

Science & Security: An Overview and Look Ahead

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Moderator:

Robert Hardy, *Director, Research Security & IP Management, COGR*

Panelists:

Sandra Brown, *Vice Chancellor for Research, University of California, San Diego*

Cassandra Farley, *Research Integrity Officer, University of Florida*

Randenka Maric, *Vice President for Research, Innovation, and Entrepreneurship, University of Connecticut*

David Norton, *Vice President for Research, University of Florida*

Tobin Smith, *Vice President for Science Policy and Global Affairs, Association of American Universities*

Science & Security: Overview and Look Ahead

University of Florida

David P. Norton, Vice President for Research

Cassandra Farley, Research Integrity Officer

Basic Questions Federal and State Stakeholders are Asking

- What do you know about the persons performing research at your institutions?
- What alliances/obligations do your researchers have with “adversarial entities”?
- What entities are providing support to the researchers at your institutions?
- Where are your researchers traveling internationally? Why?

UF's Approach to Addressing Undue Foreign Influence

- Educate/inform faculty regarding the issue, disclosure requirements, and consequences for noncompliance
- Created online electronic disclosure system for outside activities
- Mandatory review/preapproval of all outside activities of faculty
 - Review/approval performed centrally by trained staff
- Active efforts to eliminate problematic secondary appointments/outside activities for faculty
- Continuing efforts to centralize system-based solutions to address issues and concerns

Operating Guidelines

- Reinforce the University's expectations of full-time professional salaried employees (faculty)
- Recognize that certain countries are deemed to be economic, political, and security adversaries of the US, and the US government
- US government is the major funder of research at the University
 - Assume that funding decisions are impacted by researcher affiliations with "adversarial entities."

Recent Florida Legislation

On 6/7/2021, the Governor signed HB7017--Act Relating to Foreign Influence, which was passed unanimously by the Florida Legislature

- Imposes restrictions/prohibitions on Florida universities from participating in certain agreements with or accepting grants from China, Russia, Iran, North Korea, Cuba, Venezuela, or Syria, particularly those agreements promoting culture or language for these countries
- Requires Florida universities to report any contract, gift, grant, endowment, award, or donation of money or property of any kind received directly or indirectly from a foreign source with a value of \$50,000 or more during the fiscal year.
- Requires foreign applicants for paid or unpaid research-related positions to disclose specified information, including complete employment, education, publication, and affiliation history, which must be screened by research integrity office prior to offer of position
- Requires review and prior approval by research integrity office for any foreign travel by university personnel.

UF's Approach: International Risk Assessment

What UF Reviews

Employee Agreements

- Employment & consultant agreements
- Service on Board of Directors
- Equity ownership of company
- Cooperative agreements
- Non-disclosure agreements
- Any agreement that
 - Invokes assignment of IP
 - Requires supervision of persons or programs
 - Allows faculty to host persons from other countries in UF labs
 - Assigns a titled positions

UF Agreements

- Research agreements
- Clinical trial agreements
- MTAs
- MOUs
- Cooperative agreements
- Data use agreements
- Non-disclosure agreements
- Licensing agreements
- Gift agreements
- UFIC Agreements

How Agreements are Routed for Review

- **Sponsored Programs—Routing Questions**

- **Travel** or send anyone working on this project to a location outside the US for more than 2 weeks in any one visit or **more than 1 month over a 12 month period**?
- **Establish any relationships** with foreign entities, individuals or consultants; or have any of the work executed by a foreign entity, individual or consultant?
- **Pay non-UF personnel** salaries, wages, or any other compensation (including goods) for any work performed or engagement in **activities outside the US**? This includes field workers, research assistants, government representatives, participant payments, translators, drivers or any other laborers.
- **Transfer, ship or pack** in personal luggage for **transfer out of the US** any data, items, supplies, equipment, or materials purchased by UF or sponsored projects' funds?
- Perform any other activities not identified above outside the US or **engage with any other entity**, individual or consultant outside the US? This does NOT include conference attendance.
- **Interact** with an individual from, ship to, import from or travel to a country listed below? (**Sudan, Iran, Syria, N. Korea, Cuba, Crimea** region of Ukraine)

- **Outside Activities and all Other Agreements**

- Routed if activities will occur internationally or if agreement is with an entity based abroad

