Coffee with ORPA:

Update: Inappropriate Foreign Influence
SciENcv and ORCID

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Principles

As a world-leading institution whose mission is the creation, transmission and preservation of knowledge, Princeton University thrives by attracting talent from across the world, and by embracing the free exchange of knowledge and ideas. Princeton is committed to a culture of inclusion and respect towards all members of the scholarly community.
Current Environment

- R&D is global, encouraged in large part by government policies
- Current geopolitical environment is volatile, both in the US and elsewhere
  - Election meddling
  - China: trade war, economic espionage
  - Middle East: Saudi Arabia, Iran, Israel
  - Brexit
  - Immigration
- Bipartisan agreement that America’s R&D community is vulnerable to exploitation
- Impact on American universities, labs, and companies

What is Inappropriate Foreign Influence?

- Concerns related to foreign government attempts to use our open research environment to obtain information that they can then use for their own national security or economic security interests.
  - Failure to Disclose resources related to research activities (both financial relationships and professional activities)
  - Theft of Intellectual Property
  - Failure to disclose outside commitments which may conflict with the conduct of US-funded research
  - Participation in foreign government talent recruitment programs
  - Integrity of peer review process
  - Failure of academia to report foreign gift income and foreign sponsors of research
Recent enforcement actions

- Number of cases of researchers investigated and charged is growing.
  - University of Kansas Researcher indicted for fraud for failing to disclose COI with Chinese University
  - Prof. Charles Lieber, Chemistry Dept. Chair at Harvard was charged with allegedly lying to authorities during an investigation regarding his failure to disclose ties and funds from the Chinese government.
  - Anming Hu, an associate professor of mechanical, aerospace and biomedical engineering at the University of Tennessee at Knoxville
  - Dozens of other cases

Common questions from faculty

- I forgot to list an appointment in my last proposal. What should I do?
- I would like to collaborate with company X on a research project. What do I need to know?
- I don’t want to disclose money I received from X company because it’s too much and the sponsor will think I don’t need their money.
- I have been invited to give a talk to a Chinese institution next month. Can I go? What else should I do?
- I am serving as an advisor on a Chinese program. Is this a problem?
- I have been asked to participate in a foreign talent recruitment program. Can I participate?
- I serve on a foreign advisory board. Should I disclose on my bio?
Assessment of Risks: Who's Involved?

Risks
Inappropriate Foreign Influence

Biosketches
Outside Activities, Appointments, Affiliations (PI, Dept., ORPA, NSF)
Publications (PI, Dept., Internet)
Conflict of Interest/Commitment (RIA, PI, ORPA)
Other Support & Current and Pending (PI, Dept., ORPA, NSF)
Visitors Graduate School (DOF, NIH)

Sponsor Updates

NIH
- Bio
- Other Support
- JIT
- RPPRs

NSF
- Bio
- Current & Pending
- COAs
- Update C&P in Annual Project Reports

Other Federal Sponsors
- Dept. of Energy
- FGTRP certification being flowed down
- Dept. of Education
- NASA
- DOD

Office of Research and Project Administration
Princeton Research

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Office of Research and Project Administration
Princeton Research
Compliance with Internal v. External Disclosure Requirements

**Internal Disclosures**
- Annual COI form
- Appointments
- Employment

**External Disclosures**
- C&P
- OS & JIT
- Bio
- COA
- Facilities page
- NSF Cover Sheet – International Activities Section
- NIH Foreign Component

Biographical Sketch

A list, in reverse chronological order by start date of **all** the individual’s academic, professional, or institutional appointments, beginning with the current appointment. Appointments include any **titled academic, professional, or institutional position** whether or not remuneration is received, and whether full-time, part-time, or voluntary (including adjunct, visiting, or honorary).

