

Office of the Vice President for Research and Innovation

# Protecting UH Research

U.S. Federal Focus on Research Security

Victoria Rivera

Director, Office of Research Compliance



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# Purpose

- ▶ Understand the current U.S. federal government focus on protecting intellectual property through research security requirements for academia

*“Some foreign governments, including those of the People’s Republic of China, Russia, and Iran, are working vigorously...to acquire, through both licit and illicit means, U.S. research and technology. There have been efforts to induce American scientists to secretly conduct research programs on behalf of foreign governments or to inappropriately disclose non-public results from research funded by U.S. government sources. This is unacceptable.”*

Source: <https://www.whitehouse.gov/wp-content/uploads/2022/01/010422-NSPM-33-Implementation-Guidance.pdf>

# Examples

The types of problems identified by the federal government include:

- ▶ Undisclosed sources of foreign research support
- ▶ Undisclosed conflicts of interest
- ▶ Sharing grant proposals and research data with foreign entities
- ▶ Duplicative funding
- ▶ Overcommitment and “dishonesty after-the-fact”

## FORMER OHIO STATE RESEARCHER SENTENCED FOR IMPROPER USE OF \$4.1 MILLION IN FEDERAL GRANTS TO BENEFIT CHINESE RESEARCH

May 14, 2021 Jessica Langer



Former Ohio State researcher Song Guo Zheng was sentenced to 37 months in prison for falsifying claims about his role in furthering Chinese medical research. Credit: Lantern file photo

Former Ohio State researcher Song Guo Zheng was sentenced to 37 months in prison for making false claims about his role in an immunology research fraud scheme Friday, according to a U.S. Department of Justice press release.

## INSIDE HIGHER ED

### After the China Initiative: Seeking Accountability

Their lives upended, two scholars targeted by the DOJ's controversial anti-espionage program fight back in their own ways.

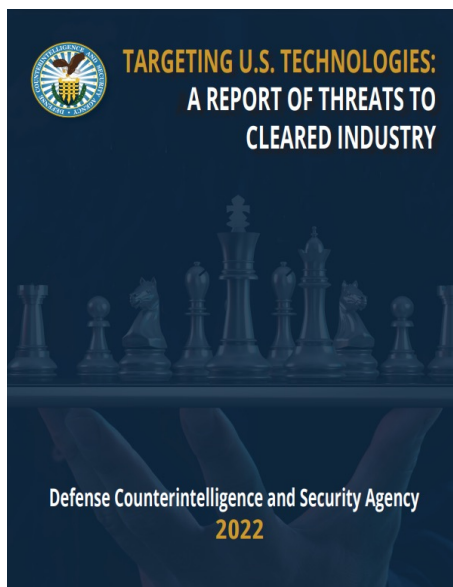
By Colleen Flaherty

Published September 21, 2022

#### Sources:

<https://www.thelancet.com/2021/05/former-ohio-state-researcher-sentenced-for-improper-use-of-4-1-million-in-federal-grants-to-benefit-chinese-research/>

<https://www.insidehighered.com/news/2022/09/21/scholars-targeted-china-initiative-seek-accountability>



Top Targeted Technology Categories	Most Reported Methods of Operation	Most Reported Methods of Contact	Most Common Collector Affiliations
Electronics: 24%	Exploitation of Supply Chain: 25%	Email: 45%	Commercial: 49%
Software: 14%	Résumé Submission: 23%	Résumé-Academic: 10%	Individual: 30%
C4: 9%	Exploitation of Experts: 21%	Foreign Visit: 9%	Government-Affiliated: 13%

- In 2021, a student from East Asia and the Pacific region applied to be a postdoctoral researcher at a U.S. university involved in classified software research for DOD. The student was a recipient of an East Asia and the Pacific government-sponsored scholarship that facilitates emerging science and technology transfer back to the sponsoring country. The scholarship requires the student to regularly report the progress of their studies to the nearest embassy or consulate and to accept guidance from embassy staff. The scholarship also mandates that students who study abroad must return and remain in the East Asia and Pacific country for at least 2 years after they complete their studies overseas and pledge loyalty to the government.

