Overview of New NSPM-33 Guidance

Key Points and Institutional Considerations
Panelists

- Theresa Colecchia, Sr. Assoc. General Counsel, Johns Hopkins University
- Michael Vernick, Partner, Akin Gump
- Kris West, Director Research Ethics & Compliance, COGR
To get us started . . . a quick poll!

Pick the answer below that best describes how familiar you are with the new NSPM-33 implementation guidance released Jan. 4, 2022:

a. Haven’t had a chance to review it yet
b. Skimmed over/read the highlights, but haven’t read it in detail yet
c. I’ve been so immersed I’m starting to dream about NSPM-33
Nat’l Science & Technology Council Guidance for Implementing NSPM-33: Key Points

• **First Step**: Model proposal forms/instructions to be developed in next 120 days.

• **Purpose**: Guidance for research funding agencies to produce their own guidance/requirements

• **Components**: Researcher disclosures and more!

• **Themes**:  
  • Standardization/harmonization  
  • Reduce administrative burden  
  • Leverage existing documents/processes  
  • No discrimination!
Disclosure Requirements: Some Stars are Beginning to Align

• NSF, NIH and NSPM harmonization in key areas
• New [NIH Disclosure Table](#)
• Updated [NSF Disclosure Table](#)
• COGR Summary and Chart Comparing Disclosure Requirements Among NSPM-33 Guidance, NIH & NSF
<table>
<thead>
<tr>
<th>Areas that Still Require Harmonization</th>
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COGR Summary of Other Components of the Guidance

- Digital Persistent Identifiers
- (Truth or) Consequences
- Information Sharing
- Research Security Programs
Key Points for Institutional Consideration

• The research security function has many disparate pieces, which may be under different leadership.
• Determining what systems/processes can be leveraged and what new systems will be needed.
• Resources!
  • How far can existing resources be stretched?
  • Are the different offices (export control, IT, travel systems) talking to each other and working across the silos?
Key Points for Institutions to Consider

• Clock is ticking!
• Training: Start now and be prepared to adapt the materials
• Promoting use of DPIs
• Addressing faculty fear of international engagement
• Making sure your institution can quickly direct faculty to use disclosure correction processes while systems are in flux
Correcting Past Mistakes and Consequences for Non-Disclosure

• Agencies should have procedures for permitting correction of past disclosure mistakes—OSTP stressed that those systems should be simple and straightforward

• Alignment with Section 223 of the FY 2021 NDAA for action against institution for non-disclosure by a researcher
  • Administrative remedy or enforcement action v. non-enforcement actions & remedies
On the Horizon: Research Security Programs

• Timeline: 90-day external engagement period + 120 development period
• Government assistance with training content and programmatic guidelines, tools, and best practices
• Institutional certification of compliance
Additional Questions for the Speakers?

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