

# Dos, Don'ts, and Maybes of Foreign Entity Relationships: A User's Guide



## Okay, but disclosure required.\*

- The University has or will receive an award/subaward from a foreign university or company. No additional disclosure to the University is required. Related UVA Requirements: None
- A foreign entity (university, government, industry, or foundations) reimburses an investigator's travel costs, pays an honorarium or otherwise provides funding or support to an investigator to participate in a conference or deliver a lecture. This must be disclosed in the UVA Online Disclosure System as part of the Conflicts of Interest review. Related UVA Requirements: RES-005, Financial Conflicts of Interest for Research Investigators; Conflict of Interest web page; and, if applicable to the employee, FIN-054, Employee Obligation to Report Potential Conflicts of Interest.
- An investigator engages in unpaid research activities with a foreign research laboratory—typically at a university. However, review and approval may be required based on intellectual property considerations, or if an investigator's affiliation on research products such as proposals and publications is not solely that of his/her home institution. Related UVA Requirements: RES-006, Patenting of Discoveries or Inventions at the University (Patent Policy); and UVA's Patent Agreement and Assignment.
- An investigator participates in research in a foreign country.
  - In cases where the faculty member is paid, this must be disclosed as current or pending support in funding applications. This includes grants, gifts, or any other financial support for research.
  - If a faculty member is a named investigator at another institution, the project should be disclosed on your biosketch even if compensation is not provided. Any resulting publications must include the investigator's affiliation with their home university as a primary affiliation. Related UVA Requirements: U.S. Government Agencies page of the VPR's foreign influence website; and PROV-009, Faculty Holding Appointments at Other Institutions or Organizations.

## Sometimes Okay ("gray area") but disclosure required.\*

- A foreign university will pay an investigator directly to participate on a research project as a consultant; this may require approval depending on your school. **Related UVA Requirements:** [HRM-045](#), *Faculty External Consulting and Internal Overload*.
- An investigator forgot to disclose a financial interest, foreign or domestic. While this is generally a policy violation, it is preferable that it be discovered via self-disclosure rather than via audit by the university (or worse, a federal agency). If the non-disclosed interest is a COI with federally (HHS)-sponsored research, HHS policy (and usually, university policy) requires a retrospective review of the research to check for the introduction of bias. **Related UVA Requirements:** [RES-005](#), *Financial Conflicts of Interest for Research Investigators*; VPR's [foreign influence](#) website; and, if applicable to the employee, [FIN-054](#), *Employee Obligation to Report Potential Conflicts of Interest*.
- An academic appointment is conferred at another institution, foreign or domestic. This requires the written prior approval of the Provost if the appointment is non-visiting. **Related UVA Requirements:** [PROV-009](#), *Faculty Holding Appointments at Other Institutions or Organizations*.

## Sometimes OK (“gray area”) but disclosure required.\* continued...

- Recruitment into a foreign “talents” program (e.g., 1000 Talents Plan). If an investigator is contacted by such a program, s/he should contact the Office of Vice President for Research for guidance. While not illegal, federal legislation is under consideration that would bar individuals who have participated in such programs from receiving grant funding from the Department of Defense. There is some concern that this bar could be broadened to include other federal granting agencies, such as the Department of energy. **Related UVA Requirements:** *General information provided on the VPR’s [foreign influence website](#).*
- An investigator’s extended absence overseas while employed at the university. This generally must be approved by the university in advance, and for a limited period of time. Payment from sponsored sources for any such time must be carefully monitored and fully disclosed to, and acknowledged/approved by, the funding agency and the home institution. **Related UVA Requirements:** [HRM-038](#), [Faculty Leaves](#).
- Export of materials, equipment, hardware, software, or technical data subject to restrictions on access/dissemination out of the US; this includes sharing technical data with foreign nationals (e.g., students) *even if it stays in the US*. Depending on the applicable regulation(s), technical data controls may apply to information already in existence, developed in the context of performing the current research, or both. A principal investigator on a project that is subject to publication and/or personnel restrictions, or who intends to take or send such items abroad, must consult with the Office of Export Control to determine licensing requirements and the Office of Sponsored Programs (OSP) to negotiate a Material Transfer Agreement or Data Use/Transfer Agreement. **Related UVA Requirements:** [FIN-036](#), *Signatory Authority for Executing University Contracts*; *OSP’s [electronic Non-Funded Agreement](#) request process*; [FIN-043](#), *Managing Export and Sanction Compliance in Support of University Activities*; and [export controls](#) website.

## Not Okay.

- Outside activity (i.e. consulting) for a foreign entity beyond the duration allowed by university policy (see policy referenced below). **Exception:** An investigator may devote additional outside effort during periods when they are not working full-time at the university, such as during unpaid months in the summer for those on < 12-month appointments. However, this outside activity must be reported\*. **Related UVA Requirements:** [HRM-045](#), *Faculty External Consulting and Internal Overload*; [RES-005](#), *Financial Conflicts of Interest for Research Investigators*; and, if applicable to the employee, [FIN-054](#), *Employee Obligation to Report Potential Conflicts of Interest*.
- “Double-dipping”; i.e., receiving support for the same project/effort from two different entities (e.g., one foreign and one domestic). This does not refer to joint sponsorship situations that are clearly disclosed to and supported by both sponsors. **Related UVA Requirements:** *None but would violate the terms and conditions of federal awards.* **Recent Actions:** [Emily researchers](#).
- Disclosure of any confidential information (privileged grant application or review information, approval status, confidential results, reviewer identity, etc.) to any individual or entity, foreign or domestic, without the explicit authorization of the data owner (e.g., grant applicant or submitting author) or custodian (e.g., sponsoring agency or publisher to whom the data information was submitted by the owner). **Related UVA Requirements:** None. **Recent Actions:** MD Anderson Cancer Center researchers ([Science](#) article; [Houston Chronicle](#) article).
- Any effort, compensation, or authorship credit relating to foreign research must be disclosed, and must be in accord with actual work done/effort expended. **Related UVA Requirements:** [Annual Performance Reviews](#); *ICMJE’s guidance on “[Defining the Role of Authors and Contributors](#)”*; and the VPR’s [Research Integrity](#) website.
- Development of intellectual property without disclosure to the university and/or release of intellectual property for work conceived or done as a university investigator to any entity without appropriate licensing/contract from the university. **Related UVA Requirements:** [RES-006](#), *Patenting of Discoveries or Inventions at the University (Patent Policy)*; and UVA’s [Patent Agreement and Assignment](#).

\* These are examples of activities or sponsorship that must be disclosed to federal, and many non-federal, sponsors in the “Other Support” (sometimes called “Current and Pending”) section of proposals and progress reports. Links to sponsor guidance are available on [U.S. Government Agencies](#) page of the VPR’s [Research Integrity](#) website.