

International Partners in Research: Global Research at Penn

The University of Pennsylvania places a high value on engagement with international partners. The open exchange of ideas among students and faculty colleagues around the globe drives the advancement of human knowledge and understanding. Penn provides an environment of open dialogue in the context of academic freedom and free speech to support all manner of international engagements.

In order to support faculty and students in a climate where these values might be threatened, Penn provides a variety of resources to support travel abroad, research compliance, international agreements, hosting international visitors and scholars, extramural disclosure, conflict of interest, and more.

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Penn's Global Engagement Guidance

I. Penn's Commitment to Global Engagement

In recognition of the global nature of its community and its aspiration to eminence, Penn has made a deep commitment to global engagement as part of the Penn Compact 2020. As a global university, we are committed to offering every student unique exposure to countries, regions, and global issues, to welcoming the very best students, faculty, staff, and visiting scholars from around the world to our campus, and to supporting research and collaboration at the highest



levels. Penn faculty and staff work in over 170 countries and territories around the world and on all seven continents, conducting important research and teaching activities. Penn's global eminence is directly attributable to these important global research collaborations and the many talented international and American students, scholars and partners who come to our campus each year.

Penn's global engagement fundamentally reflects and embraces its [Trustees' resolution](#) that "Penn rejoices in the rich diversity of persons, groups, views, and academic disciplines and programs that grace the campus of the nation's first university. Tapping our diversity to strengthen ties across all boundaries enriches the intellectual climate and creates a more vibrant community. Fostering and nourishing this diversity, especially among students, faculty, staff, and trustees must remain central to the core missions of the University."

Nearly all forms of international collaboration and global engagement are both permitted and encouraged under University policies as well as relevant government laws and regulations. However, in a small number of cases, international collaboration and global engagement activities, if not managed properly, may result in harm, loss of funding, or legal jeopardy to the University, its students, and its faculty. Accordingly, the University encourages all members of the Penn community to take a series of simple steps to ensure that their international collaborations and global engagement activities are both transparent and in full compliance with relevant policies and regulations.

This guidance has been prepared by Penn Global, Global Support Services and the Office of Export Compliance to ensure that research and educational activities abroad or involving foreign partners on campus do not precipitate any compliance issues that might impact your work.

II. Travel Abroad

A. Obtaining a visa for international travel

It is important for Penn travelers engaged in Penn activity outside the United States to travel with the appropriate immigration documentation, including passport and visa where required. Non-US citizen members of the Penn community who will return to campus following international travel should consult their sponsoring institution for required documents, signatures and US entry visa requirements.



For assistance with obtaining the appropriate visa, use Penn's preferred visa processing vendor, CIBT visas, via [Penn's CIBT Portal](#). Penn travelers may also refer to the Office of Global Support Service's [outbound travel visa](#) site for information and guidance on visa categories and the general application process.

Penn travelers are encouraged to carry documentation related to their current travel (invitation letter, itinerary, etc.), even when using a valid entrance visa previously received, such as a multiple entry or multi-year visa.

Global Support Services recommends reviewing current travel alerts or advisories posted on the U.S. State Department's website as well as the traveler's respective home country's embassy's website (when applicable), for guidance on travel risks. Dual U.S.-foreign nationals may need to exercise increased caution due to special restrictions or arbitrary enforcement of local laws.

Consult Penn's [Travel Health & Safety](#) site to prepare for an upcoming trip and understand any vaccinations required for entry. Visit Penn's medical and security assistance vendor, International SOS (ISOS) via the [ISOS Penn Portal](#) for medical, security, and logistics questions.

In the event of an emergency or being detained while abroad, Penn travelers should contact the University at 215-573-3333 as well as ISOS for immediate assistance and their home country's nearest embassy. U.S. citizens in an [emergency](#) or [detained](#) overseas, can contact the [U.S. embassy or consulate](#) or the U.S. Department of State, Office of Overseas Citizens Services, at (888) 407-4747 (from the U.S. or Canada) or (202) 501-4444 (from overseas). Consular officers are available for emergency assistance 24 hours/day, 7 days/week.

B. Best practices for data security when traveling abroad

Protecting your data while traveling is extremely important. When transporting STEM related or medical technical data, check with your department to see if a sanitized “loaner” laptop is available to help avoid exposing your data to inspection. Avoid carrying any sensitive, confidential, or proprietary data, and avoid using a USB (“thumb”) drive or other portable media given to you while traveling.



