COGR

Results from COGR’s Survey on Research Institutions’ Experiences with DoD Policy for Risk-Based Security Reviews of Fundamental Research

April 2024

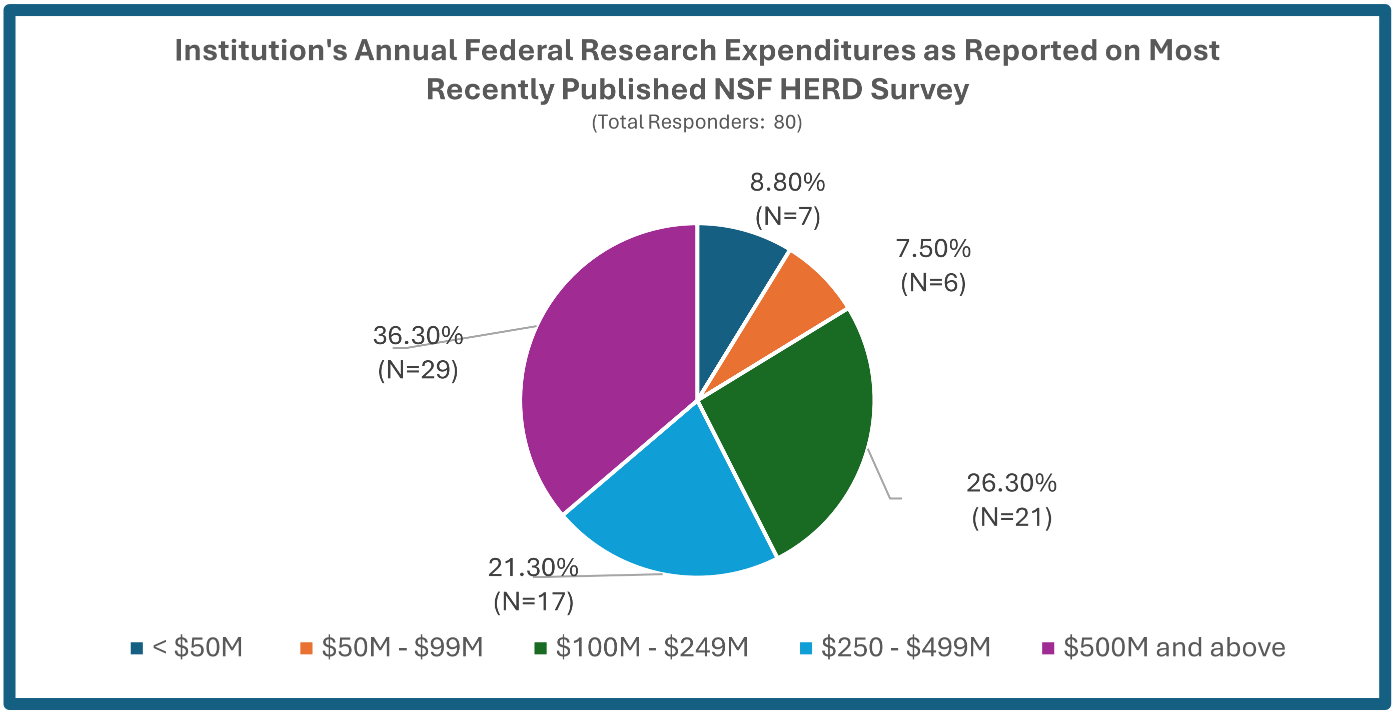
Overview: COGR conducted a survey of its member institutions to gain information on their experiences in developing research security risk mitigation plans in response to the recent research security risk assessment and mitigation requirements implemented by Department of Defense (DoD) research funding components. Key findings from the survey include:

- ***Eighty-two institutions responded to the survey with 50% reporting that they received at least one request for a risk mitigation plan.*** Nearly 80% of plan requests came from the Army/Army Research Laboratory (ARL).
- ***DoD frequently did not identify the specific reason(s) a plan was necessary***, with 58.6% of responders indicating that DoD provided a clear reason for the plan’s necessity in less than 25% of requests.
- ***The initial development and negotiation of risk mitigation plans is time-consuming***, with slightly over 46% of responders reporting that it takes from 11 to over 21 hours to develop a plan, and 47% of responders indicating that the negotiation process took four to six weeks.
- ***Common required plan elements include the following requirements for PIs and grant personnel***: reporting of international travel, threat awareness training, reporting of suspicious contacts with foreign operatives, and reporting/restrictions on certain collaborations with persons/entities in countries of concern (CoCs).
- Over sixty-five percent of responders reported that they were able to successfully negotiate risk mitigation plans, but ***for the just over one-third of responders whose plans were rejected, DoD components did not provide a clear reason for the rejection in over 83% of those cases.***

