



SCIENCE & SECURITY EFFECTIVE PRACTICES

Sarah Rovito, APLU

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Presented to COGR Membership

June 7, 2019

Why a Survey?

- Inform policymakers of the current practices in place at institutions to address security threats and foreign influence on campus
- Provide a mechanism for institutions to share practices with each other and learn from one another
- Aggregate practices across campus and connect relevant stakeholders to each other
- Demonstrate institutional commitment to securing U.S. research and combatting foreign influence



AAU-APLU Science and Security Effective Practices Survey

AAU and APLU are working to collect and share current practices that universities are employing to ensure the security of research, protect against the theft of intellectual property and academic espionage, and prevent any actions or activities by foreign governments and/or other entities that may infringe on core academic values (e.g. free speech, scientific integrity, etc.). To accomplish this, we have prepared the following on-line survey form. The form is intended to provide a means for university representatives across our campuses to provide **examples of policies, practices, tools, and other resources** they think are effective and which other campuses might benefit from learning about as our universities collectively work to address these ongoing and emerging foreign threats. Please complete this form for each specific effective practice at your institution that you would like to share – that is, one form per example. A PDF version of the survey form is available [here](#) for you to reference and share with appropriate people on campus.

October 2018 survey received 142 responses from 39 institutions

Awareness Building and Communications

- ***Distribution of campus-wide letters on safety and security to increase faculty awareness and remind the campus community of existing reporting requirements.*** Institutions have distributed letters to their faculty to increase awareness of systematic programs of foreign influence and how such programs pose risks to core scientific and academic values and threaten research integrity. These letters often include information reminding faculty of their existing reporting and disclosure requirements under federal and institutional policies.
- ***Publication of security newsletters and presentations.*** Institutions have published and distributed security newsletters covering topics including foreign threats to intellectual property and international travel preparation. Campus-based facility security and export control officers also have reported providing additional security briefings to university leadership and working to facilitate such briefings with their regional FBI offices given heightened concerns about foreign threats.

From: UM President [<mailto:umpresident@mail.missouri.edu>]

Sent: Monday, November 05, 2018 11:20 AM

To:

Subject: International Partnerships



University of Missouri System

COLUMBIA | KANSAS CITY | ROLLA | ST. LOUIS

Dear colleagues,

The University of Missouri System represents a group of four public research universities with a vision to:

"Advance the opportunities for success and well-being for Missouri, our nation and the world through transformative teaching, research, innovation, engagement and inclusion."

The diversity of experiences, backgrounds and perspectives necessary to achieve excellence in teaching, research and engagement are significantly enriched through our global partnerships. We must continue to encourage student and faculty exchanges with international partners to achieve our bold objectives. But, we must remain aware of emerging developments that may affect international partnerships. Please note the following so you can protect yourself as a faculty member, as well as the institution we serve.

Recently, new federal efforts have been taken to prevent undue influence of "talent programs" such as those typically associated with China, Russia, and Iran. Talent programs are designed by some countries to identify and recruit experts associated with desirable expertise and technologies. Some also identify persons with expertise in business management or other skills necessary to administer successful research and development programs, many of which are designed to pursue scholarly activities that advance knowledge in certain disciplines.

One of the most notable is China's "Thousand Talents Program." The various programs collectively referred to by that name were created to recruit researchers and other experts to boost China's capabilities and nurture expertise in key and developing technologies. Typically, researchers from around the world are invited to apply for programs that may entail year-round work in China but more frequently such programs involve work during shorter periods. Recruits often receive funds to establish research labs or institutes associated with their areas of expertise. Additionally, the Chinese government may provide salary, research funding, relocation or housing expenses, health benefits or other significant financial incentives.

Talent programs target and recruit researchers from a variety of disciplines. They especially seek expertise in biotechnology, aerospace, information technology,

agriculture, transportation and environmental protection. They also target other technologies critical to national defense, the intelligence community or key economic sectors.

The U.S. government is undertaking efforts to address national and economic security concerns posed by talent programs. For example, the [Fiscal Year 2019 National Defense Authorization Act](#) directs the Department of Defense (DoD) to work with academic institutions to limit the undue influence of foreign talent programs and support protection of intellectual property. It further calls for the DoD to develop regulations in this area and limit or prohibit funding for institutions or individual researchers who violate them. Additionally, the act directs the DoD to prioritize funding of academic institutions that have a record of excellence in industrial security. Similarly, the U.S. National Institutes of Health (NIH) recently issued a [letter](#) to the research community addressing concerns associated with foreign programs, such as diversion of IP associated with NIH grants and applications, disclosure of confidential information from applications and efforts to influence funding decisions, and failure by NIH-funded researchers to disclose substantial resources from other organizations.

As a result of the concerns being raised across the U.S. government, leadership from all four of our universities recently attended an FBI presentation to learn more about these issues. We heard how talent programs can expose our faculty, their work and our universities to significant risk, including in the areas of export controls, grant compliance and intellectual property ownership. For example, some participants are being encouraged to work with foreign entities that have been placed on U.S. government lists of restricted entities under sanctions and export control laws.

