



Framework for Review of Individual Global Engagements in Academic Research

VERSION 1.0

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THE WALL STREET JOURNAL.

U.S. Reaches Settlement on Undisclosed Chinese Funding of Scientists

[The Van Andel Research Institute, Michigan](#)

The Washington Post

Accused of fraud, Kansas researcher denies working for a Chinese university as he fights federal charge

[University of Kansas](#)

TIME

Emory University Fires 2 Neuroscientists Accused of Hiding Chinese Ties

TheScientist
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UCSD Eye Doctor Resigns After Investigation into Ties with China

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Major Cancer Center's CEO, Staff Resign over Chinese Payments

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Exclusive: Major U.S. cancer center ousts 'Asian' researchers after NIH flags their foreign ties

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Introduction

Global engagement is critical to scientific progress and to solving many of the societal challenges that are borderless. To address these global challenges and to develop new technology, discover new treatments, and deepen our understanding of the world, researchers must collaborate and disseminate knowledge across borders. But these engagements may also present individual and institutional risks. These risks have been highlighted by, among others, members of Congress from both parties, the FBI, the National Institutes of Health, the National Science Foundation, and the Department of Energy. They are also described in detail in the JASON report on [Fundamental Research Security](#) and the [Threats to the U.S. Research Enterprise: China's Talent Recruitment Plans](#) report by the Senate Subcommittee on Permanent Investigations.

The purpose of this Framework for Review of Global Engagements in Academic Research (“Framework”) is to provide an underlying structure to support an institution’s analysis of such engagements, assess potential risks, and develop strategies for mitigation. Because each institution has different policies, approaches, levels of foreign involvement, and risk tolerance, this Framework does not present a prescriptive approach. It is intended to be a tool to help institutions identify and resolve potential issues relating to global engagements.

The Framework is organized into eight sections, as follows:

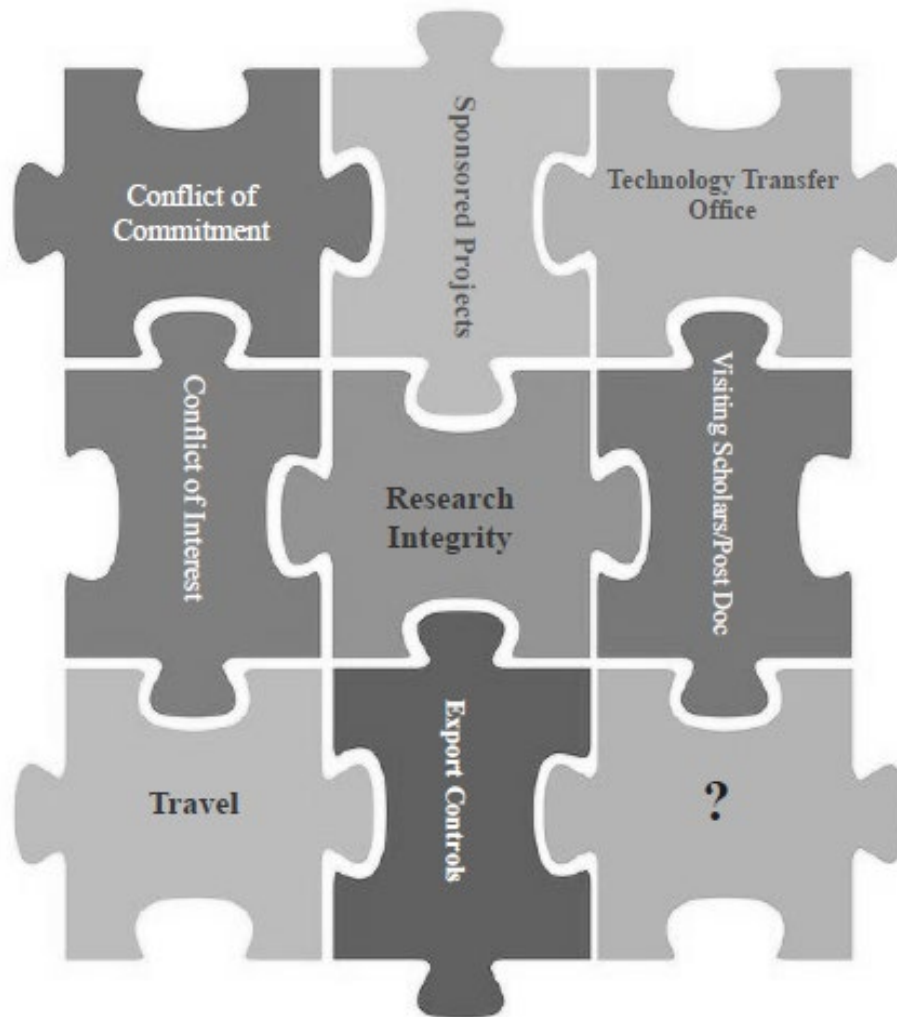
- A. Receipt of Information Regarding International Activities
- B. Governance, Decision-Making, and Oversight
- C. Policy Basis for Review: What Institutional Policies/Procedures Authorize Solicitation of Information from Investigators and Review?
- D. Facts for Analyzing the Engagement
- E. Compliance with Internal and External Disclosure Requirements
- F. Summary of Key Potential Risks
- G. Potential High-Risk Factors that Could Trigger Additional Due Diligence
- H. Potential Risk Management Strategies