Background: In June 2023, the U.S. Department of Defense published its Policy for Risk-Based Security Reviews of Fundamental Research (“Policy”) and its accompanying DoD Component Decision Matrix to Inform Fundamental Research Proposal Mitigation Decisions (“Matrix”). The Policy requires each DoD Component to “develop a risk-based security review process to identify fundamental research project proposals’ research security risk mitigation needs” and requires such reviews for all fundamental research project proposals “selected for award based on technical merit.” The Matrix sets forth categories of factors for which mitigation measures are required, recommended, suggested, or not required, as well as factors that are prohibited. DoD components are expected to adopt the Policy and Matrix, but DoD did not provide a timeline for adoption. As of the date of the memorandum, DARPA has adopted the DoD Policy and Matrix, but ARL maintains a different risk assessment protection program with a separate risk matrix/rubric.

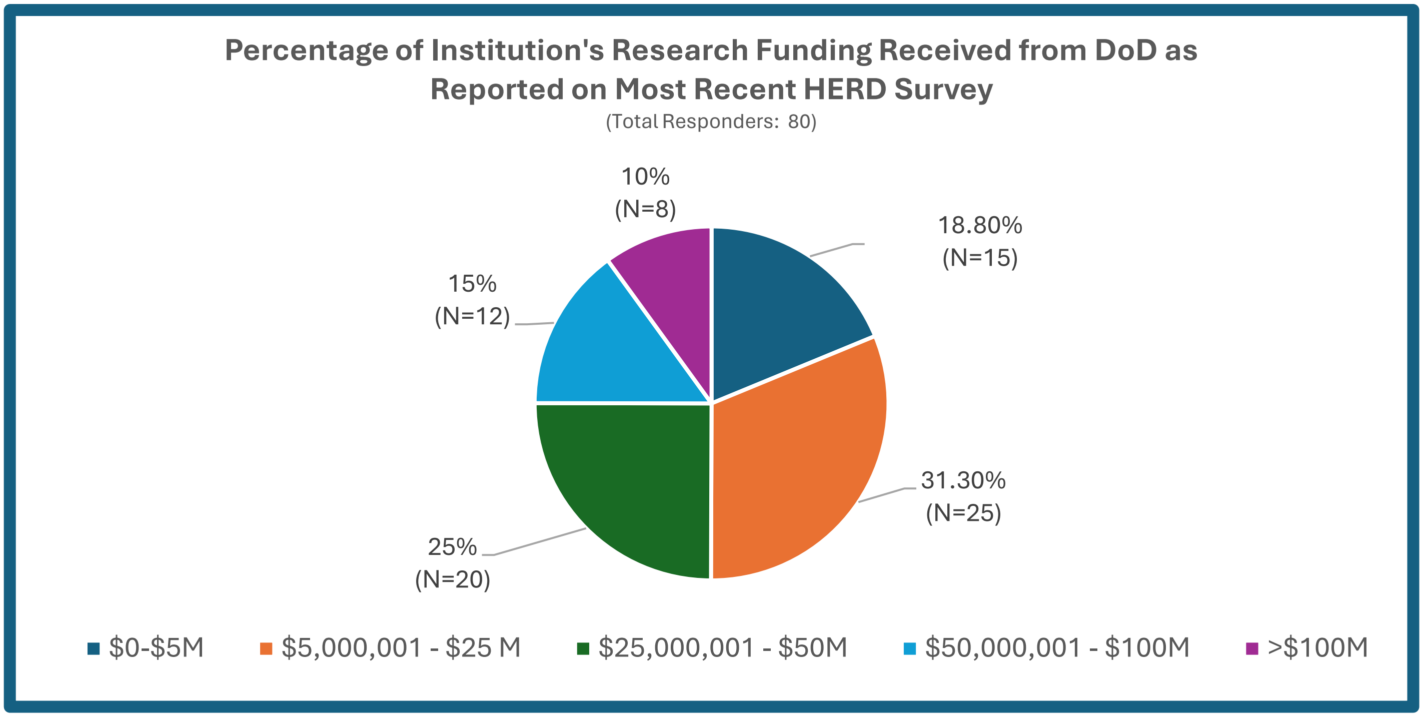
Purpose of Survey: COGR conducted a survey of its member institutions to gather information about their experiences with DoD components that applied the DoD Matrix, or a DoD component-specific matrix, to fundamental research proposals. The survey was conducted from March 14-April 8, 2024, via the web-based Alchemer survey tool and was open to all COGR member institutions.

