We will begin in just a few minutes.
Upcoming Webinars:

• May 16th 2:00 pm PST: Uniform Guidance Overview and Updates
• June 20th 2:00 pm PST: Navigating Sponsored Project Changes
• Webinars for the fiscal year 2025 will be announced at a later date

Reminder- all webinars are recorded and will be available on the OSRAA Outreach Webinar page. You can also sign up to register for future webinars.
Welcome

- Greetings and welcome to the OSRAA Outreach Series! My name is Kacey Parks, and I am the Research Administration Training Coordinator.

- This session is being recorded, and you will be notified via the OSRAA Outreach Listserv when the recording and presentation are ready to view.

- Chat is disabled. Please submit all questions via the Q & A button located at the bottom of your screen. **We encourage you to submit questions throughout the presentation as they come to mind, and we will answer them during the Q&A portion at the end.**

- Please note that when you submit a question in the Q & A, the question and your name will be visible to all participants unless you select “anonymous” before submitting it.
Research Security

Office for Sponsored Research and Award Administration
Outreach and Engagement
April 18th, 2024

Marjorie McLagan, Deputy Chief Information Security Officer
Suzanne Bilharz, Research COI Administrator
Mallory Day, Export Compliance Officer
Zach Gill, Director of Sponsored Programs Award Contracting
Agenda

- Research Security Overview and OSU Goals
- NSPM-33 and CHIPS and Science Act Update
  - Research Security Program- Trainings and MFTRP
  - Disclosure Enhancements – how RCOI relates to enhanced federal disclosure requirements
- Export Control Overview
- Takeaways of current status and future changes
Three Goals
1. A university focused on big discoveries that drive big solutions
2. A university where every student graduates
3. A university that fuels a thriving world

Five Actions
1. Launch a campaign for timely undergraduate degree completion
2. Build international research distinction in areas of competitive advantage
3. Build an enterprise approach to knowledge translation, innovation and partnerships
4. Build faculty excellence
5. Significantly increase enrollment online and at OSU-Cascades
Stanford fined over nondisclosure of foreign funds

U.S. says researchers didn’t tell of support some faculty members received from overseas

By Martin Weil

October 2, 2023 at 10:31 p.m. EDT

Stanford University has agreed to pay $1.9 million to resolve allegations that proposals for research grants failed to disclose support that faculty members were receiving from abroad, the U.S. Justice Department said Monday.

The government had charged under the False Claims Act that on 16 proposals for grants from federal agencies — including the Army and Navy — Stanford “knowingly failed” to disclose foreign funding that 11 Stanford researchers had received or expected to receive in direct support of their research.

Ex-Harvard Professor Sentenced in China Ties Case

By Gina Kolata

Published April 20, 2023   Updated May 4, 2023

Charles Lieber, a former Harvard chemistry professor, was sentenced on Tuesday for making false statements to the U.S. government and for failing to declare large sums of money he’d been paid as part of a contract with a Chinese program, Thousand Talents, and Wuhan University in China.
The Headlines We'd Love to See!

Oregon State University Research Continues to Solve Global Challenges

*Federal agencies continue to look to the Beavs as a model for high-impact, collaborative international research that prioritizes research integrity*

For Immediate Release
Office of Public Affairs
NSPM-33 Key Federal Steps

Nov. 2018. DOJ’s China Initiative seeks to counter national security threats, citing China as 60% of trade thefts

Summer 2018. NIH/NSF Dear Colleagues Letter expresses concerns over undue foreign influence and theft, reinforcing value of openness, transparency

Jan. 2019. DOE memo prohibiting foreign talent program involvement of awardees

July 2019. NIH memo reminding awardees of rules around COIs and disclosing “other support”


Throughout 2022 and 2023. Federal agencies move to implement NSPM-33; issue guidance, toolkits, risk matrices; calls for public comment; seek uniformity in implementation

CHIPS and Science Act
What’s the Issue?

- Efforts from other countries that target US research institutions with an aim of inappropriately obtaining confidential, sensitive or proprietary research, technology, and information to gain an economic or national security advantage.
  - Theft of intellectual property, sensitive technologies and technical data
  - Theft of data from grant applications, unpublished research
  - Talent/recruitment programs that compromise researchers, their IP, place restrictions on publication
  - Compromised computer systems
  - Ethics and award compliance issues
  - Insider threats

- US Funding agencies are taking a significantly greater interest in international interests and collaborations of their awardees.