Please consult both Information Systems and Computing (ISC) (<https://www.isc.upenn.edu/security/aware/practice/travel>) and Penn Global (<https://global.upenn.edu/travel-guidance/technology>) for guidance on safeguarding data while traveling abroad.

C. Software/equipment licensing requirements prior to exporting

Remember that everything you take with you while traveling abroad is considered an export, even if you bring it back. Before taking any Penn-owned items to sensitive countries (including laptops and corresponding software), and well in advance of travel, please contact Penn’s Office of Export Compliance to determine if an export license may be required for the particular country to which you are traveling. Many items will not require a license, or will qualify for a license exception, but this will depend on the items/technologies as well as the foreign entities and institutions involved. If you have questions about which countries are considered sensitive, contact Penn's Office of Export Compliance in the Office of Research Services.



For commercially available items and software, determining whether a license is required is typically quick and rarely requires more than 1-3 days. For travelers who wish to take non-commercial items (e.g., Penn-created prototypes, robots/UAVs and associated algorithms), the process may take several weeks as these items will need to be classified in terms of export control regulations.

III. Overview of Regulations, Policies, and Procedures

Penn supports an open academic environment where scholarship and research are conducted without censure of ideas and without restriction on who may participate in activities. This applies regardless of field of inquiry and regardless of the physical location. Penn faculty and students should be comfortable that global research collaborations and scholarly engagement abroad and on campus are permissible as long as basic steps are taken to ensure that no legal issues arise as a result of the activity.



Penn’s global engagement activities also uphold the University’s [non-discrimination policy](#), which stipulates that “The University of Pennsylvania values diversity and seeks talented students, faculty and staff from diverse backgrounds. The University of Pennsylvania does not discriminate on the basis of race, color, sex, sexual orientation, gender identity, religion, creed, national or ethnic origin, citizenship status, age, disability, veteran status or any other legally protected class status in the administration of its admissions, financial aid, educational or athletic programs, or other University-administered programs or in its employment practices.”

In addition, all Penn activities, whether conducted on campus or overseas, must comply with applicable regulatory requirements. These regulatory requirements include U.S. export control laws, promulgated by the U.S. Department of State, the U.S. Department of Commerce, and the U.S. Treasury Department. Specific information about each of these regulatory schemes and the management of export control compliance at Penn is available at <https://researchservices.upenn.edu/areas-of-service/export-compliance/>.

U.S. export control laws restrict or require licensing for the export, even temporarily, of many items and technology to countries around the world. Penn employees working abroad, particularly in sensitive countries, should familiarize themselves with these export control laws.

Moreover, the laws restrict exports to *certain entities and individuals* including some academic institutions in some countries, as well as the sharing of technologies with individuals affiliated with those entities while in the United States. The Penn Office of Export Compliance can provide country-specific briefings to explain export control requirements in a particular country and assist with any questions regarding licensing requirements for specific activities.

A. Restricted party screening, export controls, and other federally-mandated regulations

Export control regulations apply to advanced technologies and specific countries. The first step in ensuring compliance with U.S. export control regulations is the performance of restricted party screening, where necessary. At Penn, assistance with screening may be obtained by contacting the Office of Global Support Services or the Export Controls Office within the Office of Research Services.

Additionally, many business offices across campus can assist with screening.

- Who/what should be screened?
 - Memorandum of Understanding with academic institutions in sensitive countries, even where the scope of future activities has not been defined
 - New business relationships with foreign entities that involve advanced technology (including foreign subsidiaries, even if located in the United States)
 - Individuals from sensitive countries being sponsored by Penn for visas
 - International visitors from sensitive countries touring Penn research labs or facilities

- When should screening occur?
 - Screening should occur as early as possible. It should be done prior to the signing of any formal agreements, such as memoranda of understanding, membership agreements, letters of cooperation, collaboration agreements, sponsored research agreements, or purchasing agreements. Screening should occur prior to any financial transactions with the foreign entity or individual. Screening well in advance of any activities, including visa sponsorship, will allow adequate time to obtain any necessary U.S. government licenses required to allow the activity to move forward

- What happens if my research partner or his/her institution is on the restricted parties list?
 - Please contact the Office of Export Compliance to discuss

B. U.S. government scrutiny and federal funder interpretations

Recently, there has been intensifying scrutiny of China's activities in the United States, with an emphasis on unfair trade practices and theft of intellectual property. This scrutiny has resulted in new Congressional actions in the 2018 National Defense Authorization Act that prohibit the purchase of telecommunications equipment from some Chinese companies with the use of federal funds or where federal data will transit the system. Additionally, the relationships of U.S. academic institutions with these companies are being looked at more critically. Penn encourages faculty and employees working in STEM-related areas with Chinese institutions to work closely with Penn Global, Global Support Services, and the Office of Export Compliance to understand any changes in federal laws or policies that might impact your work.