Demographics of Survey Responders: Eighty-two institutions submitted a survey.[1] Of the institutions that responded, 64.2% (N = 52) were public institutions and 35.8% (N = 30) were private. Nearly 54% of responders (N = 44) were universities with an associated academic medical center (AMC), 36.3% (N = 30) were universities without an AMC, 5% (N = 4) were AMCs, and 5% (N = 4) were independent research institutions. All responders conduct fundamental research, while 68.3% (N = 56) also conduct export-controlled research and 32.9% (N = 27) also conduct classified research.[2] Information on responders funding levels and sources are shown in the charts below.



[1] Not every responder answered each question in the survey. The total number of responders that answered each question (or the total number of responses, in cases where institutions could select more than one option) is included in the charts that appear in this report.

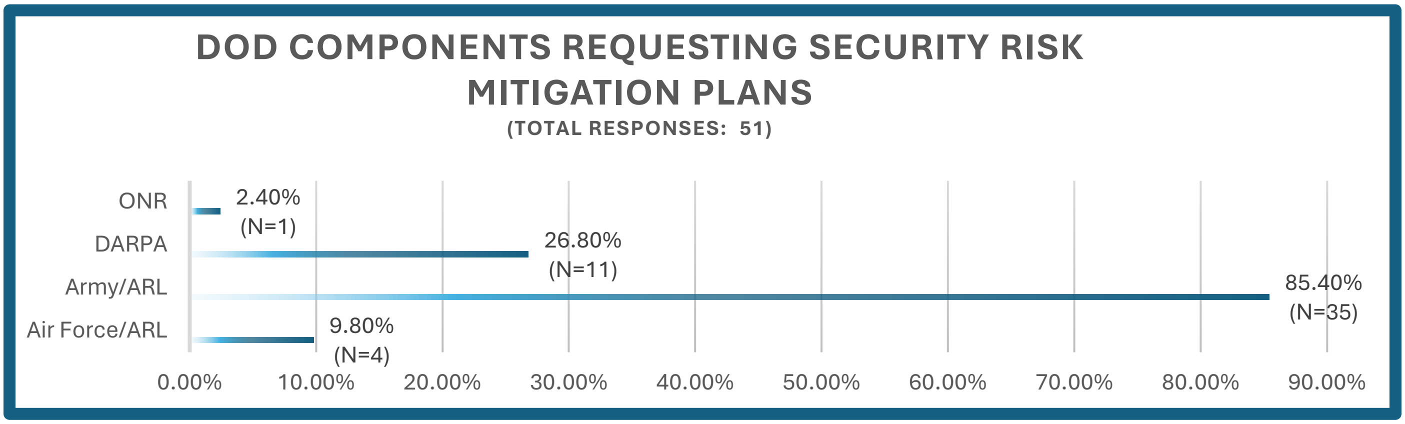
[2] A review of the publicly available research policies posted by the institutions who reported doing classified research indicated that 15 have posted policies permitting classified research (CR). Additionally, four institutions have (or are in the process of adopting) posted policies regarding controlled unclassified information (CUI), but not CR; five institutions have posted policies permitting CR at other sites or as an exception; and three had no posted policies regarding either CR or CUI research.

