

Process of Communicating with Government Agencies Regarding Foreign Nationals Participation in Government-Sponsored Projects

1. Purpose

This process outlines the procedures for communicating with government agencies to request and/or facilitate Foreign National participation in government-sponsored programs while ensuring compliance with relevant laws and institutional guidelines.

2. Scope

This process applies to all faculty, staff, and administrative units involved in government-sponsored programs that include, or seek to include, Foreign Nationals as participants. For purposes of this process guidance, “Foreign National” means any individual who is *not*: (1) a United States citizen or national; (2) a lawful U.S. permanent resident (AKA a “green card” holder); or (3) an otherwise protected refugee or asylum grantee as described at 8 U.S.C. § 1324b(a)(3).

3. Legal and Regulatory Compliance

All communications must comply with:

- **Immigration Laws:** Ensure compliance with visa requirements (e.g., F-1, J-1) and associated regulations.
- **Export Control Laws:** Adhere to restrictions on sharing sensitive information or technology with Foreign Nationals.
- **Government Program Requirements:** Fulfill specific eligibility and reporting requirements set by the sponsoring government agency.
- **Institutional Policies:** Align with Montana State University's policies on international student participation and sponsored programs.

4. Approval and Oversight

All communications with government agencies regarding Foreign National participation must be:

- Reviewed by Montana State University’s Research Integrity & Compliance under the Vice President for Research and Economic Development before submitting a request or inquiry to government agencies.
- Monitored to ensure accuracy and consistency in messaging, and compliance with applicable legal and contractual obligations.

5. Point of Contact

- The designated PI on record with the government agency is primarily responsible for communicating with government agencies. MSU’s Research Integrity and Compliance and Office of Sponsored Programs may communicate with government agencies to facilitate coordination and compliance. Senior Researchers or CO-PIs may not communicate directly with the government agency for such a request and must make such a request to the PI listed on the government-sponsored program.

- Maintain detailed records of all correspondence.

6. Procedures for Communication

A. Initial Inquiry:

- The designated Principal Investigator (PI) Confirms eligibility criteria for Foreign Nationals.
- PI Reviews program-specific requirements, including security clearances or export control restrictions.
- PI Ensures all anticipated phases of the project are open to the participation of Foreign Nationals.

B. Documentation:

- PI Collects required documents from the Foreign National (e.g., passport, visa, academic credentials).
- PI Ensures that program eligibility requirements are met.
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C. Research Security Review

- The PI Submits the requested documentation and associated project details of Foreign Nationals to MSU's Research Security.
- PI Provides all requested follow-up information.
- Research Security conducts the review, returns determination to PI, and informs OSP.

D. Communication with Government Agency

- Once deemed eligible by Research Security, the assigned PI will communicate with the government sponsor and includes the OSP in communication.

E. Conflict Resolution:

- PI to Escalate any eligibility disputes or compliance issues to Research Security.

7. Participation Monitoring and Reporting

- PIs Track the progress of Foreign Nationals in government-sponsored programs.
- Submit required reports to sponsoring agencies as per program guidelines.

8. Training and Resources Available from MSU Research Security

- Provide training for faculty and staff on regulations affecting Foreign Nationals' participation.
- Offer guidance to navigate program requirements and communication protocols.

9. Process Review and Updates

This process will be reviewed annually or as needed to reflect changes in laws, regulations, or institutional obligations.

While this process establishes guidelines for communicating with government agencies regarding Foreign National participation in government-sponsored programs, it does not supersede or replace any federal, state, or institutional legal requirements. Individuals involved in such communications must remain aware of and comply with all applicable laws, including whistleblower protections under federal and state statutes.

Any concerns regarding potential violations of legal, ethical, or regulatory obligations – including undue restrictions on student participation, discriminatory practices, or misrepresentation of eligibility – should

be reported to the appropriate institutional office or external oversight body as allowed by law. Faculty staff are protected against retaliation for reporting concerns in good faith under applicable whistleblower laws and institutional policies.