



EMORY
UNIVERSITY

Office of the Senior Vice President for Research

April 18, 2019

Dear Colleagues,

I am writing regarding an issue of heightened focus for all major federal agencies that fund research at Emory and at our peer institutions: potential foreign influence on academic research. Emory continues to strongly support international collaboration and exchange with our research partners across the globe. Indeed, collaboration is at the core of our academic mission. It is imperative however, that all of us be cognizant of potential threats to intellectual property posed by entities who may seek to misuse academic channels of exchange, the present regulatory environment in which we conduct our research, and actions we must take in response to these realities.

Over the past several months, Congress and federal sponsors have voiced their concerns about the potential for improper foreign influence in U.S. academic research. Most applicable to Emory, [Dr. Francis Collins, Director of the NIH, sent a broad-reaching letter to the grantee community describing potential “threats” from foreign entities.](#) NIH is currently considering [recommendations from a working group](#) convened as a result of this letter and we expect formal policy guidance from NIH in the near future. In addition, [Department of Energy](#) has imposed restrictions on certain foreign research collaborations and the [Department of Defense has formed a working group](#) to consider the matter of foreign influence on research.

As a result of the concerns raised, and increased scrutiny on international affiliations and collaborations, academic research institutions across the country, including Emory, have undertaken efforts to identify and better understand the relationships that faculty receiving federal funding may have with foreign organizations, including governments, corporations, or universities. While global collaboration is encouraged as part of Emory’s mission, in a small number of cases these types of relationships may fall outside what federal agencies deem permissible and may result in theft of intellectual property, loss of funding, or legal issues for the University and its faculty. Therefore, Emory strongly encourages all faculty to follow the steps outlined below in an effort to ensure that any international activities are conducted in a transparent manner and in full compliance with applicable agency regulations:

Ensuring Full Transparency

Complete disclosure of all professional activities is a critical component for ensuring compliance with all agency policies and regulations. To ensure complete disclosure, faculty should be sure to:

- Complete forms requesting information on research support, such as the NIH’s Other Support or NSF’s Current and Pending Support, with detailed and comprehensive information that provides details on all forms of research support, including support from foreign sources and gifts, regardless of the sponsoring entity.
- Disclose all compensated or uncompensated external affiliations, especially affiliations with foreign organizations, in all grant proposals and progress reports. Such affiliations can be disclosed via an individual’s bio sketch or other applicable section of the proposal. If you have an affiliation that should be disclosed and are unsure where or how to disclose the information, please contact [your analyst in the Office of Sponsored Programs for guidance](#). We will work with you to ensure full transparency of this information to the sponsor.

- Correctly identify when an NIH proposal has a [foreign component](#). NIH’s current definition of “foreign component” as the “performance of 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.” The NIH Grants Policy Statement goes on to further clarify that the following activities would meet the definition:
 - the involvement of human subjects or animals;
 - extensive foreign travel by recipient project staff for the purpose of data collection, surveying, sampling, and similar activities; or
 - any activity of the recipient that may have an impact on U.S. foreign policy through involvement in the affairs or environment of a foreign country.

Additional activities that may also indicate that a grant has a foreign component include:

- 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.

[Foreign components require prior approval by the NIH](#). Additional information on what should be disclosed is available from the Office of Sponsored Programs.

- Disclose financial interests in the [eCOI system](#) as required by the Emory Policy 7.7, [Policy for Investigators Holding a Financial Interest in Research](#). Activities requiring disclosure include:
 - remuneration greater than \$5,000 from any US and foreign consulting relationships;
 - any ownership interest in any privately held company (e.g., in a US or foreign start-up company);
 - equity (i.e., stock holdings) greater than \$5000 in any publicly traded company;
 - management/fiduciary roles in any non-Emory entities;
 - any IP Licensing fees and/or royalties greater than \$5000; and
 - any sponsored travel paid by a foreign institution or government, company, or foundation that is greater than \$5000.
- Disclosure should be made annually, as well as within 30 days of acquiring a new financial interest. Additional information on what must be disclosed is available from COI Review Office.
- Disclose and obtain approval from Chair and Dean, as required under [Section 13.3.A of the Emory Faculty Handbook](#), for visiting or honorary positions (or other appointments or affiliations, whether compensated or uncompensated) at domestic and foreign institutions. Disclosures should specify any financial support received, including support from foreign governments and foreign academic or research institutions. These activities may be reported through an External Activity Form within the eCOI. Authorization for such activities must be obtained in advance of initiating any commitment and/or compensation and will require the school's review of any written documents covering the activity.
- Disclose and obtain Chair and Dean approval as required by [Section 13.3.B of the Faculty Handbook](#), for any consulting relationship with any person, firm, corporation, or entity other than Emory University. These activities may be reported through an External Activity Form in the [eCOI system](#). External activities must be disclosed, reviewed, and approved before the activity may

commence. Additional information on what must be disclosed is available from your Dean's office.

