

# Committee Reports

**October 22, 2021**

# Research Security & Intellectual Property – RSIP Committee Members

- Elizabeth Peloso (Chair), U. of Pennsylvania
- Alexandra Albinak \*, Johns Hopkins U.
- Allen DiPalma, U of Pittsburgh
- Cindy Kiel\*, Stanford University
- Michael Moore\*, Augusta U.
- Dan Nordquist \*, Washington State U.
- Jennifer Ponting , U. of Chicago
- Sophia Herbert-Peterson, Georgia Institute of Technology
- Kenneth Porter \*, U of Maryland
- John Ritter \*, Princeton U.
- Fred Reinhart \*, U of Massachusetts
- Janna Tom \*, U. of California
- Robert Hardy (COGR Staff)

\* At-large members

# Research Security & Intellectual Property – RSIP

## Current Issues & Updates

### Pending Legislation with troubling language

- NDAA (House version)
  - Prohibition on participation in “malign talent programs”
  - Requirement for institutions to inform proposers of requirement
- USICA (Passed Senate)
  - Prohibition on Talent programs in China, Russia, North Korea, and Iran; must disclose and provide contracts for others
  - Requires institution to maintain a database of foreign contracts for reporting to NSF
  - Lowers section 117 reporting threshold to \$50,000, provide contracts to ED upon request
  - Requires CFIUS review of foreign gifts and contracts valued over \$1,000,000 for R & D in critical technologies or for restricted gifts
- H.R. 5412 section 701 (Pilot program for security vetting of certain individuals)
  - Individuals performing unclassified research for DoD who would not otherwise be vetted

# Research Security & Intellectual Property – RSIP

## Current Issues & Updates

New language on foreign national review/participation coming from several fronts

DARPA Foreign Influence rubric

<https://www.darpa.mil/attachments/092021DARPA CFIP Rubric.pdf>

Specific DARPA and MDA language

Department of Energy DEC “American Innovation. Made Here.”

[https://www.energy.gov/sites/default/files/2021-09/FAQs\\_09292021.pdf](https://www.energy.gov/sites/default/files/2021-09/FAQs_09292021.pdf)

Cybersecurity

- U.S. Cybercommand Academic Engagement <https://www.cybercom.mil/Partnerships-and-Outreach/Academic-Engagement/>
- Academic Advisory Council to the DOD CMMS Advisory Board

# Research Security & Intellectual Property – RSIP

## Current Issues & Updates

### OSTP implementation of NSPM-33

- Expect to see Federal Register Notice sometime in November

### Recent Export Controls Updates Emerging Technologies

- Controls on software for certain biological equipment (nucleic acid sequencers and synthesizers) and related technology (ECCN 2D352)

### Revised COGR resources from RSIP

- Bayh-Dole Guide updates 2021
- Tutorial on Technology Transfer
- Foreign Influence – Practical Considerations (joint with REC)

# Contracts & Grants Administration – CGA Committee Members

- **Walter Goldschmidts, (Chair) Cold Springs Harbor Laboratory**
- **Stephanie Gray \*, U. of Florida**
- **Charles Greer, U. of California, Riverside**
- **Stephanie Endy, Brown University**
- **Jeff Friedland, U. of Delaware**
- **Jennifer Lassner , U. of Iowa**
- **Steven Martin \*, Indiana U.**
- **Bruce Morgan \*, U of California, Irvine**
- **Lisa Mosley , Yale U.**
- **Twila Reighley, Michigan State U.**
- **Craig Reynolds \*, U. of Michigan**
- **Jennifer Rodis \*, U. of Wisconsin-Madison**
- **Pamela Webb \*, U of Minnesota**
- **Jackie Bendall (COGR Staff)**

**\* At-large members**

# Contracts & Grants Administration – Current Issues & Updates

**Vaccine Mandate (latest updates)**

**Work from home survey**

**DEI meeting with Dr. Bernard – UNITE initiatives**

**Reducing administrative burden recommendations for OSTP**

**NIH FOIA request – Modular Awards**

**Key Investigator Clearinghouse (KIC)**

**Data Management and Sharing update**

# Contracts & Grants Administration – CGA

## Work From Home (WFH) Survey Results

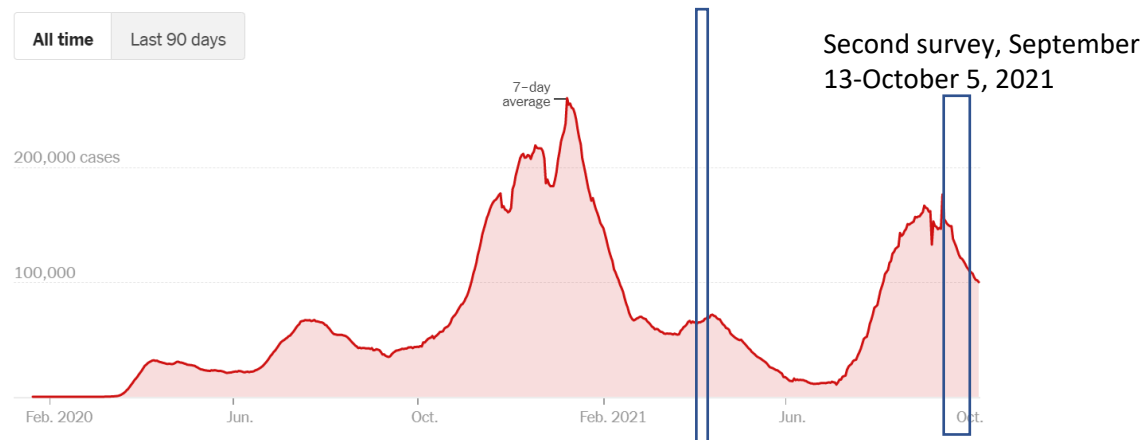
- Survey is not truly what COGR does, but answering a need and a curiosity about how research administration and its leaders are adapting within higher education.
- Idea of “snapshot in time” as the public health emergency and our institutions evolve.
- First survey sent to CGA members only over the course of one week in early April 2021; survey design, analysis, and presentation by Bruce Morgan, 13 responses. Scope of questions was limited to a central contract and grant office only.
- Second survey built on the first, design assisted by feedback from committees, especially CGA, sent to Board and Committee members in September 2021, and remained open for three weeks, 27 responses. Scope of questions was central research office rather than central contract and grant office.