C. Importance of disclosing international activities in grant applications and annual disclosures to Penn

Federal funding agencies, such as National Institutes of Health (NIH) and National Science Foundation (NSF), are also facing scrutiny. In particular, NIH has identified cases where proposals in the peer review process have been diverted to foreign entities, as well as instances where "shadow labs" funded by foreign governments are performing substantially the same research as that funded by NIH in the United States. As a result, these agencies are providing increased guidance on the requirement to report foreign components on research awards and what those foreign components include. It is important for Penn faculty and staff to disclose *all* of their international activities in their annual disclosures within their Schools and to disclose those that are related to their research in their reports and proposals to funding agencies. For more information about making disclosures to federal funders, please see: <https://researchservices.upenn.edu/disclosure-requirements-for-federal-sponsors/>

D. Partnering or signing agreements/MOU with foreign institutions or organizations

Academic MOUs with foreign institutions should be reviewed by the Office of Global Support Services prior to signing. As part of this review process, Global Support Services will screen for restricted parties and institutions. Collaboration agreements should be routed through Penn's Research Inventory System (RIS) for review and signature. Restricted party screening and export control review are part of the internal review process in RIS. Most importantly, only those with appropriate signatory authority should be signing international agreements on behalf of Penn. For example, deans may sign general academic MOUs, while the Office of

Research Services, the Penn Center for Innovation, and the Clinical Trial Contracting Unit in the Office of Clinical Research in the Perelman School of Medicine are responsible for reviewing and signing research-related agreements.

E. Sponsoring visiting scholars and researchers

Penn fully supports the hosting of visiting scholars and researchers from abroad. However, it is important to perform restricted party screening before issuing an invitation and sponsoring a visa to visitors from sensitive countries and to ensure that the proposed activities may be legally performed at Penn. If the scholar is from a foreign institution or university that is a restricted party, further scrutiny and due diligence may be required. For example, access by the visitor to export-controlled equipment or software or to proprietary information may need to be restricted or a license may be required to allow the visitor access. It may take several weeks to months to obtain any required government-issued licenses. Please contact expctrl@lists.upenn.edu for assistance in determining if licenses are required and obtaining them if necessary. It is also important to ensure that Visiting Scholars/Researchers understand Penn's Patent Policy and limits on the use of Penn-owned Intellectual Property after they have returned to their home institutions.



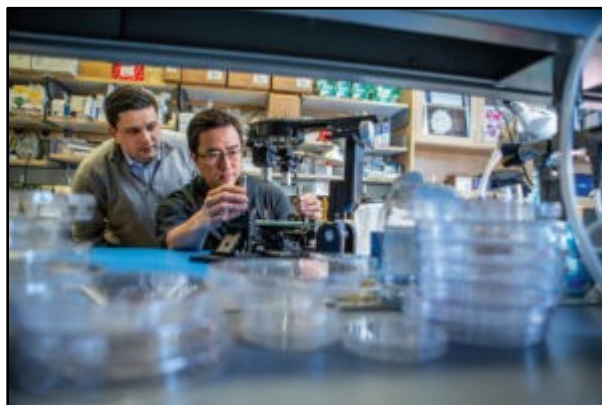
F. Visa sponsoring and invitations to Penn

It is important that all scholars and visitors on campus have the appropriate authorizations, especially when Penn is the sponsoring institution. For Penn-sponsored students or scholars, all U.S. immigration procedures should be coordinated through the [International Student and Scholar Services](#) (ISSS) office. Once on campus, any change in the student or scholar's department, field of study, access, funding, or any other immigration affirmations *must* be reported and coordinated through ISSS; otherwise they risk jeopardizing their visa status.

Invitation letters sent to visitors allowing them to obtain a Tourist or Business Visa to the U.S. are frequently prepared for international delegations, professional training participants, and general *ad hoc* visitors. While Penn is not considered the Sponsor of the Visa, any letter should clearly state the dates and purpose of the visit and all individuals and their foreign institution should be screened before issuing the letter. ISSS has guidance and sample letters to be used for some of the common academic visitor or professional training programs conducted at Penn.

