Research Administration Network Agenda

SUB Lobo A&B

April 11th, 2017

9:00am to 10:00am

1. Introductions

2. Presentations
   - Audrey Pineda, Office of Research and Compliance
     Topic: Industrial Security and Export Control
   - Ana Tomlinson, Office of Research & Compliance
     Topic: Conflict of Interest
     a. Introductions
     b. COI Operations
     c. PHS processes changes
   - Stephanie Tofighi, Faculty Research Support Office
     Topic: Website overview (frdo.unm.edu) and upcoming workshop

3. Upcoming training

4. Reminders

5. Closing remarks
Why does UNM need Export Control

Increased Federal Focus on Universities

To comply with export control legislation, universities must implement stricter, more centralized on-campus systems to oversee and manage the transfer of technology to foreign nationals.

These measures include being able to determine which of their research, technology, and equipment can be classified as controlled under international trade legislation.

Institutions must also have the capability to screen foreign students, staff, researchers, sponsors and their associates, suppliers and visitors against Government-maintained Restricted Party lists.

Red Flags for Export Control and Industrial Security

**Areas of Concern:**
- Electrical & Computer Engineering
- Chemical & Nuclear Engineering
- Manufacturing Engineering
- Engineering Centers
- Computer Science
- Physics & Astronomy
- Earth & Planetary Sciences
- Biology
- Equipment Purchases/Gifts
- International Travel

**Government/National Laboratories/Private Sector:**
- DoD/DOE
- NASA
- DTRA
- MDA
- NRO
- DHS
- SNL/LANL/Other National Laboratories
- Defense Contractors (Boeing, Honeywell, Raytheon)
- Foreign Sponsors
- International Collaboration

**Terms to Watch for:**
- Semiconductors
- Lasers & Sensors
- Robotics
- Materials processing
- Unmanned Aerial Vehicles/UAV
- Software & Computers
- Export Control (generate/receive)
- Controlled Unclassified Information
- Restrictions: Publication requiring “Approval”/Trade secrets
- Restrictions: foreign nationals
- Military/Defense applications
- DD Form 2345: Military Critical Technical Data Agreement

**Red Flags for Contracts:**
- FARS
- DFARS
- DEARS

**Terms that Indicate a need to contact Industrial Security:**
- COMSEC
- OPSEC
- FOUO/CUI
- Classified Information
- Security Clearance
- SRD
- DD Form 254 (DoD); CSCS (DOE)
- DD Form 2345
What is Fundamental Research Exclusion (FRE)?

Fundamental Research is defined as basic or applied research in science and engineering, without restrictions on publication or specific access controls on foreign national participation.

...does not normally come under export controls because the information and data generated by such research is ordinarily published and shared within the scientific community...

According to the law, any information – technological or otherwise – that is publicly available is not subject to controls.

Examples of FRE – made available to the public without restrictions upon its further dissemination.
- Libraries or other public collections that are open and available to the public
- Posting on the internet on sites available to the public
- Submission of manuscript to co-authors or reviewers for trade publications (just because submitted for review, does not mean its published – so does not apply)
- Submission of presentation to organizer of open conference

Limits of the FRE - FRE does not apply
- Physical commodity exports
- Input technical data or information
- Results with specific access and dissemination restrictions, including those for national security
- ITAR defense services
- Sanctions and embargoes restrictions
- Denied/restricted parties requirements

What we can help with:
- Determine if ITAR (International Traffic in Arms Regulations) or EAR (Export Administrative Regulation)
- Obtaining license from proper agency (30 day to six-month lead time depending on country/persons)
- Restricted party screening
- Traveling outside of U.S. with UNM owned equipment
- Travel briefings (country specific)
- I-129 (include CV)
- Foreign visitors

Please allow 24-48 hour turn-around response time

Audrey Piñeda • Export Control Officer • 505-277—2968 • export@unm.edu
Deb Kuidis • Facility Security Officer • 505-277-2058 • dkuidis@unm.edu
Are you thinking of writing a proposal for external funding?
Come and discover the resources available on campus to help make it a success.

AGENDA

1:00-1:05  Introduction
1:05-1:15  Departmental Letter of Support
1:15-1:30  Educational Plan
1:30-1:40  Broader Impacts
1:40-1:55  Data Management Plan
1:55-2:10  Break/Networking
2:10-2:35  Evaluation/Assessment Plan
2:35-2:50  Introduction to Office of Sponsored Projects
2:50-3:00  Overview of Other Early Career Funding Opportunities

Questions? Ask Stephanie Tofigi
COI in Research Program

- Introduction of new staff
- Scope of review
- PHS process

Update to RAN
COI in Research Program: Who we are?