# Contracts & Grants Administration – CGA

## Work From Home (WFH) Survey Results

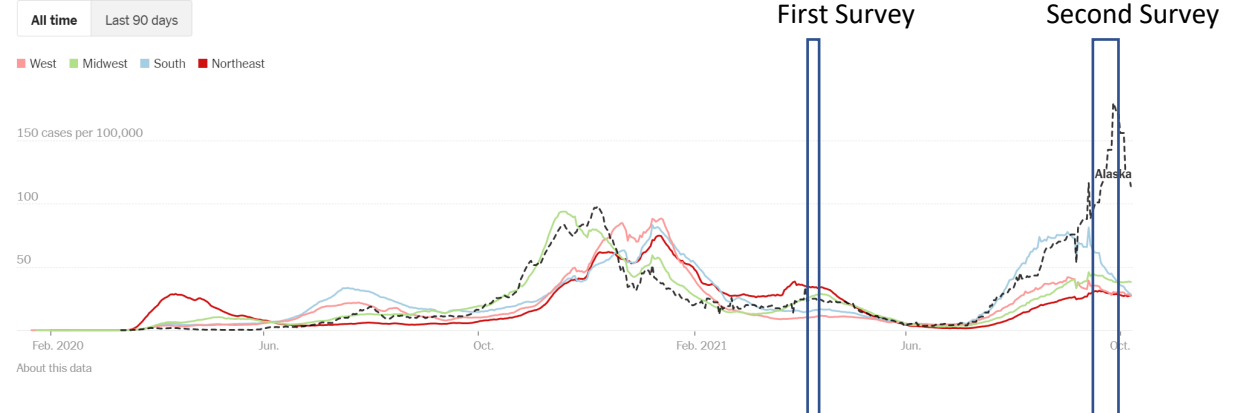
For context: survey timing in the history of the public health emergency in the United States:

New reported cases



Cases by region

This chart shows how average daily cases per capita have changed in different parts of the country. The state with the highest recent average cases per capita is shown.



(Charts from the NYTimes 10/8/2021, survey dates and boxes added)

# Contracts & Grants Administration – CGA

## Work From Home (WFH) Survey Results

- The September survey reflected a time when the Delta variant was just finished peaking; many institutions had already started a return to office. At that time 37% of institutions changed their plans in response to the Delta variant. Of these:
  - Five institutions delayed their return to office plans;
  - Two indicated or implied an increase to mask requirements;
  - One indicated updated expectations;
  - One indicated a minimum of 20% in the office; and
  - One indicated that a return to office pilot was paused during implementation.

# Contracts & Grants Administration – CGA

## Work From Home (WFH) Survey Results

- Where are people working now?

Average Values	
Fully at home (same state)	30%
Fully at home (different state)	4%
Mostly at home	28%
Mostly in the office	20%
Fully in the office	18%

- Do you expect this to change?
  - 44.4% of respondents responded that they expect the distribution to stay approximately the same, 14.8% of respondents each responded that they expect remote work will decrease by employee choice and that they have no idea, 11.1% of respondents indicated that they expect we will mandate a decrease in remote work u expect that to change in a post health emergency world?

# Contracts & Grants Administration – CGA

## Work From Home (WFH) Survey Results

- The survey asked respondents to categorize their institution's approach to WFH when the public health emergency is over. Responses shifted between April and September, likely because more institutions had already begun implementing post-public health emergency plans. Between the surveys is a significant shift from too early to tell to employees working primarily from home and from an all-in-the-office approach to a larger WFH work force.
- Factors affecting WFH that our community of aware of are primarily staff retention and recruitment, but include many of the issues one might expect from a regulatory perspective (where an institution can do business, and local tax, payroll, and labor requirements).
- Most institutions appear to be allowing WFH in some states, and very few appear to be allowing WFH from other countries.

# Contracts & Grants Administration – CGA

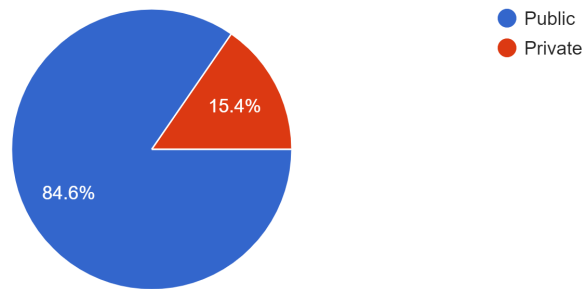
## Work From Home (WFH) Survey Results

- Survey also contains questions on demographics, the scope of the central research office, institutional closures during the public health emergency, extent of WFH practices before, during, and after the public health emergency, and equity of treatment within the central research related to WFH.
- Many of the basic charts from these answers are included in this slide deck but will not be discussed today.
- Happy to answer questions during the Q&A period.

# Contracts & Grants Administration – CGA Work From Home (WFH) Survey Results

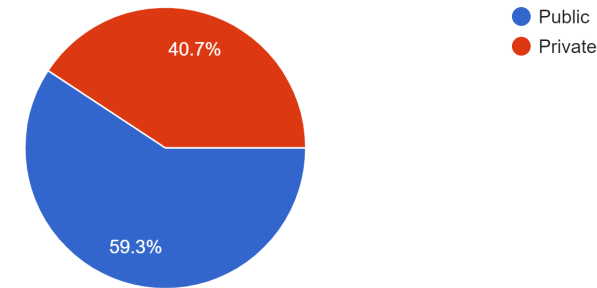
1. My institution is (please choose one):

13 responses



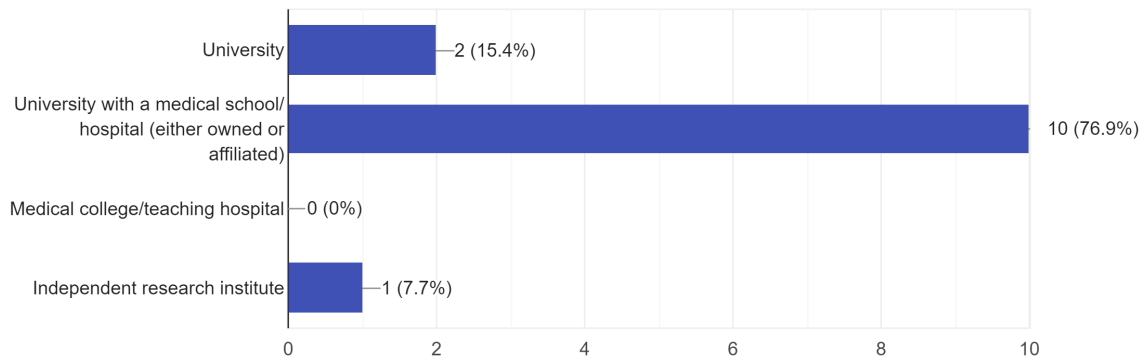
1. My institution is (please choose one):