- Disclose any involvement in a foreign recruitment or "talent" program to your Dean's Office and the Emory Office of Research Administration. "Talent" programs are initiatives sponsored by various foreign governments to recruit experts globally from businesses, industry, and universities by offering incentives to conduct research or work in the country (e.g., China's Thousand Talents Program). Funding agencies have expressed heightened concern about these programs and it is imperative that University administration is informed of all faculty who participate or are involved in them.

Ensure Compliance with Export Controls Regulations

Export controls regulations can apply to a wide range of research activities, regardless of the source of funding. Consult the Office of Compliance if you have any [export control](#) related questions. Researchers should be aware of the following information with respect to export controls:

- Export controls regulations may affect the transfer of goods, information, and technology that are considered "controlled" (i.e., subject to US government restrictions on sharing with non-US citizens/permanent residents.) to countries outside of the United States. These regulations may also affect the provision inside the United States of controlled goods, information, and technology to non-United States citizens/permanent residents (i.e., "deemed" exports). Accordingly, export control restrictions must be considered not only for research activities conducted abroad, but also for activities conducted within the United States, including hosting foreign visitors or providing facility tours if controlled items are involved.
- Emory identifies potential export control issues through the International Activities Questionnaire (IAQ). Researchers who answer "yes" to either of the questions in the EPEX section entitled "International and Export Control Information" will be directed to complete the IAQ, and the information provided is used by the Office of Compliance to provide assistance with export control issues. The IAQ also helps the Office of Global Strategy and Initiatives assist with the various administrative and business considerations (e.g., HR, travel) that international projects can involve. Additional information about export controls including training presentations and checklists for taking certain items abroad can be found at the Office of Compliance webpage at <http://compliance.emory.edu/export-control/index.html>.
- Several countries are under a comprehensive federal embargo (Cuba, Iran, North Korea, Syria, and the Crimea Region of the Ukraine). As such, travel to/from these countries/territories is heavily restricted and might not be legally possible, depending on the nature of planned in-country activities. Researchers contemplating such travel should discuss their plans with the Office of Global Strategy and Initiatives as soon as possible in advance of the anticipated activity to ensure appropriate clearances can be obtained. Additional information about the services that the Office of Global Strategy and Initiatives provides can be found at the following website: <https://global.emory.edu/support/index.html>
- Restricted Party screening is necessary when transferring funds or other items of value to international collaborators to ensure that Emory is not transacting with prohibited parties (e.g., known terrorists, persons debarred from working on federal contracts, etc.). The Offices of Compliance, Global Strategy and Initiatives, and Sponsored Programs have routine processes for screening international collaborators prior to engaging in collaborative relationships with them. However, if you have questions on whether a Restricted Party should be screened, please contact the [Office of Compliance for guidance](#).

- Proper security of materials, data and confidential information is important both inside and outside of the United States. Anytime material or data will be shared with another entity, whether domestic or foreign, it is wise to have an agreement in place outlining the use of the materials or data. The [Office of Technology Transfer](#) provides guidance on material transfer agreements (MTA), incoming data use agreements (DUA) (data coming to Emory from and external entity, including non-US entities) and nondisclosure agreements (NDA). The Deans' Offices provides guidance on outgoing data use agreements (data is going to a US or non-US entity).

Protection of Intellectual Property

- Timely disclosure is required of any potential inventions or other intellectual property to the Office of Technology Transfer to ensure that these items will be protected and reported properly to sponsors when required.
- Involvement by faculty in a startup company, US or foreign, planning to develop technology from Emory requires the disclosure to the Office of Technology Transfer.
- All agreements granting Emory intellectual property rights to a non-Emory entity must be reviewed and approved by the Office of Technology Transfer and the Deans' Offices to assure that they don't violate the [Emory Intellectual Property Policy, 7.6](#) and others.

Peer Review

- While faculty members serve on study sections in their personal capacity outside of the University, Dr. Collins' letter highlighted the need for the research community to observe the [confidentiality of the peer review processes](#) when reviewing grant applications or publications. Any information gained from these processes is confidential and NIH asserts that the reviewer's institution has a corresponding responsibility to ensure compliance with these confidentiality requirements.

In closing, I appreciate your attention to this very important matter. We must all work together to assure that Emory is in full compliance with federal rules and regulations affecting our research sponsorship.

Deborah W. Bruner, RN, PhD, FAAN
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