

University of California, Berkeley

International Engagement Policy Task Force (IEPTF)

A Report from the Task Force to:

Vice Provost for Academic Planning & Senior International Officer, Lisa Alvarez-Cohen
Vice Chancellor for Research, Randy Howard Katz

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Executive Summary

Founded on the principle of academic freedom, UC Berkeley has a rich tradition of international engagement with institutions and researchers from all over the world who are committed to the advancement of research, scholarship, and service. In response to recent congressional concern of foreign interference in federally funded research and the Fall 2018 Tiger Teams' recommendations from the UC Office of the President, Vice Provost Alvarez-Cohen and Vice Chancellor Katz established the International Engagement Policy Task Force (IEPTF) in Spring 2019. The charge to the IEPTF was to review campus policies and practices for current and future international engagements in order to ensure that both align with the University's commitment to open and collaborative research, as well as to summarize and/or develop mechanisms to mitigate potential risks to intellectual property and the integrity of campus decision-making. Consisting of members of the International Activities Coordination Group as well as selected staff members and Academic Senate faculty, the IEPTF divided into three subcommittees focused on (1) international agreements and research funding, (2) international students and visitors, and (3) communications; each tasked with formulating appropriate, university-wide tools and policies for enhanced global engagement.

Recognizing the impact of the Campus's limited resources and decentralized nature on coherent rules of engagement for international activity, the IEPTF details in this report a proposed set of principles of international engagement that the campus should consider adopting, a list of action items that have either already been acted upon or are currently underway, and the following comprehensive set of recommendations (annotated to facilitate identification in the report text):

Vetting International Partnerships

R1-3 Adopting a standard due diligence processes for vetting international partnerships and parties, escalating "red-flagged" agreements, and training delegated staff.

International Agreements

R4-5 Establishing GEO as the central point of contact for consultation by faculty and staff on international agreements and interconnecting international agreement resources across existing websites, such as GEO, UDAR, SPO, IAO, OTL, BCBP, and SCM, with improved navigational tools.

R6 Forming a working group consisting of the central contracting offices, Office of Legal Affairs, and GEO to develop common terms and conditions for use in international agreements.

R7-8 Expanding the guidelines for sensitive research negotiations to include other agreement/negotiation types and developing a comprehensive policy for international

agreements that includes non-binding MOUs and specifies the protocols used to evaluate and execute such agreements.

- R9 Adding measures for protecting UC Berkeley computer systems, sensitive data, and intellectual property from intrusion and infection by the networked devices of students and visitors.

International Gifts

- R10 Ensuring the swift adoption, communication, and broad dissemination of the new UDAR Gift Acceptance Policy and monthly auditing of international gifts by all campus stakeholders.

Research Funding and Disclosures

R11-14 VCRO and RAC rolling out a foreign influence briefing tailored to faculty and academic leaders followed by the implementation of an ongoing outreach and communication plan that includes FAQs on SPO's federal disclosures page. Improved oversight of COI and COC disclosures to prevent export control issues.

- R15 Lead faculty training domestic and international graduate students on compliance, research ethics, and university/academic norms in a lab setting or research group.

Reporting and Escalation Protocol

- R16 RAC notifying Chief Administrative Officers, Senior Administration, Research Administrators, and other relevant parties of (UCOP) Escalation Protocols.

International Students

R17-18 BIO developing recommendations on how the UC Statement of Ethical Values and Standards of Ethical Conduct applies to international students and partnering with IPIRA to offer increased educational resources and training opportunities on intellectual property and copyright.

Visiting Researchers and Postdocs

R19-21 Circulating the updated VSR and VS Protocol, UC Berkeley Guide for Hosting VRs, and the Online Visiting Researcher Decision Matrix to campus stakeholders as well as screening all VRs through Visual Compliance in collaboration with Export Control. AVC-RAC and IPIRA orienting incoming VRs on RCR policies and guidelines.

- R22 VC Research convening a faculty senate discussion on the responsibility of faculty to monitor VSR and VS that yields a campus-wide communication.

- R23 VCR and VSPA developing a policy that requires campus departments and programs to formally host all VRs through the VSPA.
- R24 Expanding the criteria for who will be required to complete the existing UC Intellectual Property Essentials for Academic Researchers training and Research Administration and Compliance Responsible Conduct of Research Training.
- R25 Augmenting VSPA staffing to ensure the successful implementation of IEPTF recommendations and campus outreach.

