



1111 Franklin Street
Oakland, CA 94607-5200
Phone: (510) 987-9074
<http://www.ucop.edu>

February 7, 2019

CHANCELLORS

LAWRENCE BERKELEY NATIONAL LABORATORY DIRECTOR WITHERELL

Dear Chancellors and Director Witherell:

The University of California's fundamental mission is teaching, research, and public service. Protecting research integrity and maintaining the University of California's open research and learning environment are foundational values for our institution, and we are encountering significant challenges that require your assistance.

As you are aware, federal agencies and policymakers have expressed concern that foreign entities may be using the academic research enterprise in an attempt to compromise our country's economic competitiveness and national security. The reality is that bad actors and some foreign governments from around the world are making concerted efforts to steal intellectual property and infiltrate systems. Our University community must address national security concerns while protecting the principles of academic freedom. We must protect the intellectual capital which creates jobs, new ideas, and innovation while enabling our faculty, staff, and students of all nationalities to pursue research, discuss ideas freely, and publish research results without regard to citizenship restrictions. Our teaching and research excellence make us a global leader in creating new knowledge and the destination of choice for many of the world's best scholars and students. We value their important contributions to UC's research leadership, to California's and the nation's prosperity, and to global scholarly excellence.

It is critically important to me that the entire UC community demonstrate leadership not only in research, but also in our responsibility and accountability through compliance, trainings, risk assessments, and protocols for investigations with a clear understanding of what is at stake. UC is committed to helping our faculty, staff, and students have the greatest global impact possible while educating our community about protecting the integrity of our research. This is not an "either or" proposition – it's both.

In August 2018, Director of the National Institutes of Health (NIH) Francis Collins issued a *Foreign Influence Letter to Grantees* and testified to the Senate Health, Education, Labor and Pensions Committee regarding concerns about systematic programs of foreign influence in U.S. research. In December 2018, the NIH Advisory Committee to the Director (ACD) released a report entitled *ACD Working Group for Foreign Influences on Research Integrity* identifying recommendations around communication and awareness; risk mitigation; and monitoring,

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actions, and consequences. As NIH and other federal agencies have heightened the attention of international engagements at research universities, it is important that the UC community is mindful of our obligation to properly report on international research and scholarly activities and ensure preventative measures are deployed to protect our research enterprise and the tremendous intellectual property that it generates.

I am writing to ask your assistance in raising awareness of these important issues and the policies we have in place to appropriately mitigate risk.

In partnership with local and federal agencies UC has identified:

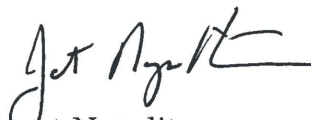
- potential risks to the University;
- enforcement priorities and activities;
- grant compliance and trends and observations of high risk behaviors; and
- internal and external threats to improve the development of relevant controls and design trainings.

Accordingly, I have endorsed for implementation the recommendations that have been made to me to address these issues that impact the entire University system and therefore require collaboration across all areas of the University (see Appendix 1). These recommendations were produced by the work undertaken by systemwide teams commissioned in July 2018 that explored vulnerabilities, sensitive information, and materials related to international agreements and individuals (see Appendix 2 and 3 for rosters of these systemwide teams). Additional recommendations have been provided by the Office of Ethics, Compliance and Audit Services.

UC is committed to fostering dynamic research collaborations and protecting principles of academic freedom, while also promoting transparency surrounding interactions with industry and foreign entities in order to protect our students, faculty, and staff, as well as the University.

I have asked Provost Brown and Chief Compliance and Audit Officer Bustamante to take the lead in ensuring implementation of the practices and protocols outlined in this letter. This is an evolving landscape so we will continue to monitor and adjust guidelines as needed.

Yours very truly,



Janet Napolitano
President

Enclosures

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cc: Provost and Executive Vice President Brown
Academic Senate Chair May
Executive Vice President and Chief Financial Officer Brostrom
Executive Vice President and Chief of Staff Nava
Executive Vice President Stobo
Senior Vice President and Chief Compliance & Audit Officer Bustamante
Senior Vice President Holmes
General Counsel Robinson
Vice President Ellis
Vice President Humiston
Interim Vice President Leasure
Associate Vice President Harrington
Associate Vice President and Chief Risk Officer Lloyd
Chief Policy Advisor Kao

Appendices:

- 1) Topline Recommendations Endorsed for Implementation
- 2) Systemwide Team on International Student Issues
- 3) Systemwide Team on Sensitive Information and Materials Related to International Agreements

Appendix 1: Topline Recommendations Endorsed for Implementation

Topline recommendations produced by systemwide teams that explored vulnerabilities, sensitive information and materials related to international agreements and individuals include:

- **International Agreements and Funding.** UC is positioned to capitalize on and grow its international relationships and funding opportunities. At the campus level, it is critical to conduct due diligence when establishing agreements; establish a common process for vetting all international research-related gifts, contracts, and grants; and identify areas and establish protocols for requiring further analysis and interpretation for risk mitigation strategies.
- **International Visits and Visitors.** The openness of UC campuses to international delegations, visitors, scholars and students is vitally important to UC's research enterprise. In order to mitigate the risk associated with potential theft of intellectual property, UC should develop and implement protocols where international visitors may be present at UC campuses to, for example, audit classes or work on short-term assignments. Campuses should also educate the campus community on regulations for cybersecurity control of Controlled Unclassified Information (CUI) and implement policies and procedures for conducting international activities while abroad.
- **Research Funding.** Stakeholders in the U.S. research enterprise must have confidence that federal funding agency decisions are based on fair and transparent decision-making processes and that sensitive information is protected. This involves completing the financial investment in the UC Outside Activity Tracking System (UC OATS) so that all ten campuses are included. This system will facilitate reporting and analysis of conflicts of interest and commitment by UC's faculty. Campuses should also develop mechanisms for comparing conflict of interest and conflict of commitment forms and making them available to the proper campus officials to ensure federal agency proposals have relevant information. In partnership with UCOP, campuses should provide awareness trainings to Principal Investigators and departments preparing proposals about what information should be included on proposal forms.
- **International Students.** International students contribute substantially to global perspectives and multi-culturalism on UC campuses. Campuses and OP should work together to raise awareness of pressures on some international students, imposed by their governments of origin, to self-censor their speech and limit their freedom of association, and inform UC faculty and staff on how to better support all students.

Compliance-specific recommendations from the Office of Ethics, Compliance and Audit Services include:

- **Creation of a Training and Awareness Program.** Working with partners and stakeholders throughout the system, training and awareness will center on the need to safeguard academic research and intellectual property from unauthorized use or transfer, requirements to disclose potential conflicts of interest or commitment as well as other support on federal grant applications and related filings and to update such information as necessary, and the recognition that agreements and associations with certain foreign entities are prohibited and others may be problematic.
- **Compliance Assessments.** Assessment programs will identify potential vulnerabilities in research and related areas and develop mechanisms to close these gaps. This includes strengthening export control practices systemwide and ensuring, among other things, better coordination related to shipping, purchasing, and travel.
- **Audit.** Systemwide risk assessments will identify and evaluate categories of federal grants for potential factors contributing to higher levels of risk related to foreign influence. Audits will occur to review grants, relationships with federally prohibited entities, and suspected improper governmental activities.
- **Investigative Protocols.** Creation of a uniform tracking and escalation system will assist in handling inquiries from federal partners.

Appendix 2: Systemwide Team on International Student Issues

Objective: Characterize international student recruitment as it relates to participation in research, including student engagement, visa issues, and sources of graduate students in fields where diversification is needed; and provide guidance on how best to manage the student dimension of the internationalization of research.

<u>Name</u>	<u>Title</u>	<u>Campus</u>
Michael T. Brown – Chair	Provost and Executive Vice President for Academic Affairs	UCOP
Ivor Emmanuel	Director of the International Office	Berkeley
Cindy Fan	Vice Provost for International Affairs and Global Engagement	UCLA
Fadi Fathallah	Associate Vice Provost of Global Education and Services	Davis
Jerlena Griffin-Desta	Associate Vice President of Student Development & Engagement, Student Affairs	UCOP
Victoria Jones	Chief Global Affairs Officer	Irvine
Pramod Khargonekar	Vice Chancellor for Research	Irvine
Lori Kletzer	Vice Provost and Dean of Graduate Education	Santa Cruz
Perry Link	Distinguished Professor, Comparative Literature and Languages	Riverside
Vivian-Lee Nyitray	Associate Vice Provost and Executive Director, UC Education Abroad Program	Santa Barbara
Nasrin Rahimieh	Howard Baskerville Professor of Humanities, Comparative Literature	Irvine
Jean-Daniel Saphores	Professor, Civil and Environmental Engineering	Irvine
Horst Simon Mark Wilson	Deputy Director for Research Senior Counsel - Business, Finance and Innovation	LBNL OGC/UCOP

Appendix 3: Systemwide Team on Sensitive Information and Materials Related to International Agreements

Objective – Characterize sensitivities and vulnerabilities regarding exchanges of information/materials when entering into an international agreement; and provide guidance on whether there are preventive measures that should be established at the outset for research with international partners.

<u>Name</u>	<u>Title</u>	<u>Campus</u>
Arthur Ellis – Chair	Vice President for Research and Graduate Studies	UCOP
Andrew Baird	Professor of Surgery and 2018-19 UCORP	San Diego
M.C. Gaisbauer	Assistant Controller	San
Charles Greer	Associate Vice Chancellor for Research	Riverside
Joseph Incandela	Vice Chancellor for Research	Santa
Deborah Motton	Assistant Vice Chancellor and Director of Research Compliance and Integrity	Merced
David Noelle	Associate Professor, Cognitive and Information Sciences	Merced
Joanna Regulska	Vice Provost and Associate Chancellor of Global Affairs	Davis
Anthony St. George	Assistant Dean for International Partnerships and Corporate and	Berkeley
Mylo Schaaf	Director of Global Outreach	San
Patrick Schlesinger	Assistant Vice Chancellor for Research Administration and	Berkeley
Horst Simon	Deputy Director for Research	LBNL
Victoria Slivkoff	Head of Strategic Partnerships	UCOP
Roger Wakimoto	Vice Chancellor for Research	UCLA
Brittany Whiting	Export Control Officer	San Diego
Mark Wilson	Senior Counsel - Business, Finance and	OGC/UCOP
Wen-Hsin Yeh	Professor of History	Berkeley

Staff to both Systemwide Teams

Lourdes DeMattos	Associate Director, Research Policy Analysis and Coordination (RPAC)	UCOP
Dragana Nikolajevic	Research Policy Manager (International Activities)	UCOP
Emily Rader	Research Strategy and Portfolio Manager	UCOP