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# International Engagement (Foreign Influence in Research)

**Town Hall hosted by the Office of the Vice President for Research**

October 12, 2020

# Agenda

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- Overview – Marty Scholtz
- Conflict of Interest in Research – Martha Hedberg
- Conflict of Commitment and Conflict of Interest in the Workplace – Jan Waterhouse
- Sponsored Research Funding Terms – Wendy Beaver
- Sponsor Disclosure Requirements – Lynn Hudachek
- International Programs – Russell Ganim, Michael Bortscheller
- Export Control – Loren LeClair
- IT Security – Kirk Corey
- HEA Section 117 Reporting – Wendy Beaver

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# Overview

**Marty Scholtz**

**Vice President for Research**

<https://research.uiowa.edu/>

# International Engagement

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- Enables cutting-edge research that no nation can achieve alone
- Strengthens scientific and diplomatic relations
- Leverages resources, including funding, expertise and facilities
- Develops a robust S&T workforce capable of addressing global challenges
- International students and scholars contribute significantly to the research enterprise

*The University of Iowa is committed to principled collaboration with global academia, working together to foster scholarship, develop new knowledge and serve the public good.*

# Foreign influence in Research

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Francis Collins, Director, NIH, identified key areas of concern:

- Diversion of intellectual property in grant applications or produced by NIH-supported biomedical research to other entities;
  - 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
- \*UI [International Engagement](#) web page includes links to this letter and other notices
- \*Council on Governmental Relations (COGR) [Science and Security](#) web page includes additional notices and articles related to foreign influence

# Foreign Influence in Research

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## Conduct that violates Sponsor and Institutional Policies

- Failure to disclose
  - Employment with external entities
  - Financial support for research activities that may overlap with U.S. Funding
  - Shadow Labs that parallel research activities
  - Financial Conflicts of Interest
  - Conflicts of Commitment
- Sharing propriety information and technologies with foreign institutions
- Violations of peer review confidentiality rules

# Foreign Influence in Research

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- The integrity of our research enterprise rests upon core principles and values, including transparency, honesty, accountability, objectivity, respect, freedom of inquiry, reciprocity, and merit-based competition;
- Principled international collaboration and foreign contributions are critical to our success;
- Some individuals and foreign governments violate core principles of integrity and pose risks to research security;
- Hidden diversions of intellectual property weaken our innovation base and threaten our security and economic competitiveness; and
- The U.S. government is taking deliberate steps to address risks to research integrity and security while maintaining an open and collaborative research enterprise.

# UI Offices to Assist with Questions





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# Conflict of Interest in Research

**Martha Hedberg**

**105 HLHS**

**[coi.research.uiowa.edu](http://coi.research.uiowa.edu)**

**[coi-research@uiowa.edu](mailto:coi-research@uiowa.edu)**

**319-384-4256**

# Conflict of Interest in Research

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- \*A conflict exists whenever personal, professional, commercial, or financial interests or activities outside of the University have the possibility (either in actuality or in appearance) of
- interfering with UI employees' ability to fulfill their employment obligations
  - compromising a faculty or staff member's professional judgment
  - **biasing research or compromising, or giving the appearance of compromising, the sound professional judgment of its investigators**
  - resulting in personal gain for the employee or employee's immediate family, at the expense of the University and/or the state

\*OM II Community Policies Chapter 18 Conflicts of Commitment and Interest

# Conflict of Interest in Research

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## → The Problem

- Competing interests or commitments
- Influence decision-making
- Can occur unconsciously
- Research/data security issue

## → The Remedy

- Disclosure to your institution
- Federal law
- Required by many other research sponsors
- Transparency is ALWAYS GOOD

# Conflict of Interest in Research

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- Not a bad thing
- Many can be managed
  - Transparency is key



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# Conflict of Commitment Conflict of Interest in the Workplace

**Jan Waterhouse**

University Human Resources

[jan-waterhouse@uiowa.edu](mailto:jan-waterhouse@uiowa.edu)

335-5767

# Conflict of Commitment

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→ \*Faculty members are encouraged to actively participate in external activities, but must also ensure that the activities do not compromise their ability to fulfill university duties. In general, the time allotted to external activities in lieu of university obligations...should not exceed nine business days per academic term...