G. Lab tours/visits

Penn welcomes visitors to the campus, including on tours of our state-of-the art research facilities. Many of our STEM related labs contain technologies and information that might be export controlled. In the context of research collaboration, information exchange is the norm and practices are defined by the head of the program. Research team members should all be aware of what information can be shared with the public, with collaborators and any other groups on campus. Attention is warranted in managing the dissemination of this information.



Even when individual and affiliated institutions are not on restricted party lists and there are no export control issues, it is nevertheless good practice to refrain from sharing information and results not yet public, or IP not yet protected, with general visitors.

Restricted party screening should be performed prior to providing a tour or hosting a potential collaborator when the activity is STEM-related and involves technologies and information that might be restricted or export controlled. Best practices for international visits to labs that might contain sensitive information or technologies include the following steps:

- Ensure that no confidential or proprietary information is visible at the time of the visit
- Do not permit visitors to insert thumb drives or other media into Penn-owned computers.
- Ensure that visitors are escorted throughout the tour

Schools and Departments are responsible for providing appropriate training to staff and faculty about guidelines for lab visits and touring.

Disclosure Requirements for Common Penn Funders

Required Disclosure	NIH	NSF	DoD	NASA
Appointments	All titled academic, professional, or institutional appointments that are relevant to the application, whether: <ul style="list-style-type: none"> • domestic or foreign • funded or not • full-time, part-time, or voluntary (including adjunct, visiting, and honorary) [Biosketch]	All current academic, professional, or institutional appointments, whether: <ul style="list-style-type: none"> • domestic or foreign • funded or not • full-time, part-time, or voluntary [Biosketch]	No updated guidance	X
Current and Pending/Other Support	All resources available to a researcher in support of or related to all of their research efforts, regardless of whether: <ul style="list-style-type: none"> • they have monetary value • are domestic or foreign • are provided through Penn, another organization, or directly to the individual 	All ongoing projects and those currently under consideration from any source regardless of whether support is provided through Penn, another organization, or directly to the individual.	All current and pending projects and awards completed in the last 5 years.	All pending proposals and ongoing projects regardless of salary support.
Consulting/Outside Activities	Consulting that involves the conduct of research as part of the consulting activities. [Other Support or RPPR if new]	Consulting that falls outside of an individual's appointment and is inconsistent with Penn's policies and procedures. [Current and Pending Support or RPPR if new]	X	X
In-kind Contributions Intended for Use on the Proposed Project	In-kind contributions supported by an outside source. Examples include: <ul style="list-style-type: none"> • office/lab space • equipment and supplies • employees and students • high value materials not freely available [Other Support or RPPR if new]	In-kind contributions that have an associated time commitment. Examples include: <ul style="list-style-type: none"> • office/lab space • equipment and supplies • employees and students [Current and Pending Support or RPPR if new]	X	X
In-kind Contributions Intended for Use on the Proposed Project	Intended for use on the proposed project or institutional resources, including core facilities or shared equipment. [Facilities and Other Resources or Equipment]	Supports the research activity for the project being proposed. [Facilities, Equipment, and Other Resources]	X	X
Postdocs, Trainees, and Visiting Scholars	If supported by a foreign government or institution. [Other Support]	If funded by a foreign entity to Penn; if funding is directly to the individual, no reporting is required.	May require notification to sponsor if including foreign nationals	X
Sponsored Travel	Travel paid in association with an appointment at a foreign institution. [Other Support] Travel paid by a foreign institution or government >\$5,000 per year. [Review for potential FCOI]	Travel paid by an external entity to perform research activities that has an associated time commitment [Current and Pending Support or RPPR if new]	X	X
Startup Company	X	If based on intellectual property not licensed to Penn. [Current and Pending Support or RPPR if new]	X	X
Participation in Foreign Talent or Similar Programs	[Other Support or RPPR if new]	[Current and Pending or RPPR if new]		
Foreign Components (prior approval required if added after the award)	Performance of any significant part of a project outside of the U.S. whether NIH funded or not.	X	X	NASA has a longstanding prohibition on bilateral collaboration with China or any Chinese-owned entity.

Resources

NIH Website's Guidelines

NSF Website's Guidelines

Council on Governmental Relations Frameworks:

- Federal Focus on Inappropriate Foreign Influence on Research: Practical Considerations in Developing an Institutional Response
- Principles for Evaluating Conflict of Commitment Concerns in Academic Research

Penn Office of Research Services: <https://researchservices.upenn.edu/disclosure-requirements-for-federal-sponsors/>

Generally, the following information should be disclosed to federal research Sponsors:

At the time of proposal/Just in Time

- All Outside Appointments, including paid and unpaid, as well as honorary
- External sources of support
- Externally provided in kind resources

At the time of progress reporting:

- New outside appointments
- New sources of support
- New externally provided in kind resources
- New collaborators who are significant contributors
- Effort expended by visiting researchers and student volunteers if 1 calendar month or more of effort is expended

If there are any questions as to if a new outside appointment or external source of support is permissible under the terms of the award, it is appropriate to discuss the proposed activity with the Sponsor's Program Office.