Source: (Unclassified)

[https://www.dcsa.mil/Portals/91/Documents/CI/2022\\_CI\\_Targeting\\_US\\_Technologies.pdf](https://www.dcsa.mil/Portals/91/Documents/CI/2022_CI_Targeting_US_Technologies.pdf)

# White House focus on research security

## Trump Administration

- ▶ 2019: OSTP-led initiative to coordinate federal research policies
- ▶ 2021: National Security Presidential Memorandum 33 (NSPM-33)

## Biden Administration

- ▶ 2022: Guidance for implementing NSPM-33
  - ▷ Federal sponsoring agencies to develop model grant application forms, and
  - ▷ Clear and effective rules for ensuring research security and researcher responsibilities

# NSPM-33

Issues guidance to federal sponsoring agencies:

1. Disclosure Requirements and Standardization
2. Digital Persistent Identifiers
3. Consequences for Violation of Disclosure Requirements
4. Information Sharing
5. Research Security Programs

NATIONAL SCIENCE AND TECHNOLOGY COUNCIL



GUIDANCE FOR IMPLEMENTING NATIONAL  
SECURITY PRESIDENTIAL MEMORANDUM 33  
(NSPM-33) ON NATIONAL SECURITY  
STRATEGY FOR UNITED STATES  
GOVERNMENT-SUPPORTED RESEARCH AND  
DEVELOPMENT

*A Report by the*

**Subcommittee on Research Security**

**Joint Committee on the Research Environment**

January 2022



## NSPM-33

“Agencies must implement NSPM-33 provisions and related requirements in a non-discriminatory manner that does not stigmatize or treat unfairly members of the research community, including members of ethnic or racial minority groups”



# NSPM-33: Standardization of Disclosure Requirements

Table 2a: Disclosure information that will be required across ALL federal sponsoring agencies

Type of Activity to be Disclosed	Biographical Sketch	Current & Pending/ Other Support	Annual Project Reports	Post-Award Information Terms & Conditions
<b>PERSONAL INFORMATION</b>				
Professional preparation (e.g., educational degrees)	✓			
Organizational Affiliations <sup>#</sup>	✓			
Academic, professional or institutional appointments, whether or not remuneration is received, and whether full-time, part-time, or voluntary	✓			
Paid consulting that falls outside of an individual's appointment; separate from institution's agreement		✓	✓	✓
<b>RESEARCH FUNDING INFORMATION</b>				
Current and pending support: All R&D projects currently under consideration from whatever source, and all ongoing projects, irrespective of whether support is provided through the proposing organization, another organization, or <i>directly</i> to the individual, and regardless of whether the support is direct monetary contribution or in-kind contribution (e.g., office/laboratory space, equipment, supplies, or employees)		✓	✓	✓
Current or pending participation in, or applications to, programs sponsored by foreign governments, instrumentalities, or entities, including foreign government-sponsored talent recruitment programs <sup>6</sup>	✓ (Appropriate placement may be contract-dependent)			
In-kind contributions not intended for use on the project/proposal being proposed		✓	✓	✓
Visiting scholars funded by an entity other than own institution		✓	✓	✓
Students and postdoctoral researchers funded by an entity other than own institution		✓	✓	✓
Travel supported/paid by an entity other than own institution to perform research activities with an associated time commitment		✓	✓	✓
Certification by the individual that the information disclosed is accurate, current, and complete		✓	✓	✓

## NSPM-33: Standardization of Disclosure Requirements

Highlights from this requirement include:

- ▶ Potential broadening of disclosure requirement to include students
- ▶ Disclosure of contracts for participation in programs sponsored by foreign governments, instrumentalities, or entities, including foreign government talent recruitment programs
  - ▷ Non-disclosure clauses associated with these contracts is not an acceptable exemption from this requirement
- ▶ Process for updating disclosures after award is made

# NSPM-33: Standardization of Disclosure Requirements

Exclusions from disclosure requirements:

- ▶ Completed support
- ▶ Honoraria
- ▶ Gifts (where there is no expectation of anything, e.g. time, services, specific research activities, money, etc)
- ▶ Institutional resources (such as core facilities or shared equipment made broadly available)
- ▶ Certain consulting activities (current guidance inconsistent)
- ▶ Salary and start-up support from the applicant university

## NSPM-33: Consequences for Violation of Disclosure Requirements

Agencies shall ensure appropriate and effective consequences for violation of disclosure requirements:

- ▶ May consider a wide range of consequences
- ▶ Including civil and criminal penalties
  - ▷ Such as when individuals intentionally provide incomplete or incorrect information in the grant funding process, or
  - ▷ Misappropriate trade secrets, or
  - ▷ Export controlled information
- ▶ Agencies should consult with their Inspectors General and referrals to law enforcement agencies as appropriate

# NSPM-33: Consequences for Violation of Disclosure Requirements

Serious potential consequences for the University:

- ▶ Rejection of an R&D application
- ▶ Preserving an award, but requiring removal of certain individuals
- ▶ Suspension or termination of an R&D award
- ▶ Suspension or denial of Title IV funds by the Department of Education (resulting in denial of federal student aid)
- ▶ Alert other federal agencies of the non-compliance

# NSPM-33: Research Security Program

Certification from the university that a research security program has been implemented with four elements:

1. Cybersecurity
2. Foreign travel security
3. Research security training
4. Export control training, as appropriate



## Upcoming in 2023: Mandatory training on Protecting UH Research

- ▶ Look for more information in early 2023 on mandatory training that will focus on disclosure and reporting requirements
- ▶ Will be required for PIs, investigators and other senior/key personnel on UH extramural requests for funding (grant applications) submitted through myGRANT





## Next presentation:

Brief overview of current internal and external disclosure requirements



# CONFLICTS OF INTEREST

*And Disclosure  
Requirements*



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# ABOUT US

*The UH Office of Research Compliance, Conflict of Interest (COI) Program reviews and manages significant financial interests (SFI) and other conflicts that have the potential to bias research and/or extramural projects.*

## Conflict of Interest Office

- Victoria Rivera, Office of Research Compliance Director
- Valerie Iinuma, COI Specialist



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# AGENDA

UH Disclosure Requirements  
Significant Financial Interests  
Conflicts of Interest  
Disclosures to Sponsors



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# UH CONFLICTS OF INTEREST POLICIES AND PROCEDURES

1. **Administrative Procedure A5.504:** Procedures for Disclosing and Addressing Conflicts of Interest and Commitment (<http://go.hawaii.edu/Pgk>)
2. **\*Executive Policy 12.214:** Conflicts of Interest and Commitment (<http://go.hawaii.edu/Pgx>)
3. **\*Administrative Procedure 12.304:** Procedures for Disclosing and Addressing Conflicts of Interest Related with Extramurally Funded Activities (<http://go.hawaii.edu/2gP>)

\* EP 12.214 and AP 12.304 address disclosure requirements related to extramurally funded activities



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# Employee's Responsibility for Disclosure

- Individuals who accept employment at the University are responsible for disclosing any significant financial interest (SFI) or potential/actual conflict of interest (COI)
- Failure to disclose a conflict of interest, or failure to adequately resolve a conflict when so directed, may be grounds for disciplinary action up to and including termination of employment



# Who needs to submit a COI disclosure?

- Faculty
- Administrators
- Individuals who act as agents of the University in the use or procurement of University facilities and resources
- Investigators and key personnel involved in extramurally funded activities

\* Includes full time or part time appointments, compensated or not, at UH and RCUH



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# Which COI disclosure form to complete?

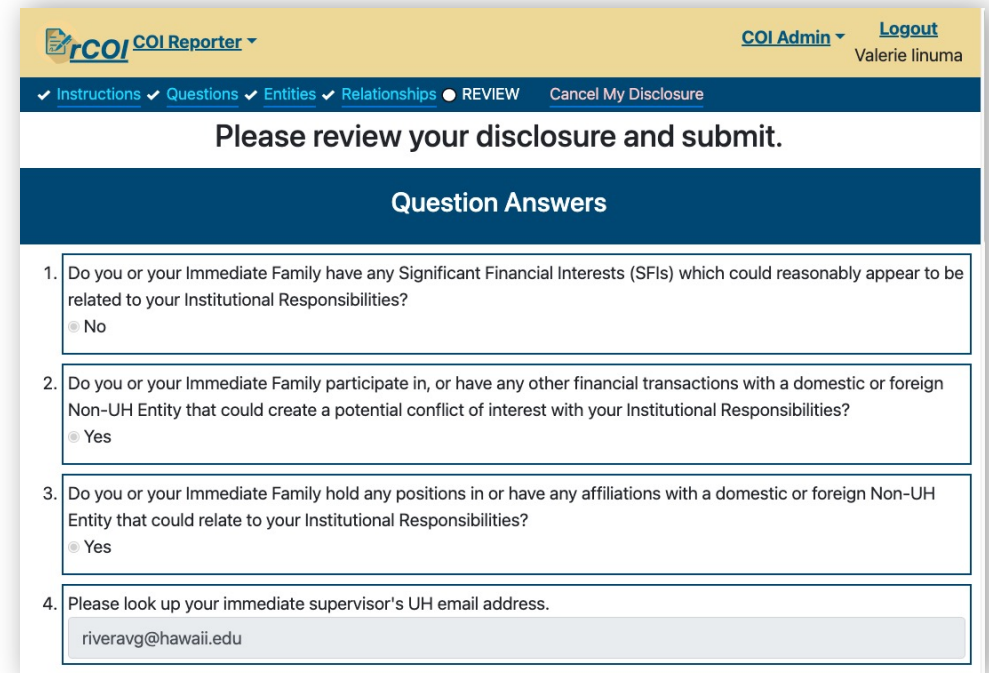
- rCOI Disclosure
- Kualii Build (KB) Disclosure – A5.504 paper form