- Office of Research & Compliance
- 505.277.5358 & 505.277.1045
- [http://researchcompliance.unm.edu/coi](http://researchcompliance.unm.edu/coi)
- Office Hours: 8:00 am – noon & 1pm - 5:00pm
- Monday through Friday

- COI in Research handled by:
  - Sue Marker, Compliance Assistant
  - 505.277.1045
  - Receptionist: Arlene Brummett
  - Director: Ana Andzic Tomlinson
COI in Research Program: Who we are?

- Sue since November of 2016
- Ana since August of 2016
Conflicts of Interest in Research may occur when research investigator's professional or financial relationships and interests outside UNM may compete with his or her professional obligations to UNM and/or may impact objectivity of his/her UNM research.

Conflicts need not be eliminated in every situation, as long as they can be managed.

Disclosure is required under Faculty Handbook Policy E:110 & federal regulations.
### 2016-2017 Academic Year

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<th>Count</th>
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<td>24%</td>
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<td>Low</td>
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<td><strong>25%</strong></td>
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### 2015-2016 Academic Year

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Types of COI Disclosures

- Annual Disclosures (due at the beginning of Academic Year)
  - UNM Investigator
  - Non UNM Investigator

- PHS/NIH Disclosures (project specific; to be filled out at the time of applying for funds or to report a material change – within 30 days of the material change)

- Non-PHS/NIH Material Change Disclosure (to be filled out within 30 days of the material change)

[web site link: http://researchcompliance.unm.edu/submit-fcoi-disclosure]
COI Process for PHS Projects

major Public Health Service (PHS) agencies are:

- NIH
- CDC
- FDA
- SAMHSA
- ATSDR
- IHS
- HRSA
- …
COI Process for PHS Projects

- At the time proposal is submitted to PHS agency, all investigators must have completed & submitted their COI disclosures to the COI office.

- Principal Investigators are responsible to identify key members of the research team (listed on the proposal) and to instruct them to disclose but UNM is also responsible to the funding agency if this is not done.
COI Process for PHS Projects - Subawards

For Subawards, OSP has to collect assurance that COI will be addressed in accordance with the sponsor requirements or, alternatively, ensure that sub’s researchers are on the list that is regularly provided to OSP by the COI in Research Office.
COI Process for PHS Projects - Newly Added Investigators

- All newly-added investigators to the grant application or an existing project/award must submit a completed conflict of interest disclosure form within 30 days after beginning work on the research.

- The PI and co-PI are responsible for informing newly-added investigators of this requirement and ensuring that they submit disclosure forms within 30 days after beginning work on the research.
UNM’s Certifications and Reports to PHS Sponsors:

- At the time of grant submission, the COI disclosure has to have been submitted to the COI in Research Office.

- Prior to the expenditure of any funds under the PHS grant, the COI has to be addressed and satisfactorily managed, reduced or eliminated.

- Annually - COI report is submitted along with a progress report; also due due at project extension.

- Within 60 days of any subsequently identified COI (new investigator or material change).

- Within 120 days of UNM’s determination of non-compliance by the investigator.
Initial Award Reporting

- **WHEN:**
  - Prior to the expenditure of any funds or
  - Within 60 days of any subsequently identified COI

- **WHAT:**
  - Grant No.
  - PI
  - Name of outside entity
  - Nature of the FCOI
  - Value of financial interest (in increments)
  - Description of how PI relates to research
  - Key Elements of Management Plan
Annual Award Reporting

**WHEN:**
- Due at the same time as when the institution is required to submit
  - annual progress report,
  - multi-year report,
  - multi-year progress report, or
  - at time of extension.

**WHAT:**
- Status of FCOI and changes to management plan, is applicable.

by Ana AT 4/11/17
Who Does the Reporting?

- **Initial Award Reporting** => OSP

- **Annual Award Reporting** => OSP/CGO &/or the Principal Investigators

- COI in Research office interfaces with OSP/CGO to provide specifics about COI management plans to be reported to the funding agency and circulates lists to OSP about persons who filed their COI disclosure forms.
COI Process for PHS Projects

- Disclosure and reporting rules are mandates of PHS agencies.
- Bolstered enforcement.
COI in Research Program: Contact us at...

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