It is currently not necessary to report:

- Support not related to research activities.

Foreign Components:

Foreign components need prior approval on NIH grants. They should be called out in proposals if known and should be reported prior to engaging in the research activity if added after the start of the award. Foreign Components include:

- performance of work related to the grant at a foreign location
- collaboration related to the funded research with a foreign researcher who will perform work at his/her home institution.

*Note: the foreign component needs to be reported and approved by NIH even if NIH funds are not being used to support the activity

Hosting Foreign Scholars and Researchers

Penn fully supports the hosting of visiting scholars and researchers from abroad.

A few quick checks can help make foreign visitors time at Penn go smoothly, particularly for those working in STEM areas:

- Perform restricted party screening on both the individual visitor and the home institution/entity prior to issuing the invitation to visit Penn. Contact your BA to get the screening completed. You and /or your BA can consult Penn's Office of Export Compliance (expctrl@lists.upenn.edu) if there are any questions about the screening results.
- For assistance with visa sponsorship, contact [Penn's International Students and Scholar Services office](#).
- Ensure that confidential information / undisclosed IP is not shared without appropriate protections in place (Non-Disclosure Agreement or Participation Agreement).
- Contact Penn's Office of Export Compliance if visitors will have access to projects with active Technology Control Plans.
- Make sure that any applicable technology control plans are followed.



- Foreign visitors who will be supporting a faculty member's research endeavors should be disclosed as Other Support

Questions? Consult the Office of Export Compliance (expctrl@lists.upenn.edu).

Frequently Asked Questions

Disclosure of Information

I received an honorary visiting professorship at a foreign institution. Do I have to disclose it?

Yes, in addition to your School specific requirements, you must disclose all such affiliations in your biosketch submitted as part of a grant application.

I received an honorary Membership at a foreign Academy of Sciences. Do I have to disclose it?

Yes, all such affiliations must be disclosed in your biosketch submitted as part of a grant application.

As part of a collaboration effort with a colleague at a foreign institution, we are submitting a joint application for funding to a foreign entity. Does this need to be disclosed in my federal grant applications?

Please consult with your School's Office of Research Administration (ORA) or Office of Sponsored Programs (OSP) regarding the internal approval process. In addition, you must disclose all such applications in your "Current and Pending" or "OtherSupport" Page.

Other Support

I am a Principal Investigator on a federal award to a domestic university and have an unpaid appointment at a foreign university. At the foreign site I have access to lab space, research materials, and staff. Should I report this as Other Support?

Yes, this appointment must be reported as Other Support. While monetary compensation is not received, the lab space, materials, and staff are resources provided in support of and/or related to the research efforts. Other payments, such as travel or living expenses must also be reported. NIH, NSF, and DoD require applicants to list all positions and scientific appointments, both domestic and foreign, that are held by senior/key personnel. This includes affiliations with foreign entities or governments, such as titled academic, professional, or institutional appointments, whether or not remuneration is received, and whether full-time, part-time, or voluntary (including adjunct, visiting, or honorary).

A researcher at my institution has a 9-month appointment. S/he spends two months at a University outside of the United States during the summer conducting research under a foreign award. Does this count as Other Support?

Yes, this would be considered Other Support. Available resources in support of and/or related to an investigator's research endeavors should be disclosed, even if they relate to work that is performed outside of a researcher's appointment period.

What should I do if I'm not sure if something needs to be included as Other Support?

Err on the side of disclosure. Federal agencies require complete and accurate reporting of all sources of research support, financial interests and affiliations, both foreign and domestic. If you have any questions about whether something should be reported, please contact the Program Officer.

What if NIH determines that an institution is not complying with NIH policies for transparency and disclosure of all Other Support?

NIH takes the issue of protecting the integrity of U.S. biomedical research seriously. If noncompliance is identified, potential action by NIH may include withdrawing approval of the Program Director/Principal Investigator or other researchers contributing to the NIH award, imposing specific award conditions, disallowing costs, withholding future awards including the possibility of suspending or terminating the award, per [NIH Grants Policy Statement, Section 8.5](#).