List all positions and scientific appointments both domestic and foreign held by senior/key personnel that are relevant to an application including affiliations with foreign entities or governments. This includes **titled academic, professional, or institutional appointments** whether or not remuneration is received, and whether full-time, part-time, or voluntary (including adjunct, visiting, or honorary).
Current & Pending / Other Support

Current and pending support includes all resources made available to an individual in support of and/or related to all of his/her research efforts, regardless of whether or not they have monetary value. Current and pending support also includes in-kind contributions (such as office/laboratory space, equipment, supplies, employees, students). In-kind contributions not intended for use on the project/proposal being proposed also must be reported.

Current and pending support information must be provided for this project, for ongoing projects, and for any proposals currently under consideration from whatever source, irrespective of whether such support is provided through the proposing organization or is provided directly to the individual.

C&P and Other Support – Examples of Disclosures

- Paid and unpaid appointments/positions at outside organizations (domestic and foreign) often come with resources to the investigator (financial and nonfinancial) in support of his/her research efforts
- Startup support at the outside organization
- Internal awards at the outside organization
- External awards (i.e., Natural National Science Foundation of China) at the outside organization
- Talent program participation
- Visiting researcher or self-funded student to Princeton lab supported by other sources (i.e. students sponsored through China Scholarship Council)
- Gifts?
- Consulting?
What about gifts?

- Gifts are not required to be disclosed if it is a true gift to be used for general purposes.
- Is there any expectation of anything in return?
- Is there a required or specific time commitment?
- Is there a deliverable?
- Are there reporting requirements?
- Are there terms/conditions?

What about consulting agreements?

- NSF has not provided clear guidance.
- NIH has been silent.
- May be program/solicitation specific.
- Specifics regarding what and how to report may be in in form of upcoming FAQ.
- Considerations for now:
  - Is consulting substantial or ad hoc? Does it relate to faculty member’s research? Is it foreign? Which countries? Is it a significant time commitment? How many days is faculty member consulting?
### NSF – Reporting of In-Kind Contribution

**Examples:** Office/lab space, equipment, supplies, employees, students

<table>
<thead>
<tr>
<th>Report on C&amp;P</th>
<th>Report on Facilities and Other Resources Page</th>
<th>Not Reported</th>
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<tbody>
<tr>
<td>• In-kind contribution <strong>NOT</strong> intended for use on the project being proposed but has an associated time commitment.</td>
<td>• In-kind contribution <strong>IS</strong> intended for use on the project being proposed.</td>
<td>• Not intended for use on the project <strong>AND</strong> has no associated time commitment.</td>
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<tr>
<td>• Provide reasonable estimate of time commitment and dollar value.</td>
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### NSF: Facilities, Equipment, and Other Resources

- List all resources directly available to project.
- Include substantial collaboration with individuals not included in the budget, i.e. Unfunded Collaborators.
- Include external and internal resources (both physical and personnel) that Princeton and collaborators will provide to project.
- Describe role of any Senior Personnel not committing time and not requesting salary.
- Do not include quantifiable financial information.
### NIH and NSF: Foreign collaborations at proposal stage

<table>
<thead>
<tr>
<th>NIH – Foreign Components</th>
<th>NSF – International Activities</th>
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<tbody>
<tr>
<td>Where to disclose?</td>
<td>R&amp;R Other Project Information form, Field 6 &amp; attach Foreign Justification document in Field 12</td>
</tr>
<tr>
<td>What to disclose?</td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>• Not dependent on whether the foreign collaborator receives funding from the NIH grant in question.</td>
</tr>
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<td></td>
<td>• Significant + Outside U.S. = Foreign Component</td>
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### NIH and NSF: Disclosures at reporting stage

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<tr>
<th>NIH – RPPRS</th>
<th>NSF – Annual Progress Reports</th>
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<tr>
<td>Routing</td>
<td>Sometimes routed in ORPA</td>
</tr>
<tr>
<td>Content</td>
<td>• Changes to Other Support which occur during an active award must be reported annually through the RPPR to ensure no scientific, budgetary or commitment overlap.</td>
</tr>
<tr>
<td></td>
<td>• Participants working min. 1 PM regardless of source of compensation, foreign affiliation and country.</td>
</tr>
<tr>
<td></td>
<td>• Disclose whether award funds spent in foreign countries.</td>
</tr>
<tr>
<td></td>
<td>• List and describe all research performed outside US.</td>
</tr>
<tr>
<td></td>
<td>• Publications</td>
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</table>
Case Study 1: Gifts

A researcher receives a gift from a South African corporation in support of their research into new techniques of harvesting a rare-earth metal.

