WHAT’S THE HARM?
Promoting Compliance in International Collaboration
THE IIST IS MORE THAN GRANTS

The IIST is the one stop office for ALL international activities (including activities that are not externally sponsored)

- **Proposal development** that involves international sponsors or activities in foreign countries
- **Agreements** with international organizations or entities, including MOUs, travel
- **Programs and activities** with international components
- Solutions for **international travel** and **purchasing**
- **Compliance** related to engagement with foreign countries
IN THE NEWS
NIH probe of foreign ties has led to undisclosed firings—and refunds from institutions

How University Labs Landed on the Front Lines of the Fight With China

Senator’s queries prompt NIH and NSF to clarify how they monitor foreign research ties

THE CHRONICLE OF HIGHER EDUCATION

He Was the President. His Wife Was Getting Payments From the University. Is That a Problem?

NEW FINDINGS: 2 Emory researchers didn’t disclose Chinese funding, ties
Probation ordered for former Virginia Tech scientist convicted of fraud

U.S. academics, make sure you know the rules about foreign funding and affiliations

By Beryl Lieff Benderly | Sep. 11, 2019, 10:40 AM

US alleges visa fraud scheme targeting American research

By ERIC TUCKER | September 16, 2019

Federal fraud indictment: KU professor secretly worked for Chinese university
WHAT’S THE LANDSCAPE?

• It’s **constantly** changing
• Failures to review and disclose have consequences
  • HR consequences
  • Separation from the university
  • Indictment
  • Criminal charges
THE IIST IS ALREADY WORKING

These are just a few ways that the IIST is ensuring that IFAS faculty leads UF in international engagement and receive institutional support along the way.

• Defining the hidden expenses associated with international activities
• Developing efficient ways to work with colleagues at international institutions
• Determining the best path to receive foreign support for research, services and other activities. Interpreting the applicable rules and regulations to determine what needs to be disclosed to a federal sponsor
• Streamlining the preparation process for international travel
• Communicating new policies and UF practices to eliminate delays in approvals

• With core offices, like DRCGS, to support UF’s institutional commitment to compliance.
WELCOME
Division of Research Compliance & Global Support
Today’s Goals

• Introduce the Division of Research Compliance and Global Support’s (DRCGS) new structure and functions
• Highlight DRCGS services in support of international research projects
• Provide an overview of export control rules and how they impact UF research
• Discuss required disclosures for international collaborations and activities
Office of Research

**Research Program Development**
- Publishes funding opportunities
- Assists with obtaining industry sponsorship
- Manages internal support programs
- Provides consultation services
- Provides editorial review, technical writing assistance for large, multi-, or interdisciplinary proposals
- Coordinates selection of proposals for limited-submission programs

**Sponsored Programs**
- Provides assistance for proposals, budgeting, contract negotiations, and award management
- Reviews, approves, and submits all proposals and supporting communications
- Negotiates and executes all awards, agreements, modifications, etc. for work with external sponsors
- Reviews awards for compliance and budgetary info prior to releasing for spending
- Prepares and issues subawards to outside parties
- Reviews and approves requests for prior approvals

**Contracts & Grants**
- Reviews awards for terms and conditions related to fiscal matters
- Establishes awards in UF’s financial systems
- Prepares and submits all financial reports and requests for payment
- Reviews project expenditures and approves rebudgeting requests
- Reviews, reconciles, and facilitates payment of subrecipient invoices
- Advises departments on best practices for award management

**Research Compliance & Global Support**
- Administers the Export Control program
- Provides support and guidance for complex international research activities
- Manages the Scientific Integrity program and administers the Research Misconduct process
- Oversees the Facility Security program
- Coordinates the activities of various compliance units and committees

**Operations & Services**
- Oversees administrative support for IRB, IACUC, and IBC
- Administers the Conflict of Interest program
- Resolves compliance issues related to research involving humans, animals, and biological materials
- Manages Research Information Services
- Oversees the molecular research services and education in the ICBR

**UF Innovate**
- Tech Licensing connects innovators, investors, and industry to maximize the potential of UF innovations for the global good
- Ventures fuels consistent growth in the number and quality of UF startups
- Sid Martin Biotech fosters the development of startups that feed, fuel, and heal the world
- The Hub builds, drives, and supports the spirit of innovation in its technology startups
Division of Research Compliance and Global Support

- DRCGS core functions include:
  - Export Control
  - Global Support
  - Scientific Integrity/Research Misconduct Process
  - Supporting role in IACUC, IBC, IRB, and GLP/GMP compliance
  - Miscellaneous compliance areas
Global Support
Key Global Support Services We Provide

