



Office of the Vice Chancellor Of Research

COMPLIANCE

Missouri S&T International Activities Disclosures*

Introduction

Missouri University of Science and Technology values international collaborations and recognizes that such collaborations are integral to fulfilling our mission as a public, land-grant university, but it is important that Missouri S&T investigators be open and fully transparent about their foreign relationships and activities. Missouri S&T's Office of the Vice Chancellor of Research (OVCR) has compiled the following information to provide guidance and resources for our researchers, and to remind them of their reporting obligations to federal sponsors and to Missouri S&T.

Rising Concern (Background)

The U.S. Government has expressed concerns about the failure of researchers to disclose their relationships and activities with foreign institutions and foreign funding agencies to their research sponsors and/or to their own institutions. Several Federal agencies have indicated that failure to disclose foreign relationships and activities may jeopardize an investigator's or an institution's eligibility for future funding.

- National Institutes of Health (NIH)
The NIH has issued communication to the [research community](#) at large and to its [grantee institutions](#) (including Missouri S&T) to convey the NIH's pride in supporting researchers from all over the world who have made "seminal biomedical discoveries" at U.S. institutions and universities. However, the NIH also noted in these communications their concerns about the integrity of the biomedical research it funds and the risk that foreign influence poses to that integrity. Among the issues identified, the NIH is troubled by the
 - Diversion of intellectual property (IP) in grant applications or produced by NIH-supported biomedical research to other entities, including other countries; [and the]
 - 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.
- Department of Defense (DOD)
The DOD continues to [affirm its support](#) for the "free exchange of ideas, transparency, and collaboration across research communities" because those values are critical to the

success of the research partnerships between the DOD and U.S. universities. However, the DOD is also requesting that universities continue to identify and take appropriate action(s) to protect the integrity of the research it funds and the intellectual capital that results from that research.

The FY 2019 [National Defense Authorization Act](#) (NDAA) directs the 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 NDAA directs the DOD to prioritize funding of academic institutions that have a record of excellence in industrial security.

One step the DOD has taken is to implement a requirement that key personnel supported by DOD sponsored research and research-related educational activities must disclose information about all sources of their research support, regardless of whether those individuals' efforts are to be funded by the DOD. The memo specifies that the information to be collected will be "used to support protection of intellectual property...[and]limit undue influence, including foreign talent programs, by countries that desire to exploit the United States' technology."

The requirement to disclose all sources of research support has always been a part of the sponsored research enterprise; requests for full and open disclosures are not new mandates being implemented by research sponsors. Instead, sponsors are looking to reduce the discrepancies they have noted in some researchers' disclosures of affiliations and funding.

Best Practices

Missouri S&T supports and encourages most international collaborations but also recognizes that Federal sponsors have legitimate concerns about protecting U.S. government (taxpayer funded) research and development activities such as those performed at Missouri S&T.

The items below contain guidance regarding the types of relationships and activities that researchers are expected to disclose to their sponsors and/or to the University. Other federal agencies may have other, specific reporting requirements.

- **Disclosures to Federal Sponsors**

1. Faculty submitting proposals for or performing federally funded research that involves a "foreign component" (NIH), an "international activity" (NSF), or any other similar work must state that in proposals, progress reports, and final technical reports.

The NIH defines a "foreign component" as "any significant scientific element or segment of a project outside of the United States...whether or not grant funds are expended". The NIH also provides examples of collaborative activities that it

considers to be a foreign component, including “collaborations with investigators at a foreign site anticipated to result in co-authorship; use of facilities or instrumentation at a foreign site; or receipt of financial support or resources from a foreign entity.”

Similar to the NIH, proposals to NSF require disclosure of any “international activity,” which NSF defines as “research, training, and/or education carried out in cooperation with international counterparts either overseas or in the U.S. using virtual technologies.” This could include international travel to attend conferences, or funding a foreign entity through a subaward or consulting agreement.

Other sponsors may have similar requirements to disclose foreign components.

There are multiple ways in which foreign components can be disclosed, e.g.,

- Identifying a “foreign component” in an NIH grant application
 - Listing a “non-US performance site”
 - Identifying foreign relationships and activities in a biosketch
 - Checking “yes” to the question on the Research & Related Other Project Information Form asking, “Does this project involve activities outside of the United States or partnerships with international collaborators?”
 - Indicating that a proposal involves “international activities” on the Cover Sheet for Proposal to the National Science Foundation
 - Providing letters of commitment or letters of support from foreign collaborators
2. Missouri S&T researchers should ensure they disclose all applicable “Other Support” (NIH), “Current and Pending Support” (NSF, DOD), or as otherwise required by federal sponsors.
- “Other support includes all financial resources, domestic or foreign, available in direct support of a researcher’s research endeavors. Such support should be disclosed on an “Other Support” form in response to a Just-in-Time (JIT) request or as a part of an annual or final Research Performance Progress Report (RPPR).
 - “Current and Pending Support” includes all current (sponsored) project support, regardless of the funding source.
 - Financial resources originating from a foreign entity, government, or institution should be disclosed even if they relate to work that is performed outside of a researcher’s appointment period. For example, if a researcher with a nine-month appointment spends two months at a university outside of the U.S. during the summer conducting research under a foreign award, that activity should be disclosed.