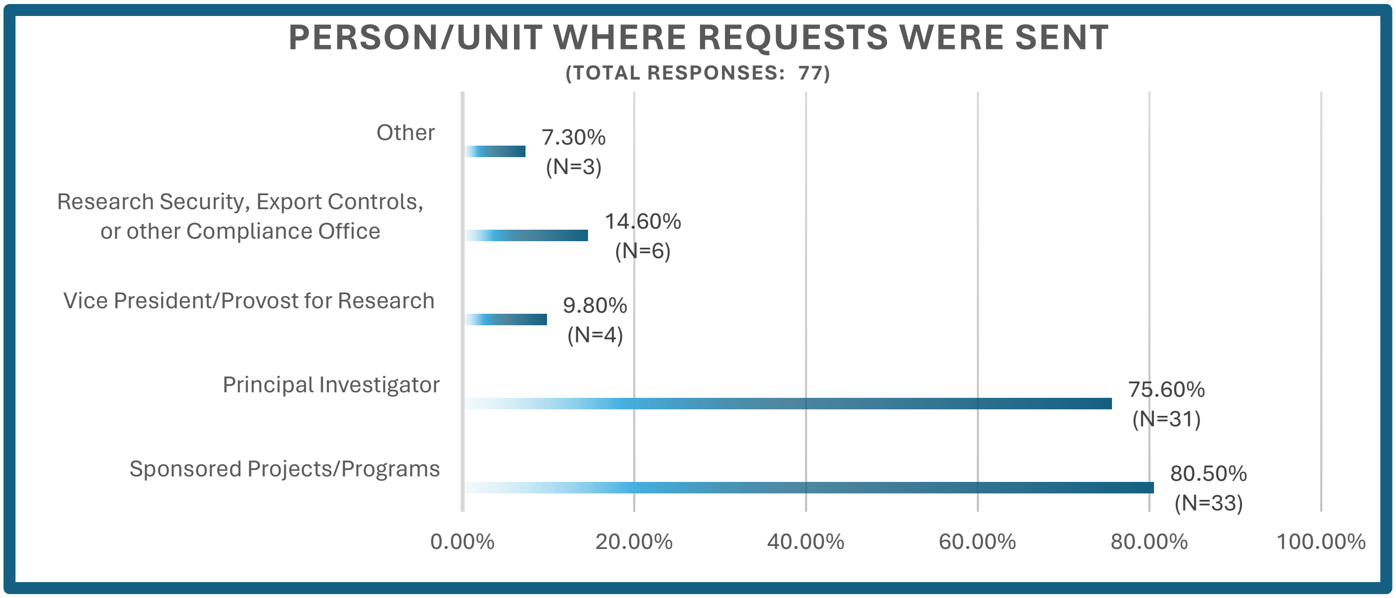


MAJOR THEMES FROM SURVEY RESULTS

1. MULTIPLE DOD COMPONENTS HAVE BEGUN TO REQUIRE INSTITUTIONS TO PROVIDE A SECURITY RISK MITIGATION PLAN IN CONNECTION WITH FUNDAMENTAL RESEARCH PROPOSALS.