- Serve as central point-of-contact within UF’s core offices for international research questions and connect faculty and staff to other involved units (e.g., DSP, C&G, HR, IRB, UFIC, etc.)
- Assist with project development and planning
- Identify and help PIs work through unique international issues that will impact budget planning and fiscal compliance
- Assist PIs with vetting potential foreign collaborators
- Provide guidance related to international compliance areas, including foreign business registration, export control, and shipping requirements
- Provide outreach and education to faculty and staff on proper planning for and management of complex international research projects
UFIRST Questions

Do you plan to do any of the following:

• 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)
Long-term Travel

- The longer the trip(s), the greater the potential for additional expenses and complications
- Business/Work Visas
- Long-term accommodations & workspace
- Expenses in country (cash, PCard, vendor payments)
- In-country logistics
  - Transportation
- Security

Questions to Consider

- How long will you be traveling?
- Where are you going?
- Will you need an office? Field site?
- Level of familiarity with the area? Do you need a planning trip?
- Timeline for securing visas, field permits, etc.?
- How will you pay for items? Are credit cards widely accepted? Can you easily exchange USD?
Travel Reminders

• Travel Authorizations
  • myUFL
• UFIC Registration
  • https://internationalcenter.ufl.edu/travel/online-travel-registration
• Asset Management Registration
  • https://myassets.fa.ufl.edu
Partnerships

- Subawards
- Vendors
- Consultants
- Informal relationships
- MOUs and Teaming Agreements

Questions to Consider

- Will the partner be carrying out a programmatic segment of the work?
- Will they be responsible for decision making?
- Will they assist with meeting overall project objectives?
- Are the services provided within normal business operations?

Hiring

- Paying salaries and wages
  - Taxes
  - Benefits
- Employee/employer relationship
- US and Foreign laws

Questions to Consider
- What is the duration of Relationship?
- What is the frequency of relationship?
- What duties will be performed?
- What is the payment (per occurrence and total)?
- How will the worker be supervised?
- Does the person you would like to hire have other affiliation(s)?
Other Considerations

• Hosting Conferences & Workshops
• Participant Payments
• In-Country IRB/ IACUC equivalents
• Rentals
  • Office Space, Housing, Vehicles
• MTAs
• Export Control Concerns

Questions to Consider

- What are the costs of conference hosting including food, travel, participant payments, handouts?
- What is the timeline for in-country and UF approvals (often linked)?
- How will you transfer of goods and services?
Export Controls
U.S. Export Control Regulations

**Export Administration Regulations (EAR)** – Department of Commerce, regulates “dual-use” technology, items and software that have a primarily commercial use, but also have a military application.

**International Traffic in Arms Regulations (ITAR)** – Department of State, regulates technology, items, or services that are inherently military in nature.

**Office of Foreign Assets Control (OFAC)** – Department of Treasury, governs trade sanctions and embargos.
What’s an Export?

• Shipment or transmission of controlled items, technology, software, or assistance to a foreign person either outside or inside the United States

Export examples:
  - Shipping items to other countries
  - Visual inspection of ITAR-controlled equipment or data
  - Emails of technical data
  - Visits
  - Phone calls or in-person conversations
  - Placing controlled information in public domain
  - Presenting at conferences
  - Hand-carrying controlled items during international travel
  - Webinar/shared screen with technical data
Export Control Red Flags

- Listed Technology
  - USML or CCL

- Foreign Travel, Collaboration, or Sponsorship

- Associated Agreements
  - NDA or MTA

- Military, Space-related sponsors
  - NASA, DoD, DoE

- High-Risk Sponsors

- Cuba, Iran, Syria, North Korea, Crimea Region

- Shipping or Physical Exports

- Contractual Issues
  - FN/Citizenship Restrictions
  - Publication Restrictions
Fundamental Research Exclusion

- Basic and applied research, AND
- At an accredited institution of higher learning in the U.S., AND
- Research results are ordinarily published and shared broadly within the scientific community

As long as these conditions are met, the results of the research are not subject to the ITAR or EAR
OFAC Approvals

• Types of Licenses:
  • A General License authorizes, through regulation, a particular type of transaction for a class of persons without the need to specifically apply to OFAC.
  • A Specific License is a written document issued by OFAC to a particular person or entity, authorizing a particular transaction in response to a written license application.

• UF DRCGS is responsible for license application submission, recordkeeping, and management.

