

# Disclosure Policies and Recommended Practices for the Research Enterprise

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# Key takeaways

- The integrity of the research enterprise rests upon core principles and values.
- Principled international collaboration and foreign contributions are critical to the success of the U.S. research enterprise.
- Some individuals and foreign governments violate core principles of integrity and pose risks to research security.
- Hidden diversions of intellectual property weaken the U.S. innovation base and threaten our security and economic competitiveness.
- ***The U.S. Government is taking deliberate steps to address risks to research security and integrity while maintaining an open and collaborative enterprise.***
- ***Research organizations can adopt policies and practices that will help preserve openness and collaboration while maintaining the security and integrity of the research enterprise.***



# U.S. GOVERNMENT ACTION TO MAINTAIN RESEARCH SECURITY AND INTEGRITY



# Coordinated U.S. government action will help preserve openness and collaboration while maintaining the security and integrity of the research enterprise

National Security Presidential Memorandum 33 (NSPM-33) established national security policy for U.S. government-supported R&D:

- Provides direction for Federal departments and agencies
- Establishes roles and responsibilities related to research security and integrity
- Outlines specific actions the Federal government will take to enhance research security and integrity
  - Enhance awareness of research security risks and protections
  - ***Strengthen disclosure requirements and processes***
  - Limit/Manage access and participation
  - Vetting foreign students and researchers
  - Information sharing
  - Research security training
  - Risk identification and analysis
  - Promote and protect international R&D cooperation



# Strengthen disclosure requirements and processes: *Funding agencies will require disclosure of information related to potential conflicts of interest and commitment*

Specific disclosure requirements depend upon individual's role in the research enterprise:

|   | Organizational affiliations/ employment | Other support | FGTRP | Positions/ Appointments |
|---|---|---------------|-------|-------------------------|
| <u>Tier I</u> <ul style="list-style-type: none"> <li>Principal Investigators &amp; other senior/key personnel receiving Federal R&amp;D funding</li> <li>Program officers &amp; others involved in allocating Federal funding</li> <li>Researchers at Federal laboratories/facilities (including GOCO)</li> </ul> | Y                                       | Y             | Y     | Y                       |
| <u>Tier II</u> <ul style="list-style-type: none"> <li>Peer/merit reviewers</li> <li>Advisory Committee/Panel members</li> </ul>   | Y                                       | N             | Y     | Y                       |

FGTRP = Foreign government-sponsored talent recruitment program



# Strengthen disclosure requirements and processes: *Funding agencies will require disclosure of information related to potential conflicts of interest and commitment (cont.)*

- **Disclosures should be provided to the organization** applying for or receiving the Federal funding, **the funding agency, or both**, consistent with the funding agency policies.
- Additional disclosure requirements may apply to some elements of the R&D enterprise, as set forth in law and U.S. Office of Government Ethics regulations.
- **Agencies may require disclosure of additional information**, and/or disclosure from a broader range of R&D enterprise participants, either as a matter of course or upon agency request.
- **Agencies will require initial disclosures and updates** to disclosure reporting:
  - Funding applicants should provide initial disclosure as part of the proposal or award process, per agency requirements.
  - Updates should occur annually, or more frequently where appropriate to account for individuals' changing circumstances and for additions to funded research teams.
- **Agencies will ensure that individuals have reasonable recourse** to correct or address inaccurate or incomplete information.
- Agencies may authorize modification or exclusion of disclosure requirements for national security purposes.



# **Strengthen disclosure requirements and processes: Agencies will standardize disclosure processes, definitions, and forms to the extent practicable**

- The Office of Management and Budget will work with the Office of Science and Technology Policy, the Office of Government Ethics, and other agencies to standardize disclosure policies and forms.
- Funding agencies will establish policies regarding requirements for individual researchers supported by or working on any Federal research grant to be registered with a service that provides a digital persistent identifier for that individual.
- Agencies will integrate digital persistent identifiers into disclosure processes wherever appropriate and practicable.



# Strengthen disclosure requirements and processes: *Identifying and investigating noncompliance*

- Agencies will work with relevant entities (e.g., law enforcement, university program offices and security officers) to strengthen mechanisms and capabilities to identify and investigate potential violations of disclosure requirements.
- Funding agencies will cooperate and assist with administrative and law enforcement investigations and analyses, where consistent with privacy laws and other legal restrictions.