27 responses



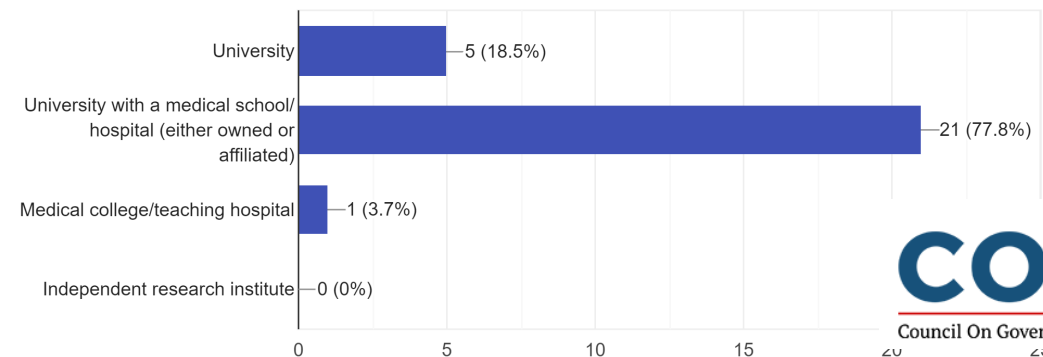
2. Please check the box that best describes your institution.

13 responses



2. Please check the box that best describes your institution.

27 responses

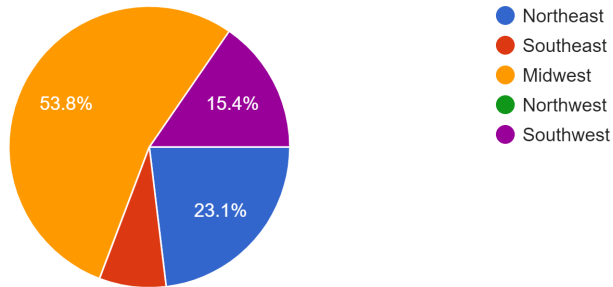


# Contracts & Grants Administration – CGA

## Work From Home (WFH) Survey Results

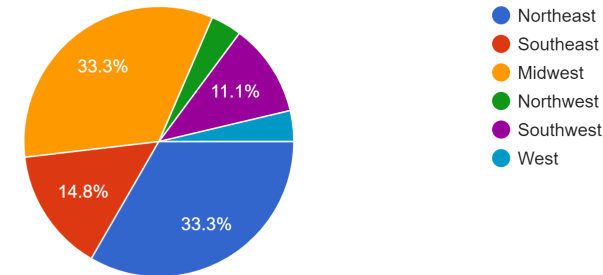
3. Where is your institution located?

13 responses



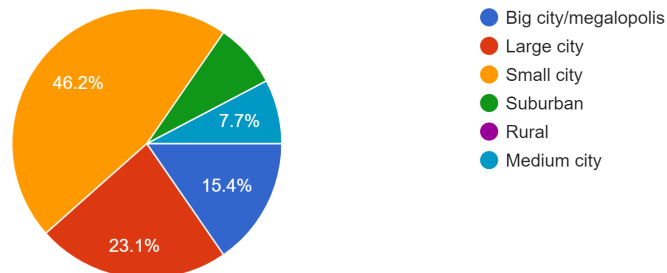
3. Where is your institution located?

27 responses



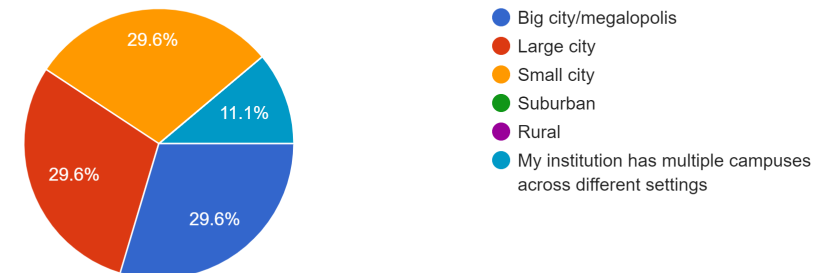
4. What setting best describes where your institution is located?

13 responses



4. What setting best describes where your institution is located?

27 responses

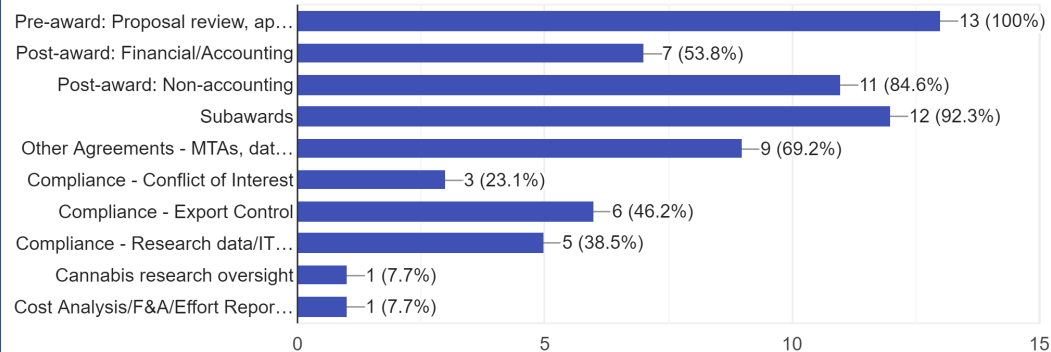


# Contracts & Grants Administration – CGA

## Work From Home (WFH) Survey Results

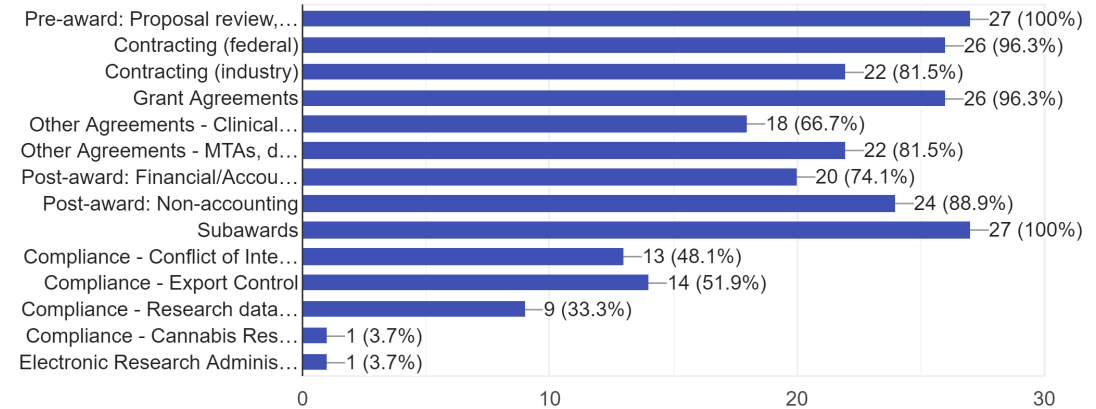
5. What best describes the scope of your central contract and grant office? Please select all that apply.

