OSR Monthly Meeting

May 14, 2019 (Evanston)
&
May 16, 2019 (Chicago)
AGENDA

• OSR Announcements
• Foreign Entities & Other Support
• COI Updates
• OSR Performance Indicators
OSR Announcements

• Info Team Staffing:
  – Fond farewell to Chris Rinere, who is leaving for an exciting opportunity outside of Northwestern
  – Will be posting a position opening for his replacement shortly
OSR Announcements

• Corporate Contracts Team Staffing:
  – We wish Carolyn Brougham the best in her new role as IP counsel for a major global candy and food maker.
  – Will be posting a position opening for her replacement soon.
  – MTA/DUA Coordinator expected to start June 3rd.
  – Consultant-Attorney now in place to help chip away at queue of outstanding MTAs while we finish onboarding the new Coordinator.
Foreign Influence and Its Impact on University Research

Kate Booth, Conflict of Interest
Lane Campbell, Export Controls Compliance
Concerns about “Foreign Influence”

- The federal government has long expressed concerns about foreign influence on the U.S. research enterprise, driven by national & economic security.
- While these concerns have been ramped up in recent times (particularly over the last year), they’re hardly new.
- In FBI guidance, “foreign influence” is defined as “covert actions by foreign governments to influence U.S. political sentiment or public discourse” with the goal “to spread disinformation, sow discord, and, ultimately, undermine confidence in U.S. democratic institutions and values.”
A Recent Timeline

2018
- NDAA ’19 Outlines Concerns

2019
- Francis Collins NIH Letter Issued
- DOE Issues Talent Policy Notification
- Northwestern OR Issues Letter Issued to NSF Seeking Information on Processes in Place
- Guidance on Foreign Influence

Dates:
- 4/30
- 8/20
- 2/01
- 2/07
- 4/15
Open Questions

• Who “owns” aspects of this process

• What are the compliance checkpoints that will be verified?

• What is required?

• When is this required?
Foreign Influence and Research Administration

What are sponsors asking for?
- Candid and thorough accounts of other support for research programs
- Disclosure of any foreign component of the research

Is this new?
- No. Other Support, Current & Pending, Foreign Component requirements have been included in federal sponsor terms for some time.

So, why are we talking about it?
- Increasing focus of federal sponsors on the potential influence of foreign governments on academic research, driven in part by the interconnectedness of the modern world and the anonymity afforded by the Internet.
Roles & Responsibilities

Central Administration:
Engage nationally, keep university updated. Develop and provide guidance and best practices.

Departments:
Help faculty understand the seriousness. Remind them to keep documentation accurate.

Faculty:
Be forthcoming & transparent in documents to sponsors & the university.
Wary of Chinese Espionage, Houston Cancer Center Chose to Fire 3 Scientists

The MD Anderson Cancer Center said it decided to fire three scientists who, among other allegations, failed to disclose international collaborators. Two of them resigned.

By Mihir Zaveri
April 22, 2019

China's Non-Traditional Espionage Against the United States: The Threat and Potential Policy Responses

Statement for the Record
Chairman Grassley, Ranking Member Feinstein, members of the committee, thank you for the opportunity to appear before you today, and thank you for highlighting the threat from Chinese espionage.

It is impossible to overstate the differences between the American and Chinese systems. China is an authoritarian, one-party state where the Chinese Communist Party reigns supreme. At the Chinese Communist Party's direction, the Chinese government dominates every facet of Chinese life, through actions such as central economic planning, Internet and media censorship, and leveraging intrusive technologies.

The Chinese government is attempting to acquire or steal, not only the plans and intentions of the United States government, but also the ideas and innovations of the very people that make our economy so incredibly successful. The Chinese government understands a core lesson of the Cold War between the United States and the Soviet Union: economic strength is the foundation of national power. The competition between the United States and China will be greatly influenced, if not ultimately decided, on the strength of our economies.