Each section includes a series of prompts that may or may not apply to any particular case. Institutions should feel free to add, subtract, and annotate these prompts.

At the end of the Framework, we include five case studies of global engagements in academic research, and some initial questions to consider for each. The purpose of these examples is to illustrate some of the activities and issues that may occur in connection with global engagements in academic research and show how the Framework might apply to a particular case. The examples are in no way exhaustive.

The Framework is intended to help institutions continue to support global research while protecting the researcher, institution, funders, and other stakeholders from the potential risks certain engagements may pose. The goal is to enable the unique and powerful scientific progress that relies on global collaboration with common-sense risk assessment and mitigation, and without creating a perception of “profiling” or having a chilling effect on global research or national competitiveness.

This is Version 1 of the Framework. Although developed in response to concerns about “foreign influence” in the U.S. research enterprise, many aspects of this Framework are also applicable to domestic engagements. COGR will update the Framework as additional management strategies and federal guidance emerges, including from the process that the Office of Science and Technology Policy’s Joint Committee on Research Environment is leading together with federal agencies.



Foreign Engagement Review Framework for Academic Research

A. Receipt of Information Regarding International Activities

Institutions receive information regarding researcher activities through a variety of channels, including grant and contract proposals, researchers' disclosures of conflicts of interest and commitment, travel disclosures, internal reviews of publications, requests to host visitors, appointments of trainees, and other means. This Framework will aid institutions in the analysis of the disclosed information to assess and mitigate the risk of inappropriate foreign influence through informed decision making and risk management.

Institutions may wish to consider ways to coordinate or streamline the disclosure of information to “connect the dots,” reduce administrative burden and increase inter-institutional collaboration in reviewing and approving international activities. Such coordination also helps streamline institutional responses to federal requirements for disclosure.

Potential sources of information regarding international activities may include but are not limited to:

1. Applications for funding, (e.g., current and pending research support, appointments at other organizations, and biosketch information)
2. Institutional disclosure forms, (e.g., annual financial conflict of interest reports, project-specific disclosures, outside professional activity reports)
3. Technology transfer office, or other administrative offices that process agreements regarding the sharing or transfer of research resources (e.g., license, material transfer agreement, data use agreement, memorandum of understanding for an unfunded collaboration)
4. International students and scholar's office, dean's office, or provost's office that may process requests to sponsor visa applications or process appointments for visitors; other administrative and central offices that may have relevant information (e.g., development, office of general counsel, travel office, IT, global support, procurement services, etc.).
5. Anonymous tip lines and other external sources of information

B. Governance, Decision-Making, and Oversight

Institutions may establish a variety of approaches for decision-making, management, and monitoring of international research engagements. Points to consider include:

1. How are issues identified within the institution, and who is responsible for the initial intake when questions arise?
2. Has the institution identified and communicated to the community a central point of contact to answer questions and receive concerns?
3. Who in the institution is responsible for defining the scope of the review, gathering relevant information and assessing risk? Who is responsible for decision-making, approval of activities, and monitoring individual cases to ensure that institutional decisions are carried out? Consider centralized and decentralized approaches.
4. Who will “own” any new policies and procedures, and where will these materials be located?
5. How should matters that cross several administrative offices be handled? Who should coordinate the review?
6. Are there training needs? Who will be responsible for developing and delivering such training, and who (if anyone) will be required to complete it?
7. What resources are required to implement new approaches in this area (e.g., human, financial, information technology, space)? Who will provide such support?