13 responses



5. What best describes the scope of your central contract and grant offices? Please select all that apply.

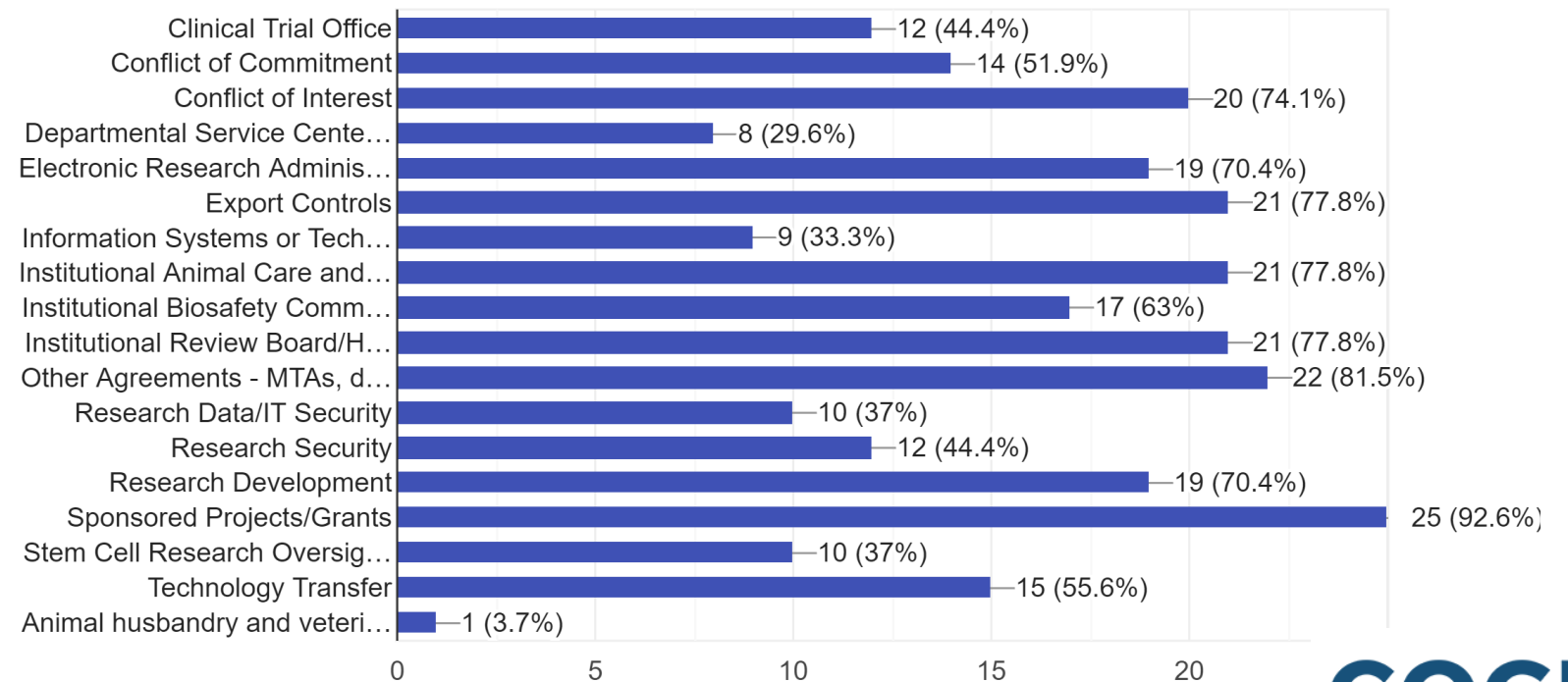
27 responses



# Contracts & Grants Administration – CGA Work From Home (WFH) Survey Results

6. What are the components of your central research office? Please select all that apply.

27 responses

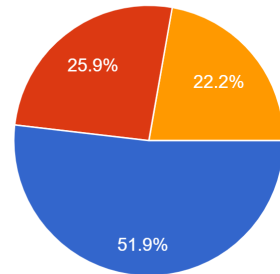


# Contracts & Grants Administration – CGA

## Work From Home (WFH) Survey Results

7. When considering WFH, are all parts of your central research office treated the same?

27 responses



- Yes - please skip to question 9
- Yes - we have classified positions (i.e. as remote, hybrid, or on-campus) and allowed for flexible schedules within those parameters - please skip to question 9
- No

8. If you answered no to question 7, and all parts of your central research office are not treated the same with regard to WFH, please explain.

6 responses

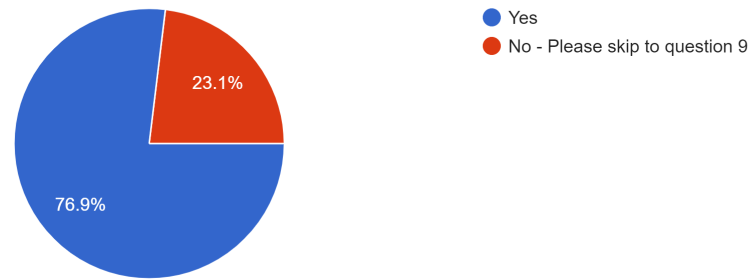
- The scope of activities and responsibilities for certain units necessitates work at campus. For example, animal husbandry and veterinary services. Conversely, some units in the Office of Research were in leased space and the lease was allowed to expire as part of campus cost saving efforts, and there is no space on campus to accommodate these employees. Therefore, it is not possible to offer the same work location flexibility to every position in the organization - some must work at campus, some must work from home, and other positions may do both.
- Animal care employees, for example, must always be onsite and so may not work remotely as others are able to do.
- Each unit has been given the authority to set its own WFH policy.
- Each unit may implement WFH plans that best meets its needs
- When physical presence required for job, employees are in; components of research office able to make own decisions
- Finance will be remote. Other areas hybrid.

# Contracts & Grants Administration – CGA

## Work From Home (WFH) Survey Results

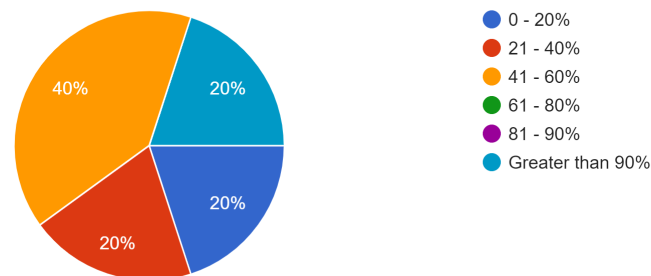
6. Prior to the pandemic, did your institution's central C&G office permit employees to WFH on a regularly scheduled basis?

