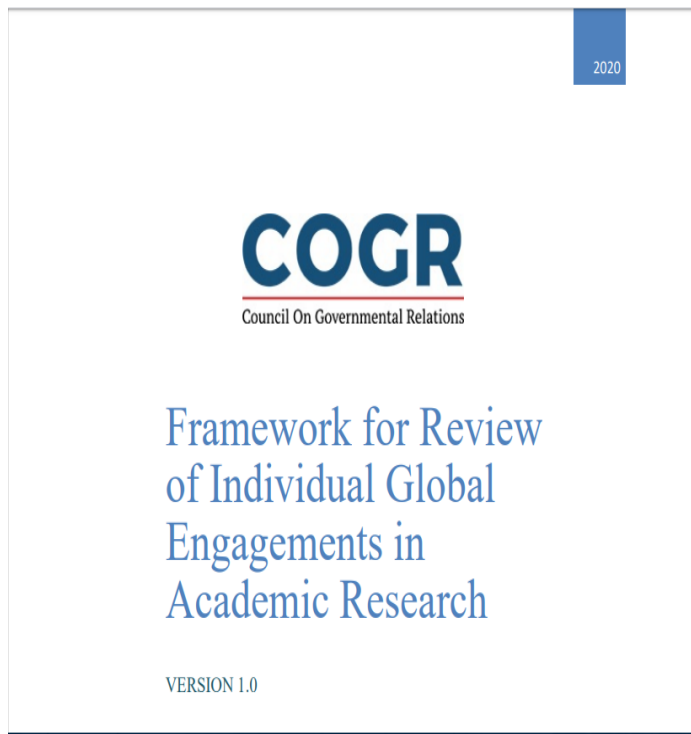


A photograph of a coastal dune landscape. A wooden boardwalk, made of light-colored planks, winds from the foreground into the distance, curving to the right. The dunes are covered in green grass and low-lying vegetation, with patches of sand visible. In the background, a line of trees marks the horizon under a grey, overcast sky. A dark grey rectangular box is overlaid on the lower half of the image, containing the title text in white.

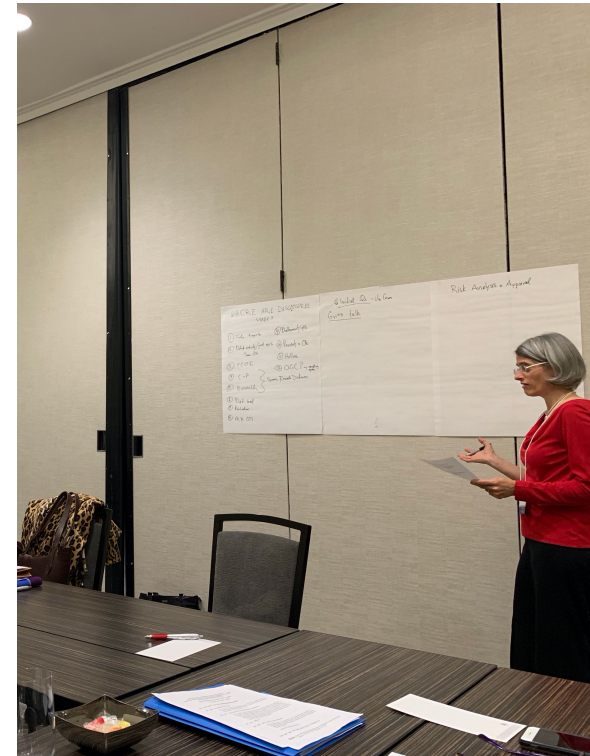
FRAMEWORK FOR REVIEW OF INDIVIDUAL GLOBAL ENGAGEMENTS IN ACADEMIC RESEARCH

BACKGROUND



- Research Ethics & Compliance Committee (REC) began development of the Framework in October 2020
- Small group brainstormed at the October COGR meeting
- Drafting...
- Feedback from members of COGR committees and Board plus additional volunteers from COGR members
- Provided to OSTP, NIH and NSF
- Published on COGR website January 15, 2020

BRAINSTORMING AT THE OCTOBER COGR MEETING



WHY A FRAMEWORK FOR REVIEW?

Institutions are grappling with many questions related to science and security disclosures:

- What information needs to be disclosed?
- How should it be disclosed?
- To whom is it disclosed?
- When is it disclosed?
- Where is it disclosed?
- So... NOW WHAT?

FRAMEWORK OBJECTIVES

“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.”