Considering the potential risks, we recommend that our faculty and staff exercise caution in deciding whether to participate in a talent program. For those who are participating in or considering a talent program, please engage promptly with the research office at your university so we can assess and advise on any risks.

In addition to federal concerns, participation in talent programs can present issues involving conflicts, grants compliance and IP ownership under University rules and policies. University rules require disclosure of outside interests so any potential conflicts can be managed appropriately. Participation in a talent program is a type of outside interest you must disclose through your university's conflict of interest process. In the coming months, we will introduce a new procedure for Conflict of Interest/Conflict of Commitment to ensure compliance of your activities. Your University will review the potential conflict and make decisions to protect you as a faculty member and the institution we serve.

Sincerely,

Mun Y. Choi, President

Mark A. McIntosh, Vice President for Research and Economic Development

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You are receiving this email because you are an employee, student or retiree of the University of Missouri with a university provided email address.

Related Resources for Investigators Collaborating Internationally:

[University Research Council & Associate Deans for Research \(ADRs\)](#)

[Global Programs - Collaborating Internationally](#)

[Data & Information Security \(Report IT Threats or Compromised Accounts\)](#)

[Penn State International Travel Requirements](#)

[Export Compliance Manual](#)

[Export Compliance & Foreign Transactions](#)

[Office of Sponsored Programs - Export Controls Info](#)

Related Policies:

[AD89 - Policy on Export Compliance](#)

[RA40 - Policy on Federal Export Regulations](#)

[RP06 - Policy on Financial Disclosures](#)

[AC80 - Policy on Consulting](#)

[IP01 - Policy on Managing Intellectual Property](#)

VICE PRESIDENT FOR RESEARCH CONTACT

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 University Park, PA 16802

Email: ovpr@psu.edu
 Phone: 814-865-6332

International Relationships and Activities

[Background](#) | [How to Protect Yourself](#) | [Outcomes](#) | [Get Assistance](#) | [FAQ](#)

Updated: April 12, 2019

Introduction

The U.S. Government has expressed serious growing concerns regarding inappropriate influence by foreign entities over federally funded research (see Sources below). One issue that has moved to the forefront is the failure of federally-funded researchers at U.S. institutions to disclose their relationships and activities with foreign institutions and funding agencies. Several Federal agencies have indicated that failure to disclose foreign relationships and activities may jeopardize eligibility for future funding.

Penn State encourages international collaborations, but it is important for our investigators to be transparent about their foreign relationships and activities. Penn State's Office of the Vice President for Research (OVPR) has compiled the following information to provide guidance and resources to remind Penn State researchers of their compliance obligations to federal sponsors.

Rising Concern (Background)

1. The National Institutes of Health (NIH) issued a Notice on March 30, 2018, reminding research institutions that PIs, sub-awardees and co-PIs must disclose all financial interests received from higher education or governmental institutions in countries outside the United States ([NOT-OD-18-160](#)). NIH Director Dr. Francis S. Collins also sent a memo to institutions on Aug. 20, 2018, stating that the failure to properly disclose foreign relationships threatened to distort decision-making about the use of NIH funds.
 2. The National Defense Authorization Act, signed in August 2018, included [Sec. 1286](#), which stated that "The Secretary of Defense shall, in consultation with other appropriate government organizations, establish an initiative to work with academic institutions who perform defense research and engineering activities . . . to limit undue influence, including through foreign talent programs, by countries to exploit United State Technology ..."
- On March 20, 2019 the Department of Defense issued a [memo](#) explicitly outlining disclosure requirements for all key personnel listed on research and research-related educational activities supported by DoD grants and contracts.



Coordination

- ***Formation of high-level working groups and task forces.*** Institutions have formed cross-campus working groups and task forces consisting of senior administrators and faculty to discuss, develop, and implement strategies to better coordinate and address concerns regarding security threats and undue foreign influence.
- ***Formation of international activities and compliance coordination offices.*** Institutions have organized new offices or shared workflow processes to better coordinate, oversee, and continually review their activities involving international partnerships, foreign engagements, and compliance requirements. These offices oversee functions ranging from export controls, to review of foreign visitors, to issues associated with international students and scholars. Some of these offices also provide strategic planning, advice, and assistance to administrators, faculty, and staff on international operations, security, and other high-risk activities.

Training of Faculty and Students

- *Modification of Responsible Conduct of Research (RCR) training to inform students and faculty of foreign threats and federal export control, disclosure, and reporting requirements.* Institutions have incorporated modules on export-controlled research, protection of intellectual property, preservation of scientific integrity, ethical behavior in conducting federally-funded research, agency reporting and disclosure requirements, and processes for reporting suspicious behavior into RCR training for students and faculty. These efforts often include providing information on technical areas of specific interest to untoward actors and are being conducted in the context of broader university initiatives to educate and raise awareness among faculty and students concerning current foreign threats and how to take protective measures in response.