The Chinese government means to compete with us in every way possible, playing by the rules at times, bending them at others, and breaking them when necessary to ensure their success. They also aim to rewrite the rules to shape the world in their image, and they have already made progress on this front. The rules they write seek to guarantee the dominance of their businesses and root Chinese national power in the very fabric of an international system.
The Nature of Communications

Concerns regarding foreign influence have been reflected in a wide range of federal communications:

• Direct communications from NIH (The Collins Letter), DOD (via the NDAA ’19), DOE, NSF, and others

• NIH has sent targeted letters to universities asking about individual faculty and potential foreign affiliations
  • Letters were not random
  • Individuals were identified by comparing Other Support documents and acknowledgement sections in publications

• NIH is reviewing foreign component reports in RPPRs and following up with questions
Northwestern’s Response

On February 7, 2019, Northwestern’s Vice President for Research issued Guidance Regarding Foreign Influence and Involvement in University Research, reminding researchers of its obligations in several key areas:

- Transparency in disclosure
- Export compliance
- Policies for engaging visiting collaborators
- Proper security of materials, data, and confidential information
- Protection of intellectual property
- Peer review
Northwestern’s Response (cont.)

- Updates to the annual disclosure questions asking about foreign relationships
- Engaging in outreach with federal officials
- Developing guidance to faculty and those involved in research administration
- Ongoing education and training
- NIH and NSF checklists have been updated to include guidance for the project description/narrative and other support/current and pending document types
How Can Administrators Help?

• Encourage transparency in biosketches, other support documentation, and descriptions of any foreign component
  • These sections are being broadly interpreted and carefully scrutinized

• Encourage consistency in reporting to federal agencies and in acknowledgements of resulting publications

• Ask faculty to review their pending submission. If updates to Other Support or biosketches should be made, please reach out to OSR.
Other Support

NIH provides the following guidance:

• Other Support sections must be filled out at JIT

• “Other Support includes all financial resources, whether Federal, non-Federal, commercial or institutional, available in direct support of an individual's research endeavors, including but not limited to research grants, cooperative agreements, contracts, and/or institutional awards. Training awards, prizes, or gifts do not need to be included.”

• Note: “all financial resources…available in direct support of an individual’s research endeavors” can include support for research activities that are not flowing through Northwestern (e.g., if a faculty member has support for a lab at another institution). These sources of support should be included in the Other Support document.
Current and Pending Support

NSF provides the following guidance:

- Current and Pending Support must be submitted with the proposal

- “This section of the proposal calls for required information on all current and pending support for ongoing projects and proposals, including this project, and any subsequent funding in the case of continuing grants. All current project support from whatever source (e.g., Federal, State, local or foreign government agencies, public or private foundations, industrial or other commercial organizations, or internal funds allocated toward specific projects) must be listed.”
Foreign Component

NIH Grants Policy Guide: “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.

• Activities that meet this definition include, but are not limited to:
  • 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.

• Examples of other grant-related activities that may be significant:
  • 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.”

• Foreign travel for consultation is not considered a foreign component
Examples of discrepancies that NIH is questioning

• A faculty member indicates no Other Support from any foreign organizations. In the resulting publications, in the acknowledgements section, they thank a foreign organization for supporting the research.

• A faculty member indicates no other current appointments in their biosketch. In the resulting publication, they list as one of their affiliations a visiting appointment with a foreign university.

• A faculty member indicates no foreign component in their progress reports. In the resulting publication, there is a co-author from a foreign institution, and their contribution to the work appears to be significant given the description of their contribution to the work.
Additional Information & Resources

• Department of Defense (DoD)

• Department of Energy (DoE)
  • Memo on Department of Energy Policy on Foreign Government Talent Recruitment Programs

• National Science Foundation (NSF)
  • Memo from Senate Finance Committee to NSF (April 15, 2019)

• NIH
  • Presentation “Foreign Influences on Research Integrity” (December 13, 2018)
  • Foreign Influence Letter from NIH Director Francis Collins (August 20, 2018)

• Northwestern Guidance
  • Office of Research Guidance Regarding Foreign Influence and Involvement in University Research (February 7, 2019)
  • OSR Tools & Forms
  • COI: What to Disclose?
  • Export Controls Compliance
Questions or Concerns?
COI Updates
Updates

• State of the office
• Advertising tools that might actually be helpful!
• Reviewing solicitations for COI terms
• Discussion of Organizational COI (OCI)
• Questions
State of the Office

• Fully staffed
  – Anees Fatima – grants & contracts specialist
  – Garth Huskey – IRB protocol specialist
  – Paula Foster – subrecipient investigator specialist

• Third annual disclosure cycle with eDisclosure

• Busy!
 Updates on Process & Resources

• New guide to COI requirements at proposal time
• Visit our website!
COI at Proposal Time

Organized by Sponsor!
COI at Proposal Time - Subs

If there is a Sub, prior to submission:

- NIH and NSF require that institutions take “reasonable steps” to ensure any subrecipient has a compliant COI policy.
- Start with FDP COI Clearinghouse.