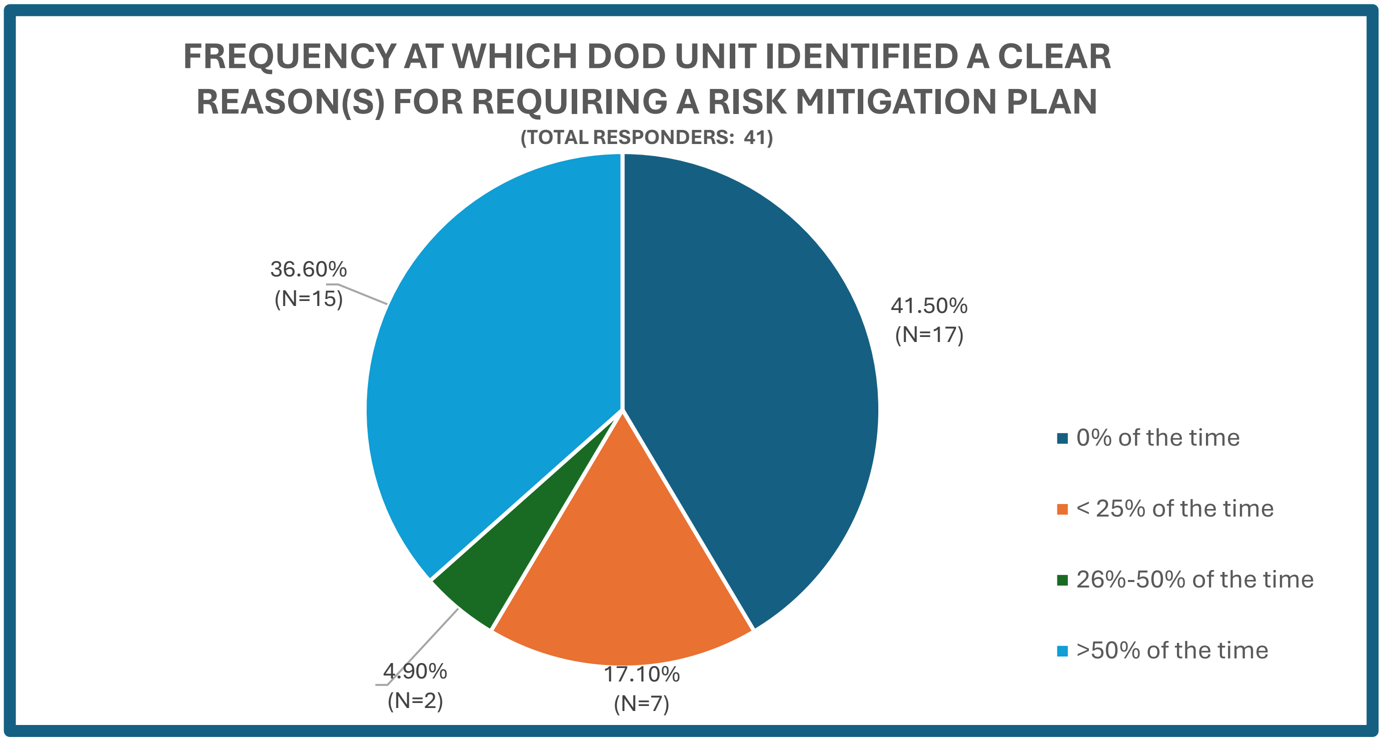
One-half of all responders (N=82) reported receiving a request from a DoD component to provide a security risk mitigation plan in connection with a fundamental research proposal. Of the 41 institutions from which a plan was requested, nearly 83% reported receiving one to three requests for plans and approximately 17% received between four and ten requests for plans. The charts below show the breakdown of components requesting plans and the individuals/units at institutions to whom these requests were sent.





2. THE REASON A DOD COMPONENT IS REQUESTING A SECURITY RISK MITIGATION PLAN IS NOT ALWAYS CLEAR

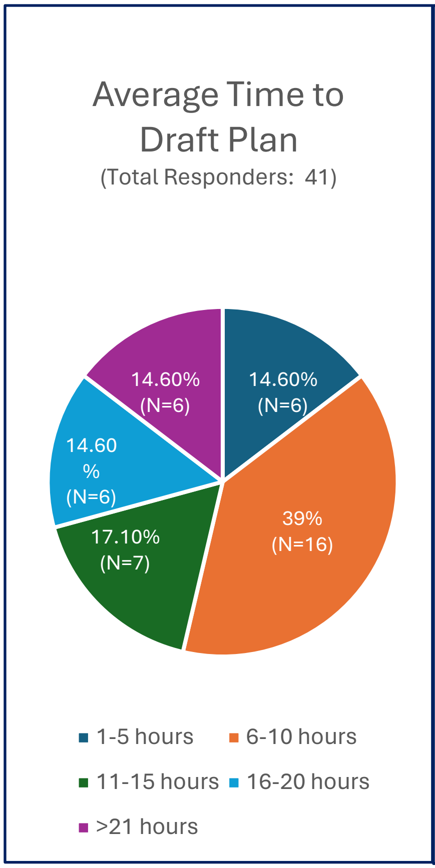
The correspondence received from DoD units requesting institutions to provide a security risk mitigation plan does not always clearly specify the reason(s) prompting the request for a plan. Just over 41% of institutions that received plan requests reported that the DoD clearly identified the reason the plan was requested, while approximately 37% reported that DoD identified a reason in over 50% of requests that they received.