Review of Foreign Gifts, Grants, Contracts, and Collaborations

- ***Development and use of comprehensive processes for review of foreign gifts, grants, and contracts.*** Institutions have established extensive routing and screening systems for agreements and awards involving foreign support. This involves scanning agreements for foreign engagement, export controls, grant terms and conditions, and the potential receipt or generation of sensitive data and routing documents as needed for in-depth review of international sponsorship requirements, export control risks, and information security controls.
- ***Development and use of templates to mitigate risks and protect against foreign threats.*** Institutions have developed templates to guide faculty and staff as they review and consider entering into partnerships and/or agreements with foreign entities. These templates often include prompts with the intent of mitigating potential risks, protecting core academic values such as free speech, and ensuring compliance with export control laws and other federal requirements.
- ***Use of restricted or denied party screening techniques and tools.*** Institutions are expanding their techniques for screening foreign sponsors and collaborators, including visitors, visiting scholars, and employees on non-immigrant visas, to ensure compliance with federal export control requirements and restricted entities lists. Many institutions are using software solutions to screen for restricted or denied parties. If an individual or entity is present on a restricted, denied, debarred, designated, or blocked party list, they may be prohibited from doing business with or providing services to the institution or may receive restricted access to specific facilities or information.

New review process for 'elevated-risk' international proposals

April 03, 2019

Dear colleagues:

We write to let you know about a new review process for certain international collaborations.

MIT faculty naturally and enthusiastically seek out international projects and collaborators. Because these relationships can present a distinctive set of risks and questions, MIT has long had processes for identifying such issues for any given project. Given the increase in quantity and scope of global collaborations, in fall 2017 we launched an effort to strengthen our internal process for evaluating and structuring proposed international engagements. Most recently we have determined that engagements with certain countries – currently China, Russia and Saudi Arabia – merit additional faculty and administrative review beyond the usual evaluations that all international projects receive.

NOTE: At this time, based on this enhanced review, MIT is not accepting new engagements or renewing existing ones with Huawei and ZTE or their respective subsidiaries due to federal investigations regarding violations of sanction restrictions. The Institute will revisit collaborations with these entities as circumstances dictate.

This letter outlines the new review process. It is designed to enable MIT to engage with the world effectively, with responsible management of risks and in keeping with the values of our community.

Even if you have no current or planned engagements in any of the highlighted countries, we encourage you to read through the process we describe below.

Sincerely,

Richard K. Lester

María T. Zuber

New Review Process for 'Elevated-Risk' International Proposals

What projects will be subject to additional review?

- Projects funded by people or entities from China (including Hong Kong), Russia and Saudi Arabia
- Projects which involve MIT faculty, staff or students conducting work in these countries
- Collaborative projects with people or entities from these countries

Special attention will be paid to risks related to intellectual property, export controls, data security and access, economic competitiveness, national security, and political, civil and human rights, as well as potential impacts on the MIT community, consistency with MIT's core values, and alignment with MIT's academic mission.


As international circumstances change, the list of countries subject to this additional review may be modified.

How does one submit projects for review?

If you are considering a project in, related to, or funded by a person or entity from China, Russia or Saudi Arabia, **please start by following your regular process and work with the relevant department or office** (e.g. Office of Sponsored Programs for sponsored research, Resource Development for gifts, etc.), and they will initiate the new review process. If your activity falls outside an established process or you are uncertain about how to proceed, please reach out to icc-admin@mit.edu for assistance.

How will the new review process work?

Decisions on whether a given project can proceed will be made at the conclusion of the following process:




- **PHASE ONE: Compliance Review by the International Coordinating Committee**

Your project will first be considered by the **International Coordinating Committee (ICC)**, a group of experienced professional staff in key project areas including finance, law, tax, export control and operations. This stage of review requires a proposal and budget.


After reviewing the project, the ICC will provide the principal investigator (PI) with information and advice on anticipated risks and ways to reduce or avoid them. The PI will then decide whether to modify certain aspects of the proposed project in response. ICC representatives will also work on contract negotiations.

Phase One is designed as an iterative, dynamic process intended to increase a project's odds of approval. The ICC will ultimately either recommend that the project proceed or refer it to the Associate Provost for International Activities (Associate Provost) for additional review.



- **PHASE TWO: Academic Review by the International Advisory Committee**

Based on the recommendation of the Associate Provost, certain of these projects may be reviewed by the **International Advisory Committee (IAC)**. The IAC is a faculty-led, standing committee of the Institute that provides an independent faculty voice in advising the senior administration on the Institute's major international engagements. Its role is to review and assess significant engagements to help ensure that they effectively advance MIT's core academic mission of education, research and service. Which activities need IAC review is determined by the chair of the IAC in consultation with the Associate Provost. While the IAC's reviews are not limited to the countries we have identified as requiring special consideration, its evaluations of engagements in or with the highlighted countries will provide important input to the Senior Risk Group.