I have been invited to present at an international conference in a country that is on the U.S. sanctions list. Can I do this?

Presenting at an international conference in a U.S. sanctioned country may be viewed as providing a prohibited "service" under U.S. sanctions regulations. You should consult with the Office of Export Compliance prior to presenting to determine if a license is required.

Generally, any presentation to an international audience should be limited to the following:

- information that is already published;
- information already in the public domain; and/or
- information consistent with that conveyed by instruction in catalog courses and associated teaching laboratories at U.S. institutions of higher education.

I am collaborating with a colleague abroad and would like to send some data to my collaborator. What should I do?

Depending on the nature of the data and the related technology, exchange of data with foreign collaborators may require a license. Please contact the Office of Export Compliance who can review the data and the country of the collaborator to determine whether there are any restrictions, or if a license is required.

A Data Use Agreement may also be needed to facilitate the transfer of data to a collaborator. Please reach out to the Office of Research Services for additional assistance with Data Use Agreements.

Can I collaborate with an individual or entity (e.g. university or company) included on the Specially Designated National (SDN) list?

It depends on the nature of the collaboration and the underlying activities. Specific authorization in the form of a license from the U.S. government may be required. It may be possible to secure a license to allow for such a collaboration in certain limited circumstances (e.g. when the reason for the individual or entity's inclusion on the list is unrelated to the proposed collaboration). However, the license must be secured before any such collaboration is initiated and any restrictions outlined in the license must be strictly followed. Please contact the Office of Export Compliance for assistance.

I plan to host a webinar/web conference on my research to be shared internationally. What do I need to know?

Information released at an open conference, meeting or webinar is considered published and excluded from certain controls. "Open" means that all technically qualified members of the public are eligible to attend, and attendees are permitted to take notes or otherwise make a personal record (not necessarily a recording) of the proceedings and presentations. An "open" conference can charge a registration fee reasonably related to cost, and can limit actual attendance, as long as attendees either are the first who have applied or are selected on the basis of relevant scientific or technical competence, experience, or responsibility. However, certain sensitive information cannot be shared via open conference or webinar. Evaluation is case-specific. Thus, it is recommended that you contact the Office of Export Compliance to review your circumstances.

How do I transfer equipment out of the United States?

An export license may be required to ship or hand-carry items or equipment out of the U.S. The need for a license is dependent upon the nature of the equipment, as well as the end-use, recipient, and destination of the equipment. Additionally, even temporary export of equipment to some locations may incur customs tax obligations. Due to complexities of the requirements you should consult the Office of Export Compliance for assistance regarding shipping or traveling with equipment internationally.

Foreign Components

The addition a new foreign component requires prior NIH approval.

Do all federal agencies have defined foreign components?

No, the concept of “Foreign Component” is specific to NIH.

What is the NIH definition of a foreign institution?

NIH defines a foreign institution as an organization located in a country other than the United States and its territories that is subject to the laws of that country, regardless of the citizenship of the proposed Program Director/Principal Investigator.

What is a foreign component?

A foreign component is the performance of a significant scientific element of the NIH-supported project outside of the United States. Once a recipient determines that a portion of the project will be conducted outside of the U.S., the recipient then will need to determine if the activities are considered significant. If both criteria are met, then there is a foreign component.

What are some examples of a ‘significant element of a project’ when making determinations regarding a foreign component?

When making determinations about significance, the element of the project that is being conducted outside of the United States should be evaluated within the context of the project as a whole. Some examples of activities that may be considered a significant element of the project include, but are not limited to:

- Collaborations with investigators at a foreign site anticipated to result in co-authorship
- Use of facilities or instrumentation at a foreign site
- Receipt of financial support or resources from a foreign entity

Does work being conducted in the United States ever count as a foreign component?

Generally, no

I have a collaborator from another country who will work in my NIH-funded laboratory on my NIH project but receive no salary from my NIH grant. Is this considered a foreign component?

No, a “Foreign Component” exists only if the research activities occur outside of the United States.

I am the PI on an NIH grant to a domestic university. I have a visiting post-doctoral fellow in my lab, who works on my NIH grant and does all of his/her work in the United States. The fellow’s salary is paid by a foreign government. Is this a foreign component?

In general, no. The first step in determining whether research constitutes a foreign component is to evaluate whether a portion of the research is being conducted outside of the United

States. In this case, since all of the work is being conducted in the US, there would be no foreign component. However, this must be reported as Other Support. All in-kind resources, which includes visitors or employees who are paid directly by outside resources, should be disclosed as Other Support.