# rCOI Disclosure Form

Extramurally-funded investigators and key personnel must submit their COI disclosure form through the **rCOI** system which is connected to myGRANT

**Note: myGrant access is not required to complete the rCOI form**



The screenshot shows the 'rCOI COI Reporter' interface. At the top, there is a navigation bar with links for 'Instructions', 'Questions', 'Entities', 'Relationships', 'REVIEW' (which is highlighted), and 'Cancel My Disclosure'. The user is logged in as 'Valerie Iinuma' with a 'Logout' button. Below the navigation bar, a message says 'Please review your disclosure and submit.' The main section is titled 'Question Answers' and contains four numbered questions with radio button options for 'Yes' or 'No'.

1. Do you or your Immediate Family have any Significant Financial Interests (SFIs) which could reasonably appear to be related to your Institutional Responsibilities?  
☐ No
2. Do you or your Immediate Family participate in, or have any other financial transactions with a domestic or foreign Non-UH Entity that could create a potential conflict of interest with your Institutional Responsibilities?  
☐ Yes
3. Do you or your Immediate Family hold any positions in or have any affiliations with a domestic or foreign Non-UH Entity that could relate to your Institutional Responsibilities?  
☐ Yes
4. Please look up your immediate supervisor's UH email address.

<https://mygrant.ors.hawaii.edu/rCOI>



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# Kuali Build (KB) Disclosure Form

UH and RCUH employees not involved in extramurally funded projects submit their disclosure form in the new KB application, which replaced the “paper” form from AP A5.504 Attachment A

Page 22 of 30

ATTACHMENT A to APM A5.504

University of Hawai'i Conflicts of Interest Disclosure Form

This form must be completed by all employees (defined in Section II.K. of APM A5.504) as required by UH Executive Policy E5.214. Disclosures must be provided:

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University of Hawaii Conflicts of Interest Disclosure Form

This form must be completed by all "employees" (defined in [APM 5.504](#), Section II.K.) as required by [EP 12.214](#). Disclosures must be provided at least annually, and updated as required by the UH executive and administrative policies.

Refer to the [User Guide for Employees](#), the [User Guide for Reviewers](#), and [FAQ](#) for more information.

If you have a current disclosure in the rCOI system, you do not need to complete a disclosure here.

**Deadline for Employees to Submit: Annually by April 15.**

If you have questions about conflicts of interest (COI), contact the Office of Research Compliance (ORC) at [coi@hawaii.edu](mailto:coi@hawaii.edu). If you encounter technical problems with this form (non-COI questions), submit a ticket to Office of Research Services (ORS) at <http://go.hawaii.edu/eVP>.

Employee Information (Submitter)



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<https://research.hawaii.edu/orc/kbcoi/>

University of Hawaii  
Conflicts of Interest

# Which COI disclosure form?

Employee Types	<a href="#">rCOI Disclosure</a> (connected to myGRANT)	<a href="#">Kuali Build (KB) COI Disclosure</a> (replaces paper form)
Faculty (Principal Investigators, Co-Investigators) and Senior/Key Personnel involved in the design, conduct, or reporting of <u>extramural</u> (externally sponsored) research or scholarly activity	✓	
Faculty not involved in extramurally-funded projects ( <u>All</u> faculty must complete a COI disclosure form)		✓
All Administrators, including Executive and Managerial positions, such as President, Vice Presidents, Chancellors, Vice Chancellors, Deans and Directors		✓
Any individual who acts as an agent of the University in the use or procurement of University facilities and resources (e.g., individuals involved in auxiliary services and financial management)		✓



# When to disclose?

## rCOI Disclosure

- Proposal/award – updates in myGRANT
- Every 12 months
- Within 30 days of any changes

## KB (Paper) Disclosure

- New employees
- Due annually on April 15th
- Within 30 days of any changes



# What must be disclosed?

Any Significant Financial Interest of an employee, and their *immediate family*, and other conflicts of interest that are related to their *institutional responsibilities* must be disclosed.