\*OM II Community Policies Chapter 18 Conflicts of Commitment and Interest

# Conflict of Interest in the Workplace

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- \*A conflict exists whenever financial interests or other personal considerations outside of the University have the possibility (either in actuality or in appearance) of
- compromising a faculty or staff member's professional judgment in teaching, research, business decision-making
  - resulting in personal gain for the employee or employee's immediate family, at the expense of the University and/or the state

\*OM II Community Policies Chapter 18 Conflicts of Commitment and Interest

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# Sponsored Research Funding Terms

**Wendy Beaver**

**Executive Director, Division of Sponsored Programs**

<https://dsp.research.uiowa.edu/>

[Dsp@uiowa.edu](mailto:Dsp@uiowa.edu)



# Sponsored Research Funding Terms

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→ Refer to general federal agency requirements

plus

→ At Proposal Stage review the

- Notice of Funding Opportunity,
- Broad Agency Announcement, or
- Request for Proposals

→ Upon Receipt of Funding review the

- Grant Notice of Award,
- Cooperative Agreement,
- Contract, or
- Subaward Agreement

# Selected Federal Requirements

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## → Information Technology (IT) Security

- Restrictions on certain telecommunications equipment and services
- Cybersecurity Maturity Model Certification (CMMC)
  - Phasing in self-assurance and certification requirements
- Specific IT security requirements apply to
  - Sponsored research agreements
  - Data use agreements
- DSP connects the PI/department with UI IT Security regarding appropriate plans

# Selected Federal Requirements

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## → Data Security

- Protect personally identifiable, sensitive, and confidential information
- Protect Controlled Unclassified Information (CUI)
  - information that requires safeguarding or dissemination controls pursuant to and consistent with applicable law, regulations, and government-wide policies but is not classified
- NIH Grants Policy Statement, [2.3.12](#) Protecting Sensitive Data and Information Used in Research
- NIH Grants Policy Statement, [4.1.9](#) Federal Information Security Management Act
  - “The recipient retains the original data and intellectual property, and is responsible for the security of this data, subject to all applicable laws protecting security, privacy, and research.”

# Selected Federal Requirements

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- NASA restriction on bilateral agreements with China
- NASA Grant and Cooperative Agreement [Manual](#)
  - Appendix C –Certifications, Assurances, and Representations
  - C3.Assurance and Representation on China restrictions set out in section 1340 of PL 112-10 and section 539 of PL 112-55.
  - “By submission of its proposal, the proposer represents that the proposer is not China or a Chinese-owned company, and that the proposer will not participate, collaborate, or coordinate bilaterally with China or any Chinese-owned company, at the prime recipient level or at any subrecipient level, whether the bilateral involvement is funded or performed under a no-exchange of funds arrangement.”

# Selected Federal Requirements

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- Agency-specific approval requirements for those accessing federal systems or working on-site at a federal agency (e.g., national labs)
- Outgoing subaward prior approval
- Notify DSP if you see new sponsor requirements or forms
  - Contact DSP early in the proposal development process
  - DSP may need to confer with other UI offices to complete these forms

# Related UI Policies and Resources

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- UI Operations Manual [II.27.2](#), Principles Governing Access to Research Information
  - UI does not engage in secret or classified research
- UI Operations Manual [V.5](#), Policy and Procedures on Gifts, Grants, and Contracts
- [Routing Policy](#)
  - Route sponsored project proposals and awards through DSP
  - Route related non-monetary agreements through DSP
    - Confidentiality Agreements, Data Transfer and Use Agreements, Material Transfer Agreements
  - Route at least 5 business days prior to sponsor submission deadline