Informal Visitors

- R26 Establishing GEO as the point of contact to consult staff and faculty considering hosting an international delegation via campus-wide communication from central administration.
- R27-8 Charging a working group to consider additional mechanisms and guidelines for facilitating and vetting inbound international visitors without a formal status, and work with Export Control on an escalation protocol to identify who to screen in Visual Compliance.

Outbound Travelers

- R29-30 VCRO, Risk Management, the Academic Senate Committee on IT and Campus IT partnering to increase campus communication on safeguarding hardware and data when abroad, which steps to take upon reentry, and existing cybersecurity and data protection practices overall.
- R31-32 Promoting the use of the resources on Risk Services' International Risk website and broadcasting information on travel insurance benefits campus-wide.
- R33 Assessing whether best practices for emergency responses are in place for (non-UCEAP) study abroad programs.

Export Control

- R34-6 Communicating a formal process for Restricted Parties Screening in Visual Compliance for all personnel and visitors associated with STEM research and university-sponsored applicants on H1-B and J-1 visas, including an escalation and screening of VS with VSPA.
- R37 Developing and implementing significant outreach, training, and communication to campus stakeholders on the Export Control function.

Cybersecurity, Sensitive Data, and Intellectual Property Protection for Inbound Travelers

R38 IAO reviewing and determining the need for a data sharing agreement in the event of students, visiting researchers, and postdocs wanting to bring materials, data, or select research equipment to the US/UC Berkeley from abroad.

R39-40 Communicating which data, software, screening resources, and applications can be of use on networked devices.

Communications and Values

R41 Adopting the proposed Principles of International Engagement.

Advocating for Academic Freedom

R42 Advocating for a more nuanced understanding from elected officials that accounts for both the need for science security and the benefits of international exchange and open research.

Educating Our Community: Communication and Training Rollout and Tools

R43-46 Developing navigation tools to help users access and understand information regarding international engagement and educating the campus community on the recommendations outlined in this report.

R47-48 Developing a series of online training modules to serve as just-in-time training for faculty and staff on international engagement as well as partnering with the Academic Senate and deans to ensure faculty awareness.

Future Work: Program Development and Centralized Support for International Programs

R49-50 GEO reviewing, approving, monitoring, and supporting the program development for all inbound and outbound (non-UCEAP) international programs and forming a working group to address and develop a protocol to mitigate the risks posed by non-UCEAP international programs.

R51-2 Developing in-person training around risk management for international programs, and a mandatory risk management webinar for new internationally focused staff.

Task Force Members

CHAIRS:

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STAFF:

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Acronyms

AAU	Association of American Universities
APLU	Association of Public and Land-grant Universities
AVC-RAC	Associate Vice Chancellor - Research Compliance and Administration
BCBP	Business Contracts & Brand Protection Office
BIO	Berkeley International Office
BISP	Berkeley International Studies Program
COI	Conflict of Interest
COC	Conflict of Commitment
COGR	Council on Governmental Relations
DOD	Department of Defense
DOE	Department of Energy
ECAS	UCOP's Office of Ethics, Compliance, and Audit Services
FCPA	The Foreign Corrupt Practices Act (FCPA)
FTE	Full Time Employee
GCR	Government and Community Relations Office
GEO	Global Engagement Office
IACG	International Activities Coordination Group
IAO	Industry Alliances Office
IEPTF	International Engagement Policy Task Force
IP	Intellectual Property
IPIRA	Intellectual Property & Industry Research Alliances
LDO	Locally Designated Official
NIH	National Institutes of Health
OFAC	Office of Foreign Assets Control
OTL	Office of Technology & Licensing
RAC	Research Administration & Compliance
SCM	Supply Chain Management
SPO	Sponsored Projects Office
SSUFIE	Shared Special User Facility for Innovation and Entrepreneurship
UCOP	University of California Office of the President
UDAR	University Development & Alumni Relations
UNEX	University Extension
VCR(O)	Vice Chancellor for Research Office
VEF	Visiting Entrepreneurial Fellow
VR	Visiting Researcher
VS	Visiting Scholar
VSR	Visiting Student Researcher
VSPA	Visiting Scholar and Postdoc Affairs Office