



EXPORT CONTROLS PROCEDURES

TITLE: CONFLICT OF INTEREST		
Procedure #: EC004	Effective Date: 03/19/2021	Author: Todd Wakeland
<p>Purpose/Definitions: The term "export controls" refers to a set of federal laws and regulations. These laws and regulations are used to:</p> <ul style="list-style-type: none"> • restrict both physical and nonphysical exports of items that could contribute to the military potential of international adversaries • to advance U.S. foreign policy goals, and • to protect the U.S. economy and promote trade goals. <p>The failure to comply with export control regulations is a violation of U.S. law and can result in criminal or civil prosecution, as well as denial of export privileges. The presence of conflicts of interest poses a problem for professional and public trust in research and the research enterprise. Effective means of identifying and managing conflicts are an important element in successfully achieving the goals of research. Conflict of interest in research may also include foreign components or research in foreign countries. In order to properly comply with U.S. export control laws and regulations, the SIU System Export Controls Office (SIU-ECO) shall, in conjunction with the applicable campus office on each SIU System campus, review all conflict of interest forms that have a foreign component for export control issues. That risk should be addressed at the conflict of interest form submission stage to prevent unintentional export control violations. All conflict of interest forms that indicate foreign involvement, on the form, shall be reviewed by the SIU-ECO as indicated below:</p> <p>PROCEDURE:</p> <ol style="list-style-type: none"> 1) SIU University Ethics Office - Statement of Economic Interest Form/Supplemental Form: The SIU University Ethics Office will provide the SIU-ECO with the Illinois Statement of Economic Interest Forms and Supplemental Forms by May 30th of each year. The forms will be in Excel spreadsheet format and be reviewed by the SIU-ECO for export control issues. If any export control issues are discovered, the SIU-ECO shall notify the SIU University Ethics Office of said issue via email. If no export control issues are found, the SIU-ECO shall via email notify the SIU University Ethics Office that no export control issues exist. 		

- 2) **SIUC - Annual Disclosure of Proposed Non-University Activities and Financial Interest:** In the SIUC Provost's Office review of a faculty member's Annual Disclosure of Proposed Non-University Activities & Financial Interest document; if question 9 is answered in the affirmative, the Provost's Office, or delegate, will send, via email, a copy of the document to the SIU-ECO for review of possible export control issues. The SIU-ECO will review the faculty members disclosure statement and if an export control issue does not exist, shall notify, via email, the SIUC Provost's Office that no export control issue exists with the faculty members disclosure. If the SIU-ECO determines that an export control issue exists, it shall notify, via email, the SIUC Provost's Office of said issue and the outcome of the export control review. The SIU-ECO and the SIUC Provost's Office shall manage the export control issue with the submitting faculty member until it can be resolved or managed through a Technology Control Plan.

- 3) **SIUC - Financial Interest on Grants Disclosure Statement:** In the review of faculty members Grants Disclosure Statement, if question 6 or 7 is checked in the affirmative, the SIUC Office of Research Compliance will send, via email, a copy of the document to the SIU-ECO for review of possible export control issues. The SIU-ECO will review the faculty members grant disclosure statement and if an export control issue does not exist, shall notify, via email, the SIUC Office of Research Compliance that no export control issue exists with the faculty members grant disclosure statement. If the SIU-ECO determines that an export control issue exists, it shall notify, via email, the SIUC Office of Research Compliance of said issue and the outcome of the export control review. The SIU-ECO and the SIUC Vice Chancellor of Research's Office shall manage the export control issue with the submitting faculty member until it can be resolved or managed through a Technology Control Plan.

- 4) **SIU-MEDICINE - Annual Conflict of Interest Disclosure Form:** In review of a faculty member's Annual Conflict of Interest Disclosure Form in the SIU-MEDICINE iRIS online module, if a faculty member, has indicated a foreign interest on their form, the SIU-ECO will be notified automatically, via email notification, that a disclosure needs export control review. The SIU-ECO will review the faculty members disclosure and if an export control issue does not exist, shall notify, via email, the SIU-MEDICINE Compliance Office that no export control issue exists with the faculty member's disclosure. If the SIU-ECO determines that an export control issue exists, it shall notify, via email, the SIU-MEDICINE Compliance Office of said issue and the outcome of the export control review. The SIU-ECO and the SIU-MEDICINE Compliance Office shall manage the export control issue with the submitting faculty member until it can be resolved or managed through a Technology Control Plan.

- 5) **SIUE - Kualu Research Conflict of Interest (COI) and Proposal Development Modules:** The SIU-ECO has access to both the SIUE Kualu Research (KR) Conflict of Interest (COI) and Proposal Development (PD) Modules.

KR COI

The SIU-ECO is in a Conflict of Interest reviewer role in the KR COI Module and will be notified via email when a faculty member or staff includes a foreign entity in their Kualu COI disclosure for either of the following questions:

- whether the outside entity the reporter is disclosing is located outside the U.S or receives substantial funding from an entity located outside the U.S.
- if any travel was funded by an entity located outside the U.S. or receives substantial funding from an entity located outside the U.S.

The SIU-ECO will review the faculty member's COI disclosure and, if an export control issue does not exist, shall approve the submission by commenting "approved" and then submitting their review via a "Complete Review" button in KR. If the SIU-ECO determines that an export control issue exists, they shall notify the SIUE Compliance Specialist via email that they are working on an export control issue and to hold the disclosure. The SIUE Compliance Specialist will reference the email in a comment within the disclosure and hold the disclosure until the SIU-ECO has completed their review. Once the SIU-ECO makes a decision, they shall comment on the issue, including the solution if found, within the disclosure and submit their comment via the "Complete Review" submission button in KR. The SIUE Compliance Specialist will follow the directions within the comment to move the disclosure forward or to return to reporter.

KR PD

From Kualu Research (KR) Proposal Development, the SIU-ECO will be notified automatically via email when a faculty or staff member answers one or more of the below export control questions in the affirmative. The role of FYI or approver is noted. Approval questions require an export control compliance entry within the proposal, where comments and screening results can be recorded.

- Are foreign (non-U.S.) businesses, organizations, universities, researchers, subrecipients, subcontractors, or collaborators involved on the project? (approver)
- Does the project involve receipt or purchase of any controlled item (hardware, software, materials, encryption software, or technical data)? (approver)
- Will there be a transfer of any controlled item (hardware, software, materials, encryption software, or technical data) internationally, i.e., an export? (approver)
- Is travel outside of the U.S. required to perform the scope of work? (approver)
- Is proprietary information from other entities involved? (FYI)
- Does the sponsor restrict access to or dissemination of information the sponsor provides? (FYI)

- Does the sponsor restrict disclosure or dissemination of results, including requiring pre-publication review? (FYI)
- Does the sponsor restrict personnel who may be used on the project or have access to the research (e.g., foreign-born citizens or non-U.S. citizens)? (approver)
- Does the project involve source code for encryption software other than publicly-available software? (approver)

The SIU-ECO will review the faculty member's KR proposal submission, and if an export control issue does not exist, shall approve the submission via an approval button in KR. If the SIU-ECO determines that an export control issue exists, they shall note the issue within KR and approve the submission, hold approval until such time the issue is resolved, or deny if a determination is made that the proposal cannot be approved as submitted due to export control issues. If needed, they will notify the SIUE Office of Research and Projects of the issue and status via email. The SIU-ECO and the SIUE Office of Research and Projects shall manage the export control issue with the submitting faculty member until it can be resolved or managed through a Technology Control Plan.