# Related UI Policies and Resources

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- UI Operations Manual [V.30](#), Intellectual Property Policy
  - Report invention disclosures to [UI Research Foundation](#)
  - Report subject inventions to the federal funding sponsor
    - NIH Grants Policy Statement [8.2.4](#), Inventions and Patents – includes chart with timeline and reporting obligations
  
- Data Sharing
  - [Data Transfer and Use Agreements](#)
    - Research Data Policy
    - Data Use Agreement Guidance
    - Flowchart - approvals required to share UI data; UI offices to assist

# Related UI Policies and Resources

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## → [Responsible Conduct of Research](#)

- UI RCR Plan and Training Program
- Various federal agency requirements

## → UI Operations Manual [V.22](#) - Travel Regulations

## → [Purchasing, Accounts Payable, and Travel](#)

## → [Grant Accounting Office](#)

- Post-award financial services
- Monitor and advise on sponsor regulations and fiscal allowability

## → International Engagement [website](#) includes additional links and resources



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# Sponsor Disclosure Requirements

**Lynn Hudachek**

**Associate Director, Division of Sponsored Programs**

<https://dsp.research.uiowa.edu/>

[Dsp@uiowa.edu](mailto:Dsp@uiowa.edu)

# Sponsor Disclosure Requirements

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- Many sponsors have unique requirements for reporting foreign interests and international collaborations.
- Always check general requirements for the sponsoring agency and requirements related to the specific funding announcement, notice of award, or contract.

# Sponsor Disclosure Requirements

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- **Disclose foreign components of federally funded research on:**
  - **Proposals**
  - **Progress Reports (RPPR)**
  - **Final Technical Reports**
  
- The NIH Grants Policy Statement defines a [Foreign Component](#) as “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 includes “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.” Other federal sponsors have similar guidance for defining and disclosing collaborations with foreign individuals/entities.

# Sponsor Disclosure Requirements

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→ **Disclose all applicable “Other Support” as required by federal sponsors:**

- resources and/or financial support, domestic or foreign, available in support of an individual’s research regardless whether they are awarded through UI, through another institution, or provided directly to the researcher.

# Sponsor Disclosure Requirements

## → Protecting U.S. Biomedical Intellectual Innovation -

<https://grants.nih.gov/policy/protecting-innovation.htm>

- Requirements for Disclosure of Other Support, Foreign Relationships and Activities, as well as Conflicts of Interest (See Table 1)

Examples of What to Disclose to NIH about Senior/Key Personnel on Applications and Awards:\*

Table 1: Recipients Must Report\*\*

Type of Activity	Report in Biosketch / Application	Report as Foreign Component in Application	Obtain Prior Approval and Report as Foreign Component in RPPR	Report as Other Support (JIT)	Report as Other Support (RPPR)	Review for potential FCOI
All positions and affiliations, including volunteer positions, relevant to the application	✓					✓ If personal payments to the individual
Relevant appointments at foreign institutions – even if labeled as “guest,” “adjunct,” “honorary,” with or without salary support	✓					✓ If personal payments to the individual

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# International Programs

**Russell Ganim**

Associate Provost & Dean, International Programs

**Michael Bortscheller**

Associate Director, International Student and Scholar Services

[international.uiowa.edu](http://international.uiowa.edu)

# International Student and Scholar Services (Overview)

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- Intercultural Learning: Services to UI international Community
- Immigration and Personal Advising
- Cross-cultural Programming and Training
- Over 9000 in-person visits to 9 advisors
- Statistical Reports, Assessments and Surveys

# Support for Students In-Country and Outside U.S.

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→ Coordination with (but not limited to) the Following Offices:

- Admissions
- Academic Advising
- English as a Second Language
- Division of Diversity, Equity, and Inclusion
- Graduate College
- University College (Orientation)
- Student Health