13 responses



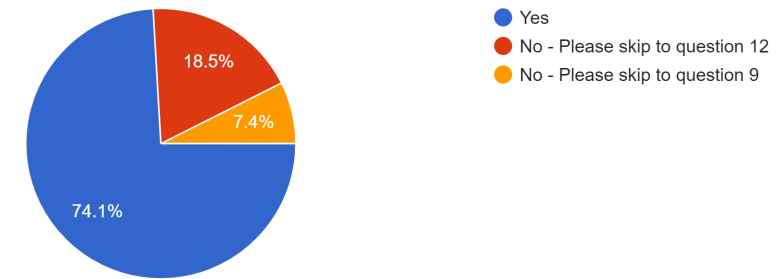
7. If you answered yes to 6, please indicate the percent range of central C&G office employees who WFH on a regularly scheduled basis.

10 responses



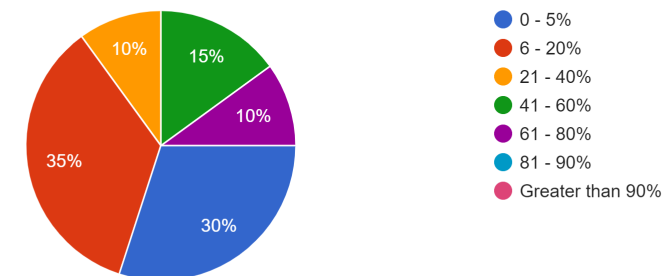
9. Prior to the pandemic, did your institution's central research office permit employees to WFH on a regularly scheduled basis?

27 responses



10. If you answered yes to question 9, please indicate the percent range of central research office employees who WFH on a regularly scheduled basis prior to the pandemic.

20 responses

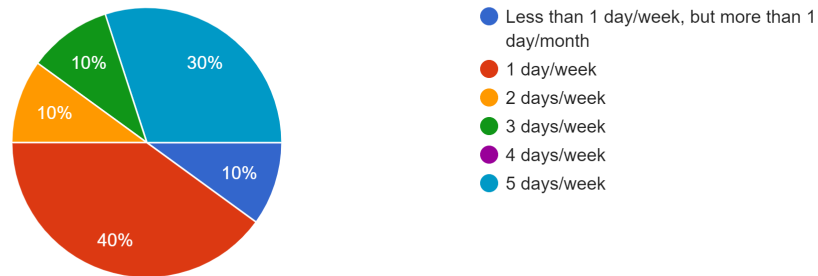


# Contracts & Grants Administration – CGA

## Work From Home (WFH) Survey Results

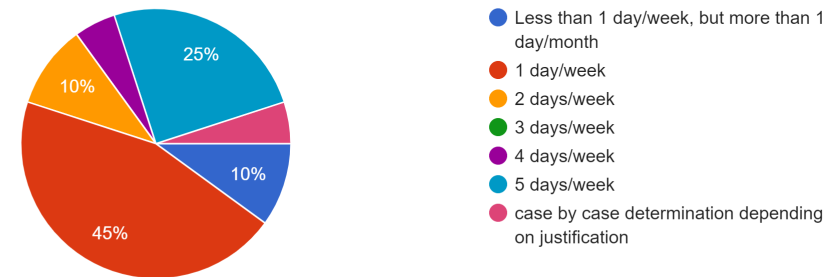
8. If you answered yes to 6, what was the maximum number of days that an employee could WFH?

10 responses



11. If you answered yes to question 9, what was the maximum number of days that an employee could WFH prior to the pandemic?

20 responses

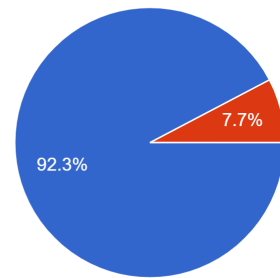


# Contracts & Grants Administration – CGA

## Work From Home (WFH) Survey Results

9. At any time during the pandemic, did your institution require or encourage its central C&G office employees to WFH?

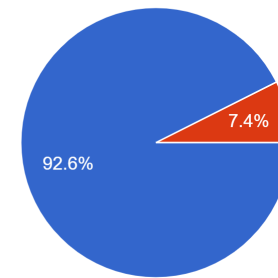
13 responses



- Yes - required
- Yes - encouraged, but not required
- No - Please skip to question 12

12. At any time during the pandemic, did your institution require or encourage its central research office employees to WFH?

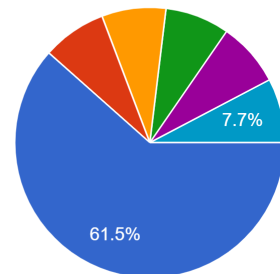
27 responses



- Yes - required
- Yes - encouraged, but not required
- No - Please skip to question 15

10. If you answered yes to 9, is WFH still required or encouraged?

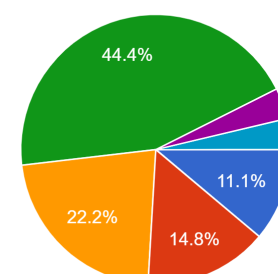
13 responses



- Yes - still required
- Yes - still encouraged
- Yes - previously required, now encouraged
- No
- All staff slowly transitioning back to office by May
- Nearly everyone in our office is working remotely. As of the Spring 2021 semester, if an employee has tested n...

13. If you answered yes to question 12, is WFH still required or encouraged?

27 responses



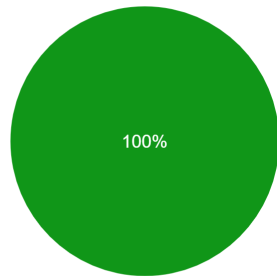
- Yes - still required
- Yes - still encouraged
- Yes - previously required, now encouraged
- No
- Our institution is transitioning to a hybrid workforce, but decisions about work location flexibility rests with unit leader and there are differences of opinion a.
- Partial WFH still allowed

# Contracts & Grants Administration – CGA

## Work From Home (WFH) Survey Results

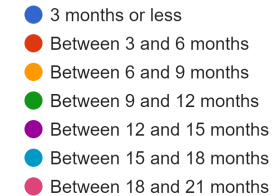
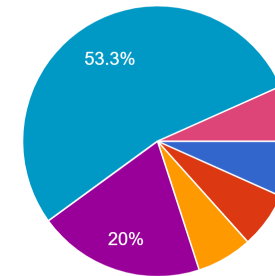
11. If you answered no to 10, for how many months did your institution require or encourage WFH?