I am a PI on an NIH award to a domestic university. I will have a visiting fellow joining my lab whose salary will be supported by a foreign university. Do I need NIH prior approval before the fellow can work on my NIH funded research?

Since specific circumstances may vary, it would be best to discuss with NIH Program Officer.

What is an example of an activity that is not a foreign component, but would meet the definition of other support? What is the difference?

This is unique to each situation and depends upon specific details surrounding a particular activity. For instance, one model could be that a PI on an NIH grant may have an appointment and a lab at a foreign university. The research being done at the foreign lab is unrelated to the PI's NIH project. This would not qualify as a foreign component of the NIH research, as the foreign work is not part of the NIH-funded project. However, it is a resource made available to the researcher in support of their research. Therefore, it must be reported as Other Support.

Financial Conflicts of Interest (FCOI)

How does the Reminders of NIH Policies on Other Support and on Policies related to Financial Conflicts of Interest and Foreign Components (NOT-OD-19-114) impact the FCOI policy?

There has been no change to the FCOI policy. Investigators are still required to disclose to their significant financial interests to their institution. **This includes financial interests received from a foreign institution of higher education or the government of another country.** This requirement is distinct from other support and foreign components.

Integrity of Peer Review Process

How do I know who has been officially designated, since I am not allowed to share applications with someone who has not been officially designated to participate in the peer review meeting?

Officially-designated members include appointed members, temporary ad hoc members, the Scientific Review Officer, and NIH staff with a need to know. Applications, proposals, and confidential meeting materials cannot be shared with anyone who is not a member of the study section where those documents and information are being reviewed.

What would NIH do to me if they thought I had broken confidentiality in peer review?

If NIH determines that you committed a bona fide breach of confidentiality in the peer review process, they could contact you and your institution, and ask you to step down from an appointed term of service on a study section. Depending on the severity of the breach, the NIH may refer the matter to the NIH Office of Management Assessment and possibly to the Office of the Inspector General in the Department of Health and Human Services, which could result in further administrative actions such as debarment or even criminal penalties. If the matter is referred to these authorities, the NIH would be unlikely to contact you or your institution first, as it now involves possible criminal violations.

How would NIH know about breaches of confidentiality in peer review?

Information about possible breaches of confidentiality come to the NIH in numerous ways. Often, an applicant will report that data, figures or text from his or her grant application appears in a publication authored by a reviewer on the panel where the application was reviewed. Additionally, this may also constitute research misconduct in the form of plagiarism.



NIH sometimes learn about breaches of confidentiality from other reviewers, colleagues and students of reviewers, or even members of the media. NIH also has internal controls to monitor access to NIH computer systems.

Example Scenarios

The issue: A European post doc working in the lab of a Penn faculty member has support from the 1000 Talents Recruitment program from an institution in China

The action: Contact the export control office to determine if the organization is on the restricted party list.

If not:

- PI must immediately disclose the support to the NIH/NSF
- PI must disclose the support on any DoD proposals
- Current or future funding from DoE could be at risk

- ORS will determine if licenses are required to carry out the research
- School will assess whether research on sensitive topics in the labs must be restricted or require additional licensing
- PI must immediately disclose the support to the NIH/NSF
- PI must disclose the support on any DoD proposals
- Current or future funding from DoE could be at risk
- Potential scrutiny by FBI

The issue: A faculty member plans to attend a conference in Iran

The action: Contact the export control office well ahead of time so that the appropriate license can be obtained (licensing can take several months).

Travel with a 'clean' computer in order to avoid unintended export control violations.

Do not access sensitive information on campus networks remotely while traveling.

If the faculty member attends the conference *without* the appropriate licenses...

Contact the Export Control Office.

This is a violation of U.S. export control laws, even if the information presented at the conference is already published or the area is not a sensitive technology, and even if the faculty member is traveling on a non-U.S. passport.

The issue: A for profit company from a sensitive country expresses interest in sponsoring research or research related activities or giving a gift to the University.



The action: Contact ORS who will determine if the company is on the Department of Commerce Entity List, has been found to be in violation of US sanctions *or* is a subsidiary of a company on the List or in violation.

VPR will consult with other Penn offices if the proposed activity poses large institutional risk, including reputational risk.

The issue: A foreign post doc comes to Penn to work with a faculty member.

The action: If the topical content includes sensitive technology, ensure screening occurs to determine if the institution that the student/post doc was previously affiliated with is on the restricted party list or will be funded by a restricted entity while at Penn.