- **PHASE THREE: Project Risk Review by the Senior Risk Group**

If, following the ICC's compliance review in Phase One, the Associate Provost determines that a significant risk remains, the project will be evaluated by the Senior Risk Group (SRG). The SRG is a new body, composed of the Associate Provost, the Vice President for Research, and the Vice President and General Counsel. Based on ICC and PI evaluations of potential project risks, and in consultation, as needed, with others at MIT and external experts, the SRG will review the project with the PI and will either approve the project with a risk management plan or decide that the project cannot proceed. For projects that have undergone IAC review in Phase Two, the IAC's assessment will be a key input to the Senior Risk Group. Proposals for international projects from other countries will continue to follow their current process of ICC and, in some cases, IAC review.

International Visitors to Campus

- *Development and use of requirements for vetting and securely hosting foreign visitors while on campus.* Institutions have developed policies requiring faculty to alert university officials, often through their export control, research compliance, or international affairs offices, when they plan to have foreign visitors come to visit campus and/or tour their laboratories. The hosting faculty member may be required to fill out a brief questionnaire and/or form for each visitor. Some institutions use software solutions to screen for restricted or denied parties. Other institutions have implemented measures for securely hosting and escorting foreign visitors and avoiding unauthorized information gathering.



SHORT-TERM FOREIGN VISITOR EXPORT REVIEW REQUEST FORM

Instructions: Penn State has a legal obligation under U.S. export and sanctions laws to evaluate and screen all foreign persons with whom it will have any significant business relationship. Under Penn State Policy AD89, certain activities require the completion of an export review to assess our compliance with applicable laws and regulations.

This form can be used to initiate an export review of a short-term (14 days or less) foreign visitors who will be physically present at any Penn State facilities. This form should not be used for any Visiting Scholars being processed through the Office of Global Programs iStart system as part of any formal Visa sponsorship by Penn State. This form is required in any of the following circumstances: (1) direct payment of expenses by Penn State; (2) reimbursement of expenses by Penn State; (3) payment of any Honoraria or other remuneration to the foreign visitor; or (4) any participation in active research collaborations or and/or access to Penn State labs/research facilities by the foreign visitors. When required, this form should be submitted at least TEN (10) days prior to the arrival of the foreign visitor, however additional advanced submission is highly recommended.

To initiate an export review, please provide the information requested and click on the "Submit" button. A copy of your request will then be forwarded to an Export Compliance Specialist in the University Export Compliance Office for review.

Please visit our [website](#) for more information about Export Compliance at Penn State. Questions and Compliance programs may be submitted via [email](#) to the University Export Compliance Office.

Denied Party Screening Form

LISTS

Are any of the parties to this research or transaction on any of the following lists?

- Yes No Denied Person List?
- Yes No Entity List?
- Yes No Unverified List?
- Yes No Specially Designated Nationals List?
- Yes No Debarred List?
- Yes No Nonproliferation Sanctions?

If Yes is checked for any of the lists, notify the Export Control Officer immediately at export@bu.edu for further determination of licensing requirements or project participation eligibility.

Boston University

Carnegie Mellon University

COLLABORATING VISITOR QUESTIONNAIRE

This questionnaire is required to give Collaborating Visitors, as defined in CMU's Collaborating Visitor Guidelines (<https://www.cmu.edu/collaborating-visitor/documents/visitor-guidelines-Aug2018.pdf>), access to any of CMU's domestic campuses and locations (Pittsburgh, Silicon Valley, and other U.S. locations) EXCLUDING visitors to the Software Engineering Institute (SEI) and the National Robotics Engineering Center (NREC). SEI and NREC have separate processes for screening visitors that must be followed.

This questionnaire should not be used if the individual is (or will be at the time of the "visit") enrolled as a student at CMU or being paid by CMU.

Once completed, the questionnaire must be submitted to the CMU Visitor Coordinator at Visitor-support@andrew.cmu.edu at least thirty (30) days in advance of a Collaborating Visitor's anticipated visit. If the Collaborating Visitor will need immigration documents from CMU, this questionnaire must be submitted at least sixty (60) days in advance. A Collaborating Visitor is only authorized access to CMU's U.S. campuses and locations AFTER the CMU Visitor Coordinator has sent formal approval of the visit on behalf of CMU.

Regular Interactions with Federal Security and Intelligence Agencies

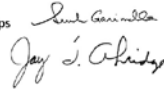
- *Establishment of a clear POC and strong relationship with regional federal security officials.* Institutions have developed much stronger relationships and are regularly interacting with local and regional officials from the FBI, ICE, Defense Security Service (DSS), and other organizations. This includes participation by senior university administrators in classified briefings. Institutions have established a primary campus point of contact for these agencies, with whom they may interact when they have identified issues or threats to campus or if they have concerns about the activities of specific faculty and/or students. Institutions described utilizing the FBI as a resource for consultation regarding the screening of foreign visitors and collaborators and as a source of security updates.

Review of Faculty Foreign Financial Interests and Affiliations

- *Development and use of Conflict of Interest and Conflict of Commitment policies.* Institutions are using existing Conflict of Interest (COI) reporting requirements to identify faculty who have foreign financial interests, including affiliations with foreign institutions of higher education. Institutions have expanded their existing COI policies by developing complimentary Conflict of Commitment polices. These policies seek to identify foreign affiliations, relationships, and financial interests which may conflict with the faculty member's responsibilities to their home institution or otherwise raise concerns. Institutions also have enhanced their screening of COI disclosures for international activity.