1 response



14. If you answered no to 13, for how many months did your institution require or encourage WFH?

15 responses

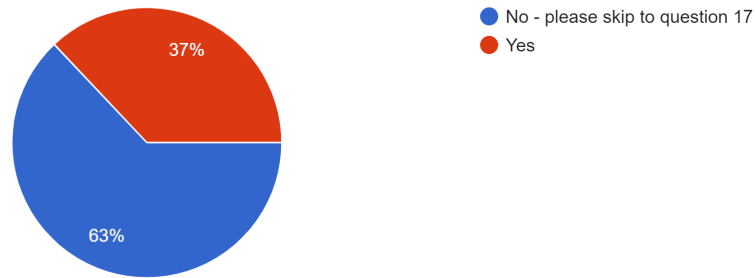


# Contracts & Grants Administration – CGA

## Work From Home (WFH) Survey Results

15. Have your institution's plans to return to the office changed due to recent public health developments (e.g., COVID-19 case surge) in your area?

27 responses



16. If you answered yes to question 15, and your institution's plans to return to the office have changed due to recent public health developments, please describe the changes.

10 responses

- We have delayed our October return to at least December and we anticipate not before the new year.
- Extended to 11/1/21 from 9/1/21
- Face masks expected for all university persons during the current surge. No shift to WFH
- We extended the date by which those working from home would be allowed to return onsite.
- delayed return to October
- Hybrid - Min. 20% in office
- We planned a return to office pilot which hasn't been completely implemented due to ongoing COVID concerns.
- Full return to the office for non-student facing offices was delayed from August to September
- Due to delta variant, expectations to work on campus has been updated
- Delta variant and mask mandates have put us into a holding pattern

# Contracts & Grants Administration – CGA

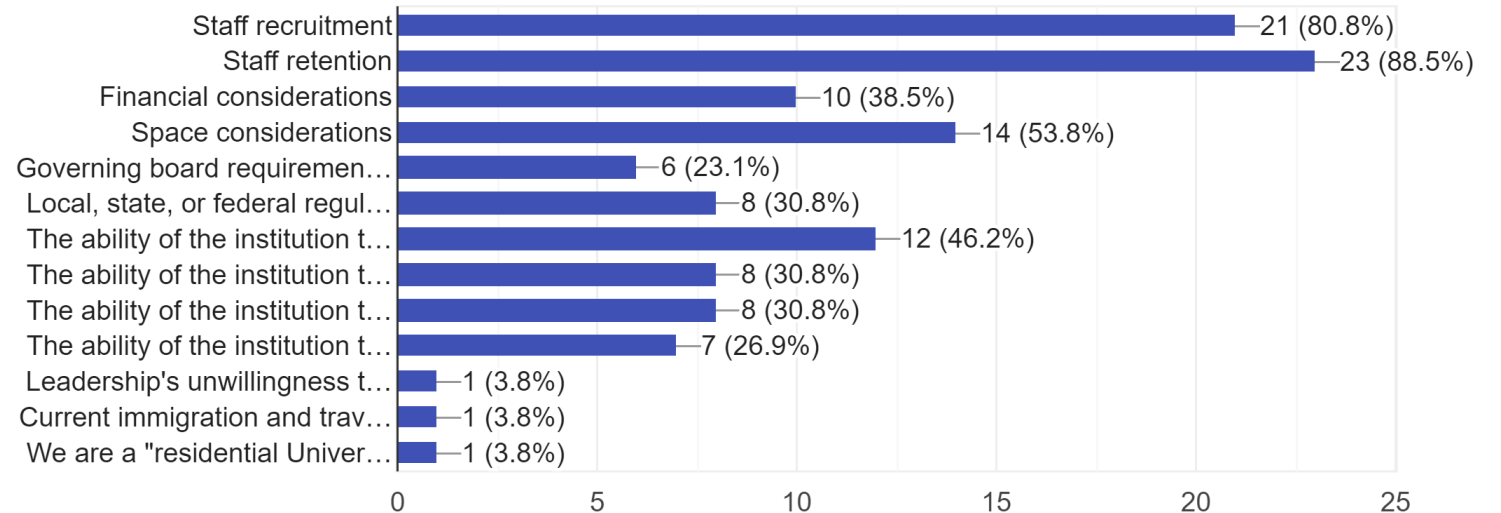
## Work From Home (WFH) Survey Results

19. If you are aware of the factors impacting your institution's WFH policies, what are they? Check all that apply.

- ☐ Staff recruitment
- ☐ Staff retention
- ☐ Financial considerations
- ☐ Space considerations
- ☐ Governing board requirements or recommendations
- ☐ Local, state, or federal regulatory requirements
- ☐ The ability of the institution to do business in another state
- ☐ The ability of the institution to do business in another country
- ☐ The ability of the institution to meet other state payroll and labor requirements
- ☐ The ability of the institution to meet international or other country payroll and labor requirements
- ☐ Other...