The gift agreement states that the South African company wishes to receive a copy of any research papers resulting from this activity, as well as a technical report addressing any stumbling blocks encountered.

The report must be supplied each year for three years after the gift is received.

Is this a gift, or sponsored research?

Case Study 2: Faculty member would like to host a foreign student to his lab. What do you do?

Who is funding them?

What will they be doing here? Is it research, mentoring, teaching, or something else?

Is it related to any of PIs sponsored research projects? Is there overlap?

Has student been properly vetted?

Will person be required to send report back to their hosting institution or funding source?

Acknowledge students as in-kind support in C&P and OS if appropriate.

Advise PI to disclose in COI system if there is a conflict.

Report student on annual progress reports to sponsor as in-kind support.
Case Study 3: Faculty member approached by foreign entity to collaborate on a research project. What do you do?

- Who is the foreign entity?
- Where will activity take place?
- What’s the nature of collaboration?
- Does it relate to his/her sponsored research projects? In what way?
- Who retains control in research direction or priority?
- What are the expected duration and time commitments?
- Is there any relationship to any sponsored research project? Is there overlap?
- Expectation of co-authorship? If so, what affiliation will be listed for faculty member?
- Remind faculty member to disclose in internal and external systems.

Case Study 4: Faculty member has a part-time appointment in India. What do you do?

- What are resources available to him through institution in India?
- Do they provide start-up funds, discretionary funds, lab, students?
- What grants have been received through Indian institution? What grants are pending?
- What is the research being done in India?
- How does that relate to research at Princeton? Is there overlap?
- How much time does he spend there?
- Does he have enough time on current application?
- Has he disclosed appointment on Bio, COA, OS, and C&P, International Activities section of NSF Cover Sheet, Foreign Component?
- Has he disclosed appointment on his COI?
What is the impact of the new federal guidance on foreign influence on the departmental administrator?

› Remember, the ultimate responsibility for complete and accurate disclosure lies with each faculty member
› Stay in frequent communication with PIs
› Keep communications open within department
› Leverage available reports and resources
Best practices for building an accurate C&P and Other Support

› Don’t copy from last version.
› Have you captured support and projects both internal and external to Princeton? Do you have a reliable tracking mechanism?
› Have you captured projects where PI is a co-PI?
› Have you checked if there are students receiving outside support working with the PI?

Best practices for building an accurate C&P and Other Support (Cont’d)

› Have you captured internal grants?
› Do they have enough time for the project we’re submitting?
› Have you asked if there is a non-US entity involved? What do you know about them?
› Have you checked with the PI?
Compliance during Sponsored Project Lifecycle

- Update OS and C&P
- Identify and report products and publications

- Potential conflicts in COI?
- Request prior approval for new foreign components.

- Is there a foreign component or international activities?
- Is biosketch, C&P, COA, facilities page current and complete?
- Is there reasonable consistency between internal v. external disclosure?

- Collect current and proposed research projects/funding on OS.
- Disclose all resources available to faculty in support of their research.

Resources

  NSF Webinar 2/6/20 - https://youtu.be/FXU4S8MFgoQ

- NIH FAQ Other Support and Foreign Components (August 6, 2019) - https://grants.nih.gov/grants/faq-other-support-foreign-components.htm

- ORPA website - https://orpa.princeton.edu/resources/policies-and-procedures/inappropriate-foreign-influence
  Office of the Dean for Research Guiding Principles - https://research.princeton.edu/research-administration/inappropriate-foreign-influence

  2/10/20 Email from Dean Pablo Debenedetti and Dean Sanjeev Kulkarni to the Faculty - Compliance with your disclosure requirements