- Research awards made with internal/university funds for which the researcher must maintain separate budget and accounting constitute support that should be disclosed to sponsors.
3. Researchers must also disclose “in-kind” and other non-financial resources available in support of a particular research project. Visiting scholars, postdocs, or students compensated through other sources (i.e., personal funds, their home university/institution, or their home government) who work directly on project should be included in the ‘Facilities’ document if not already included as ‘Other’ or ‘Current & Pending Support’.
 - NSF requires additional documentation of the contributions made by persons not in the budget in the form of a “Letter of Collaboration.”
 - NIH rules state that researchers disclose when anyone, including visitors, who dedicates at least one month of effort to a project —**paid or unpaid**—in the annual report (RPPR).
 4. Biosketches and the NSF “Collaborators and Other Affiliations” (COA) documents should be current and thorough. This would include disclosure of joint appointments or employment at other institutions, foreign or domestic. The NIH requires disclosure of appointments relevant to the scope of work in the grant proposal while NSF requests that all “academic/professional appointments” be included in the biosketch.

In addition, NSF requires the disclosure of Collaborators and Other Affiliations (COA) in order to collect information about certain types of relationships and collaborations for each individual in a proposal identified by name as “senior project personnel.” The information required in the COA tables includes organizational affiliations for the previous 12 months and all co-authors and research collaborators for the previous 48 months.

Most federal sponsors will have their own guidance on how to complete their forms. It is ultimately the responsibility of the individual researcher to ensure that all proposal forms, progress reports, and other documents submitted to a sponsor are complete and accurate to the best of his or her knowledge.

Those researchers who submit grant proposals to—or receive research or other sponsored funding from—federal agencies such as the NIH and NSF should review and update their relevant documents and disclosures as needed. If a PI identifies an omission or error in a previously submitted proposal, the PI should contact the Office of Sponsored Programs (research@mst.edu) to have the error corrected. The *addition* of a foreign component to an *existing* grant award should be reported to the Office of Sponsored Programs to obtain federal agency prior approval. The PI should submit their request for prior approval to the Office of Sponsored Programs (research@mst.edu) to obtain agency approval **prior** to the engagement of the new entity.

- **Disclosures to the University**

1. External activities related to work within the scope of a researcher’s University responsibilities (“outside interests”) must be disclosed through the Missouri S&T Conflict of Interest (COI)/Conflict of Commitment (COC) process and through any NIH or NSF required reporting mechanism. The definition of “outside interest” is included in [UM CRR 330.015](#), which requires disclosure of all activities, regardless of whether those activities occur within the state of Missouri, inside the U.S., or internationally, when those activities include:
 - Grants and contracts involving an employee financial interest
 - Overlapping business activities
 - Full-time employment – faculty and exempt personnel
 - Teaching
 - Faculty-authored textbooks and other educational materials
 - Consulting

If you are unsure whether an external activity constitutes an outside interest that meets the threshold for required disclosure, please contact the Office of Sponsored Programs at research@mst.edu. Disclosures of outside interests can be made by logging into the eCompliance system at <https://mst.ecompliance.umsystem.edu/login> .

2. Contact the Information Technology department regarding any compromised accounts or other IT threats at security@mst.edu or by calling the help desk at 573.341.4357.
3. Inventions must be disclosed to the Technology Transfer and Economic Development office (ecodevo@mst.edu). The University of Missouri requires ([CRR 100.20](#)) that the rights to any Invention made by an employee in the “general scope of his/her duties as an employee of the University” must be assigned to the Curators of the University of Missouri. This disclosure obligation can extend to an invention that was developed outside of the University if it was “in a substantial degree made or developed through the use of University facilities or financing, or on University time, or through the aid of University information not available to the public.” Questions about invention disclosures and other intellectual property concerns can be directed to ecodevo@mst.edu .

- **Foreign Talent Programs**

An area of increased concern is participation in foreign talent programs¹. Talent programs can expose our faculty, their work and the University to significant risk, including in the areas of export controls, grant compliance and intellectual property ownership. 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 Office of the Vice

Chancellor of Research so we can assess and advise on any risks. Participation in a talent program is a type of outside interest that should be disclosed to a research sponsor and through Missouri S&T's COI/COC process as described above.

How to Get Assistance

Faculty members are urged to contact their Associate Dean for Research for an initial discussion regarding any foreign affiliations related to their research efforts. Questions regarding individual grants and contracts can be directed to the Office of Sponsored Programs Administration at research@mst.edu.

FAQs

Do I need to make disclosures related to the work of my graduate students if they are foreign nationals? Does this affect Postdoctoral scholars?

In most cases, or unless specifically required by the funding agency, there is no reason to disclose participation of foreign students or postdocs on sponsored research, particularly if all work will be performed in the United States. However, there may be cases where working with a student or postdoc might be considered a “foreign component” if that student or postdoc is performing effort in a foreign country. NIH defines a foreign component as “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.” Another consideration would include disclosure of such scenarios as a foreign student, postdoc, or visiting scholar participating in the project even if they are not receiving financial support and/or tuition reimbursement from the project, particularly if the collaboration will lead to a foreign participant appearing as a co-author on a publication that arises from or references U.S. government funding for the underlying research.

What is the University of Missouri doing to address the issue?

The University is using recommendations in the [Dec. 2018 report](#) issued by the NIH Working Group for Foreign Influences on Research Integrity to help inform its decision-making in this arena. Among the suggestions made by the working group to grantee institutions are (1) to update policies and forms to make requirements more explicit, and (2) to clarify when nondisclosure may constitute research misconduct. This document was created, in part, to implement those suggestions.

Can I add disclosures to current projects or proposals?

Yes. Contact OSP at research@mst.edu to have your application corrected.

¹ In general, a talent program is “any foreign state sponsored attempt to acquire U.S.-funded scientific research through recruitment programs that target scientists, engineers, academics, researchers, and entrepreneurs of all nationalities working or educated in the United States.” Many countries use talent programs as a mechanism to attract U.S. researchers, but the use of talent programs is generally associated with China.

***Adapted with permission from Penn State.**