# Advocacy and Impediments

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- Current Climate is Challenging
- Series of Unfavorable Policies and Proclamations
- Championing the Contributions of our International Community
- Embassies and Consulates Still Closed; Travel Widely Limited
- GTAs/RAs Unable to Work From Abroad
- Tax Laws Highly Restrictive
- Situation Likely to Remain Through Spring Semester
- Continue Advocacy; Circumstances Will Change

# Scholar Process

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## → Invite noncitizen for Teaching, Research, Consultation or observation

- Temporary positions, but up to 5 years maximum
- No degree coursework allowed
- Restrictions on H-1b or LPR

## → J-1 Scholar application

- <https://international.uiowa.edu/issd/departments/inviting>
- Collects information from Department and scholar
- ISSS uses this to create DS-2019
- Scholar uses DS-2019 to get visa

# OPT

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- Allows former students employment for one year
  - Job must be related to recently earned degree
  - Requires application to USCIS
    - 60-90 day processing time\*
    - \$410 fee currently\*
  - Employment Authorization Document (EAD) card shows approval
- STEM extension
  - Based on STEM CIP Code List
  - Collects information from Department and scholar
  - Allows 24 additional months of OPT
  - Must be received before initial OPT expires

# Contact Information

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- Virtual Walk-ins Preferred for Student/Scholar Questions
  - Information here: <https://international.uiowa.edu/iss/contact>
  - “Meet” with an advisor to get answers right away
- Departmental Scholar Application Questions:
  - Taivna Mills – [taivna-mills@uiowa.edu](mailto:taivna-mills@uiowa.edu)
- Social Security Number Questions:
  - Pauline Beazer James – [pauline-beazerjames@uiowa.edu](mailto:pauline-beazerjames@uiowa.edu)
- Departmental OPT Questions:
  - Kevin Roiseland – [kevin-roiseland@uiowa.edu](mailto:kevin-roiseland@uiowa.edu)
- General questions:
  - [iss@uiowa.edu](mailto:iss@uiowa.edu) or 319-335-0335

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# Export Control

**Patricia Cone-Fisher and Loren LeClair**

**Export Control Coordinators**

**<https://dsp.research.uiowa.edu/export-controls-home>**

**[export-controls@uiowa.edu](mailto:export-controls@uiowa.edu)**

# Export Control Regulations

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The Regulations are not new but have received increased visibility for Universities since September 11, 2001. The laws generally focus on what items, technology, technical data and money are being shared or exported abroad. Violations of export control laws can include civil and criminal sanctions.

# Three Primary Federal Regulations

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- International Traffic in Arms Regulations (ITAR) regulated by DDTC within the State Department
  - Regulates Military items and Defense Services
- Export Administration Regulations (EAR) regulated by BIS within the Commerce Department
  - Regulates dual use items – items with both military and civil uses
- Office of Foreign Assets Control within the US Treasury Department
  - Regulates and monitors where and to whom money and assets are provided

# Export Controls

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In addition to the concerns related to security and protecting the United States from foreign adversaries, Export Controls also serve the purpose of protecting the US economy, US intellectual property, and maintaining economic vitality.

University research may intersect with these laws for externally and internally funded research when:

- Working on projects funded by the Federal Government for which the Government has placed restrictions on participation or publication of results
- Collaborating with foreign companies, governments, militaries or colleagues (in funded and nonfunded projects)
  - Is the individual or entity from a sanctioned country, a member of a sanctioned group or identified on a government list restricting activities with that person or entity?
- Shipping items abroad



# Export Controls

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- Using equipment which is restricted in some manner by the Government (ITAR, EAR, DOE).
- Hiring a person from another country to work in a lab on campus to perform tasks on a restricted project.
- Traveling abroad to participate in conferences, meetings or research
  - Taking items with you when travelling to foreign destinations, including the software and information on your devices

**Compliance** activities can range from documenting no issues exist to requesting licenses from the Government to engage in the activity.