C. Policy Basis for Review: What Institutional Policies/Procedures Authorize Solicitation of Information from Investigators and Review?

There may be many policies that are relevant to reviewing an outside engagement, including international engagements. It may be helpful to compile an inventory of the primary policies related to international activities, including the office and individuals responsible for the related procedures; the information collected at the institution; and the purpose of the data collected (e.g., background or informational, subject to review and approval, etc.).

The following policies are among those that may be involved in evaluating international engagements:

1. Conflict of interest policies
2. Conflict of commitment policies, including faculty outside professional activity reporting and appointment(s) at any other institution
3. Export control policies and procedures

4. Admissions and selection processes for undergraduate and graduate students
5. Hiring processes for post docs and research scientists
6. Visiting researcher policies
7. Authorship policies or practices, at the institutional, journal or editorial association level
8. Intellectual property policies, including policies on material transfer or data use agreements
9. Data security and access control policies and procedures
10. Sponsor policies for reporting resources and activities
11. Travel policies
12. Gift acceptance policies and procedures

D. Facts for Analyzing the Engagement

The questions in this section are intended to help guide the reviewer in establishing the critical points concerning any engagement, and therefore, to identify potential risks, mitigation, and internal or regulatory notification or approval requirements.

Note that although institutions may not review a researcher's outside activity contracts routinely because they are not institutional agreements, these contracts may provide essential information regarding the researcher's obligations in a foreign engagement. Accordingly, to understand the facts of an engagement, reviewers may find it useful to review the contract, website, correspondence or other written material that spells out the nature of the international engagement, and any obligations¹. This is particularly the case with respect to any outside activity where the individual is expected to perform research, including, for example, participation in a talent program, or any other activity that involves the conduct of research at another entity or institution. Institutions should use an unbiased, third-party translator for any foreign language documents. JASON finds that failing to disclose any aspect of a foreign engagement, whether an international scholar coming to the United States or a U.S. researcher conducting funded research in a foreign country, compromises the integrity of the U.S. research enterprise.²

As stated in the Introduction, the following questions are not intended as a "checklist" but rather as "prompts" to help understand the nature of the engagement.

¹ Web searches may assist research institutions in identifying relationships with other entities. See <https://www.bloomberg.com/news/articles/2019-08-21/u-s-industrial-researcher-charged-with-hiding-his-job-in-china>

² JASON report JSR-19-2I Fundamental Research Security, p. 32

1. Identity of non-U.S. entit(ies)
 - a. What is the name, address, and point of contact for the non-U.S. entity or entities involved in the engagement?
 - b. Who are the individuals involved with the engagement? Are all individuals known?
 - c. Where will the activity take place (e.g., all locations)?
 - d. How is the entity or engagement being funded (e.g., foreign governmental funding, foreign private non-U.S. funding, U.S. funding, etc.)?
2. Activity
 - a. What is the nature of the activity? Does it involve research? Teaching? Mentoring?
 - b. Has your researcher been listed on a proposal for a project to be carried out by or at the other entity? If so, obtain copies.
 - c. What are the expected duration and time commitments?
 - d. Is the activity part of an on-going research collaboration?
3. Relationship to institutional activities
 - a. How is the international engagement related to the individual's current (home) institutional activities (e.g., research, teaching, mentoring)?
 - b. Is there any potential overlap between the international engagement and the individual's current institutional activities?
 - c. Will the international engagement create competition with the home institution (e.g., for the researcher's time or research resources)?
4. Intellectual property
 - a. Will data or materials be exchanged or shipped to a non-U.S. institution?
 - b. Is intellectual property likely to be developed?
 - c. Who will own any resulting intellectual property?
5. Controlled technology and information
 - a. Is the activity subject to export controls?
 - b. Does the activity involve a restricted entity or other entity identified as posing a possible elevated risk?
6. Authorship
 - a. Is joint authorship expected of papers, data sets, software, or other works?
 - b. Who will control the dissemination of the resulting fundamental research, data and products?
 - c. What affiliations will be listed for the faculty member?
 - d. Will institutional or sponsored funding help support the publication? Many sponsors require acknowledgment of grant support.