- Research Security aims to “strengthen protections of United States Government-supported R&D against foreign government interference and exploitation" while "maintaining an open environment to foster research discoveries and innovation.”
NSPM-33 Implementation Status

2) Digital persistent Identifier
   1. Permanent, Findable, Machine Readable, Unambiguous- more permanent than our UEI and more findable than your SSN
   2. ORCID free and currently available for researchers- holds information about appointments, publications, data, education and much more
   3. Can be used to help generate biosketch and C&P

3) Research Security Program
   b. Research security point of contact and website
   c. Foreign Travel Security- mandatory security trainings (loaner devices), record of travel, advanced disclosure and authorization of international travel. Not a lot of details available now on what is required.
   d. Cyber Security Requirements- Under Development
   e. Export Control Training- focusing on specific export control concerns of applied and dual use technologies

*CHIPS and Science Act update on Malign Foreign Talent Recruitment Programs- Specific prohibitions on participation in these programs active or soon to be released

We will focus on a couple of these that most impact research administration
NSPM-33 Implementation Status

1) Disclosure Requirement

Common Disclosure Forms- OMB has released final versions & agencies are implementing

1. National Science and Technology Council (NSTC) Research Security Subcommittee has worked to develop consistent disclosure requirements for use by senior personnel, as well as to develop proposed common disclosure forms for the Biographical Sketch and Current and Pending (Other) Support sections of an application for Federal research and development (R&D) grants or cooperative agreements.

2. The National Science Foundation (NSF) has agreed to serve as steward for these common forms as well as for posting and maintenance of the table entitled, NSPM-33 Implementation Guidance Pre- and Post-award Disclosures Relating to the Biographical Sketch and Current and Pending (Other) Support.

3. Very helpful NSTC disclosure Table explaining what should be disclosed in what form: https://www.nsf.gov/bfa/dias/policy/nstc_disclosure.jsp
NSPM-33 Implementation: What does this mean for OSU?

- More security-related terms associated with research funding
  - Data security and export controls
  - Disclosures of outside interests
  - New training requirements
- Greater scrutiny of collaborators and international travel
- Research security program with new compliance obligations
- Need for outreach to faculty
- Concern about creating a chilling effect among the research community
Research Security Program: Foreign Government Talent Recruitment Programs

- **Foreign talent programs** are efforts directly or indirectly organized, managed, or funded by a foreign government or institution to recruit S&T professionals or students (regardless of citizenship or national origin, and whether having a full-time or part-time position).
  - Many countries sponsor talent recruitment programs for legitimate purposes of attracting researchers in targeted fields
  - Many programs utilize legitimate means of attracting talent, including offering research fellowships and grants to incentivize researchers to physically relocate
  - Involvement with a talent program may be permitted by the university, and federal research sponsors
- However, there are some talent programs that are prohibited or raise concerns.

Adapted from NPSM-33 and J.J. Miller, University of Wisconsin-Madison.
Research Security Program: Concerns with Foreign Talent Programs

- The U.S. government has raised concerns about some Foreign Talent Programs and has clearly defined these as Malign Foreign Talent Programs.

- Concerns about Malign Foreign Talent Programs include:
  - Undisclosed conflicts of interest or commitment
  - The inappropriate transfer of federally-funded research to foreign governments
  - Violation of export control laws
  - Theft of intellectual property

- The U.S. Government is particularly concerned with programs affiliated with China, North Korea, Russia, and Iran.

**Bottom Line:**

*There are prohibitions on US researchers participating in malign foreign talent programs.*

*OSU is developing policy and resources to help you navigate these programs.*

Adapted from NPSM-33 and J.J. Miller, University of Wisconsin-Madison.
Research Security Program: New Training Requirements

- NSF is providing four research security training modules to help us meet this requirement
- Senior/key personnel listed on the application for a R & D award are required to take the training
- Those required to take training much do so within one year of the R & D application
- Currently expect to see this requirement on NSF, NIH, DoE and DoD applications or awards
Disclosure Requirements: Research Conflicts of Interest (RCOI)

- **What are research conflicts of interest?**
  - Why it is important to disclose outside financial interests as an investigator
  - Who needs to disclose, what is disclosed, and when

- **How to fulfill federal and OSU RCOI requirements?**
  - Submit/keep current COI Disclosure form in Cayuse
    - international affiliations
  - Complete required COI Training in CITI
  - Follow management plan, if applicable

- **Disclosures as part of Federal funding applications**
  Nov 2023 “Common Forms” (NSF, NIH, DOE+)
  - Biosketch (SciENcv, ORCID) → Education, Experience
  - Current and Pending Support → Sources of funding, in-kind, International
Disclosure Requirements: What are Research Conflicts of Interest?