# **Strengthen disclosure requirements and processes: Agencies will ensure appropriate and effective consequences for violation of disclosure requirements and other activities that threaten research security and integrity**

- Depending on the nature of the violation, agencies may consider a range of consequences, including:
  - Termination of Federal employment or contract
  - Termination of a grant, cooperative agreement, contract, or award
  - Preserving a grant, etc., but ensuring that individual(s) do not perform work under it
  - Ineligibility for participation in U.S. Government review panels and other activities
  - Suspension or debarment of eligibility for Federal funding
  - Suspension or denial of Title IV funds
- Civil and criminal penalties may also apply in some cases, such as when individuals:
  - Intentionally provide incomplete or incorrect information in the grant funding process
  - Misappropriate trade secrets
  - Violate export control restrictions



# RECOMMENDED PRACTICES FOR RESEARCH ORGANIZATIONS TO MAINTAIN RESEARCH SECURITY AND INTEGRITY



# Research organizations can adopt policies and practices that will help preserve openness and collaboration while maintaining the security and integrity of the research enterprise

- Universities and other research organizations play a critical role in the security and integrity of America's research enterprise, complementing the role of the Federal Government.
- Research organization policies designed to protect research integrity in many cases also help guard against behaviors that pose national security risk.
- Recommended practices for enhancing research and security and integrity span five broad categories:
  1. Demonstrate organizational leadership and oversight
  2. ***Establish an expectation of openness and transparency***
  3. ***Provide and share training, support, and information***
  4. ***Ensure effective mechanisms for compliance with organizational policies***
  5. Manage potential risks associated with collaborations and data
- Implementation of policies and practices should evolve thoughtfully and appropriately to meet current and future challenges, including foreign government efforts to exploit or interfere with the research enterprise.



# Recommendations to establish an expectation of openness and transparency: 2A. *Establish and administer policies and practices regarding conflicts of interest, conflicts of commitment, and disclosure*

- **Require disclosure** of information that will enable reliable determinations of whether and where conflicts of interest and commitment exist (See next slide for additional details)
- **Assist employees, affiliates, and students with compliance** with Federal funding agency disclosure requirements. Administrative burden may be minimized by using online forms that allow updates while maintaining a record of prior disclosures.
- **Report conflicts of interest or commitment to funding agencies where appropriate**, especially in instances where the research organization is unable to mitigate or manage the conflict
- **Notify law enforcement agencies in appropriate instances** where nondisclosure suggests illegal activity
- **Encourage or direct researchers, including students involved in research, to consult** a designated organizational official when in doubt about any matter regarding research security or integrity. This should include any prospective participation in foreign government-sponsored talent recruitment programs, which often provide contracts directly to researchers with the expectation of their signature alone.



# Recommendations to establish an expectation of openness and transparency: 2B. *Require disclosure of information necessary to identity and assess potential conflicts of interest and commitment*

- Require disclosures to the organization from employees and affiliates engaged in the research enterprise, regardless of whether they are involved in projects supported by Federal funding:
  - Researchers (including postdoctoral researchers and other staff)
  - Graduate students engaged in research activities
  - Visiting scholars performing research over an extended period of time
- Require that disclosures include:
  - Organizational affiliations and employment, including affiliations with foreign entities or governments
  - Other support (as defined in Federal funding agency disclosure requirements)
  - Current or pending participation in or application to programs sponsored by foreign governments, instrumentalities, or entities, including foreign government-sponsored talent recruitment programs
  - Positions and professional appointments relevant to the individual's relationship to the research organization, whether full-time, part-time, or voluntary (including adjunct, visiting, or honorary)
- Require initial disclosures upon hiring or assignment of relevant duties, and annual updates to account for changing situations. Consider also whether some changes might require prompt disclosure.



# Recommendations to establish an expectation of openness and transparency

- ***2C. Ensure compliance with requirements for reporting foreign student and researcher information***
  - Ensure that foreign student and researcher information included in the Student and Exchange Visitor Information System (SEVIS) is updated regularly and consistent with Department of Homeland Security and Department of State requirements
  - Ensure that foreign students and foreign researchers fully understand the disclosure requirements associated with SEVIS and that they adhere to relevant deadlines and procedures
- ***2D. Establish policies regarding digital persistent identifiers (DPIs)***
  - DPIs offer many potential benefits, including enhancing research rigor, simplifying tracking of funding received and notification of funding opportunities; searching for scholarly works and collaborators; and streamlining grant application processes via pre-population of digital forms.
  - Establish policies regarding requirements for research enterprise employees, contractors, and affiliates to be registered with a service that provides a DPI for that individual and to provide organizations access to relevant information disclosed through the DPI in a manner consistent with applicable laws, which may include employment, research funding, professional R&D affiliations, and published research



# Recommendations to provide and share training, support, and information

- **3A. Provide training to participants in the research enterprise on the responsible conduct of research**
  - Training content should include requirements and processes for disclosure of conflicts of interest and commitment.
- **3B. Provide guidance for those considering participation in foreign government-sponsored talent recruitment programs.** To the extent feasible, assist researchers in reviewing contracts and understanding the implications of commitments individuals might be assuming, and any potential for exploitation.