To: Faculty, Staff and Graduate Students

From: Suresh Garimella, Executive Vice President for Research and Partnerships
Jay Akridge, Provost and Executive Vice President for Academic Affairs and Diversity



Date: November 8, 2018

Subject: Your responsibilities regarding disclosure and reporting requirements related to Foreign Influence on Purdue research and scholarship

Purdue University values international collaboration with researchers from around the world and welcomes students and scholars to campus from all parts of the globe. These international collaborations and educational opportunities are essential to successful fulfillment of our mission to move the world forward.

As you may know, the Director of the National Institutes of Health (NIH), Francis Collins, has recently issued a "[Foreign Influence Letter to Grantees](#)" and testified to the Senate Health, Education, Labor and Pensions Committee regarding concerns about systematic programs of foreign influence in U.S. research. Dr. Collins reminded the research community to "*disclose all forms of other support and financial interests, including support coming from foreign governments or other foreign entities...in accordance with the NIH Grants Policy Statement, [on] all applications and progress reports*" and indicated that NIH's Office of Extramural Research (OER) will be providing additional information in the future.

As NIH and other federal agencies and government officials debate these important topics, we would like to raise awareness of these issues at Purdue. Purdue policies ensure compliance with applicable laws and regulations, promote openness in research, and support academic freedom. Procedures are already in place for compliance with export control regulations, reporting foreign research support and collaborations, and personal financial interests associated with foreign governments, institutions of higher education, and research institutes. Given the heightened sensitivity to these issues nationally, we want to remind you of your obligations to report on international research and scholarly activities.

To ensure compliance with export control laws and regulations, University faculty, staff, and students are expected to coordinate with Sponsored Program Services and the University Development Office for any prospective sponsored research agreement or gift. Employees and students are also expected to coordinate with the Export Control/Information Assurance Office whenever a collaboration with, sponsorship of research by, or gifts from, a foreign entity or government are contemplated. **Compliance also requires that Purdue will not host visitors, enter into contracts, do business, or engage in any activity with entities listed on a United States Government Restricted Party List.**

Consistent with Purdue policy, individual researchers may not make any arrangements or commitments with a prospective funding source that would contractually bind the University without going through the appropriate University offices and administrative procedures. Our compliance hinges on your full and open disclosure and participation in the reporting process. The following is a list of reporting requirements.



Rob A. Rutenbar, PhD
Senior Vice Chancellor for Research

132 Cathedral of Learning
4200 E 19th Avenue
Pittsburgh, PA 15260
412-624-9019
Email: rutenbar@pitt.edu

To: Faculty, Staff and Graduate Students

From: Rob A. Rutenbar, Senior Vice Chancellor for Research



Date: January 18, 2019

Subject: Your Responsibilities Regarding Disclosure and Reporting Requirements Related to Foreign Engagements with Pitt Research

The University of Pittsburgh welcomes students and scholars to campus from all parts of the globe, each of whom is a valued member of our community. International collaboration, regardless of where that takes place, is essential to our role and ambition as a global university of impact.

I write to make you aware of the admittedly-complicated landscape of growing federal scrutiny and regulation when it comes to international engagements. To give one example, Director Francis Collins of the National Institutes of Health (NIH) described a number of risks he sees in his "[Foreign Influence Letter to Grantees](#)," which he reiterated in testimony before the U.S. Senate. These include:

- *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*

This heightened concern at the national level extends beyond the NIH and is leading the [Department of Justice](#) to pay more attention to researchers who they believe are at risk of being coopted into transferring technology illegally. I want to emphasize that there are no new statutory or regulatory requirements at this time; the only change is increased attention on the part of the government to these international engagements.

Pitt is committed to helping our faculty, staff and students have the greatest global impact possible, and so I write to remind you of the multiple, effective resources the University already has in place to guide and protect faculty and students who may have international engagements coordinated by the University Center for International Studies. Disclosure is essential for managing risks and protecting yourself. You may need to take one or more of the actions below:

- Disclose Conflicts of Interests annually and as new covered interests arise [[Policy 11-01-03](#)].
- Disclose Other Support and non-U.S. performance sites during the proposal submission and in subsequent progress reports (as they arise) as required by individual external sponsors. Additional guidance may be found [here](#).

[View this email in your browser](#)

Please read the important notice below from Elizabeth H. Simmons, Executive Vice Chancellor, Academic Affairs and Sandra A. Brown, Vice Chancellor, Research

UC SAN DIEGO
CAMPUS NOTICE
University of California San Diego

OFFICE OF EXECUTIVE VICE CHANCELLOR - ACADEMIC AFFAIRS
OFFICE OF THE VICE CHANCELLOR - RESEARCH
January 25, 2019

ALL ACADEMICS AT UC SAN DIEGO
KEY ADMINISTRATORS/KEY SUPPORT STAFF

SUBJECT: New Federal Requirements: Why you MUST disclose all foreign engagements and what this means for you

UC San Diego is committed to sustaining an environment that attracts and retains the brightest scholars and most exciting scholarship - and likewise is committed to the University of California's principles of academic freedom. Our many talented foreign scholars and students are essential to the research and education enterprise on our campus and we value their contributions highly.