• OSU encourages professional collaborations externally toward excellence ...but there is a risk of developing a conflict of interest.

• Research Conflict of Interest (RCOI) is a situation in which an investigator, spouse or dependent children has a Significant Financial Interest which could directly and significantly affect the design, conduct, outcomes, or reporting of Research affiliated with the university.

• COI policy sets out rules and process to promote objectivity across the lifespan of university research. It upholds high standards of professional integrity and protects public trust.
Disclosure Requirements: Financial COI in Research → False Claims Act

Van Andel Research Institute

December 2019 and September 2021

$5.5M settlement in 2019: Accused of violating the False Claims Act by submitting federal grant doc’n which failed to disclose Chinese gov’t funding for researchers.

$1.1M settlement in 2021: resolved allegations that it failed to disclose a foreign component and research support.

Top Psychiatrist Didn’t Report Drug Makers’ Pay

"One of the nation’s most influential psychiatrists earned more than $2.8 million in consulting arrangements with drug makers from 2000 to 2007, failed to report at least $1.2 million of that income to his university and violated federal research rules."

[Charles B. Nemeroff of Emory University]

SLOAN KETTERING’S CRISIS

Sloan Kettering Cancer Center Orders Staff to “Do a Better Job” of Disclosing Industry Ties

The move comes after ProPublica and The New York Times reported that one of its top executives failed to report payments from drug and health care companies in dozens of medical journal articles.

by Katie Thomas, The New York Times, and Charles Ornstein, ProPublica, Sept. 9, 2018, 4 p.m. EDT

“...[Investigator] had received millions of dollars in consulting fees and in ownership interests in health care companies but had often failed to disclose those ties in appearances at scientific conferences and in journal articles.”
Disclosure Requirements: A COI is not unusual: disclosing protects you

• OSU investigators are encouraged to innovate, to collaborate with companies, to develop intellectual property, to commercialize ideas and technologies, and to work with international partners
  • These activities can generate conflicts of interest

• Having a COI is usually not the problem—*having an undisclosed COI is always a problem*

• Disclosing outside interests allows possible conflicts to be identified and managed when necessary. Ultimately, we want to facilitate trust in good science, innovation, and OSU’s mission to conduct high-impact research that solves regional and global problems.
Disclosure Requirements: OSU Policy Requirements

OSU policy reflects the requirements of federal regulations that cover financial conflicts of interest in research.

OSU requires investigators to:

1. **Disclose.** Investigators maintain current and accurate information by submitting initial, ad-hoc, and annual disclosures of external financial interests.

2. **Complete training.** Investigators complete initial and ongoing research COI training on applicable policies, their University responsibilities, and the federal regulations covering Financial Conflicts of Interest in Research.

3. **Follow the research COI management plan,** if implemented

See OSU’s Research COI policy to learn more.
Disclosure Requirements: Who needs to disclose?

- **Active Investigators**: All Investigators must complete and maintain a current research disclosure form for as long as they remain active in university-affiliated research activities or are named on funded projects that are not closed out.

- **Investigator** means any individual who has responsibility for a significant aspect of the design, conduct, outcomes, or reporting of research affiliated with the university (regardless of position or title).

- **Investigator** always includes:
  - Principal investigators
  - Co-investigators
  - Other senior or key personnel who seek/receive funding or other support for their research activities/programs.
Disclosure Requirements: Federal Grant Disclosure Requirements

Implementation of National Security Presidential Memo 33 (NSPM-33)

- NSF implementation effective 5/20/24 with no deviations
- DOD, DOE and NASA all intend to use these form, unsure on dates and deviations
- NIH confirmed implementation announcement coming this summer with May 2025 implementation target
- OSTP required agency implementation plans by May 14th so we will hear more about our other federal funders soon. Deviations require formal OMB review and approval.

- Guidance on what should be included is provided in NSF disclosure matrix:

Disclosure Requirements: Federal Agencies
Focus on Disclosures

Recent policy updates:

• Aug 2022: OSTP updated status of NSPM-33 implementation, calling for NSF to pilot Standardized Disclosures Forms for all federal agencies to use
• June 29, 2023: DOD Policy on Risk-based Security Reviews of Fundamental Research
• Nov. 1, 2023: “Common Forms” and new definitions released: Biographical Sketch, Current and Pending Support. Now required for NIH, NSF, DOE funding applications.
  Biosketch (SciENcv, ORCID) → Education, Experience
  Current and Pending Support → Sources of funding, in-kind, International

Enforcement focus:

• Obtaining a thorough accounting of conflicts of interest and retrospective reviews in cases of interest.