When preparing to work with foreign colleagues or entities, third party software can be used to check that the person or entity is not listed on any Government Lists or located in a sanctioned country.

# Export Control Contacts

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[patricia-cone-fisher@uiowa.edu](mailto:patricia-cone-fisher@uiowa.edu)

335-3582

[loren-leclair@uiowa.edu](mailto:loren-leclair@uiowa.edu)

335-2120

[export-control@uiowa.edu](mailto:export-control@uiowa.edu)

Export Control Website

<https://dsp.research.uiowa.edu/export-controls-home>

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# IT Security

**Kirk Corey, Director, Policy and Privacy**  
**Information Security and Policy Office**  
**[it-security@uiowa.edu](mailto:it-security@uiowa.edu)**

# Federal Telecommunications Ban on certain Chinese Companies

- Huawei, Hikvision, ZTE, Hytera, Dahua
- These are not used for UI infrastructure
- Does not include your home phone/internet provider
- The Technology Review process helps assure compliance
- Watch for personal phones of staff and students



# Nation-state cyber threats

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- Non-specific threats (e.g., Phishing)
- Targeted threats—much research is a high-value target
- ISPO provides intrusion detection services
- Review your security plan
- Communicate suspicious activity to ISPO





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# HEA Section 117

**Wendy Beaver**

**Executive Director, Division of Sponsored Programs**

<https://dsp.research.uiowa.edu/>

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# HEA Section 117

## Foreign Contract and Gift Reporting

- U.S. Department of Education §117 [website](#)
- Report on contracts with and gifts received from foreign sources
- Contracts include
  - Sponsored project contracts and grants
  - Royalty payments (e.g. intellectual property license fees)
  - Tuition payments
- Gifts include
  - Gifts deposited with the University
  - Gifts deposited with the University of Iowa Center for Advancement

# HEA Section 117

## Foreign Contract and Gift Reporting

### → Foreign Sources include

- Foreign government
- Legal entity, governmental or otherwise, created solely under the laws of a foreign state or states
- Individual who is not a citizen or a national of the U.S. or a trust territory or protectorate thereof
- Agent, including subsidiary or affiliate of a foreign legal entity, acting on behalf of a foreign source

→ Payments of \$250,000 or more, alone or in the aggregate, from a foreign source

→ Received during the calendar year



# HEA Section 117

## Foreign Contract and Gift Reporting

- Several offices are involved with UI reporting including
  - Division of Sponsored Programs – research contracts and grants
  - Grant Accounting Office – gifts deposited with the UI
  - UI Research Foundation – license fees/royalties
  - Student Financial Aid – access to federal reporting system
  - UI Treasury/Billing – tuition payments
  - UI Center for Advancement – gifts deposited with the UICA
  
- Report contracts, payments, and gifts received from foreign sources through the appropriate central UI office or UI Center for Advancement
  
- Related UI Policies
  - Sponsored Project [Routing Policy](#)
  - [Tracking Gift Accounts](#)



# **Additional Resources**

# Additional Resources

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→ Today's Town Hall includes selected federal requirements and UI policies.

*This is not a comprehensive list of federal requirements or UI policies related to compliance.*

→ Unsure which office can assist you? Contact DSP

• [dsp@uiowa.edu](mailto:dsp@uiowa.edu) Phone: 335-2123

→ Subscribe to the DSP [Research Administration Dispatch](#) (RAD) for general agency and DSP notices

# International Engagement Town Hall Series

→ International Engagement Town Hall Series [Announcement](#)

→ Additional sessions currently scheduled

- NIH Disclosure Requirements
  - Oct. 19, 3:00 – 4:00 p.m.
- Non-NIH Sponsor Disclosure Requirements
  - Oct. 20, 11:30 a.m. – 12:30 p.m.
- Conflict of Interest in Research and Conflict of Commitment
  - Oct. 28, 8:00 – 9:00 a.m.

# Polling Question

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→ Are you interested in Town Hall sessions on additional topics?

**IOWA**