

October 22, 2021

To: Research Compliance Offices
Contract & Grant Offices
Academic Personnel Offices

Subject: Recommendations to Detect Undisclosed Undue Foreign Influence and Ensure Timely Conflict of Commitment Disclosures

Background

The University of California (UC) is committed to global research and engagement, and recognizes their importance to the University's fundamental core values and mission. UC is aware of the U.S. government's heightened concerns about efforts by some foreign governments to exert undue influence and undermine the integrity of federally funded research. UC acknowledges and understands that these concerns result from actual incidents that violated core research integrity principles.¹ Because these incidents threaten the integrity and academic competitiveness of U.S. research and innovation, sponsor agencies have increased their scrutiny of information provided by research institutions. Their scrutiny focuses on disclosures of potential conflicts, foreign affiliations, and other types of support received by principal investigators (PIs). The purpose of this communication is to offer recommendations to manage the detection of undisclosed faculty affiliations and ensure accurate and timely conflict of commitment disclosures.

Purpose

UC aims to clearly demonstrate its compliance with sponsor agency regulations and expectations, and thereby minimize and mitigate the risk of violations that may negatively impact either the University or its personnel. To that end, the following recommendations to address undue foreign influence are made to UC campuses.²

Recommendation 1: Campuses should implement ongoing programs designed to raise awareness and educate leadership, faculty, and staff about undue foreign influence risks and effective risk mitigation measures.

¹ [JCORE Report](#): *Recommended Practices for Strengthening the Security and Integrity of America's Science and Technology Research Enterprise*

² For the purpose of this memo, "Campuses" includes all UC locations, ANR, and LBNL.

Sponsor disclosure and compliance requirements widely vary, and those requirements and accompanying guidance are constantly evolving. Campus requirements and implementation schemes also vary. Thus, it is difficult for researchers to understand what they need to do to comply. For these reasons, it is important for campuses to implement effective and ongoing training and education programs.

To assist campuses, the Office of Ethics, Compliance & Audit Services (ECAS) and the Research Policy Analysis & Coordination (RPAC) unit at the University of California Office of the President (UCOP) will develop educational modules and materials that campuses can customize to fit their local programs. In addition, UCOP will update these modules and materials when current requirements change or when sponsor agencies issue new requirements. UCOP and campuses should collaborate with federal agencies to bring informative and engaging workshops and seminars to researchers as an effective and ongoing means of increasing awareness about undue foreign influence risk concerns and associated reporting obligations. Formal and informal educational opportunities should accompany onboarding for new faculty and can serve as reminders for current faculty.

Recommendation 2: Each campus should develop procedures, in alignment with UCOP guidance, to ensure compliance with disclosure requirements in proposals, awards and progress reports.

While taking local circumstances and resources into account, each campus should consider incorporating into their local compliance strategies one or more of the following:

- Implement processes that foster an organizational culture that sets expectations for PIs and Key Personnel to provide complete information and to respond to requests for clarifications or additional information from various institutional offices to ensure the accuracy of submitted disclosures.
- Implement a process where, prior to submitting other support/current and pending support documentation to sponsors, PIs and key personnel certify: i) that they are aware of the applicable disclosure requirements and ii) that to the best of their knowledge, their disclosures (as reflected in the documents to be submitted to the sponsor) are accurate and complete.
- Implement a process whereby Department chairs or Academic unit heads, or their equivalents, and their designees have access to information about matters such as: appointments at other institutions, approved sabbaticals and other leaves, consulting and other outside professional activities, international collaborations, individuals' good standing status, etc. This will assist them in reviewing disclosures of "Other Support" and Biosketches contained within proposals and being prepared by faculty and other investigators within their respective units. These reviews can be performed on a risk-based schedule (Recommendation 3), via routine spot checks, or other timing deemed appropriate and effective by each campus.
- Implement other processes designed to facilitate compliance with disclosure requirements.

Recommendation 3: Recognizing resource limitations, campuses should develop and implement a risk-based methodology for conducting sample-based reviews to minimize the risk of inaccurate disclosures.

Sampling methodologies should prioritize reviews based on the campus risk profile. Campuses may consider some of the following or other criteria to identify high risk cases:

- Known current or prior participation in foreign talent programs
- Contracts and grants from certain foreign entities
- Known effort reporting discrepancies or over-commitments
- Known set-up or maintenance of a lab in a foreign country
- Inconsistencies or discrepancies in comparison to previously provided foreign affiliation information
- Research in specific sponsor-defined emerging technologies where there is collaboration with a foreign component

These recommendations place additional burdens on compliance offices, including Offices of Research (Sponsored Projects and Research Compliance) and on Academic Personnel Offices (Conflict of Commitment). Thus, RPAC and ECAS will, to the extent possible, facilitate systemwide efforts and provide assistance to campuses. As mentioned above, RPAC and ECAS will work to develop training, education, and communication plans and materials that campuses can use as a foundation for building their own programs. Programs will vary based on the campus risk tolerance and research portfolio.

Recommendation 4: Each campus should develop ongoing outreach and education programs for both new and current faculty on [APM-025](#) and [APM-671](#) Conflict of Commitment (COC) prior approval and reporting obligations.

As faculty are often unsure of what and when to report, academic personnel staff should periodically reach out to faculty and provide them with information about outside professional activities, when to seek prior approval, and how to report activities in the [UC Outside Activity Tracking System \(UC OATS\)](#). Campuses are encouraged to use the UC OATS built-in prompts to educate faculty about their reporting requirements. Such measures are intended to reduce the potential for delinquent, inconsistent or missing disclosures, and conflation of COC reporting with Conflict of Interest (COI) reporting requirements.

Recommendation 5: Campus Academic Personnel Offices (APOs) should actively partner with local Offices of Research (inclusive of Research Compliance Offices) and academic leadership offices (Deans and Department heads).

Campuses should create cross-unit interactions to discuss COC, COI, and any obstacles or issues with COC reporting policies and procedures. Examples might include a cross-unit committee or workgroup, or regular cross-unit staff and leadership meetings focused on COC reporting requirements.

Recommendation 6: Campuses should issue systematic and regular communications through the OATS and other systems to remind faculty to complete COC reporting disclosures in a timely fashion and consider consequences for noncompliance.

Once systematic and regular communications have been issued, the campus should consider the consequences of not complying with academic personnel COC prior approval and reporting requirements. Campuses should seek and consider carefully input from faculty, Academic Senate, and the Provost's Office.

Consequences for repeated noncompliance with COC reporting or prior approval obligations that campuses might consider include, but are not limited to:

- Designation of “not in good standing”
- Determination of ineligibility to participate in negotiated salary programs
- Prohibition of further outside activity privileges
- Prohibition of participation in federally funded research
- Initiation of disciplinary procedures under the Faculty Code of Conduct

Contact

Deborah Motton, Ph.D.
Research Policy Analysis and Coordination
Deborah.Motton@ucop.edu
(510) 587-6053

Cc: Theresa Maldonado, Vice President, Research & Innovation
Lourdes DeMattos, Associate Director, Research Policy Analysis & Coordination
Shanda Hunt, Compliance Officer, Ethics, Compliance & Audit Services
Ellen Auriti, Principal Counsel, UC Legal
Hoyt Sze, Managing Counsel, UC Legal
Susan Carlson, Vice Provost, Academic Personnel and Programs
Rebecca Woolston, Associate Director, Academic Personnel & Programs
Matthew Hicks, Deputy Auditor, Ethics, Compliance & Audit Services
Timothy Miller, Research Policy Manager, Research Policy Analysis & Coordination



Deborah Motton
Executive Director
Research Policy Analysis & Coordination