In FDP COI Clearinghouse? [YES/NO]

- NIH and NSF require that institutions take “reasonable steps” to ensure any subrecipient has a compliant COI policy.
- Start with FDP COI Clearinghouse.

In FDP COI Clearinghouse? [YES/NO]

- NIH and NSF require that institutions take “reasonable steps” to ensure any subrecipient has a compliant COI policy.
- Start with FDP COI Clearinghouse.

US university or academic medical center? [YES/NO]

- Low Risk: Safe to trust that they have a policy; OSR may request NUCCI verify, but not required.
- Include language relative to having a COI compliant policy in LOI, or include SCF in submission; OSR may proceed with submission.

US nonprofit, for-profit, or a foreign institution? [YES/NO]

- Send request to NUCCI to verify institution’s policy:
  - SP#
  - Admin contact
  - SCF / prelim emails

Is policy compliant? [YES/NO]

- Subrecipient Investigators will need to be added to project in eDisclosure and complete a disclosure. Send to NUCCI:
  - Name
  - Email address
  - Confirm compliance: COI Compliance Page in eDisclosure.

Other sponsors do not specifically require the prime to verify the compliance of the subrecipient’s policy, but we sometimes need to obtain a statement as to whether any conflicts exist prior to proposal submission. In reviewing the solicitation, NUCCI will determine what, if anything is required. Otherwise, terms will be flowed down to the subrecipient in any resulting award agreement.

Note: Entities verified as having compliant policies are added to a list available on NUCCI’s website.
Conflict of interest: Any situation where there is an opportunity for bias to be introduced because of other relationships
Ctrl+F: Conflict of Interest

• Objectivity in conducting research (PHS, NSF)

• Peer review (most solicitations)

• Purchasing / procurement (Uniform Guidance)

• Unfair bids / biased ground rules (federal contracts)

• Institutional relationships (CMMS)
Organizational COI (OCI)

Organizational COI

Institutional COI

Scientific integrity COI
Organizational COI (OCI)

- Perception that a bid is set up unfairly
- Generally related to contracting – is this the best performer for the contract? Or do they have “inside knowledge” or are being chosen for relationship reasons?
- OCI are found in the proposal process – in CHOOSING the performers
Organizational COI (OCI)

• In the Eligibility Information section, the solicitation says,
  – “At the time of submission, the applicant shall include information identifying potential, apparent, or actual organizational and individual conflicts of interest and proposed mitigation. This shall include the applicant, their team members, and senior/key personnel named in the application. Negative responses are also required.”

• Email nucoi@northwestern.edu requesting review with:
  – The SP#
  – Deadline – what is the submission date
  – The solicitation and any certification forms/templates/requests if we are not the prime
  – Whether there are proposed subcontracts from Northwestern
  – Whether there are large purchases proposed
  – SOW, if available
Contact Information

• Main inbox – please use this– we reprioritize often!
  – nucoi@northwestern.edu
  – 847-467-4515

• Kate Cosgrove Booth
  – k-cosgrove@northwestern.edu
  – 847-491-4163
Performance Indicators
Monthly Updates Coming in June

• As referenced in the recent email from the Provost and Sr VP, monthly updates will be shared with campus as OSR benefits from additional temporary resources.

• The updates will focus on three major areas, providing a look at what's been finished and how many are in process:
  – Awards (unilateral and bilateral)
  – Non-funded negotiations (MTA/DUA/CDA)
  – Outgoing subcontracts
Performance Indicators

NEW AWARDS

NON-FUNDED NEGOTIATIONS

OUTGOING SUBcontracts

AWARDS IN QUEUE

NEGOTIATIONS IN QUEUE

SUBCONTRACTS IN QUEUE

125

326

242

(AS OF 5/01/19)

(AS OF 5/01/19)

(AS OF 5/01/19)
New Awards

NEW AWARDS

AWARDS IN QUEUE

125
(AS OF 5/01/19)
Negotiations (MTA/DUA/CDA)

NON-FUNDED NEGOTIATIONS

NEGOTIATIONS IN QUEUE

326
(AS OF 5/01/19)
Outgoing Subcontracts

OUTGOING SUBCONTRACTS

SUBCONTRACTS IN QUEUE

242

(AS OF 5/01/19)
Thank you for joining us!

Find monthly meeting presentations on the OSR website at:
https://osr.northwestern.edu/training/presentations