At the same time, like all other institutions of higher education, our university and its faculty must adhere to federal reporting and disclosure requirements. Not doing so could result in loss of federal funding, not only for the individual who failed to report, but for the institution as a whole.

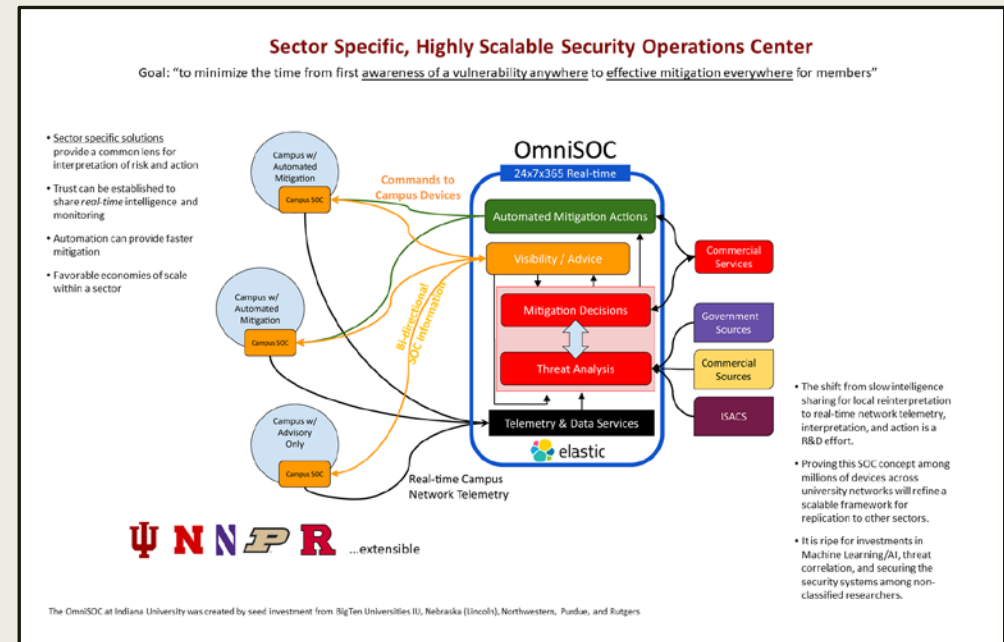
Last year, the National Institutes of Health and Department of Defense issued guidance with respect to those agencies' growing concerns over the potential for foreign influence. Specifically, there is a heightened concern that certain foreign entities may be seeking to influence U.S. research at all levels including peer review, diversion of intellectual property, sharing of confidential information and the use of resources originating outside the U.S. While other federal agencies have not yet come forward with their own guidance, it is very likely they will follow suit.

Protection of Data and Cybersecurity

- ***Enhancement of data handling and management.*** Institutions have updated training, tools, policies, and governance for handling data and developed comprehensive approaches for storing, protecting, and ensuring the appropriate use of different types of data. In particular, institutions have identified appropriate protections for sensitive data in grants and contracts to ensure compliance with NIST SP 800-171 Rev. 1, “Protecting Controlled Unclassified Information in Nonfederal Systems and Organizations.”
- ***Improved data security measures.*** Institutions have taken measures to improve data security and internal breach prevention and incident response processes. This includes bolstering network perimeter security and conducting enhanced monitoring of network traffic. Institutions are using encryption, multi-factor authentication, and virus scanning to protect data and are developing new processes for monitoring systems and networks for intrusions and reporting suspected data breaches.

Protection of Data and Cybersecurity (Continued)

- **Development and use of coordinated approaches for cyber threat notification.** Institutions have joined the Research and Education Networking Information Sharing and Analysis Center (REN-ISAC), which monitors the threat landscape and seeks to enhance operational security and mitigate risk at higher education institutions. REN-ISAC works with trusted third parties to notify its 629 members of infected hosts and suspicious network traffic. Institutions also have joined the Omni Security Operations Center (OmniSOC), an initiative aimed at reducing cybersecurity threats and serving as a cybersecurity operations center that can be shared among multiple institutions. OmniSOC analyzes data for potential threats and notifies members when incidents require further action.



Protection of Intellectual Property and Use of Technology Control Plans

- ***Development and use of faculty disclosure requirements for intellectual property protection.*** Institutions routinely require disclosure of intellectual property with commercialization potential by faculty, with the intent of ensuring that such IP is secured by quickly applying for the appropriate patent protection. Institutions also protect and restrict access to specific information on university invention disclosures, patent applications, and license agreements.
- ***Use of Technology Control Plans (TCPs) and non-disclosure agreements.*** Institutions regularly establish TCPs and other risk mitigation initiatives to ensure the security of research and protection of intellectual property and to maintain compliance with federal regulations, laws, and contract directives. In instances where proprietary research is being conducted, institutions regularly make use of non-disclosure agreements.

