIE	Tiffany Smith	504-247-1756	tsmith44@tulane.edu

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7.0 DEFINITIONS

Applicant – Any person seeking employment in a research or research-related support position, or applying as a graduate student for a research or research-related support position, or for a position as a visiting researcher.

Research-related support position – Any employee in a research-related support role funded by gifts, grants, or contracts.

Contract – 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 any of the parties, and any purchase, lease, or barter of property or services from a foreign adversary of the United States (as listed in 15 CFR sec. 7.4 “Determination of Foreign Adversaries,” as amended or renumbered)..

Foreign Adversary Country – Defined by the Code of Federal Regulation (“CFR”) as any foreign government or foreign non-government person determined by the United States Secretary of Commerce to have engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or security and safety of United States persons as listed 15 CFR sec. 7.4 “Determination of Foreign Adversaries,” as amended or renumbered.

8.0 POLICY AND PROCEDURES

8.1 Application Phase:

Applicants subject to research security screening should utilize Tulane’s standard application process to apply for employment, graduate admissions, or visiting faculty positions. For further information regarding the standard application process, including the documents required, timeline, and interview process, please refer to the Office of Academic Affairs & Provost (faculty/postdoc); Office of Human Resources & Institutional Equity (staff); and/or Graduate Admissions.

In accordance with the standard application process, the relevant admissions/hiring authority is responsible for selecting a final candidate(s) for the open position. Once selected, the applicant may receive a conditional offer of employment, subject to the results of the screening and/or any other applicable conditions. **This conditional offer of employment does not guarantee that the applicant will receive a final offer of employment from Tulane, and any offer of employment for a research or research-related support position made prior to screening is conditioned upon the results of the screening and/or any other applicable conditions and should not be considered final.** Tulane retains the right to revoke any offer of employment for research or research-related support position made prior to a research security screening or upon the results of the screening and/or other applicable conditions.

8.2 Request for Information:

Following a conditional offer of employment, applicants will receive a request from Tulane to submit the following documents/information via a secure method. The request for materials and screening process outlined, below, shall only be conducted by Tulane if the applicant has provided their informed, written consent.

- A complete CV or resume that identifies:
 - Every institution of higher education attended;
 - All previous employment since the applicant's eighteenth (18) birthday;¹
 - All published material for which the applicant received credit as an author, a researcher, or otherwise;
 - All published material to which the applicant contributed significant research, writing, or editorial support;
 - A list of the applicant's current and pending research funding, including the source and amount of the funding, a brief description of the research, and the applicant's role on the project;
 - All non-university professional activities, including any affiliation with an institution or program in a foreign adversary country as listed in 15 CFR sec. 7.4, as amended or renumbered.
- Copy of current passport (non-U.S. citizens only)
- Permanent U.S. Resident Card (if applicable)
- Non-Immigrant Visa Application, Form DS-160 (if applicable)²

The applicant must also provide a full disclosure of previous involvement in any research misconduct/research integrity investigations at other universities or research facilities.

Failure to submit the requested materials precludes the applicant from receiving a formal offer of employment.

8.3 Screening Phase

¹ If an applicant has been continually employed or enrolled in a postsecondary education institution in the United States for twenty years or more, employment history before the most recent twenty-year period is not required.

² Upon completion of the research security screening, Tulane will destroy the copy of the Online Nonimmigrant Visa Application, Form DS-160 submitted by the applicant.

Once the requested materials are submitted, the Office of Human Resources & Institutional Equity will take necessary and reasonable steps to verify all attendance, employment, publications, and contributions listed by the applicant. Such necessary and reasonable steps may include:

- Searching public databases for research publications and presentations;
- Searching public conflict of interest records to identify any research publication or presentation that may have been omitted from the application;
- Contacting employers from the previous ten years to verify employment;
- Contacting all institutions of higher education attended to verify enrollment and educational progress;
- Searching public listings of persons subject to sanctions or restrictions under federal or state law; and/or
- Requesting further investigation, including but not limited to a second background check performed by the Federal Bureau of Investigation, the Louisiana State Police, or any other qualified local law enforcement agency, if any of the applicant's information provided on the Online Nonimmigrant Visa Application, Form DS-160 raises any security concerns for the institution about the individual's relationship with a foreign adversary country.