FRAMEWORK ORGANIZATION: 8 SECTIONS PLUS 5 CASE STUDIES

- 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

GETTING THE FACTS FOR ANALYZING AN ENGAGEMENT

- Points to consider
 - Where in your institution may information be available? What offices may be able to help?
 - What policies authorize exploring these issues?
 - Who is best positioned to get the facts of any particular case?
 - What documents may elucidate an engagement?
 - Who needs to be involved in a particular review?
 - What is the timeframe? Is there an upcoming submission or other deadline?

WHAT ARE POTENTIAL RISKS TO CONSIDER?

- Conflict of commitment and inability to execute federally funded projects
- Conflict of interest and risk to the objectivity of research
- Nondisclosure to funding agencies of information relevant to funding decisions
- Loss (not just transfer) of intellectual property/know-how
- Legal risk to the institution
- Legal risk to the individual researcher
- Financial risk (e.g., loss of federal funding)
- Reputational risk, loss of prestige and trust
- Sanctions violation (where a restricted entity is involved)
- Loss of researcher's academic independence

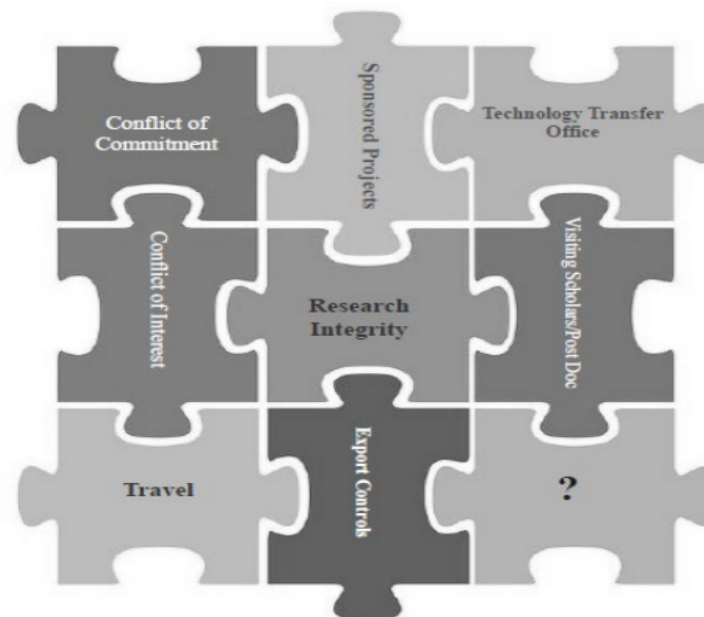
POTENTIAL RISK MANAGEMENT STRATEGIES

- Disclosure internally, to funding agencies and to the public as appropriate
- Training
- Prior approvals
- Reduction or elimination of the outside activity
- Expedited dissemination of research results
- Inter-institutional agreements
- Technology management plans
- Involvement of risk management, research compliance, internal audit, etc.

WHAT ARE THE RISKS OF AVOIDING GLOBAL ENGAGEMENT?

- Loss of opportunity for scientific progress
- Loss of opportunity for particular research projects, which may benefit from particular resources and expertise in another lab
- Chilling effect on collaborations more broadly
- Potential to be perceived as insular
- Damage to reputation, including internationally

FRAMEWORK 1.0: VERSION 1 OF THE PUZZLE...



CREDITS

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ANONYMOUS POLLING



POLL EVERYWHERE INSTRUCTIONS

1. Text **COGRSTAFF949** to **37607** - quickest set-up, **OR**
 - Once you receive the confirmation, you're good to go – text your answers as we go
 2. Download the app and enter www.polleverywhere.com/COGRstaff949 - easy to read/use, **OR**
 3. From the www.polleverywhere.com/ COGRSTAFF949, then hit “Join” – easy to read/use
- Our goals for polling:
 - We're looking for rough benchmarks to give you a flavor of what's going at peer institutions
 - We are not aiming for high-quality, publishable data
 - If this question is best answered by one of your colleagues in the room, please rely on their answer to the question. No need for you to respond. If your institutional expert is not in the room and you don't know the answer, please choose "not my domain area", or you can simply not respond.



What's your favorite pizza topping?

Mushrooms

Pepperoni

Peppers & onions

None of the above, all of
the above, or anything else



CASE STUDIES

DISCUSSION AND BENCHMARKING



Visiting Trainee in U.S. Labs

Foreign researcher (Dr. X) contacts a PI at your institution (Prof. G)

Dr. X wants to spend a year as a **visiting scientist** in Prof. G's NIH-funded lab. Prof. G also has funding from two pharma companies.