- e. Are there any expectations for authorship that would violate U.S. authorship norms and policies (e.g., agreements to name individuals as authors, payments for authorship, or promoting an affiliation with another institution)?
7. Activity at other institutions or entities
- a. Does the engagement require a specified time commitment at another institution, and if so, what is the commitment?
 - b. Is there a formal academic appointment or affiliation?
 - c. Does the activity involve mentoring/supporting another institution's students at that institution; will the researcher apply for or participate in sponsored projects at the other institution?
 - d. Will the foreign entity provide resources for research (e.g., salary, space, equipment, data, proprietary materials, etc.), and if so, what are the forms of support?
 - e. Are there any additional obligations, contractual or otherwise?
 - f. Is there an expectation for the collaboration to continue after your researcher returns to the home institution such that a component of institutional research will be conducted at the foreign institution?
8. Benefits and compensation to your researcher
- a. Will your researcher be compensated for this engagement? If so, what are the forms of compensation (e.g., salary, access to a lab, other resources)?
 - b. Will your researcher receive any other benefits (e.g., sponsored travel or other remuneration?)
9. Appointments at your institution
- a. Does the engagement require your institution to host or mentor individuals from the foreign entity at the home institution? If so, what positions or appointments are involved (e.g., students, post docs, visiting scientists)?
 - b. How will those individuals be selected (e.g., will the researcher have control over who comes to the home institution, or will the other entity select the personnel)?
 - c. Is the individual affiliated with any military or high-risk entities abroad?
 - d. What is the duration of each appointment?
 - e. What activities will visitor(s) be engaged in at the home institution?
 - f. How will visitor(s) be funded?
 - g. Will visitor(s) sign your institution's visitor agreement, if required?
 - h. Do the visitors' institutions require any reporting back on their activities at your institution?
 - i. What training/orientation on institutional policies will be provided, if any?

10. Use of your institution's resources
 - a. Will access to space, equipment, data, proprietary materials, or other institutional resources be provided in support of the activity?
 - b. Will there be a payment to your institution for the visitors' use of institutional resources?
 - c. Will your institution's name or brand be used in any way?
11. Imposition of non-U.S. legal obligations
 - a. Is there an agreement that imposes foreign legal obligations on the researcher?
 - b. Are those obligations in conflict with U.S. law, institutional policy, or generally accepted research values or principles? Does the non-U.S. entity uphold these research values and principles (e.g., academic freedom)?³
12. Termination
 - a. How does the researcher end the engagement?

E. Compliance with Internal and External Disclosure Requirements

Researchers must comply with both internal and external disclosure obligations that may apply to foreign engagements. Institutions themselves may also have disclosure or reporting obligations to funding agencies and others. This section identifies potential mandatory disclosure requirements for international engagements, both internal and external. Which, if any, is applicable will depend on the case. Noncompliance with disclosure requirements may require an institutional response contingent on the facts of the case (e.g., whether the failure to disclose was intentional or not) and institutional policy.

1. Internal disclosures
 - a. Have conflict of interest and conflict of commitment disclosures been filed describing the activity?
 - b. Are there project-specific disclosures regarding the engagement that may have been filed as part of a human subjects research protocol or sponsored project proposal?
2. External disclosures
 - a. Has the researcher disclosed the engagement to research sponsors in a funding application (e.g., current and pending/other support disclosures, biosketch, routing and approval forms, or other "just in time" approvals)? Has it been disclosed in a progress report?
 - b. For NIH-funded research, does the engagement meet the definition of a "foreign component?" If so, has prior approval been requested from NIH?

³ See *Washington Post* article [In Xi Jinping's China, a top university can no longer promise freedom of thought](#)

- c. Are any updates or prior approvals needed before the next progress report or routine communication with the sponsor?
- d. How has or should the researcher disclose the engagement in publications, including sponsorship, funding sources, affiliations, and conflict of interest statements?