Tulane may utilize appropriate third-party vendors to conduct portions of this screening.

An applicant's failure to submit materials requested at any point during the research security screening process may preclude the applicant from receiving a formal offer of employment.

8.4 Review Phase

The Office of Research Compliance & Research Integrity (and/or its designee) will review the screening materials, make a determination, and then notify relevant stakeholders regarding whether the applicant is approved. **The admissions / hiring authority may make a formal offer of employment to an applicant only after receiving written approval from the Office of Human Resources & Institutional Equity.**

If, however, the Office of Research Compliance & Research Integrity identifies areas of concern, a committee comprised of Tulane's Export Control Compliance Officer and representatives from the Office of Research Compliance & Research Integrity, Office of Human Resources & Institutional Equity, and the Office of Academic Affairs & Provost will review the materials and consider the applicant's research and historical and/or ongoing affiliations with foreign institutions or programs in order to make a risk-based determination as to whether the applicant should be approved for hire. The panel may, in coordination with the Office of Human Resources & Institutional Equity, request additional materials or information from the applicant (or others, as appropriate) in order to make its determination, after providing the applicant with reasonable advance written notice of the concerns (and the grounds/basis therefor) as well as an opportunity for the applicant to submit a meaningful response; an applicant's failure to provide the requested materials or information may preclude the applicant from receiving a formal offer of employment.

The panel may decline to approve an applicant for hire if the panel determines that:

- the applicant failed to disclose a substantial educational or employment experience, publication, research, and/or professional activity or affiliation with an institution or program in a foreign adversary country as listed in 15 CFR sec. 7.4, as amended or renumbered;
- the applicant's research and historical and/or ongoing affiliations with foreign institutions or programs is indicative of potential foreign influence such that it poses a credible threat to national security, persons or property (i.e., property such as intellectual property, proprietary information, trade secrets and classified and/or otherwise controlled government information housed at universities, etc.), or if such research or affiliations pose a potential violation of Tulane policies (including, but not limited to, Tulane's policies of conflict of interest and conflict of commitment);
- or if the applicant has engaged in activities that violate federal or state laws or Tulane policies.

Tulane is an Equal Opportunity Employer and requires all employment and hiring practices, including the assessment by the panel as described, above, to be conducted in accordance with relevant federal regulations and Tulane's Equal Opportunity/Antidiscrimination Policies.

The Office of Human Resources & Institutional Equity is responsible for conveying the panel's decision regarding whether or not the applicant is approved to the appropriate admissions / hiring authority. **The admissions / hiring authority may make a formal offer of employment to an applicant only after receiving written approval from the Office of Human Resources & Institutional Equity.**

If a decision is made to deny approval of an offer based on the background screening process outlined herein, the applicant must first be provided with certain written notice requirements, in accordance with state and/or federal law (including the Fair Credit Reporting Act). The Office of Research Compliance & Research Integrity should closely coordinate with Tulane's Office of Human Resources, Talent Acquisition and Hiring Department, to ensure that pre-adverse action notices, a copy of the background check results, and a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act" are timely provided to the applicant, and that the applicant is allowed the appropriate time period (at least five business days) to dispute the information in the background check before a final employment decision is made by Tulane. If an adverse action is taken, post-decision notices should be issued in consultation with Human Resources and in accordance with applicable requirements.

9.0 CONSEQUENCE OF VIOLATING THE POLICY

Admissions / hiring authorities may not make a formal offer of employment for a position covered by this policy unless and until the admissions / hiring authority receives written approval from the Office of Human Resources & Institutional Equity to do so. Failure to comply with this requirement may result in disciplinary action.

An applicant's failure to submit materials requested at any point during the research security screening process may preclude the applicant from receiving a formal offer of employment.