• Approval time
• Approval conditions
Cuba Travel
All activities with Cuba Require U.S. Government Approval

**Travel General Licenses**
- Professional Research
- Professional Meetings & Conferences
- Study Abroad

**Requires Exception or License**
- Hand-carrying of any UF-owned items
- Permanent Export of any UF-owned items

**Requires Specific Authorization**
- Imports of Research Samples
- Transactions with entities listed on Cuba Restricted List
- Engagement with Government Officials
Cuba Travel

• All Cuba Travel routes through UF international Center for approval

• Plan ahead Specific Licensing for Cuba can take 3 – 6 months for approval

• Practice Tip: check this website to ensure the hotel or other entity you travel to is not on the denied entities list
  • Cuba Restricted Listed
  • DRCGS International Travel website

• Contact DRCGS if you are planning any travel to Cuba
Disclosing International Relationships & Activities
Recent Concerns

• Federal agencies have significant concerns about foreign entities’ attempts to improperly influence U.S. researchers, which may lead to:

• Diversion of intellectual property produced by U.S.-funded research

• Leaking of confidential research information

• Failure of U.S.-based researchers to disclose resources they receive from, and relationships they have with, foreign entities
UF RESEARCH

Response to Emerging Threats from Foreign Collaborations

Foreign Outside Activity Review

- Engage in Efforts Led by National Organizations (AAU, APLU, COGR, ASCE) Addressing Issue
- Cooperate with Federal Authorities
- Reiterate Commitment to Support our International Community and Collaborations
- Emphasize Requirements to Fully Disclose Foreign Agreements
- Create Web-based Resource on Foreign Activity Disclosure
- Create New International Risk Assessment Process for all UF Outside Activity Agreements with Foreign Entities
- Implement New Web-based Outside Activity Disclosure System with Centralized Review and Approval
Disclosing Outside Activities to UF

• UF currently updating disclosure policy and implementing UFOLIO online reporting tool

• 2 IFAS departments in UFOLIO pilot

• Otherwise, continue to follow current IFAS disclosure policies and procedures
Disclosing Outside Activities to UF

• Contact Gary Wimsett, Director of Compliance & COI, at gwimsett@ufl.edu

• https://compliance.ufl.edu/ufolio/resources/
Disclosing to Federal Sponsors

• Current & Pending Support / Other Support
  
  • Grants or contracts, whether provided through UF, another institution, or directly to the PI
  
  • All research resources, even in-kind, including:
    • Foreign financial support
    • Research or lab personnel
    • Lab space, scientific materials and supplies, etc.
    • Travel or living expenses received in connection with travel for research efforts
  
  • Selection to a foreign talent or similar recruitment program
Disclosing to Federal Sponsors

• **International Activities / Foreign Component**
  
  • Work on this particular grant in a foreign location
  
  • Can be work done by PI, key personnel, or others, either affiliated with UF or not
  
  • Does not matter if federal grant money is expended or not
Disclosing to Federal Sponsors

• Submit complete biosketch/CV

  • Include all positions and scientific appointments, both domestic and foreign (e.g., titled academic, professional, or institutional appointments)

  • Include affiliations with foreign entities or governments

  • Include whether or not remuneration is received and whether full-time, part-time, voluntary, adjust, visiting, or honorary
Disclosing to Federal Sponsors

I am a Principal Investigator on an NIH award to a domestic university and have an unpaid appointment at a foreign university. At the foreign site I have access to lab space, research materials, and staff. Should I report this as Other Support?

Yes. While the researcher is not receiving monetary compensation, the lab space, materials, and staff are resources made available to them in support of and/or related to their research efforts. Other payments, such as travel or living expenses must also be reported.
Disclosing to Foreign Sponsors

A researcher at my institution has a 9-month appointment. They spend two months at a University outside of the United States during the summer conducting research under a foreign award. Does this count as Other Support?

Yes. Available resources in support of and/or related to an investigator’s research endeavors should be disclosed even if they relate to work that is performed outside of a researcher’s appointment period.
KEEP CALM AND CONTACT US!!

We’re here to help!

Division of Research Compliance and Global Support

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Thank you!

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PARTING MESSAGES

• Have the conversation(s)
  • We depend on the department to review international activities.

• Stay aware and up to date:
  • IIST list serv ([IIST-L@LISTS.UFL.EDU](mailto:IIST-L@LISTS.UFL.EDU))
  • [https://research.ufl.edu/foreign-activities-disclosure.html](https://research.ufl.edu/foreign-activities-disclosure.html)

• New IFAS resources available soon
  • Refreshed website to provide information, processes and updates
  • Checklists and one-page guides

• Trainings
  • **Including today!**
    • October 9th (pre-award meeting for research administrators)
    • October 16th and 23rd (tentative date for travel refresher for faculty and staff)