F. Summary of Key Potential Risks

1. Conflict of commitment – violation of a duty of loyalty to the home institution; insufficient personal bandwidth to fulfill the obligations to the home institution; overcommitment with respect to obligations to funding agencies; competition with the home institution for funding, personnel, etc.
2. Conflict of interest and risk to the objectivity of research
3. Nondisclosure to funding agencies of information relevant to funding decisions
4. Loss (not just transfer) of intellectual property/know-how – another institution receives inappropriate preferential access to publications, intellectual property or data. For example, China’s intellectual property and data laws may limit access to research data collected in China⁴
5. Legal risk to the institution (e.g., False Claims Act)
6. Legal risk to the individual researcher, including foreign legal risk if a contract requires compliance with foreign law or norms that conflict with U.S. or state laws, or the policies of the home institution
7. Financial risk (e.g., loss of federal funding)
8. Reputational risk, loss of prestige – noncompliance or failure to respond to concerns may lead to negative publicity; another institution receives improper attribution in publications or patents given the home institution’s financial investment and prior years of work; researcher’s career could be negatively impacted in severe cases
9. Sanctions violation (where a restricted entity is involved)
10. Loss of researcher’s academic independence; undue influence on academic judgment; erosion of merit review and competition for placements etc.

G. Potential High-Risk Factors that Could Trigger Additional Due Diligence

Determination of high-risk factors that may trigger further due diligence is complex and dependent on many factors. The following is a general set of criteria that could help in identifying potential high-risk factors.

⁴ In 2018, the Chinese government decreed that all scientific data generated in China must be submitted to government-sanctioned data centers before appearing in publications. See <https://www.sciencemag.org/news/2018/04/china-asserts-firm-grip-research-data>. http://www.gov.cn/zhengce/content/2019-06/10/content_5398829.htm]

1. Involvement of “countries of concern” identified by the U.S. Department of Energy (e.g., China, Russia, Iran, and North Korea)⁵ and federal agencies as posing national security and economic competition concerns
2. The engagement has the characteristics of a foreign government-sponsored talent recruitment program (e.g., an appointment at another organization, training of students at another organization, the appointment of students or visiting researchers at the home institution, the opportunity for the researcher to apply for grants and perform research at the other institution)⁶
3. Involvement of a restricted party – entities on various Federal agency lists present heightened risks of disclosure or transfer that could violate U.S. law
4. Engagement involves activity regulated by the U.S. Department of State ([International Traffic in Arms Regulations](#)), U.S. Department of Commerce ([Export Administration Regulations](#)), U.S. Department of Energy regarding nuclear security ([10 C.F.R. § 810](#)), or U.S. Treasury ([Office of Foreign Assets Control](#)) – legal and regulatory risks are higher when these regulations are involved
5. Access to private information – access to protected health information, financial information, or other sensitive or private information presents a heightened risk to the individual, public, and to the institution
6. Nondisclosure to the research institution – a researcher’s failure to disclose information that should have been disclosed to their home institution (e.g., as part of COI or outside disclosure policies) could be honest error or could be deliberate concealment of agreements between the researcher and another entity in violation of institution and sponsor policies
7. Very high compensation from the international institution – raises questions about the sponsor’s expectations in return for the payment, including time commitment; use of the researcher’s name; use of the U.S. institution’s name; technology or know-how transfer; bribery risk; illegal kickbacks; or referral fees
8. Very long duration of engagement/activity/appointment – could point to substantial commitments and expected outcomes; real or perceived conflicts if the individual is being paid to perform the same responsibilities for another institution
9. Expectation of hiring or training of personnel from the foreign entity – potential loss of intellectual property; potential deemed export concerns; will the standard institutional practices apply to the selection of students and visitors or will individuals

⁵ Department of Energy “Countries of Concern”

https://www.energy.gov/sites/prod/files/2017/02/f34/Part%20VII%2C%20SECTION%20J%20-%20List%20of%20Documents%2C%20Exhibits%2Cand%20Other%20Attachments%20%20Attachment%20G_0.pdf