Foreign Travel Safeguards and Protections

- *Deployment of faculty foreign travel review and assistance.* Institutions have created programs, often through their export control or research compliance offices, for reviewing travel by faculty and administrators for export compliance, software use restrictions, and other safety and security concerns. This includes cleaning laptops, iPads, smartphones, and other electronic devices to make sure they are protected from cyber theft before, during, and after travel in specific countries. Institutions with these programs will often provide blank, secure loaner laptops to researchers traveling abroad and encourage faculty not to cross international borders with devices containing research data. Some institutions also provide security briefings for individuals traveling internationally on university business and tailored one-on-one briefings as needed for destinations considered high-risk.



When you travel abroad, everything you take with you is an export. The applicability of export controls depends where you are going, what you are taking, and what you will be doing. Most travel is free of export concerns, but with today's heightened government security, you should demonstrate awareness and best practices.

International Travel Red Flags

Where are you going?	What are you taking?	What are you doing?
<p>Travel to embargoed countries requires an export license.</p> <ul style="list-style-type: none"> • Cuba • Iran • N Korea • Sudan • Syria <p>Travel to at-risk countries should be reviewed for security and safety reasons.</p> <p>Examples,</p> <ul style="list-style-type: none"> • China • Iraq • Russia • United Arab Emirates (UAE) <p>Visit the <i>Department of State Travel Advisories</i> for a full list.</p>	<p>Physical Items, even if commercially purchased, may need an export license.</p> <p>Additional review should be conducted on,</p> <ul style="list-style-type: none"> • Scientific equipment & parts • Biologics • Chemicals & Toxins <p>Some physical items may be "temporarily" exported for business purposes.</p> <p>For example,</p> <ul style="list-style-type: none"> • Laptops & Smart Devices <p>Intangible Items may also be restricted.</p> <p>Examples,</p> <ul style="list-style-type: none"> • Unpublished or restricted data • Software source code • High level encryption 	<p>Teaching or training beyond what would be included in a public educational course.</p> <p>Presenting research that is not in the public domain.</p> <p>Field research conducted abroad - Research related to space or military research may be subject to export controls.</p> <p>It is illegal to do business with people and companies that are blocked by the US Government.</p> <p>How do you know if the receiver or their company is blocked? VEC can help you with a restricted parties screening.</p>

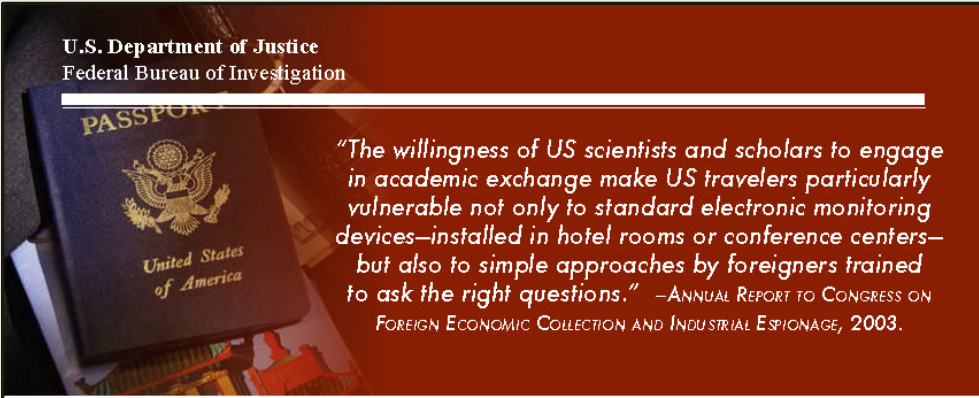
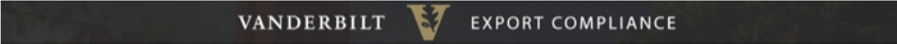
Complete an ITQ for all International travel red flags

International Travel Questionnaire (ITQ): <https://redcap.vanderbilt.edu/surveys/?s=FWKN78W9LD>

- Examples:
- Traveling to present research at an open conference
 - Canada, LOW export concern
 - Iran, export license REQUIRED
 - Taking a commercially purchased drone to China
 - To study geographical topography, LOW export concern
 - To conduct military training simulations, HIGH export concern

Vanderbilt Export Compliance (VEC)
 vec@vanderbilt.edu
<https://www.vanderbilt.edu/exportcompliance/>
 615-343-2426 or 615-343-6070

* VUMC departments should contact the VUMC Export office for all export matters.
<https://ww2.mc.vanderbilt.edu/globalsupport/50084>



SAFETY AND SECURITY for the Business Professional Traveling Abroad

You or your firm may be a target of a foreign country's efforts to obtain information or technologies in order to increase their market share, build their economies, or modernize their militaries. Targeting methods include luggage searches, extensive questioning, and unnecessary inspection and downloading of information from laptop computers.



