



OFFICE OF THE VICE CHANCELLOR
FOR RESEARCH

Research Administrators Monthly Meeting August 2019

Foreign Influence on UIC Research and Scholarship

Peggy Diskin, Associate Director, ORS

Jacquelyn Jancius, Director, Conflict of Interest

Patricia Pfister, Export Controls Compliance Officer

Recent Federal Developments

■ Department of Energy

- Approved: June 17, 2019 - Order DOE O 48601 - Department of Energy Foreign Government Talent Recruitment Programs
- https://www.directives.doe.gov/directives-documents/400-series/0486-1-border/@_images/file

■ NIH

- August 20, 2018 – Dear Colleague Letter from Frances Collins
- https://www.insidehighered.com/sites/default/server_files/media/NIH%20Foreign%20Influence%20Letter%20to%20Grantees%2008-20-18.pdf
- August 23, 2018 - Statement on Protecting the Integrity of U.S. Biomedical Research
- <https://www.nih.gov/about-nih/who-we-are/nih-director/statements/statement-protecting-integrity-us-biomedical-research>

■ Department of Defense

- August 13, 2018 – Defense Authorization Act
- <https://www.congress.gov/bill/115th-congress/house-bill/5515/text#toc-HCAD7363DCAD54AE88D9633501670A6AE>

Three Areas of Concern - NIH

- Diversion of intellectual property (IP) in grant applications or produced by NIH supported biomedical research to other entities, including other countries;
- Sharing of confidential information on grant applications by NIH peer reviewers with others, including foreign entities, or otherwise attempting to influence funding decisions; and
- Failure by some researchers working at NIH-funded institutions in the U.S. to disclose substantial resources from other organizations, including foreign governments, which threatens to distort decisions about the appropriate use of NIH funds.

Recognition of Foreign Influence in University Research - UIC

May 16, 2019 –Official Announcement by UIC (Joanna Groden, Susan Poser, Robert Barish, TJ Augustine)

- <https://today.uic.edu/recognition-of-foreign-influence-in-university-research>
- The term foreign influence relates to economic and political espionage, and the protection of the intellectual property and scholarship of U.S. researchers from exploitation by “foreign governments and external entities.”
- It is not a catchall phrase to describe U.S. researchers who are not native to this country, an attempt to circumscribe international scholarship or limit collegial relationships with international colleagues.
- UIC remains dedicated to cultivating and strengthening research collaborations with foreign sponsors that benefit our faculty, students and research objectives.
- Our goals are to ensure a focus on research and scholarship, strengthen international collaborations, and pursue new opportunities with a clear understanding of how to safeguard university resources and intellectual property. We ask that you disclose all external financial interests, affiliations and activities, and follow federal and university export control regulations.

UIC Guidance

UIC faculty, staff and students should understand the current regulatory landscape and be aware of responsibilities to:

- safeguard university resources and intellectual property
- fully disclose external financial interests, affiliations and activities
- follow export regulations
- <http://research.uic.edu/foreign-influence-uic-research-and-scholarship>

What Are Export Controls?

Export Controls - U.S. laws and regulations that regulate and restrict the release of critical technologies, information, and services to foreign nationals, within and outside of the United States, and foreign countries for reasons of foreign policy and national security.

What Is Restricted Party Screening?

Restricted Party - individual, company, and organization, both foreign and domestic, whose U.S. export privileges have been blocked, restricted, or revoked.

Restricted Party Screening - is the review of the U.S. government lists to ensure that UIC is not engaging in transactions with such parties unless authorized by the listing U.S. government agency. It is a component of UIC's export compliance program.

The Restricted Party Lists are Determined by Federal Agencies

Department of Commerce

- Denied Persons List
- Unverified List
- Entity List



Department of State

- Nonproliferation Sanctions
- AECA Debarred List



Department of Treasury

- Specially Designated Nationals List
- Foreign Sanctions Evaders List



When Should We Conduct Restricted Party Screening?

- Before initiating a formal or informal collaboration with non-U.S. entities or persons
- Before discussing plans to engage in sponsored projects with non-U.S. entities or persons
- Before exchanging personnel, materials, data, confidential information, or money with non-U.S. persons, academic institutions, governments, companies, or other foreign entities.
- Before considering research collaborations or appointments with non-U.S. entities or persons

Who Should We Screen?

- Non-U.S. and domestic sponsors and vendors
- Non-U.S. research collaborators
- All personnel associated with export controlled research
- Non-U.S. visitors and visiting scientists
- All Subcontractors

DESCARTES™

Visual Compliance

- *Visual Compliance* is a 3rd party web-based tool used to expedite screening the restricted party lists.
- The University of Illinois System has an unlimited license to use *Visual Compliance*.
- *Visual Compliance* simultaneously screens multiple lists that are regularly updated.
- *Visual Compliance* uses a process called Dynamic Screening, which means UIC will receive updates if the status should change regarding any entity or individual previously screened.