⁶ The Homeland Security and Government Affairs Permanent Subcommittee on Investigations issued a report, “Securing the U.S. Research Enterprise from China’s Talent Recruitment Plan,” which included sample contracts with foreign entities in Appendix A. [https://www.hsgac.senate.gov/imo/media/doc/2019-11-18 PSI Staff Report - Appendix A - China's Talent Recruitment Plans.pdf](https://www.hsgac.senate.gov/imo/media/doc/2019-11-18%20PSI%20Staff%20Report%20-%20Appendix%20A%20-%20China's%20Talent%20Recruitment%20Plans.pdf)

- be selected solely by the researcher; what merit-based criteria will be used in the selection of personnel?
10. Dual appointments and “shadow labs” (separate laboratories in a foreign country over which a researcher has oversight or in which they have access to laboratory resources)- raise concerns about how to distinguish between outside activities and home institution activities; if the boundary is not clear, there may be disputes about ownership of intellectual property and other research results; potential diversion of investments the home institution has made in the researcher and their lab/department for the benefit of the other institution; opportunity to have dual funding for a research program/project, compromising assertions to U.S. funding agencies that work is not otherwise supported
 11. Commitments regarding authorship – promises of authorship or naming of affiliations by contract and not based on actual contributions to the publications that may violate academic norms and mislead readers regarding authors and their contributions
 12. Research conducted in other countries with data ownership or transfer laws that conflict with U.S. models – such laws could result in publication restrictions, the inability to access data collected or diversion of know-how. For example, Russia has a new law obligating scientists to report to the Russian government (e.g., encounters with other scientists⁷); other countries may have similar requirements

H. Potential Risk Management Strategies

Consider whether the issues identified above could be appropriately managed through one or more of the following:

1. Require disclosure, review, and approval of any agreement conferring an academic appointment at an institution other than the home institution (e.g., unpaid or honorary appointments)
2. Public disclosure of the details of the relationship in grant applications, publications, and presentations to the public
3. Disclosures to sponsors, as required
4. Training regarding affiliations and publication; oversight if necessary, to ensure affiliations are appropriate
5. High-level approval (e.g., from the department chair, dean or provost) for appointments in the researcher’s lab to ensure objectivity and fair competition

⁷ In February 2019, the Russian Ministry of Science and Education issued guidelines on how Russian scientists should collaborate with foreign colleagues. These guidelines include reporting obligations with respect to meetings, getting approval from a supervisor to meet with a foreign partner outside of working hours, submitting reports on encounters with foreign scientists, etc. See a detailed overview in the New York Times article [here](#).

6. Reduction or gradual elimination of the engagement that causes a conflict (e.g., winding down the foreign relationship or transition away from a federally sponsored activity)
 7. Severance of the relationship or activity that is the source of the conflict
 8. Modification of the outside activity or the institutional research plan to ensure clear separation of institutional activities, including a written scope of work that is agreed to in writing by both parties
 9. Expedited dissemination of research results (e.g., through websites or preprints) to ensure that the other institution does not receive preferential access to information
 10. Inter-institutional agreements that manage intellectual property, data sharing, publication and other exchanges as needed
 11. Technology management plans, export or OFAC licenses or other export control risk mitigation strategies to manage the export of controlled or sensitive technology
 12. In severe cases, limitations on a researcher's ability to apply for sponsored funding, especially federal funding
 13. Development of data security and management plan for the protection of pre-publication data
 14. Involvement of risk management, research compliance, or internal audit function to discover facts or develop and assess mitigation
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Foreign Engagement Review Framework for Academic Research

Case Studies – Application of the Framework

1. *Giving a Talk at a Foreign Institution*

Professor R has contacted you about an academic talk he’s been invited to give next month to a Russian research group that he has worked with on and off over the last several years. The talk will include a discussion of Professor R’s open-source facial recognition/AI software that has gotten a lot of attention in the press lately. Professor R contacted you to ask if he needs institutional approval to accept the invitation from the potential new client (host). Professor R could easily add the conference presentation onto a trip he’s already planned to eastern Europe, so it will only be a 1-2-day side-trip from that engagement.