Business travelers should take measures to ensure not only the safety and security of themselves but also their business information while traveling outside the United States.



Good security habits will help protect you and your company.

Export Control Compliance

- ***Use and strengthening of policies and programs to ensure full compliance with federal export control requirements.*** Institutions have in place clear and comprehensive policies regarding whether and how they will undertake export-controlled research activities. This includes applying for export control licenses when required and creating Technology Control Plans (TCPs) to protect technology from unauthorized access when export-controlled technologies are involved and/or classified work is being conducted.
- ***Employing university staff with specific export control compliance expertise.*** Most AAU and APLU institutions have one or more staff members with specific responsibility for ensuring compliance with export controls. Many of these individuals belong to the Association of University Export Control Officers (AUECO), a national association aimed at exchanging information and sharing knowledge and effective university policies and procedures to advance university compliance with U.S. export, import, and trade sanctions laws and regulations. Institutions conducting classified research also have specially-trained Facility Security Officers (FSOs), who oversee security specific to this research.



EXPORT CONTROL

WHAT ARE EXPORT CONTROLS (EC)?

U.S. laws that regulate the distribution of export controlled technology, equipment, software, information, or services ("Commodities") to a foreign person or to a foreign country.

Major EC regulations include International Traffic in Arms regulations, Export Administration regulations and Office of Foreign Assets Control regulations.

WHAT IS AN EXPORT?

Transfer of controlled "Commodities" to a foreign person or a foreign country.

WHAT RESEARCH OR ACTIVITIES ARE NOT SUBJECT TO EC?

▲ The informational results of "Fundamental Research" are not subject to EC. Fundamental Research is defined as "basic or applied research in science and engineering, the results of which ordinarily are published and shared broadly within the scientific community, as distinguished from proprietary research and from industrial development, design, production and project utilization, the results of which ordinarily are restricted for proprietary or national security reasons" (National Security Decision Directive -189).

UNCG



EXPORT CONTROLS

What are they?

Federal laws regulating the transfer of items, technology, and services to non-U.S. persons and entities. There are three distinct sets of regulations: the International Traffic in Arms (ITAR) administered by the Department of State, the Export Administration Regulations (EAR) administered by the Department of Commerce, and the Office of Foreign Assets Control (OFAC) administered by the Department of the Treasury.

Export controls serve several purposes: to restrict exports of goods and technology that could contribute to the military potential of U.S. international adversaries; to prevent proliferation of weapons of mass destruction; and to advance U.S. economic and foreign policy goals.

Export Controls impact the following activities:

- ⇒ Shipping items, transferring technology, information or technical data to entities or individuals outside of the U.S.
- ⇒ Sharing technology, information, or technical data with foreign persons within the U.S.
- ⇒ Providing services to or conducting business with an embargoed or boycotted country, restricted individual, or entity.

THE CONTRACTING REVIEW PROCESS FOR IDENTIFYING CONTROLLED RESEARCH

START

SPONSORED PROGRAMS SERVICES CONTRACTING REVIEWS CONTRACT FOR TERMS:

- Publication approval
- Restrictions on participants
- Dissemination limits
- Foreign Sponsor

EXPORT CONTROL/ INFORMATION ASSURANCE TEAM WILL REVIEW AND CONDUCT:

- Jurisdiction review (EAR v. ITAR)
- Technology review
- Lab review

EXPORT CONTROL REVIEW:

- Includes both physical and digital controls

BASED ON REVIEW:

- Export Control/Information Assurance Team will work with PI to put a plan in place

ONCE THE PLAN IS FINALIZED...

EXPORT CONTROL/ INFORMATION ASSURANCE TEAM:

- Approves the negotiation to go forward

NEGOTIATION APPROVED:

- Contract Execution

END



Join us for the 2020 AUECO Annual Conference

April 27-30, 2020

Philadelphia, PA

Sheraton Philadelphia University City Hotel

ASSOCIATION OF UNIVERSITY EXPORT CONTROL OFFICERS

The Goals of AUECO



ASSOCIATE:

To provide our members with a forum for exchanging information, ideas, and lessons learned regarding compliance with U.S. export, import and trade sanctions laws and regulations.



ADVOCATE:

To encourage sponsors and regulators to develop regulations and policies that take into account the unique nature of the higher education research enterprise, including the importance of fundamental research. To promote institutional policies and procedures that advance effective compliance with applicable U.S. export, import and trade sanctions laws and regulations.



COLLABORATE:

To share sound university policies and procedures that advance compliance in an efficient and cost-effective manner.

What Next?

- APLU and AAU will continue to:
 - *Engage with key policymakers and federal security and research agencies to address undue foreign interference in research performed at U.S. universities*
 - *Share the benefits of international collaborations*
 - *Emphasize openness, academic freedom, and the transmission of knowledge*
 - *Welcome continued engagement and feedback from member institutions*
 - *Explore the benefit of additional surveys, information gathering on campus activities, and effective practices*

Many thanks to COGR for assistance with collecting and summarizing survey examples!



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QUESTIONS & DISCUSSION

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