

International Engagement Town Hall

The University is committed to maintaining and building successful partnerships with foreign colleagues and institutions around the world. Therefore, we must help Faculty navigate the current regulatory environment and in particular, when conducting international research and scholarly activities.

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How have these concerns impacted research?

Issues surrounding foreign influence and international activities in federally funded research has been an evolving topic, in which the U.S. Government has shown increasing concern.

- Key areas of concern of federal sponsors:
 - diversion of intellectual property;
 - peer reviewers inappropriately sharing confidential information on grant applications;
 - failure of researchers at federally funded U.S. institutions to disclose conflicts of interest and commitment from foreign organizations; and
 - non-compliance with export control regulations.

Why is this important? What are the risks?

1. Conflict of commitment – violation of a duty of loyalty to the home institution; insufficient personal bandwidth to fulfill the obligations to the home institution; overcommitment with respect to obligations to funding agencies; competition with the home institution for funding, personnel, etc.
2. Conflict of interest and risk to the objectivity of research.
3. Nondisclosure to funding agencies of information relevant to funding decisions.
4. Loss (not just transfer) of intellectual property/know-how – another institution receives inappropriate preferential access to publications, intellectual property or data.
5. Legal risk to the institution (e.g., False Claims Act)
6. Legal risk to the individual researcher, including foreign legal risk if a contract requires compliance with foreign law or norms that conflict with U.S. or state laws, or the policies of the home institution.
7. Financial risk (e.g., loss of federal funding)
8. Reputational risk, loss of prestige – noncompliance or failure to respond to concerns may lead to negative publicity; another institution receives improper attribution in publications or patents given the home institution's financial investment and prior years of work; researcher's career could be negatively impacted in severe cases.
9. Sanctions violation (where a restricted entity is involved)
10. Loss of researcher's academic independence; undue influence on academic judgment; erosion of merit review and competition for placements etc.

A Balancing Act of Security and Institutional Interests

Government-Identified Threats Are Opposite With University Interests

Government-Identified Threats



Economic Espionage

Targeted acquisition of sensitive research, intellectual property, and data



Research Integrity and Security

Foreign governments may attempt to covertly access and influence US research through funding, gifts, and partnerships



National R&D Competitiveness

Geopolitical tensions disrupt multinational collaborations by incentivizing competition and constraining information sharing



Institutional Interests



Free Movement of People and Ideas

Universities rely on access to international talent and expertise for research and enrollment



Academic Freedom

Effective research requires a level of risk taking and creativity



Global Multiculturalism

Universities benefit from fluid interactions of people and perspectives across borders

Navigating Federal Sponsor's Response to US Foreign Influence Concerns

1. Always read the most current sponsor guidance on what is required. Do not rely on what you provided in the past. Additionally, each sponsor has slightly different requirements.
2. Disclose all outside professional activities as required under Section 025 of the Academic Personnel Manual (APM).
3. Ensure that all the Federal and State mandated financial conflict of interest (COI) disclosures required by the sponsor or University have been met.
4. Other Support reporting should include ongoing or proposed research activities for all key personnel.
5. Ensure all covered personnel disclose all current and pending support and affiliations, whether paid, unpaid, domestic or foreign, as required by the sponsor.
6. Foreign components should be disclosed on proposals, progress reports, and final technical reports.
7. Biographical Sketches should include international affiliations, such as paid/unpaid appointments, positions, or honors with non U.S. academic institutions.
8. Determining any export control considerations such as when information, technologies, and commodities will be transmitted overseas to anyone, including U.S. citizens, or to a foreign national on U.S. soil.

Disclosure and Reporting Requirements

- Federal sponsors are focusing more closely on the full disclosure of project support than in years past.
- This requirement will vary from sponsor to sponsor, so be sure to include other support information in conformance with each Agency's instructions. Please check the [Agency Comparison Chart](#), on the RAC website.
- The following items must be included in "Other Support":
 - **Resources and/or financial support** from all foreign and domestic entities, that are available to the researcher.
 - **All foreign government-sponsored talent recruitment programs** must be identified in current and pending support.
 - **Consulting agreements**, when the PD/PI or other senior/key personnel will be conducting research as part of the consulting activities.
 - **In-kind contributions** (e.g. office/laboratory space, equipment, supplies, or employees or students supported by an outside source)
 - **Supporting documentation**, may include copies of contracts, grants or any other agreement specific to outside activities.

Export Controls

National security and trade protection are the primary reasons for federal export control laws and regulations that restrict the transfer of specific items, information, and services. In general, the export control regulations apply to:

- The export from the United States to a foreign country of certain items, information, or software;
- Verbal, written, electronic, or visual disclosures or transfer of scientific and technical information related to controlled items to foreign persons (“deemed exports”) or entities inside or outside the United States;
- Transactions with, or travel to, certain sanctioned or embargoed countries for the conduct of activities such as teaching or research, or attending conferences; and
- Financial transactions, exports, re-exports, and deemed exports of items and information to Restricted Parties or End Users, or for Restricted End Uses.

Export Controls do not only apply to research projects

- Activities with Potential Export Control Issues
 - [International research collaborations](#)
 - [International visitors, students, and researchers on campus](#)
 - [International shipping](#)
 - [International travel](#)
 - [International financial transactions](#)
 - [Technology, technical data, and software](#)
 - [Procurement](#)
- If you have a question or require assistance with an export control matter, please submit an [Export Control Service Request Form](#). This will ensure that your request/question is noted, time stamped, and tracked. For follow up questions after submitting the form, please contact ec-team@berkeley.edu.

Framework for Review of Individual Global Engagements in Academic Research

1. Identity and location of non-U.S. entity(ies)
2. Nature of the activity
3. Relationship to institutional activities
4. Intellectual property
5. Controlled technology and information
6. Publication and authorship
7. Activity at other institutions or entities
8. Benefits and compensation
9. Appointments at your institution
10. Use of your institution's resources
11. Federal sponsor notification and disclosure
12. Termination

What are UCOP & UCB doing about these concerns?

- Work with PIs and departments to ensure accurate grant application disclosures
- Tiger Teams
- International engagement and policy task force
- UCOP System Wide Audit on Foreign Influence

Where are the resources?

- [International Connections and Foreign Influences](#)
- [Federal Sponsor Disclosure Comparison Chart](#)
- [COI Disclosure Requirements](#)
- [Outside Activity Tracking System](#)
- [International Collaboration, Research Integrity, & Foreign Influence](#)
- [Export Control](#)

Who do I contact?

- [International Agreement Risk & Compliance Contacts](#)
- [Research Administration and Compliance](#)
 - [Kairi Williams, AVC RAC](#)
 - [Pam Miller, Executive Director, Sponsored Projects Office](#)
 - [Alaisha Hellman, Export Control Officer & COI Coordinator](#)
- [Berkeley Academic Personnel Office](#)
- [Reporting Federal Inquiries or Knowledge of Improper Foreign Influence](#)

What are the key takeaways?

Disclose – Disclose – Disclose

Don't guess, ask!