19. If you are aware of the factors impacting your institution's WFH policies, what are they? Check all that apply.

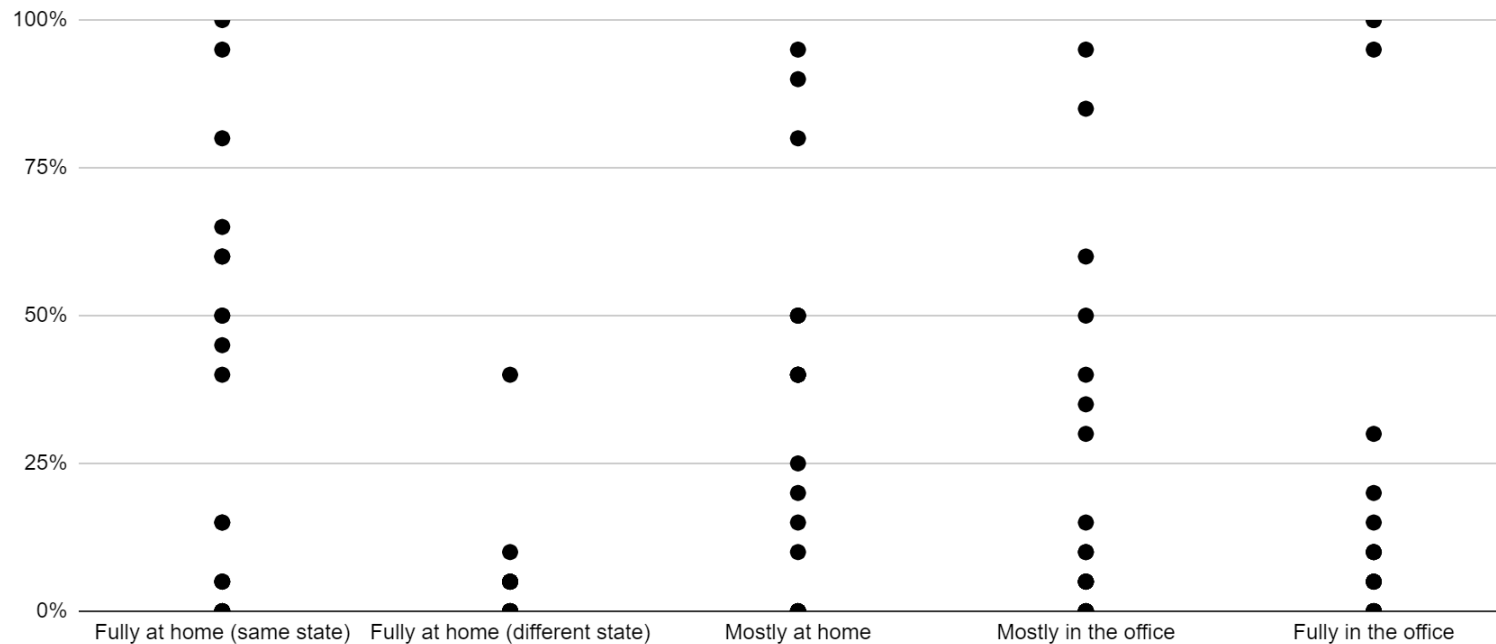
26 responses



# Contracts & Grants Administration – CGA

## Work From Home (WFH) Survey Results

17. Please allocate 100% of the research office staff into each of the following categories: Fully at home (same state); Fully at home (different state); Mostly at home; Mostly in the office; and Fully in the office. Estimates are expected!



Average Values	
Fully at home (same state)	30%
Fully at home (different state)	4%
Mostly at home	28%
Mostly in the office	20%
Fully in the office	18%

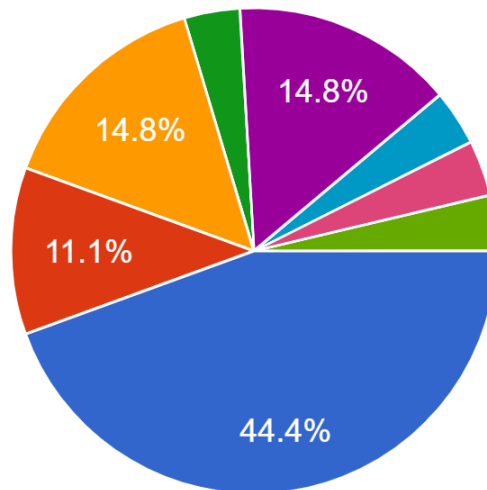
Four institution's responses were excluded equaling 0% or adding up to over 120%

# Contracts & Grants Administration – CGA

## Work From Home (WFH) Survey Results

18. Based on your answers to question 17, do you expect this distribution to materially change after public health conditions stabilize?

27 responses



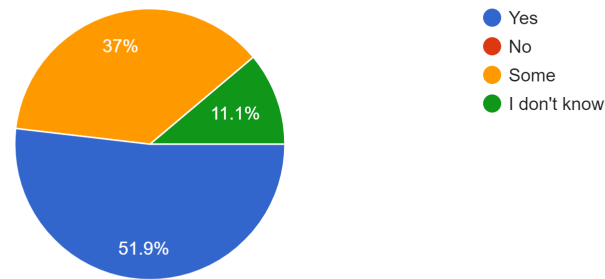
- I expect the distribution to stay approximately the same
- I expect we will mandate a decrease in remote work
- I expect remote work will decrease by...
- I expect remote work will increase as i...
- I have no idea
- I expect remote work to decrease bas...
- We are still collecting data on employ...
- We have a very generous WFH policy...

# Contracts & Grants Administration – CGA

## Work From Home (WFH) Survey Results

20. Is your institution allowing WFH from different states?

27 responses



21. If you answered "some" to question 20, and your institution is allowing WFH from some states but not others, please explain to the extent that you are able.

11 responses

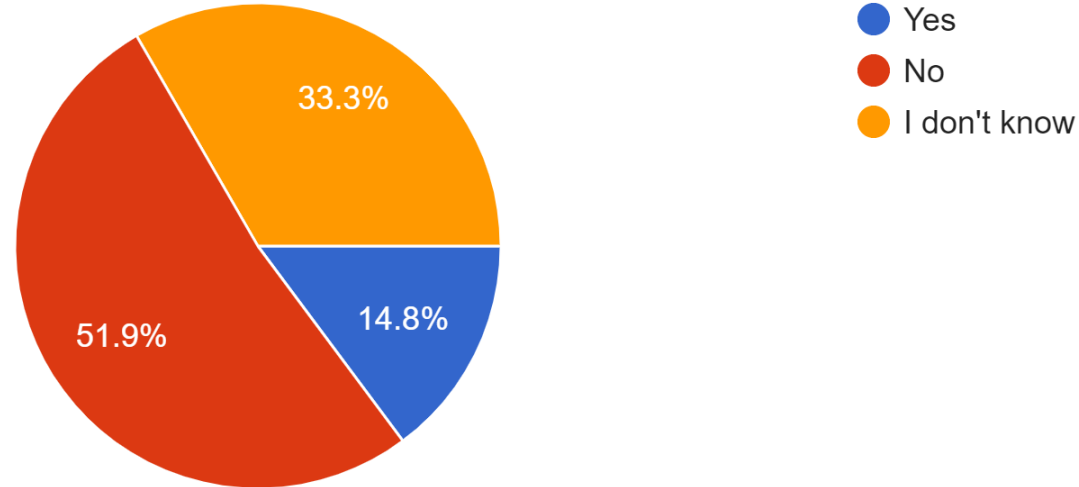
- In place they didn't know it (our HR department). This is for faculty and staff.
- We have registered to do business in the local regional states and a few others based on specific functions relating to those states.
- Currently allowing WFH in New England for employees from individual hospitals. Anything outside New England may require staff member to change employer, i.e., from hospital to parent organization, Mass General Brigham which is registered in a broader number of states outside the New England region
- We live between two states, therefore we already have employees who live out of state.
- Requires institutional review and approval, but so far I have received approval for ~6 employees that way.
- There is a limited exception process requiring General Counsel approval.
- depends on tax laws
- My institution does not yet have all the right legal and regulatory items set up to accommodate all state requirements
- pre-pandemic for expertise; not figured out yet for future arrangements
- We allow WFH from other states if they were hired from another state.
- Yes for all registered states. Other case by case

# Contracts & Grants Administration – CGA

## Work From Home (WFH) Survey Results

21. Is your institution allowing WFH from other countries?

27 responses

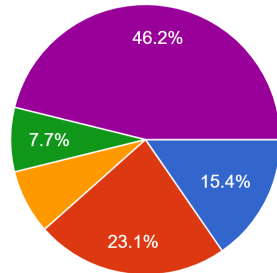


# Contracts & Grants Administration – CGA

## Work From Home (WFH) Survey Results

12. What statement best describes your institution's approach to central C&G office employees WFH in a post-COVID-19 pandemic world?

