

Policy regarding nationality restrictions

As described in the [Report of the faculty committee on international collaborations](#), November 2020.

Background

Caltech, as a matter of policy, allows full access to research activities for graduate students, postdocs, and staff of all nationalities. Caltech's Faculty Handbook states that as regards sponsored research:

“Arrangements with the sponsor shall not impose restrictions on the Institute that are in conflict with its established policies and practices, and should permit performance of the research in the same manner as research financed with the Institute's own funds.”

There have arisen situations where modifications to this policy have been necessary. For example, sponsored research programs associated with the Department of Energy and the Department of Defense have restricted funding of graduate students to U.S. citizens only. NIH training grants are also similarly restricted, as are NSF graduate fellowships. But it is important to acknowledge the difference between the citizenship requirements for training grants and fellowships and the access restrictions on grants or cooperative agreements that are based on “security considerations.” NIH, NSF, and DoD have applied limited eligibility to training grants and fellowships for as long as these types of awards have existed. The rationale for this policy is that the primary purpose of the training grants and fellowships funded in this way is to provide training opportunity for U.S. citizens.

Other programs have established restrictions on research support for citizens of various countries deemed “sensitive.” In none of these cases have the sponsoring agencies expressly forbidden non-U.S. citizens from performing research under such grants. Caltech has in response used other non-governmental funds to support such researchers. Nationality restrictions are also in place for activities that fall under export control laws. To date, the Institute has managed these issues by either obtaining the relevant export control licenses or demonstrating that the work is fundamental research.

Recently, however, the Institute has been asked on a small number of occasions to list the nationality and citizenship of personnel to be supported under a sponsored research agreement. As of the date of inception of this policy (November 2020), the Institute has not shared such information and in principle would refuse to accept research support that comes with restrictions on research participation or reporting requirements based on nationality. Note that the Institute's policies allow for exemptions as stated in the Faculty Handbook:

“Any deviation from the policies set forth ... requires specific approval

of the committee(s) concerned, the President, and if deemed by the President to be desirable, the Board of Trustees. In particular, with suitable approval, awards for work falling outside the Institute's normal program may be undertaken for the government in times of emergency, or if it in other ways qualified as a unique service to the community or the nation's security or well-being."

Approval Process

The granting of such exceptions and the decision to engage in work with additional nationality restriction must involve a thorough review with input from the faculty and administration, as follows:

1. Upon submission of a request to accept restrictions in a sponsored award or when a situation requiring an exception arises, the Vice Provost for Research, the General Counsel, the Senior Director for Research Administration, and the Chief Research Policy Officer will consult with a standing committee of 3-4 faculty members.
2. Based on this consultation, the Vice Provost for Research, the General Counsel, the Associate Vice-President for Research Administration, and the Chief Research Policy Officer will make a recommendation to the Provost.
3. The Provost may consult with the Institute Academic Council (IACC) and the steering committee of the Faculty Board and make a recommendation to the President.

Consideration should also be given to recent visa policies that restrict foreign students and postdoctoral scholars from travel to and from the United States. While Caltech fully supports the efforts of the United States government to ensure our national security, Caltech firmly holds to the principle that extraordinary talent in fundamental research is not restricted to particular national boundaries. The Committee endorses this position.