Issues to consider:

- Is the talk part of a research collaboration or other engagement with the host institution?
- Is the host institution in Crimea, which is subject to comprehensive sanctions? Is the host institution on any restricted party list? What additional precautions are needed to manage any other risks due to the country/entity (e.g., providing additional briefings to researchers/labs)?
- Will compensation be provided, and, if so, in what form (e.g., speakers’ fees, travel reimbursement, etc.)?
- Is all the content from the presentation in the public domain? Will unpublished materials be shared at the meeting or during private discussions during the visit (e.g., sharing pre-publication materials, proprietary information, or technology that may be restricted or through export control regulations)?
- Is the outside activity within the bounds of the institution’s conflict of interest/conflict of commitment policies? Which offices and policies apply to this case?
- Are there institutional policies or practices for protecting computers, data, or other resources when traveling abroad that should be followed in this case?
- Are there reputational risks associated with the activity that the institution may have identified as requiring additional reviews (e.g., by a special committee)?

Disclosing the activity to external parties:

- Is there any connection between this activity and sponsored awards that would need to be reported to the sponsor?
- Does this activity rise to the level of reporting to federal sponsors (e.g., through current and pending support or annual report)? If Professor R has NIH support, is he aware that prior approval for any new collaborations outside the U.S. are needed under the NIH requirements for Foreign Components?

2. Visiting Trainee in U.S. Labs

Professor G has been approached by a Chinese researcher who previously worked at your institution, though not directly with Professor G. Professor G has funding from both NIH and two pharma companies. The Chinese researcher, Dr. X, now works for a Chinese pharma company and has requested to spend a year in Professor G's lab. Dr. X is going to come with his own funding and project but will also lend a hand on Dr. G's other projects, as needed. What do you need to know about the visitor?

Issues to consider:

- What is the source of funding for the visitor?
- Is Dr. X's company on any restricted party list? If so, what additional precautions are needed to manage risks due to the country/entity (e.g., licenses, additional security measures, briefings to researchers/labs personnel)?
- Which activities in Professor G's lab are of interest to Dr. X?
- What is Dr. X's proposed scope of work? How does it relate to the projects underway in Professor G's lab?
- Will Professor G's intellectual property be used, shared with, or licensed to the Chinese pharma company? Will Dr. X be sharing materials, compounds, or data from Dr. G's lab with his pharma company? Will Dr. X bring proprietary or controlled materials into Professor G's lab? What agreements are needed to manage these exchanges?
- Will Dr. X have access to any proprietary or controlled information? To any specialized facilities on campus?
- Are joint publications with Dr. X anticipated?
- Which offices at your institution need to be informed of this relationship? Who needs to approve the appointment, a visa, use of intellectual property, use of facilities, etc.?
- Are there institutional policies on visitors, and if so, is this request for Dr. X's visit within the bounds of those visitor policies (e.g., the term of the appointment, extensions periods, access to institutional systems/data, who need to approve the request, etc.)?

- What visas or other government approvals are required?
- What training/orientation should be provided for the visitor and the lab regarding your institution's policies? Regarding the role of the visitor in the laboratory?

Disclosing the activity to external parties:

- Has Professor G disclosed Dr. X's activity to NIH as "Other Support" in any applications or progress reports? If not, should updates be filed?

3. Research Collaborations with an International Entity

Professor C has a research collaborator in Australia, with whom she regularly exchanges semi-conductor chips and research data. All of their collaborative research is considered fundamental, and there are often joint publications. Professor C has approached you with a request to sign a new data use agreement (DUA) for a data set that originated in China, now being licensed by a Chinese company in Shanghai, which she plans to use on her NSF award. The Australian collaborator will also license the same data set. The Chinese data provider requires that they be listed as a co-author on any publication as a requirement for using the data.

Issues to consider:

- What licenses, control plans, or other management strategies are needed to enable the exchange of semi-conductor chips and data with the Australian collaborator? Have the appropriate agreements been executed between the parties (e.g., MTA and DUA)?
- Are there any export control issues related to the data or the project?
- Is the data provider on any restricted party lists?
- What additional precautions are needed to manage any additional risks due to the country/entity (e.g., providing additional briefings to researchers/labs)?
- Which offices at your institution need to be informed of this relationship? Who needs to approve the DUA? Are other reviews or approvals needed?
- If any of the above is deemed "high risk," do others in the institution need to review the data use agreement with the Chinese provider?
- Does the authorship requirement conflict with any institutional policies or norms?

