

June 2016



The Office of Research Affairs provides timely notices to the research community on important information, policies updates and regulatory initiatives and changes. See the Office of Research Affairs website at <http://blink.ucsd.edu/sponsor/ora/>.

Export Control Impacts to Research

Are you performing only fundamental research? If so, export controls may still impact your research. While the U.S. Government has exclusions for fundamental research, with no publication or foreign national restrictions, there are certain situations where export licensing and other paperwork may be required. The following scenarios detail areas that may require export licensing or control plans:

- Nondisclosure Agreements (NDAs): Access by foreign persons to export restricted proprietary information;
- Service Agreements: Export licensing may be required for certain foreign persons in the U.S. to participate in the agreement depending on the particular service;
- Equipment and Materials Purchase of Defense Articles Controlled by the International Traffic in Arms Regulations (ITAR): No foreign person access in the U.S. or abroad is permitted without an export license;
- International Collaborations: Equipment or material shipments, handcarry or electronic transfer of export restricted information to foreign countries for loan, research collaborations or international field work or collaborations with U.S. government restricted entities; or
- Foreign Travel or Collaborations with Sanctioned Countries like Cuba, Iran, North Korea, Syria or Sudan: While the U.S. Government has loosened restrictions in regard to Cuba, export licenses or license exceptions are still required.

How can this impact you?

- **Delays:** The U.S. and foreign customs may stop international shipments if paperwork is not completed properly. Export licensing can take six weeks to a year to obtain from the federal government. Additionally some countries may require import permits.
- **Fines & Seizure of Goods:** Fines for export control can range from \$250,000 to \$1 million per violation. Customs may also seize or detain goods.

UCSD's Export Control Office can help mitigate risk by determining export license requirements or advising on control plans to ensure there are no unlicensed exports. These licenses are the

authorization by the U.S. Government to export tools, equipment, materials and certain export restricted information for international field research and international collaborations. Contact Export Control at export@ucsd.edu or visit us at <http://export.ucsd.edu> for more information. Short online export control videos are available on demand on the site (5 to 10 minutes).

Public Health Service Research: What Must Be Disclosed

Investigators seeking Public Health Service (PHS) research funding or receiving PHS research support are required to disclose Significant Financial Interests (SFI) related to their Institutional Responsibilities. Institutional Responsibilities include the teaching/education, research, outreach, clinical services, training, and University and public service performed on behalf of the University and directly related to those credentials, expertise and achievements upon which the Investigator's UC San Diego position is based.

Investigators (i.e., the Project Director/Principal Investigator, any person identified as senior/key personnel in a grant application, progress report or other report submitted to a PHS agency, and others who direct or can materially influence the research or who are responsible for the design, conduct and reporting of such research) must disclose income, equity, intellectual property rights and interests and any sponsored and/or reimbursed travel which meets certain thresholds and that reasonably appear to be related to their Institutional Responsibilities. The requirement for disclosure extends to the Investigator's spouse, registered domestic partner and dependent children. For additional information on disclosure requirements for PHS sponsored research, please see the Conflict of Interest website at <http://blink.ucsd.edu/sponsor/coi/index.html> or contact the Conflict of Interest Office at info-coi@ucsd.edu or (858) 534-6465.

Principal Investigator Dilemma: The Award is Here, Now What?

Learning that a proposal for sponsored research will be funded is great news! For Principal Investigators (PI), fund managers and business officers, the next step is obtaining the index that will be used to conduct the research. In order for the index and fund to be set up in UC San Diego's financial system, the institutional proposal and/or award record must be fully approved by the various UC San Diego offices responsible for reviewing and approving those records.

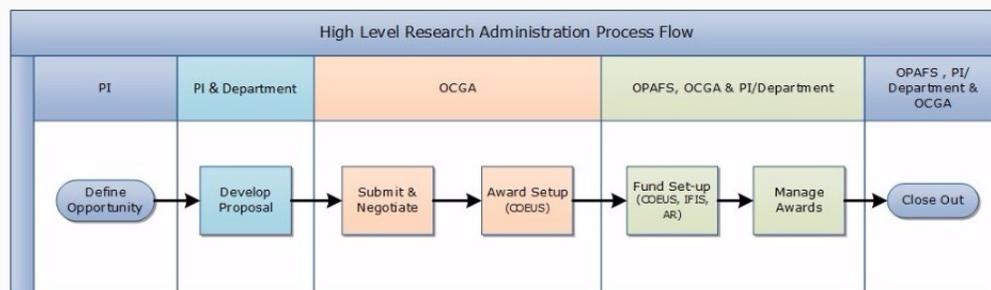
The following actions must be completed before a fund and index is set up and activated:

- Receipt of Notice of Award: Sponsor's grant management or contract office is required to send official communication to the institutional office responsible for contract and grant management, notifying them of the award terms and conditions. At UC San Diego, the offices with this role are the [Office of Contract and Grant Administration](#) (OCGA) and [Scripps Institution of Oceanography OCGA](#) (SIO-OCGA). The Award Notice is a commitment of an "agreement", by which the awarded institution has complied with all requirements. If such notice of award is not received, UC San Diego cannot authorize the research to commence.

- Required Compliance Approvals: Approvals are obtained and recorded from all applicable offices responsible for [compliance requirements](#), e.g., Conflict of Interest, Human Research Protections Program, Institutional Animal Care and Use Committee and Export Control. If such approvals are pending, UC San Diego cannot accept the award until the applicable compliances have been approved.
- Negotiation and Execution of the Award: The terms and conditions of the award require negotiation with the sponsors. Until the negotiations are completed and both parties agree to the terms, the award will not be executed and performance cannot proceed.

In certain circumstances, an advance spending request can be submitted to OCGA or SIO-OCGA for consideration and approval of spending prior to the final execution of the award or receipt of notice of award. For additional information, please see the Blink page regarding [Advance Spending Request](#).

Once all the approvals are officially recorded in the contract and grant system (Coeus), OCGA, or SIO OCGA are able to [set up the award record](#) and the [Office of Post Award Financial Services](#) (OPAFS) is authorized to set up the index and fund in IFIS. The following chart reflects the process flow and distinction of responsibilities between the PI, Department, OCGA and OPAFS.



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