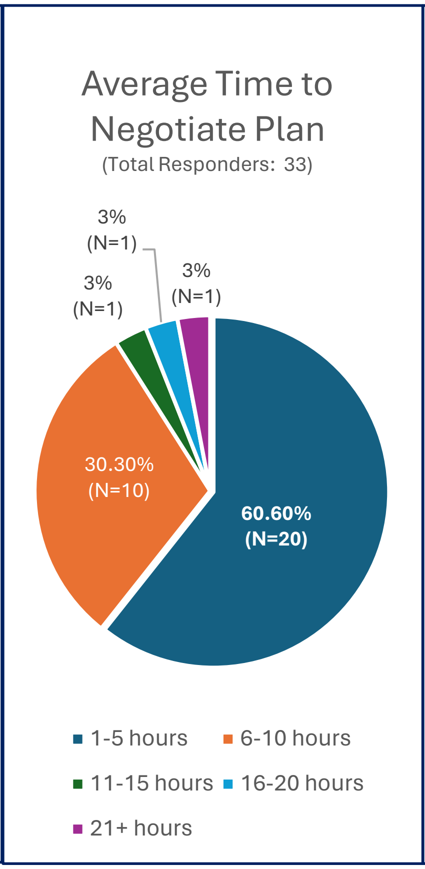


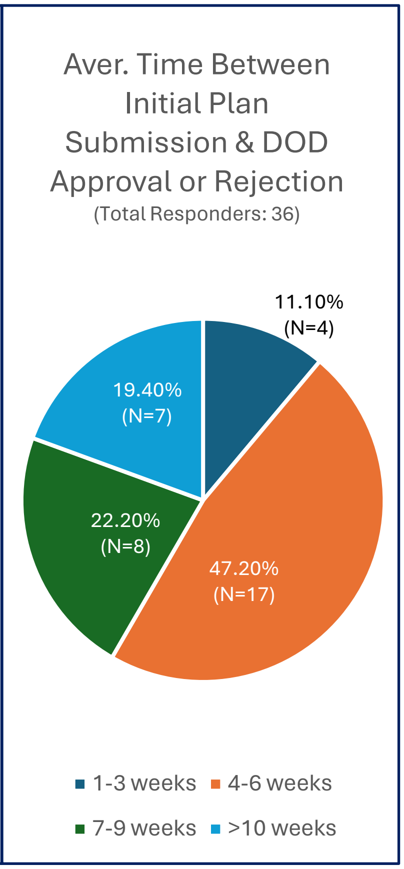
3. INSTITUTIONS ARE FREQUENTLY REQUIRED TO DEVELOP RISK MITIGATION PLANS WITHOUT TEMPLATES FROM DOD COMPONENTS, AND THE TIME TO INITIALLY DEVELOP AND FINALIZE THE TERMS OF A PLAN CAN BE LENGTHY.

Over 90% of institutions from which plans were requested reported that DoD did not provide them with a plan draft or template, and instead they developed their plans from scratch using the DoD letter requesting risk mitigation ("Risk Mitigation Letter") as a framework. Just over 7% of responders reported that they used both a DoD furnished draft/template and created plans from scratch. In comments, responders indicated that the DoD Risk Mitigation Letter they received contained items that needed to be addressed in a plan, but that DoD components were unable to provide a template plan when requested. In some cases, responders indicated that they used sample plans obtained from other institutions as templates.

Twenty-two institutions reported that it took from one to ten hours to develop a single risk mitigation plan, with 19 institutions reporting that plan development plans took over 16 hours. After submitting plans, 20 institutions reported that it took between one to five hours to negotiate the terms of the final risk mitigation plan with the DoD funding unit, with 19 institutions reporting negotiation times of six to ten hours. Seventeen institutions advised that it took four to six weeks between the time that the initial plan was submitted and final approval or rejection of the plan by the DoD component.





