

The State University of New York Statement on Foreign Disclosure and Export Controls

September 16, 2019

Background

The State University of New York (SUNY) values international collaboration, which inspires new perspectives and provides faculty, students and staff with global research and learning experiences. SUNY and The Research Foundation for SUNY (RF) are committed to the advancement of scholarly research with integrity and transparency.

Recently, the United States Government has expressed concerns regarding inappropriate influence by some foreign entities over federally-funded research. Federal agencies have issued funding and potentially cause ineligibility for future funding for a Principal Investigator (PI) or an institution.

In June 2019, SUNY Board of Trustees adopted a [Resolution \(Res No. 2019-49\)](#) that directs the Chancellor, or designee, to release a Statement on Foreign Disclosure and Export Controls, which shall address applicable requirements under state and federal law, and provide advice and resources with regard to making necessary disclosures and managing foreign relationships related to University research and education. Res. No. 2019-49 also requires SUNY state-operated campuses to provide training and/or resources regarding foreign interest disclosure and export control laws and regulations. Although the community colleges are not covered by Res. No. 2019-49, they are required to comply with any applicable export control laws and foreign disclosure rules under federally-funded research grants. Consequently, community colleges are encouraged to follow the guidelines and mandates set forth below.

Statement

SUNY encourages transparent and robust international collaboration. It is important for researchers and scholars to disclose their international relationships and each campus to determine if there are any potential conflicts of commitments, duplications of research, and/or diversion or disclosure of intellectual property or confidential information in the performance of research. It is also critical for researchers and scholars to be aware of export control regulations and consult with campus officials when needed, to protect national security and U.S. interests.

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foreign affiliations related to their academic work. Questions regarding individual grants and

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Sponsored Programs Office. Such offices will consult with SUNY's Office of General Counsel, as needed.

Disclosure of Outside Interests

SUNY campuses are required to instruct faculty, staff and students to follow SUNY's system-wide [conflict of interest policies](#) and local campus policies that require disclosure of outside interests to ensure that these obligations are appropriately met.

In managing the disclosure process and disclosed information, campuses may consider the following best practices:

- Specifically and explicitly require disclosure of foreign support and positions, both paid and unpaid, in the campus disclosure form; and/or,
- Establish a committee to review potential areas of foreign influence, security threats and any other related issues.

Following is a list of the types of relationships and activities that SUNY researchers and scholars are expected to disclose:

1. Foreign Components

- Foreign components of federally-funded research should be disclosed on proposals, progress reports, and final reports. Under the NIH Grants Policy Statement, a "foreign component" is defined as "any significant scientific element or segment of a project outside of the United States, either by the recipient or by a researcher employed federally"

disclosed their participation to other university offici

SUNY also recognizes that the United States government has a legitimate national security interest in limiting the proliferation of certain defense-related technologies and the dissemination of technical data relating to those technologies. The regulations enacted by the federal government in furtherance of these interests include, but are not limited to, the Export Administration Regulations (“EAR”), the International Traffic in Arms Regulations (“ITAR”), and the regulations promulgated by the Office of Foreign Assets Control (“OFAC”). Of particular importance in the university setting, these regulations apply not only to the physical export of technology overseas, but also to the deemed export of controlled technical information to foreign nationals within the United States.

Violations of the export control laws may give rise to personal liabilities, both civil and criminal, as well as institutional liabilities and penalties. Consequently, SUNY campuses are required to provide resources and training materials to enable faculty and staff to