Intellectual Property and Security of Materials, Data and Confidential Information

- Disclose Inventions to the Office of Technology Management
- Transfers of intellectual property, proprietary data, material or technical information must be covered by an appropriate agreement:
 - Material Transfer Agreement (MTA),
 - Data Use Agreement (DUA)
 - Nondisclosure (NDA) or Confidentiality Agreement (CDA)

Fully Disclose Non-University Activities

- Obtain pre-approval from your unit head, department chair or dean for all non-university activities
- This includes outside professional activities as well as relationships and foreign talent recruitment programs
- Update your **Report of Non-University Activities** in START myDisclosures to report these activities and affiliations

Fully Disclose Financial Conflict of Interest

- The University of Illinois has a Policy on Financial Conflicts of Interest in Research in compliance with Public Health Service (PHS) regulations.
 - Our policy and processes increase accountability, add transparency, enhance regulatory compliance and effective Institutional management of Investigators' financial conflicts of interest.
 - The primary goal is to promote objectivity in research by establishing standards that provide a reasonable expectation that the design, conduct, and reporting of research will be free from bias resulting from Investigator financial conflicts of interest.
 - <http://research.uic.edu/coi/conflict-commitment-and-interest/public-health-services-phs-disclosure-training>

Financial Conflict of Interest: Investigator Disclosures of Foreign Financial Interests

- NIH Guide Notice – NOT-OD-18-160
- March 30, 2018
- Disclose all financial interests with foreign entities, including foreign institutions of higher education or the government of another country.
- <https://grants.nih.gov/grants/guide/notice-files/NOT-OD-18-160.html>

Financial Conflict of Interest - Travel

- Investigators also must disclose the occurrence of any reimbursed or sponsored travel (i.e., that which is paid on behalf of the Investigator and not reimbursed to the Investigator so that the exact monetary value may not be readily available), related to their institutional responsibilities.
- Travel that is reimbursed or sponsored by a federal, state, or local government agency, an Institution of higher education or a research institute that is affiliated with an Institution of higher education is not subject to this disclosure requirement.
- NIH noted that, depending on the source of funding and other circumstances (e.g., destination, duration) of specific travel, the Institution may consider whether that sponsored travel could affect the design, conduct, or reporting of PHS-funded research.
- Includes any registration fees, accommodations, meals, transportation costs, etc.

Agency Disclosure Requirements

Have you met all agency disclosure requirements in all applications for sponsored funding?

- Current and pending research support
- Professional & Scientific Affiliations
- Planned collaborations (foreign or domestic)
 - scope of the collaboration,
 - exchange of information, material or data.

NIH Grants Policy Statement – Foreign Component

- The performance of any significant scientific element or segment of a project outside of the United States, either by the recipient or by a researcher employed by a foreign organization, whether or not grant funds are expended and/or
- performance of work by a researcher in a foreign location employed or paid for by a foreign organization, whether or not NIH grant funds are expended.

https://grants.nih.gov/grants/policy/nihgps/html5/section_1/1.2_definition_of_terms.htm

NIH Grants Policy Statement – Foreign Component

- Activities that would meet this definition include, but are not limited to:
 - the involvement of human subjects or animals,
 - extensive foreign travel by recipient project staff for the purpose of data collection, surveying, sampling, and similar activities, or
 - any activity of the recipient that may have an impact on U.S. foreign policy through involvement in the affairs or environment of a foreign country.
- Other grant-related activities that may be significant are:
 - collaborations with investigators at a foreign site anticipated to result in co-authorship;
 - use of facilities or instrumentation at a foreign site; or
 - receipt of financial support or resources from a foreign entity.

NIH Grants Policy Statement – Foreign Component

- Foreign travel for consultation is not considered a foreign component.
- Adding a foreign component to a grant to a domestic or foreign organization requires NIH prior approval in all instances

https://grants.nih.gov/grants/policy/nihgps/html5/section_8/8.1.2_prior_approval_requirements.htm

Resources

- [Export Control](#)
- [Office of Technology Management](#)
- [Office of Research Services](#)
- [Conflict of Commitment & Interest](#)
 - [Policy on Conflicts of Commitment and Interest](#)
 - [Policy on Financial Conflicts of Interest in Research](#)
 - [START myDisclosures](#)
- [NIH Statement on Protecting the Integrity of U.S. Biomedical Research](#)
- [NIH FAQs on Other Support, Foreign Components, & FCOI](#)
- [National Defense Authorization Act](#)
- [Letter from NIH Director Francis Collins](#)

QUESTIONS