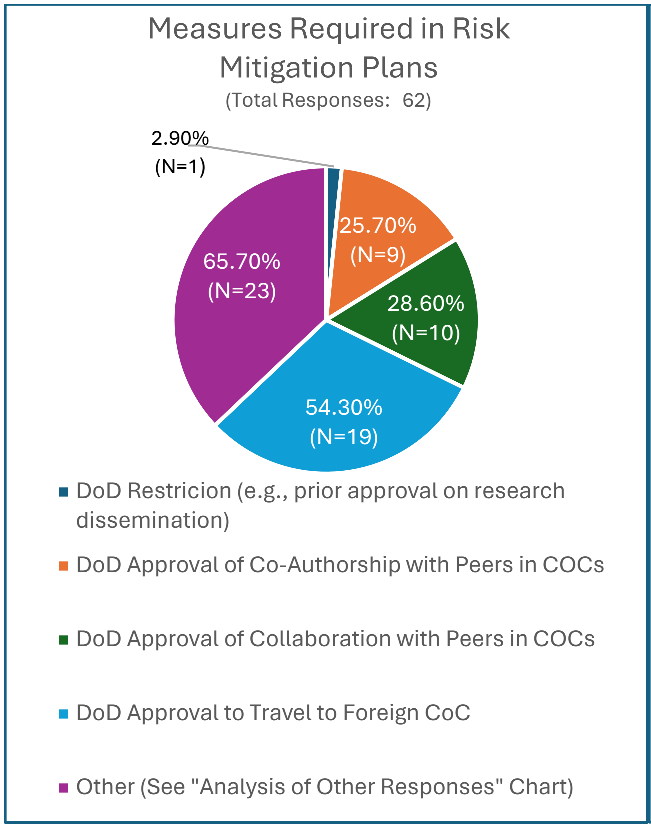


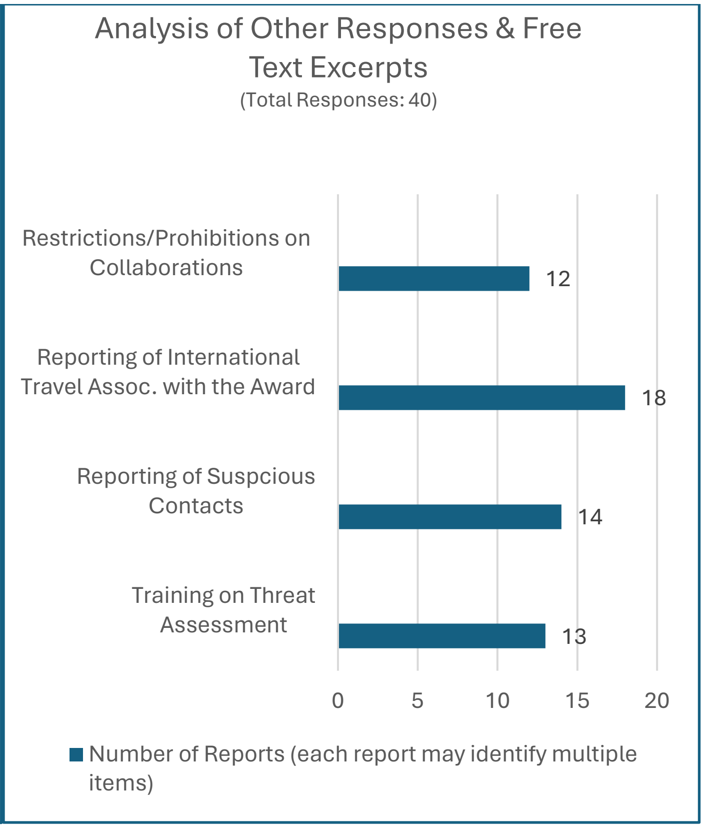
4. COMMON REQUIRED ELEMENTS FOR SECURITY RISK MITIGATION PLANS.

Common elements that institutions reported as being required in risk mitigation plans include:

- Reporting of international travel by grant personnel related to the award.
- Reporting of "inquiries by foreign operatives or suspected foreign operatives into research associated with the award."
- Addressing current or future collaborations or affiliations with foreign institutions, persons, strategic competitors, and countries of concerns, including, in many cases universities or labs specifically identified by DoD.

Some DoD requested collaboration restrictions included prior approval for research publication/dissemination, which, of course undercut the fundamental research exclusion. Other institutions reported requirements that heavily restricted PI activities, including: (a) DoD requests to have PIs cease all present and future collaborations with researchers in any CoCs on any research projects; (b) reporting a PI's participation in conferences funded or hosted by a CoC (or a university or company in a CoC); and (c) prohibiting project personnel from receiving any forms of payment for personal or professional purposes from CoCs.



