

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.

Evaluating Your Policies and Procedures to Minimize Risk

The institution's policies may help to assure that the faculty make complete and accurate disclosures. To minimize risk to the institution and the individual, consider the following:

Disclosure Form Content:

- Are potential conflicts of interest and outside activities disclosed via the same form? If not, are the separate disclosures made available to those in the best position to review them?
- Are researchers encouraged/required to err on the side of disclosure?
- Is it clear that they must disclose activities conducted as part of their "outside consultant" or "free time" if those activities relate in any way to their work/role at your institution? (e.g., would report SAB activity requiring their academic expertise; would not report money for writing a fiction novel or refereeing a basketball game)
- Are dollar thresholds requiring disclosure too high, such that all potentially relevant conflicts may not be identified?

Disclosure Format:

- Do your forms allow for too much discretion/ambiguity (e.g., options to leave answers blank, "prefer not to disclose," or select open-ended dollar figures like "> \$50,000")?

Authorization to Complete Submissions:

- Do you allow someone other than the faculty member/researcher to complete the COI or OA forms?
- If yes, is prior authorization of this delegation required and recorded?
- If yes, must the faculty member/researcher submit a certification as to its accuracy/completeness?

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Review of Disclosures:

- Do reviewers have access to all necessary university/institution systems to identify gaps in an individual's COI/OA reporting? If not, is there coordination among stakeholders?
- Do reviewers have the necessary qualifications, experience, and training to make reasoned judgments as to which conflicts or activities require reporting or management? If not, do reviewers have ready access to subject matter experts to assist?
- Is there adequate staffing for this function (e.g., how many faculty members/researchers are submitting forms)?
 - Is there a second-level review process? Who conducts this review? Are there clear criteria for those relationships or activities that require second-level review?
 - If a disclosure is incomplete, lacks sufficient detail, or requires follow up, what is the procedure?
 - Are reviewers sufficiently empowered to get those answers when they need them? What are the consequences to faculty/researchers if they do not respond to follow up inquiries?

Timing of Disclosures and Updates:

- How often does the institution require updates to disclosure forms (e.g., annual, when significant changes occur, when any changes occur, prior to federally funded award submissions – and if so, which ones)?
- Who enforces the submission deadlines?
- Are there real consequences for failing to complete on time?