Consult your BA or the export Control Office for screening assistance.



If so:

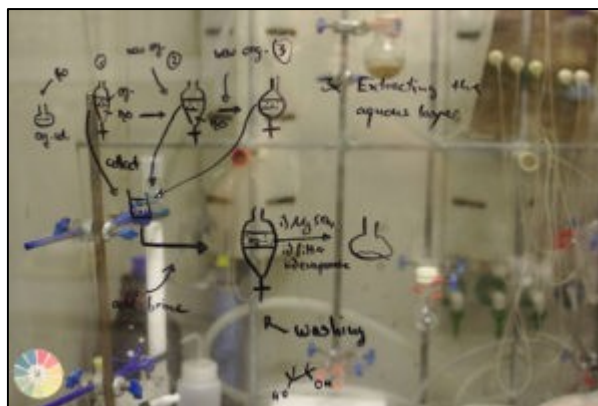
ORS will determine if export licenses are required to carry out the research

School will assess whether research on sensitive topics occurs in other research groups for which access must be restricted or require additional licensing

The issue: A foreign institution wants to establish a relationship on the basis of an academic MOU.

The action:

- Contact Penn Global Support Services for assistance including agreement review and restricted party/institution screening
- Route agreements through Penn's Research Inventory System (RIS) if this is a research agreement
- Deans have signatory authority for academic MOUs;
- ORS/PCI/OCR are signatories to research related agreements



If the partner is on the restricted party list and the topical content is related to sensitive technology, export control office will assess whether visitor access to export controlled information/ equipment/ software requires licensing or must be restricted.

If the latter, develop security measures to ensure compliance.

The issue: I am a Principal Investigator on an NIH grant and have an appointment and a lab at a foreign university. The research being done at the foreign lab is unrelated to my NIH project.



The action: Since resources are made available to you in support of your research, this must be reported as Other Support, however, this would not qualify as a foreign component of the NIH research, as the foreign work is not part of the NIH-funded project.

The issue: I am a Principal Investigator on a federal award to a domestic university and have an unpaid appointment at a foreign university. At the foreign site I have access to lab space, research materials, and staff.

The action: This appointment must be reported as Other Support. While monetary compensation is not received, the lab space, materials, and staff are resources provided in support of and/or related to the research efforts and must be disclosed. Other payments, such as travel or living expenses must also be reported. NIH, NSF, and DoD require applicants to list all positions and scientific appointments, both domestic and



foreign, that are held by senior/key personnel that are relevant to an application. This includes affiliations with foreign entities or governments, such as titled academic, professional, or institutional appointments, whether or not remuneration is received, and whether full-time, part-time, or voluntary (including adjunct, visiting, or honorary).

The issue: A faculty member has a 9-month appointment. S/he spends two months at a University outside of the United States during the summer conducting research under a foreign award.

The action: This should be disclosed to Penn through the extramural activity disclosure process. It should also be reported as Other Support. Available resources in support of and/or related to an investigator's research endeavors should be disclosed, even if they relate to work that is performed outside of a researcher's appointment period.

Resources and Contacts

For questions about:

- Academic MOUs, contact Global Support Services at globalsupport@pobox.upenn.edu
- Disclosure of International Activities, contact globalsupport@pobox.upenn.edu
- or the appropriate contact in your school if one has been identified:
 - SEAS (Mark West, mwest@seas.upenn.edu)
 - ASC (Joseph Brucker, brucker@asc.upenn.edu)
 - GSE (Alan Ruby, alanruby@upenn.edu)
- Export Compliance/Controls, contact EXPCTRL@LISTS.UPENN.EDU
- Obtaining a Foreign Visa, contact globalsupport@pobox.upenn.edu or visit <https://global.upenn.edu/travel-guidance/outbound-travel-visas>
- Research Agreements, contact Elizabeth Peloso, epeloso@upenn.edu
- Research Collaborations, contact EXPCTRL@LISTS.UPENN.EDU
- Restricted Party Screenings (for individuals and/or institutions), contact EXPCTRL@LISTS.UPENN.EDU or the appropriate contact in your school if one has been identified:
 - SEAS (Kathryn Fogle, kfogle@seas.upenn.edu)
 - ASC (Joseph Brucker, brucker@asc.upenn.edu)
 - GSE (Sam Frenkel, frenkels@upenn.edu)
 - Nursing (Nancy Biller, nbiller@nursing.upenn.edu)
- Sponsoring a US Visa for a Foreign National, please go to https://global.upenn.edu/iss/scholar_dept.

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