Disclosing the activity to external parties:

- Has Professor C disclosed this activity to NSF in grant applications? In the annual report for the current NSF award? If not, are any updates needed?
- Are other external disclosures are required?

4. *Consulting – Appointments at a Non-U.S. company*

Professor C, from Case Study #3 above, has been contacted by the Shanghai company asking if she would be interested in helping the company out with a consulting project in China over summer. The consulting would be done outside of Professor C's 9-month appointment, and since she only has one NSF grant, it wouldn't be too difficult to get away for two months over the summer. Professor C was born in China but raised in Kansas and is a naturalized U.S. citizen. Still, she knows a lot of people in China, and she and her husband could do some touring over that period, as well.

Issues to consider:

- Is there a contract for the international engagement, and what are the terms and obligations?
- Are the terms of the consulting activity (time commitment and compensation) within the bounds of the institution's conflict of interest/conflict of commitment policies?
- Which offices at your institution need to be informed of this relationship? If prior approval is required, who approves?
- Is the company on any restricted party list? What additional precautions are needed to manage any additional risks due to the country/entity (e.g., providing additional briefings to researchers/labs)?
- How does the consulting activity relate to Professor C's institutional activities? Is there any overlap with any sponsored programs?
- Will anyone from Professor C's home institution be involved in the activity? Any use of the home institution's facilities?
- Are there any export control implications for this work? Does Professor C expect to export any technology to China or import any technology from China? What management is needed?
- Will Professor C's intellectual property be used while in China? Will IP licenses need to be secured?
- Are joint patents or joint publications expected? If so, is this in line with the institution's authorship policies and practices?
- Would you evaluate this appointment differently if the appointment was with a Canadian company? What would the risks be in that case?

Disclosing the activity to external parties:

- Will Professor C need to disclose this activity to NSF in grant applications? In the annual report for the current NSF award?
- Are other external disclosures are required?

5. *Consulting – Appointments at a Non-U.S. Research Institution*

Professor Y is a superstar in his field. He has several sponsored awards from NSF and DOE, and he is the deputy director of a sizable industry-funded center at your institution. Last month, he contacted you after an info session that you gave in the school, asking to discuss a specific situation with you. It turns out that Professor Y signed an agreement with a new university in India two years ago. The agreement calls for personal payments to Professor Y, a new laboratory and students at the Indian institution, and depending on progress, a gift back to Professor Y's lab at your institution. Professor Y's agreement to join the new university on a part-time basis was a requirement by the local government before it would provide significant new funding to build the new university, which will include several new teaching and research programs over the next five years. Professor Y is very committed to the new Indian university and wants to continue with them, if possible. He signed a 5-year deal, so he has three more years until the end of his commitment.

Issues to consider:

- Because this is a complex case, gather complete information as outlined in the Framework, including requesting a copy of the contract and all other correspondence about the compensation and obligations of the engagement with Professor Y.
- Which offices at your institution need to be informed of this relationship to assess the impact at this stage? Confirm whether this engagement has been disclosed in Other Support or Prof. Y's biosketch.
- Consider under what circumstances the institution would allow this activity to continue. Could management strategies adequately address the conflicts that have already arisen or may arise from this additional appointment?
- Review publications since the date of the contract for attribution of the supporting institution.
- Since Professor Y holds federally funded awards, other offices (e.g., the office of the general counsel) should be consulted to discuss how best to proceed.

Disclosing the activity to external parties:

- If this engagement has not been disclosed, federal sponsors will likely need to be contacted with the details and the potential impact on federally funded awards.
- Consider who else needs to be contacted once all of the facts have been obtained and the institution has completed its analysis.

Conclusion

Global engagement is critical to the success of the U.S. research enterprise. The purpose of this Framework is to support global activities and help institutions assess the potential “foreign influence” risks such activities may involve. Assessing these activities requires time and resources. COGR hopes that this Framework provides some structure for this important task and welcomes feedback and suggestions for improvement.

Contact Michelle Christy (MChristy@cogr.edu) with any questions about this document. Please note that COGR may not provide legal advice or comment on individual cases.