Dr. X:

- Currently works at a Chinese pharma company;
- He previously worked at your institution, but not with Prof. G;
- Will have his own funding but could also lend a hand on Dr. G's other sponsored research.

What do you see as the top potential risks in this scenario?

Choose your top two.

Access to / los of intellectual
property or proprietary information

Export control issues/involvement
of a restricted party



Access to institutional facilities /
influence over other users

Risk of non-disclosure to funding
agencies

Other

Reputational risk

Not in my domain area/my
colleague may have the answer



Who has final approval over appointments for visitors at your institution?

Final approval is given at the
department level

Final approval is given at the
school level

Final approval is given at the
central level

Other

Not my domain area/my colleague
might have the answer





Does your institution have a system for tracking visitors involved in research?

Yes

No

Not in my area/my colleague
may have the answer



What is your main concern about your institution's visiting researcher practices? Choose one.

Who/where appointments are approved

Due diligence checks on visitor's affiliations,
background, and other relationships

Export controls / restricted party checks

Vetting the funding source of the visitor

Not in my domain area/my colleague may
have the answer

ISSUES TO CONSIDER – APPLYING THE FRAMEWORK

- What is the source of funding for the visitor?
- Is the visitor's company on a restricted party list?
- What research will the visitor be conducting?
- Will the visitor have access to any university proprietary or controlled information?
- Will the visitor bring any proprietary or controlled information to the university?

Research Collaborations with an International Entity

Prof. C has approached you to set-up a data use agreement (DUA) for a data set that originated in a Chinese company in Shanghai; data is for an NSF award.

Prof. C has a research collaborator in Australia, with whom she jointly publishes; they exchange semi-conductor chips and research data as part of their fundamental research program. 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.

Would you accept a contract that agrees to list the data provider as a co-author on resulting publications, solely for providing the data?

Yes

No

Not in my domain area/my
colleague may have the answer

Which of these best describes how your institution handles restricted party screenings?

A central person / office performs these checks for the entire institution (e.g., export control office or international engagements)

A couple of key offices can perform these checks for the institution.

What's restricted party screening?

Screening is widely distributed and numerous users can perform these checks

Not my domain area / my colleague may have the answer

ISSUES TO CONSIDER – APPLYING THE FRAMEWORK

- Who is the data provider? Are there any associated risks e.g., export controls?
- Authorship – what's the policy about naming authors, versus acknowledging contributions?
- Disclosure to funding agencies – is any of this “in-kind support”?
- While you're at it – anything needed to facilitate the relationship with the Australian collaborator? Vetting the collaborator, Technology Control Plan for the exchange of computer chips?

Appointment at a Non-U.S. Research Institution

Prof. Y is a superstar in his field. He has sponsored awards from NSF and DOE, and he is the deputy director of a sizable industry-funded center at your institution.

He has just notified the institution that he is 2 years into a 5-year part-time research appointment at a new university in India

He has a new laboratory in India, with students and research funding from the government

He receives research funding at your institution from the Indian university

His appointment at the new university was required for the local government to fund the new university

He is committed to helping the Indian university wants to complete his 5-year contract term



What do you see as the top potential risks in this scenario?

Choose the top two.

Loss of intellectual property / proprietary information

Export controls issues/ involvement of a restricted party

Risk of scientific, commitment or budgetary overlap

Risk of non-disclosure to funding agencies

Reputational risk

Conflict of commitment – prioritizing the other university's
students and research over the home institutions'



Not my domain area / my colleague may have the answer

At your home institution, are you currently working on case(s) involving a researcher who has an appointment at another institution that involves mentoring students, teaching, and/or performing research?

Yes

No

Not my domain / my colleague
may know the answer



Can researchers at your institution (including faculty) accept appointments to perform at another institution without prior approval?

Yes

No

We are updating our policy on this issue.

We are updating our procedures for approval.

Not my domain/my colleague may know the answer

If your institution requires that researchers seek prior approval of research appointments at other institutions, who is the final approver?

A central office, e.g., the provost
or VPR

A school-level official, e.g., a dean

A department-level official, such
as a department head or chair

Other

Not my domain area / my
colleague may have the answer

ISSUES TO CONSIDER – APPLYING THE FRAMEWORK

- Disclosure to funding agencies
- Relatedness to research at home institution – potential for loss of IP?
- Is this a talent recruitment program? Why or why not?
- Conflict of commitment
 - Enough time to carry out responsibilities to home institution?
 - Competing against home institution in recruiting students and faculty?
- Potential benefits?
- Potential risks?



THANK YOU FOR PARTICIPATING IN OUR
FIRST POLLING EXPERIMENT

