

Research Integrity & Undue Foreign Influence

Why Foreign Influence Matters

As tensions between the U.S. and various foreign governments increase, accusations of academic espionage by foreign-supported researchers at U.S.-based research institutions are on the rise. The NIH, NSF, DOE, and other agencies are increasingly warning institutions of researchers who have not disclosed foreign associations in compliance with grant funding regulations and other laws. The government continues to initiate enforcement actions and we expect this to increase in frequency and scope during the coming months.

As a result, research and academic institutions in the U.S. need to be ever more vigilant to mitigate brand risk, the loss of federal funds, intellectual property assets and exposure to enforcement actions.

How to Identify Potential Gaps in a Research Institution's Reviews of Foreign Activities and Financial Conflicts of Interest:

- Where information needs to be collected from multiple offices/departments, is all of the information funneled to a specific office, or is it reviewed in organizational silos? Potential sources of relevant information include:
 - Development (donations, inter-institutional agreements)
 - Office of Technology Development/Technology Licensing (MTAs, licensing agreements, co-inventorship)
 - Faculty Dean/Administrative Deans (visiting appointments, sabbaticals, outside consulting activities)
 - IRB/IACUC Administration (international trials)
 - Legal/Compliance (internal investigations, contract reviews)
 - Office of Sponsored Research/Sponsored Programs (grant applications, sub-award submissions, foreign vendor selection)
 - Information Systems/Technology (data use/sharing agreements)
 - Travel Office (international and/or sponsored travel)
 - International Programs Office (visas, visiting scholars, collaborations)
 - Office of Research/Vice Provost for Research (international research projects requiring provostial review)
- How frequently do you require disclosures? Are disclosures required on a specific timeline (e.g., staggered based on alphabet, department so that forms are coming in on a rotating basis to manage workflow, but with set annual deadlines for everyone)?
- Are there consequences to faculty of not completing the questionnaires on a timely basis?
- Can faculty members delegate authority to complete conflict of interest or outside activity reports (i.e., to an administrative assistant or grants administrator)?
- Are annual disclosures compared from one year to the next to identify and clarify changes? Does the institution carry over information from prior years/ i.e., does it assume that a conflict "cleared" in one year does not require further review?
- Do institutional reviewers/committees conduct independent research (even preliminary) of the following:
 - Publicly available information about researcher or lab (e.g., CVs, lab websites, Google searches)
 - Open-source news articles and press releases
 - Affiliations and acknowledgments sections in scholarly publications (to identify potential foreign collaborations)
- Are conflict of commitment concerns also reviewed, or are they merely referred to other administrators?