# What is (SFI) Significant Financial Interest?

- Anything of monetary value to an employee and/or their immediate family received from non-UH entities in the past 12 months
- Reasonably related to the employee's institutional responsibilities





# Significant financial interest (SFI) includes...

Any of the following received in the past 12 months from non-UH entities:

- Remuneration (outside income) over \$5,000 from any outside entity, aggregated per entity
- Equity interests (e.g., ownership, stocks), aggregated per entity
  - Publicly traded entities -- value in excess of \$5,000
  - Non-publicly traded entities (e.g., startups) -- any value
- Royalties or income from intellectual property (e.g., patents, copyrights, trademarks) from an outside entity
- Sponsored travel: reimbursement or sponsorship for travel by an outside entity (only applies to PHS-funded researchers)



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Non-UH entities include both domestic and foreign individuals, organizations and government agencies

## SFI does not include...

- Income, reimbursement, or sponsorship of travel by a U.S. government agency, U.S. institution of higher education or academic teaching hospital, medical center, or research institute affiliated with a U.S. institution of higher education
- Salary, royalties, or intellectual property right payments from UH
- Income from investments in mutual funds or retirement accounts (no direct control over investment decisions)
- Remuneration unrelated to UH institutional responsibilities



# Who is considered “Immediate Family”?

- Spouse
- Domestic partner
- Dependent children



# What are “Institutional Responsibilities”?

Refers to professional duties/work on behalf of the University which may include:

- Research
- Teaching
- Training
- Consulting
- Professional practice
- Committee memberships or service



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# What is a conflict of interest?

Financial, professional, or other personal interests which may *influence*, or *appear to influence*, the employee's judgment in fulfilling their responsibility to the University.



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# Are all SFI considered a conflict?

No!

- Just because you have SFI, does not mean you have a conflict
- Even if you think it's not a conflict, you still need to disclose your SFI



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# Are all conflicts of interest “bad”?

No!

- Having a conflict is not necessarily a problem or a “bad” thing
- Having a conflict of interest and doing nothing about it is a problem!
- Most conflicts can be managed



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# What happens if a COI is identified?

- Eliminate the conflict
- Manage the conflict



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# Conflict of Interest Management Plan

In general, if it determined that a conflict exists, a COI management plan is put in place to address the conflict

Typical terms included in a management plan:

- Disclosure of the existing conflict in related publications or presentations, to students, oversight committees (e.g., IRB, IACUC), and sponsors
- Recusal from decisions involving the outside company
- Assigning a non-conflicted PI or Co-Investigator
- Appointment of non-conflicted senior administrators to oversee compliance with the terms of the management plan



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# Conflict of Interest Committee

The UH Conflict of Interest Committee (COIC) is established to review cases of potential or real conflicts of interest

- 16 members consisting of UH faculty, staff, and administrators
- Appointed by the Deciding Official (the VP for Research and Innovation)
- Provides recommendations for the following:
  - Whether real or potential conflicts exists
  - Whether a conflict should be eliminated, reduced, or managed
  - In some instances, whether a case should be referred to the Hawaii State Ethics Commission



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# Disclosure to Sponsors (External)

## Sponsor-Specific Disclosures

- **Biographical Sketch**
  - List all positions, affiliations, and appointments
  - Including both foreign and domestic
- **Current and Pending Support**
  - Also known as “Other Support,” include ALL sources of support for your research
  - Including both foreign and domestic

Always follow specific instructions for disclosures required by extramural sponsors



## Disclosure to Sponsors (External)

### NIH Other Support

**Signature:** Each PD/PI or other key personnel must electronically sign their Other Support form prior to submission. This signature certifies that the statements are true, complete, and accurate.

**Copies of Contracts:** Effective January 2022, institutions must provide NIH with a copy of any foreign contract, grant, or other agreement specific to senior/key personnel foreign appointments, affiliations, and/or employment with a foreign institution.



# Submission of proposals in myGRANT

- Submissions of proposals through UH myGRANT requires the PI and senior/key personnel to certify that the information within the proposal is true, complete, and accurate.
- The PI must further certify in myGRANT that Conflict of Interest requirements have been addressed.





# When in doubt...

# Disclose.

# THANK YOU

[COI@hawaii.edu](mailto:COI@hawaii.edu) • (808) 956-9596  
<https://research.hawaii.edu/orc/conflicts-of-interest>

## Conflict of Interest Office

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- Valerie Iinuma, COI Specialist



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