# Recommendations to ensure effective measures for compliance with organizational policies

- **4A. Establish and exercise effective means of discovering activities that threaten research security and integrity**
  - Develop means to identify instances where disclosures are incomplete or inaccurate, or when disclosure policies are otherwise violated
  - Establish and administer clear processes for identifying, documenting, and reporting instances in which individuals fail to comply with organizational policies regarding conflict of interest and commitment
  - Work with other research organizations and with law enforcement, Federal funding agencies, and the private sector to develop more effective tools to identify potentially problematic relationships
  - Where appropriate, cooperate and assist with law enforcement investigations and analysis aimed at discovering violations, including sharing disclosure statements to the extent consistent with privacy and other legal restrictions
- **4B. Include in employment agreements provisions that support research security and integrity.** Consider provisions that:
  - Establish clear expectations regarding conducting and reporting activities outside the period covered by the employment agreement (e.g., during summer months for academic year appointments)
  - Allow organizations to take effective actions against individuals who violate research security and integrity principles and policies, including in cases of inappropriate behaviors on the part of individuals serving in Federal merit review processes





# Recommendations to ensure effective measures for compliance with organizational policies: *4C. Ensure appropriate and effective consequence for violation of disclosure requirements and engagement in other activities that threaten research security and integrity*

- Depending on the nature of the violation, research organizations may consider a range of consequences, consistent with law and their governing documents, including but not limited to:
  - Preserving the grant, contract, or agreement, but requiring replacement of the individual(s), with prior Federal agency approval where required
  - Termination of grant funding to individual researcher(s)
  - Probation
  - Revocation of tenure
  - Termination of employment or contract
  - Expulsion



# Conclusion

- Implementing these recommendations will help protect the security and integrity of the American and international R&D enterprises, while preserving the open and collaborative nature that has been critical to U.S. leadership in R&D.
- This will help ensure that scientists and students—both U.S. and foreign national—who follow laws, regulations, policies, and codes of conduct will be welcome and supported within a vibrant and secure enterprise that remains a desirable destination for researchers across the world.
- Success in this endeavor will require partnership and cooperation across the R&D enterprise, including the Federal Government, research organizations, private companies, and non-government organizations.
- Together, we can uphold the principles that bolster the integrity of our research enterprise, strike the right balance between openness and security, and ensure that the United States continues to engage in productive collaboration and remains a global leader in S&T



# BACKUP



# Transparency and full disclosure are needed to properly assess risks.

For the purposes of this presentation:

A **conflict of interest** is a situation in which an individual, or the individual's spouse or dependent children, has a financial interest or financial relationship that could directly and significantly affect the design, conduct, reporting, or funding of research.

A **conflict of commitment** is a situation in which an individual accepts or incurs conflicting obligations between or among multiple employers or other entities. Many institutional policies define conflicts of commitment as conflicting commitments of time and effort, including obligations to dedicate time in excess of institutional or funding agency policies or commitments. Other types of conflicting obligations, including obligations to improperly share information with, or withhold information from, an employer or funding agency, can also threaten research security and integrity, and are an element of a broader concept of conflicts of commitment.



## Strengthen disclosure requirements and processes: *Funding agencies will require disclosure of information related to potential conflicts of interest and commitment (cont.)*

- “Other support” means other support, contractual or otherwise, direct and indirect, including current and pending private and public sources of funding or income, both foreign and domestic. For researchers, other support includes *all* resources made available to a researcher in support of and/or related to *all* of their professional R&D efforts, including resources provided directly to the individual rather than through the research institution, and regardless of whether or not they have monetary value (e.g., even if the support received is only in-kind, such as office/laboratory space, equipment, supplies, or employees). This includes resource and/or financial support from all foreign and domestic entities, including but not limited to, gifts provided with terms or conditions, financial support for laboratory personnel, and participation of student and visiting researchers supported by other sources of funding.
- “FGTRP” means current or pending participation in, or applications to, programs sponsored by foreign governments, instrumentalities, or entities, including foreign government-sponsored talent recruitment programs. Agencies or their Inspectors General will require that individuals disclose associated contract(s), upon request of the recipient research institution or the funding agency, in addition to the fact of participation.
- “Positions/Appointments” means positions and appointments, both domestic and foreign, 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).

