



Relations With Foreign Adversaries

Effective Date: 12/12/2025

Subject: Relations With Foreign Adversaries

Category: Legal Compliance 5.04

1. Policy Statement

The Arkansas State University System (the “System”) Board of Trustees (the “Board”) seeks to establish a formal policy governing the occurrence of a System institution being offered any gift, offered or proposed to enter into a future contract, requested to participate in certain cultural exchange agreements, or contract with companies or other entities that host or operate software or software platforms, with a foreign adversary.

2. Definitions

- a. “Affiliate organization” means an entity under the control of or established for the benefit of an organization addressed herein including a foreign adversary.
- b. “Agreement” means a written or spoken statement of mutual interest in a cultural exchange agreement or an academic or a research collaboration with a foreign adversary or an affiliate organization of a foreign adversary.
- c. “Contract” means an agreement for the acquisition by purchase, lease, or barter of property or services for the direct benefit or use of either of the contracting parties.
- d. “Cultural Exchange Agreement” means an agreement between a foreign adversary and an institution of higher education that aims to promote cultural or intellectual relations.
- e. “Foreign Adversary” means 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 Bolivarian Republic of Venezuela, the Syrian Arab Republic, and a foreign

terrorist organization as designated by the United States Secretary of State in accordance with federal law.

- f. “Foreign instrumentality” means an agency, bureau, ministry, component, institution, association, or any other legal, commercial, or business organization, corporation, firm, or entity that is substantially owned, controlled, sponsored, commanded, managed, or dominated by a foreign government as defined in Ark. Code Ann. § 6-60-1602.
- g. “Gift” means a gift, an endowment, an award, a donation of money or property of any kind, any combination of the listed items, including a conditional or unconditional pledge of any the listed items.
- h. “Institution” means an institution of higher education within the Arkansas State University System.
- i. “Partnerships” means a faculty or student exchange program, study abroad program, matriculation program, recruiting program, or dual degree program.
- j. “Research” means a scientific investigation or development that involves technologies, designs, or technical data considered sensitive enough to potentially impact national security and therefore requires strict controls on export or transfer to foreign entities.

3. Gifts

- a. If an institution is offered a direct or indirect gift that is equal to or greater than two hundred fifty thousand dollars (\$250,000) from a foreign adversary or an intermediary or affiliate organization of a foreign adversary, the institution shall disclose the proposed gift to the Board prior to accepting or agreeing to accept the gift.
- b. In consultation with the System General Counsel’s office, the disclosure shall comply with Ark. Code Ann. §6-60-1605 and any other applicable law.
- c. Within thirty (30) days of receiving the disclosure, the Board will issue a final decision on whether and under what conditions the institution may receive the gift, which will be conferred by a formal Board resolution. The Board will reject a gift from a foreign adversary unless there is an overwhelming state or national interest in accepting the gift.

4. Contracts

- a. If an institution is offered or proposes a direct or indirect contract with a value equal to or greater than two hundred fifty thousand dollars (\$250,000) from or with a foreign adversary or an intermediary or affiliate organization of a foreign adversary, the

institution shall disclose the proposed contract to the Board prior to entering into the contract.

- b. In consultation with the System General Counsel's office, the disclosure shall comply with Ark. Code Ann. §6-60-1607 and any other applicable law.
- c. In consultation with the System General Counsel's office, the disclosure shall comply with Ark. Code Ann. §6-60-1607 and any other applicable law.
- d. Within thirty (30) days of receiving the disclosure, the Board will issue a final decision on whether and under what conditions the institution may enter into the contract, which will be conferred by a formal Board resolution. The Board will reject a contract with a foreign adversary unless there is an overwhelming state or national interest in accepting or entering the contract.

5. Cultural Exchange Agreements

- a. An institution shall not participate in a cultural exchange agreement with a foreign adversary or entity controlled by a foreign adversary unless the institution shows the cultural exchange agreement addresses an overwhelmingly underaddressed state or national need, avoids constraining the freedom of contract of the public entity, avoids allowing the curricula or values of the program in the state to be directed, controlled, or influenced by the foreign adversary, and avoids promoting an agenda detrimental to the safety or security of the state, residents of the state, and the United States.
- b. Prior to the execution of a cultural exchange agreement with a foreign adversary, the substance of the cultural exchange agreement must be shared with the Department of Inspector General, who will assess whether the cultural exchange agreement is detrimental to the safety or security of the state, the United States, or residents of the state, in which case the institution may not enter into the cultural exchange agreement.
- c. In consultation with the System General Counsel's office, the institution shall submit the disclosure referenced above in Section 5 (B), which shall comply with Ark. Code Ann. §6-60-1609 and any other applicable law.

6. Research Partnerships

- a. An institution shall only enter into a new partnership or renew an existing partnership with a foreign instrumentality if the institution maintains sufficient structural safeguards to protect the intellectual property of the institution.
- b. Prior to entering into a new partnership or renew an existing partnership with a foreign instrumentality, in consultation with the System General Counsel's office, the

institution shall submit a disclosure to the Board which shall comply with Ark. Code Ann. §6-60-1612 and any other applicable law.

- c. The Board will notify the institution if the Board determines the partnership meets the safeguards required by Ark. Code Ann. §6-60-1612.

7. Foreign Adversary Software

- a. Institutions are prohibited from utilizing or contracting with entities domiciled in, controlled or owned by companies or other entities domiciled in foreign adversary countries that host, operate, or own software or software programs.
- b. Prior to contracting for software and software platforms, an institution shall conduct a review of any selected contractor to ensure compliance with Ark. Code Ann. §6-60-1615.