



Update on Foreign Engagement

January 30, 2020



- Multiple instances has now become hundreds under investigation
 - Theft of intellectual property
 - Undisclosed foreign engagements
 - University of Kansas researcher indicted for wire fraud and program fraud for unlawfully receiving federal grant money at the same time he was employed and paid by Chinese University
 - Harvard's Chem/Biochem Chair made false reps to DoD and NIH about ties to China's Thousand Talents Program and Wuhan University; failed to disclose salary and living stipends
 - Boston University researcher failed to disclose ties to People's Liberation Army

Foreign Engagement: NYU Navigating the Current Climate

Best Practices

1. Monitor research collaborations with foreign entities
2. Capture COI, COC, and outside support; ensure that disclosures are complete and accurate
3. Investigate and adjudicate allegations of failure to disclose
4. Train faculty and administrators to review federal sponsor submission requirements
5. Increase awareness of foreign influence in research

Challenges

- **Risk mitigation is a moving target**
- Non-standard reporting requirements for US grantmaking agencies
- No comprehensive federal strategy to combat the transfer of IP, research, sensitive technology
- Huge administrative burden (export controls, audits, reporting, software, etc)
- No standard compliance and auditing programs to ensure accurate COI and COC reporting
- Talent programs overseas are sometimes faculty's only funding option

Federal Rules Related to Disclosure of Foreign Engagement

- Feds continue to modify requirements
 - NIH/NSF harmonizing guidelines and requirements for C&P/Biosketch; DOE and DOD responses likely to differ
 - Dept of Education Section 117 of Higher Ed Act impact on foreign gift and contract reporting
 - FBI, Secretary of State, other federal agencies conducting outreach to Universities
 - If any faculty are contacted, seek support from the Office of Compliance
 - AAU, COGR, OSTP, JASON, JCORE issuing reports and best practice documents
- Transparency remains CRUCIAL
 - When in doubt, in abundance of caution, encourage faculty to disclose through internal COC/COI processes
 - Engagements with entities in countries like China, Russia, and those under general sanctions *may* impact funding decisions from U.S. federal sponsors and some state sponsors

Rules of Engagement: Use cases at NYU

- Huawei/Futurewei
 - Sponsored Research
 - Non-funded agreements (Non-disclosure/Confidentiality, Intellectual Property, Data Management and Sharing, Teaming)
 - Gifts for Research

All must be routed to OSP by the Unit using CAYUSE for review, routing, approvals, negotiation and execution with go/no go decision making done in consultation with other administrative offices (OGC, Compliance and Risk Management, UDAR, Government Relations and Public Affairs, Finance)

Resources and next steps....

- <https://www.nyu.edu/research/resources-and-support-offices/sponsored-programs/sponsored-projects-international-and-afar.html>
- April 2019 VPR Memo Regarding Research and Foreign Engagement; update coming Spring 2020
- CAYUSE COI implementation with questions to facilitate disclosure
- OSP, COI, Compliance/Risk Management website
 - Proposal development and submission
 - Disclosure requirements by sponsor
 - Award Negotiation and Acceptance
 - Decision trees
 - OSP, UDAR, SPA business processes pre through post award
 - Monitoring and compliance
 - R2A2's