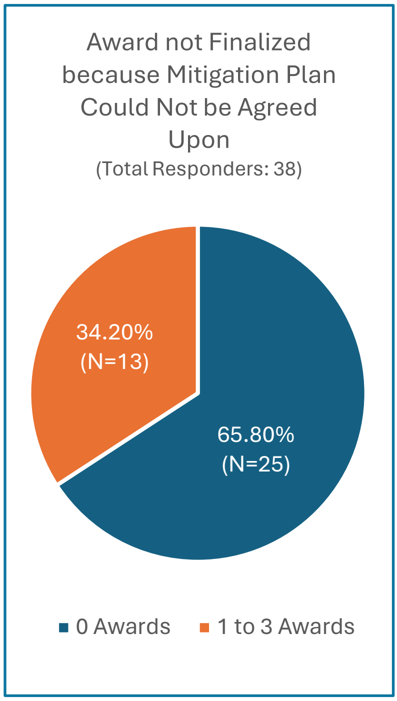


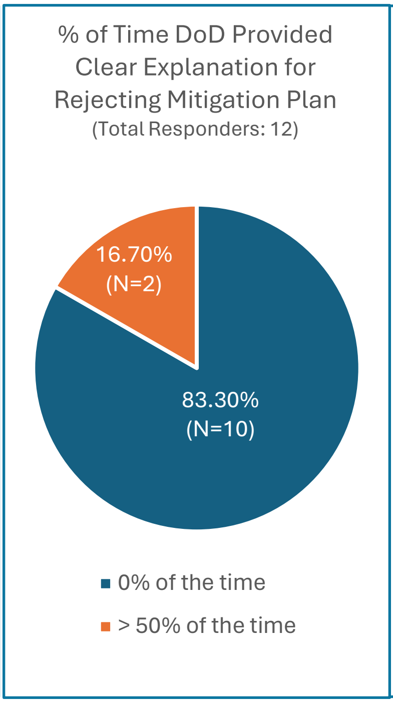
5. THE MAJORITY OF INSTITUTIONS WERE SUCCESSFUL IN NEGOTIATING ACCEPTABLE PLANS WITH DOD, BUT IN A NUMBER OF CASES AWARDS COULD NOT BE FINALIZED BECAUSE THE INSTITUTION AND DOD COMPONENT WERE UNABLE TO AGREE UPON A SECURITY RISK MITIGATION PLAN.

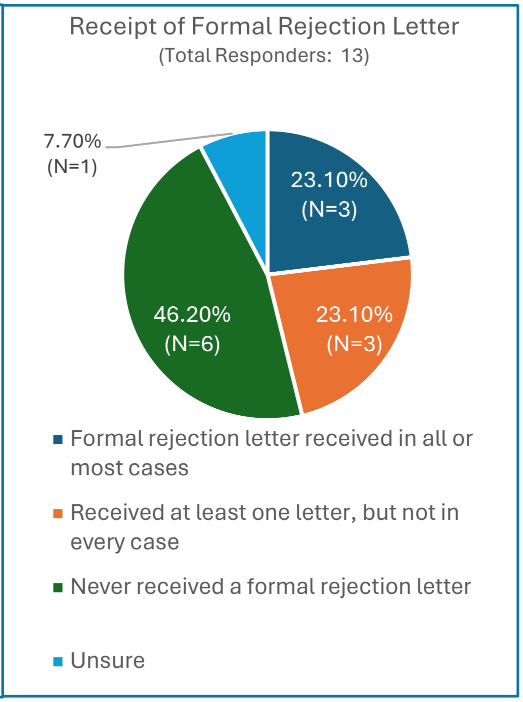
Nearly 66% of institutions reported no difficulty in finalizing the mitigation plans necessary to receive an award, but just over 33% of responders reported that they were unable to finalize between one and three awards because they could not successfully negotiate plans. For the 12 institutions whose plans were rejected by DoD, approximately 83% indicated that they did not receive a clear explanation for the funding unit's decision, and nearly half of the institutions did not receive a formal rejection letter.

CONTACT

For questions on this survey report, please contact Kristin West, Director of Research Ethics & Compliance at kwest@cogr.edu and Robert Hardy, Director of Research Security & Intellectual Property at rhardy@cogr.edu.


Award not Finalized because Mitigation Plan Could Not be Agreed Upon
(Total Responders: 38)


% of Time DoD Provided Clear Explanation for Rejecting Mitigation Plan
(Total Responders: 12)


Receipt of Formal Rejection Letter
(Total Responders: 13)

CONCLUSIONS

Institutions appreciate the need for research security and are working hard to develop mitigation plans to address the risk of malign foreign influence. DoD could assist institutions in this process by providing template plans, and clearly setting forth the reasons that the plans are required and expectations for mitigation measures that are fairly novel to fundamental research settings, such as identifying "inquiries by foreign operatives." Such improved communications with DoD will facilitate the plan development and negotiation process.