Risk Considerations

- **Country**-- Is the country sanctioned? Are there safety or other concerns?
- **Activity/ Agreement Type**-- Is this a Talent Contract? Is the agreement binding? Who are the signatories?
- **IP Value**-- What is the likelihood of an invention disclosure? Value of potential IP?
- **PI**-- What areas does the PI work in? What is the PI's funding profile? Does the PI do restricted or classified research?
- **Export Control**-- Are there EC restrictions for the research or research group? Is a Technology Control Plan in place?
- **Department/ College**-- What is the primary research area for the department? What is department's funding profile? Does department do restricted or classified research?
- **Personnel**-- Will there be visitors from or to the foreign entity? How many? For how long?
- **Dollar Value**-- What is the value of the agreement? Who is funding it?
- **Military Entity or Affiliation**-- Does the foreign entity have a known military affiliation?
- **Restricted Party**-- Is the entity, or it's representative a restricted party?

UF's Way Ahead

- Leveraging existing International Risk Assessment process to address evolving state and federal requirements
- Foreign Influence & Disclosure Task Force
 - Conducts gap analysis
 - Recommends solutions
 - Policy & process creation and revision
 - System building
 - Identify resource needs
- Compliance Working Group
 - Reviews activities that are escalated from the IRA process
- Designing system-based solutions to relieve some of the burden on researchers

Contact Information

- David Norton dpnorton@ufl.edu
- Cassandra Farley cfarley@ufl.edu
- Website: <https://research.ufl.edu/compliance/international-engagement-and-collaborations.html>

International Relationships and Institutional Approaches to Addressing the Issue of Foreign Influence

Dr. Radenka Maric

Vice President for Research, Innovation and Entrepreneurship

COGR Panel on Science and Security

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UConn

Opportunity and Challenge

Opportunity

UConn encourages and works to facilitate international collaborations in:

- Multidisciplinary research and sponsored program activities
- Academic programs
- Cultural and scientific exchanges

Challenge

The University has traditionally relied on transparency and disclosure of international relationships by faculty and investigators to ensure compliance with research regulations and sponsor requirements

UConn's Position

Core Principles

- Innovation adds to the wealth of society.
- Fundamental science and R&D are the heart of innovation.

However:

- Leadership in innovation cannot be taken for granted.
- Foreign collaborations require institutional oversight and should be transparent.
- Efforts to obtain confidential or unpublished research information are unethical.
- Researchers must disclose all domestic or foreign support and collaborations.
- Researchers must maintain confidentiality of proposal information.

Areas of Concern

- **Failure to disclose**
 - Foreign grant, contract, and other financial or in-kind support
 - Foreign collaborators
 - Foreign employment arrangements and appointments
 - Foreign resources
- **Failure to secure and diversion of confidential research information and intellectual property**
- **Violation of export control regulations**
- **Violation of consulting and conflict-of-interest policies**
- **Noncompliance with controlled unclassified information (CUI) grant and contract terms**
- **Breaches of peer review confidentiality**

UConn Response

Communicate transparency and compliance in research as an institutional priority

- Annual message from President
- OVPR presentations to University Senate, faculty advisory groups, Council of Deans, Board of Trustees

Establish expectations and communicate to faculty during orientation and training

- Faculty and investigators are required to be transparent in their research collaborations and support
- Focus on the issues and requirements; not the countries and nationalities

Engage with federal agencies directly

- Explore “hypothetical” situations
- Establish a working relationship to address identified issues
- Understand agency expectations
- Identify potential best practices
- Engage external consultants

UConn Response

Educate investigators

- Emphasize that the requirement for disclosure and transparency are not new
- Develop more precise definitions and examples related to foreign support and foreign collaboration
- Establish what is acceptable and how to meet requirements
- Encourage faculty and investigators to correct/clarify instances of potential nondisclosure
- Identify individuals in OVPR who can provide guidance, review individual cases, and facilitate interactions with funding agencies

Strengthen internal control points

- Review of release time for external activities (consulting) with foreign entities
- Clarify that conflict-of-interest disclosures apply to both domestic and foreign entities
- Expand export control review of research activities involving foreign persons and entities
- Monitor international transfer of large electronic files
- Evaluate options to improve capture of current and pending support
- Establish OVPR internal group to monitor and review potential cases or issues as they arise



Thank you!

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