Anticipated changes:

• Disclosure requirements broadening scope to include international affiliations, e.g. research funding, consulting, unpaid positions, foreign government-sponsored talent programs (not: joint authorship, presenting information at conferences that is not subject to restrictions).
**What are “export controls”?**

*“Export Controls” are a set of U.S. laws and regulations that control the release of certain commodities and information to foreign nationals in the U.S. and abroad.*

- Exports are shipments or transfers out of the United States;
- They are also a release of export-controlled commodities or information to a foreign national within the United States (These are called “deemed exports”).
- In some cases, even visual access to controlled commodities may be an export.
- Penalties for violations are severe and include fines, jail time and/or denial of export privileges.

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**What’s subject to Export Control Regulations:**

- Physical & Deemed Exports
- Transactions with Restricted Parties
- Defense Services
- Weapons of Proliferation
- Imports & Exports of Goods and Services to as well as Financial Transactions with sanctioned countries:
  - Currently: Cuba, Iran, North Korea, Syria, and Russia & parts of Ukraine
- Antiboycott Activities
  - Non-U.S. sanctioned boycotts
  - Example: Arab League boycott of Israel
What Can Export Controls & International Compliance Help Me With?

- International travel with OSU owned equipment
- Exports/Deemed exports
- Training ▪ In-person or online
- Export clauses, requirements, & restrictions in proposals, agreements, & awards
- Export classifications
- Visas for visiting scholars & hires
- Export licensing & other required Federal document filings
- Restricted Party Screenings
- Regulation and policy changes that apply to you
- Development of or research with drones
- Potential violations
- Interactions with sanctioned countries
- Interacting with any foreign military units/forces
- Providing access to controlled items or information to a foreign national
- Development of or research with drones

If you have any questions!

The ECIC is here to help facilitate your activities while ensuring compliance with U.S. export laws and regulations

Helping me helps you

You are the key to OSU’s success and a stakeholder in OSU’s export compliance!

Thank You!
Takeaways: What’s new (or coming soon) for researchers?

- New OSU Research Security website
- Updated OSU International Travel policy and procedures
- Prohibitions against participation in “malign foreign talent programs”
  - OSU has established a policy in response to these federal prohibitions
- New NSF trainings on research security
- New common forms, biosketches and current & pending support docs
- Increased use of Controlled Unclassified Information (CUI)
- Risk matrices and plan requirements including for ‘fundamental research’ projects
- Increasing controls around certain technologies
  - Semiconductors, Integrated Chips, & Advanced Computing Controls
  - Emerging Technology such as:
    - Machine Learning, AI, Robotics, Biotech, Positioning, Navigation & Timing (PNT), Microprocessor tech, Quantum, Logistics, Additive Manufacturing, Data Analytics, Hypersonics, Advanced Materials & Surveillance tech, Brain-computer interfaces and more…
Takeaways: What can OSU researchers do right now?

✓ Disclose outside interests and sources of funding
  o Be accurate and complete in Common Forms: https://research.oregonstate.edu/global-engagement-compliance/disclosure-tips
  o Submit and update your RCOI disclosures: https://research.oregonstate.edu/coi

✓ Take an NSF training
  o https://new.nsf.gov/research-security/training

✓ Register international travel
  o https://global.oregonstate.edu/international-travel

✓ Consult on export controls or solicitations from foreign talent programs
  o https://research.oregonstate.edu/export-control-international-compliance

✓ Allow ample time for international visitors
  o https://internationalservices.oregonstate.edu

✓ Look for updates from the Division of Research & Innovation
  o Questions: christopher.viggiani@oregonstate.edu
Takeaways: What can OSU researchers do right now?

✓ Consult with Office of Information Security as early as possible
  o Create your DPI on ORCID: https://uit.oregonstate.edu/orcid
  o https://uit.oregonstate.edu/infosec

✓ Consult on project data security plans
  o https://uit.oregonstate.edu/infosec

✓ Consult on foreign travel
  o https://uit.oregonstate.edu/infosec/about/security-consulting-services

✓ Other consultation topics:
  o Vendor Management
  o Exception to IT policy requests
  o IT Risk assessments
  o Vulnerability assessment and management
  o https://uit.oregonstate.edu/infosec/about/security-consulting-services
QUESTIONS?