

CASE STUDY

- Big University – public flagship
 - Received NIH letters on faculty with undisclosed foreign funding & investigated
 - Changed COI disclosure form – faculty must disclose appointments at any institution
- Professor at Big U.:
 - Receives NIH and NSF funding
 - Has longstanding research collaboration with Collaborator at UU. Coauthored papers.
 - No direct remuneration.
 - Receives honorary appointment at UU.



CASE STUDY, con'd.

- **Details on Honorary Appointment for Professor:**

- Unsolicited by Professor or Collaborator
- Gives Professor an honorary professorship and lab at UU with 2 research assistants
- Collaborator sends email to Professor with attachment written in Chinese.
- Collaborator ask Professor to sign and send back so assistants can start work.
- Professor thinks it is “just a formality,” signs and returns it.

- **COI Office (COI) Disclosure:**

- Prof. gets training on new COI form. “Realizes” there is undisclosed appointment.
- Prof. reports appointment and COI requests any documentation.
- Prof. provides attachment & email
- Attachment is FT employment contract for 6 months.
 - \$200,000 salary & housing allowance
 - UU owns all rights to any IP on which Prof. is an inventor

What next . . .

- COI Office investigate.
- The student newspaper learns of investigation and publishes an article about Professor's "undisclosed employment with UU."
- State legislator sees the article and calls Big's U's President.
 - "Why does Big U STILL NOT KNOW what its faculty are doing?"

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FOCUS POINTS

A Closer Look at Areas of
Confluence



UPDATING POLICIES & PROCESSES



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Updating Policies & Processes

CASE STUDY

- Updated conflict of interest form

KEY POINTS

- Review policies to consider “outside interests”
- Conflicts of interest AND commitment reported and reviewed together
- Stakeholder involvement

Updating Policies & Processes

CASE STUDY

- Outside/foreign appointments

KEY POINTS

- Policy needs to clarify paid or unpaid appointments
- Minimum threshold for payment reporting
- Maximum threshold for commitment of time
- Valuation of non-financial support for research



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Handling Contacts with Funding Agencies



National Institutes
of Health

Handling Communications with Sponsors

CASE STUDY

- Campus Received NIH letter (Did it Identify this PI?)
- Self Disclosure by PI

KEY POINTS

- Who do you contact at NSF and NIH?
- When do you communicate?
- How do you communicate? (call first, email, RPPR update)
- What do you communicate?
- What are sponsor's expectations in this situation? How might intent change communication strategy?
- What if the institution and sponsor disagree on institutional approach or sanctions/remedies?

IP AND FOREIGN COMPONENT ISSUES



IP and Foreign Component Issues

CASE STUDY

- NIH Researcher
- Longstanding research collaboration with Collaborator at UU
- Coauthored papers

KEY POINTS

- Other ways to Disclose the relationship with UU
 - Other Support
 - Biosketch
 - Foreign Component Prior Approval
- Collaboration or Foreign Component?
 - Significant element
 - Intent to Publish
 - Other factors?

IP and Foreign Component Issues

CASE STUDY

- Full Time Employment Contract
 - UU owns all rights to any IP on which Professor is an inventor

KEY POINTS

- Invention activity at Big U
- Scientific Overlap of Big U research and collaboration research at UU
 - Shadow Lab?
 - Information Exchange
- Actual v. Perceived IP loss



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Florida state Representative Chris Sprowls (R) is leading a special panel looking into foreign influences on publicly supported research. AP PHOTO/STEVE CANNON

Florida joins U.S. government in probing foreign ties of researchers

Florida House of Representatives opened investigation into foreign influence within state universities

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Florida Cracks Down on Foreign Government Involvement in Research

Four University of Florida faculty members leave their jobs as a state committee that formed last month pledges to investigate individual researchers and institutions.

Section 18. Section 1012.977, Florida Statutes, is created to read:

1012.977 Disclosure of contracts that affect the integrity of state universities or entities; penalties.—

(1) Any person employed by a state university or entity engaging in research which was created or authorized pursuant to part II of chapter 1004 consents to the policies of the university or entity, the regulations of the Board of Governors, and the laws of this state. At a minimum, such policies shall require employees engaged in the design, conduct, or reporting of research to disclose and receive a determination that the outside activity or financial interest does not affect the integrity of the state university or entity.

(2) (a) "Financial interest" includes anything of value other than that provided directly by the university or entity.

(b) "Outside activity" includes anything an employee does for an organization or an individual, other than the university or entity, that is related to the employee's expertise.

(3) An employee who has failed to disclose any outside activity or financial interest as required by subsection (1) shall be suspended without pay pending the outcome of an investigation which shall not exceed 60 days. Upon conclusion of the investigation, the university or entity may terminate the contract of the employee.

Outcome: New Florida Statute

- Requires state universities employees to disclose for approval outside activities or financial interests
- Defines process for university investigation and available penalties for employee for failure to disclose
- Passed by FL House and Senate; awaiting signature by Governor
- Cooperative and transparent relationship with state government was instrumental in achieving favorable outcome

A hand is shown holding a briefcase handle, with the briefcase itself in the foreground. The image is overlaid with a semi-transparent blue filter. The hand is positioned at the top left, and the briefcase is a dark rectangular shape below it.

Take Aways

- Cross-cutting issue require cross-institutional responses!
- Need to build positive relationships with governmental agencies
- Trust but verify

COGR Resources

- COGR Science & Security Resources webpage! June 2020
 - <https://www.cogr.edu/science-and-security>
- COGR Framework for Review of Individual Global Engagements in Academic Research
 - Posted Jan. 2020



Additional Resources



- [Assoc. of American Universities, Actions Taken by Universities to Address Science and Security Concerns, May 19, 2020](#)
- [JASON, Fundamental Research Security, Dec. 2019](#)
- [U.S. Senate, Permanent Subcommittee on Investigations, Threats to the U.S. Research Enterprise: China's Talent Recruitment Plans, Nov. 18, 2019](#)