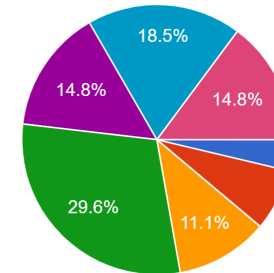
13 responses



- We're old school - everyone works from the office
- We're new school - everyone works from home (come to campus only when required)
- Employees work primarily in the office and 1-2 days from home
- Employees work primarily from home and 1-2 days in the office
- Too early to tell - my institution is still thinking about whether WFH fits into it...

22. What statement best describes your institution's approach to central research office employees WFH when the public health emergency is over?

27 responses



- We're old school - everyone works from the office
- We're new school - everyone works from home (come to campus only when required)
- Employees work primarily in the office and 1-2 days from home
- Employees work primarily from home and 1-2 days in the office
- Too early to tell - my institution is still thinking about whether WFH fits into it...
- My institution is trying to figure out how to allow remote, hybrid, and on-campus options
- My institution is allowing each employee to make their own decision about the extent to which they choose WFH

### Available Responses:

- We're old school - everyone works from the office
- We're new school - everyone works from home (come to campus only when required)
- Employees work primarily in the office and 1-2 days from home
- Employees work primarily from home and 1-2 days in the office
- Too early to tell - my institution is still thinking about whether/how WFH fits into its future
- My institution is trying to figure out how to allow remote, hybrid, and on-campus options
- My institution is allowing each employee to make their own decision about the extent to which they choose WFH

# Research Ethics & Compliance – REC Committee Members

- Naomi Schrag, (Chair), Columbia U.
- Lynette Arias, U. of Washington
- Lois Brako \*, U. of Michigan
- Theresa Colecchia, Johns Hopkins U.
- Keri Godin \*, Brown U.
- Grace Fisher-Adams \*, California Institute of Technology
- Karen Hartman \*, Mayo Clinic
- J.R. Haywood \*, Michigan State U.
- Mary Mitchell \*, Mass General Brigham
- Deborah Motton, U. of California,
- Brian Smith \*, U. of California, San Francisco
- Geeta Swamy,\* Duke U.
- Ara Tahmassian \*, Harvard U.
- Debra Thurley \*, Pennsylvania State U.
- Kristin West (COGR Staff)

\* At-large members

# Research Ethics & Compliance – REC

## Current Issues & Updates

- **Science & Security -- Papers**
  - Participated with RSIP in drafting “[Federal Focus on Inappropriate Foreign Influence: Practical Considerations in Developing an Institutional Response](#)”
  - “[Principles for Evaluating Conflict of Commitment Concerns in Academic Research – Version 2.0.](#)” Key Points:
    - Promoting a “culture of transparency”
    - Addressing Common Conundrums, e.g., 9-month appts., review of consulting agreements, managing collaborations
    - Considering governance processes to address agency disclosure requirements
      - Centralization v. decentralization
      - Integration of administrative units/information flows
      - Timing/frequency of reporting
    - Appendix with example templates and tools

# Research Ethics & Compliance – REC

## Current Issues & Updates

- **Human Subjects Research**
  - **Responded to NIH RFI on Developing Consent Language for Future Use of Data & Biospecimens**
- **Animal Research**
  - **Response to USDA NPRM on Handling of Animals; Contingency Plans**
  - **REC has developed responses to several RFIs published by NIH's Office of Laboratory Animal Research in response to Cures Act mandate to evaluate current policies/regulations for ways to reduce administrative burden in animal research including:**
    - **Enhancing Rigor, Transparency, & Translatability to Improve Biomedical Research Involving Animal Models**
    - **Clarifying the Reporting Requirements for Departures from the Guide for the Care and Use of Laboratory Animals – letter being drafted with AAMC & NABR**

# Research Ethics & Compliance – REC

## Current Issues & Updates

- **Presentation from attorneys at Ropes & Gray on China Personal Information Protection Law**
- **Key Points:**
  - **Effective Nov. 1, 2021, but implementing regulations are still in development**
  - **Will apply to persons and entities within and outside China that are (a) processing information to provide products/services to persons in China; (b) processing information for analyzing the behavior of persons located in China; (c) as specified by other laws/regulations.**
  - **Part of China's National Security Legal Framework**
  - **Does not cover anonymized information. “Key coded” data is NOT anonymized.**
  - **Consent will be crucial in the research context – currently no other legal basis for processing information for research**

# Costing & Financial Compliance – CFC Committee Members

- **Jeffrey Silber (Chair), Cornell U.**
  - **Sarah Axelrod, Harvard U.**
  - **Jeremy Forsberg, University of Texas at Arlington**
  - **Joseph Gindhart\* , Washington U. at St. Louis**
  - **Vivian Holmes \*, Boston U.**
  - **Cynthia Hope \*, Georgia Institute of Technology**
  - **Michael Legrand \*, U. of California, Davis**
  - **Nate Martinez-Wayman \*, Duke U.**
  - **Gerald Mauck , U of Denver**
  - **Jennifer Mitchell\*, Northwestern University**
  - **Julie Schwindt\*, University of South Alabama**
  - **Marcia Smith \*, U. of California, LA**
  - **Renotta Young \*, Columbia U.**
  - **David Kennedy (COGR Staff)**
- \* At-large members**

# Costing & Financial Compliance – CFC

## Current Issues & Updates

- Ongoing monitoring, review, and/or commenting on requirements associated with:
  - Single [Uniform Guidance] Audit
  - Higher Education Emergency Relief Fund
  - Agency audits and settlements (notably NSF and COVID-19 audits)
    - Rate application
- Constructive engagement with NSF Survey, as needed
- Addressing financial compliance pain points (HHS/PMS FFR and FCTR)
- Monitoring and reviewing developments in F&A rates
  - Rebates, VUCS
- Consideration of costing approaches for research security and data management requirements