

## **NSF Research Security Training Module 2: The Importance of Disclosure QRG**

**Objective:** by the end of this training, you will be able to describe what disclosure is, the importance of full disclosure, and the consequences of not disclosing properly.

### **What is disclosure?**

Disclosure means that, when applying for federal funding and throughout the award lifecycle, researchers must provide certain information such as:

- Business ownership or a significant stake in a company
- Sources of funding or support, this includes in-kind contributions such as office or laboratory space, equipment, supplies, and employee or student resources
- Academic, professional, or institutional collaborations, appointments, or affiliations
- Consulting outside an individual's appointment or agreement
- Outside employment
- Current/pending participation in foreign government-sponsored programs
- Travel supported by an outside entity
- Travel in connection with academic or professional aims

Each funding agency has the option to add additional disclosure requirements. Individual awarding agencies are the final authority on disclosure requirements so researchers must familiarize themselves with their specific funding agency's disclosure guidelines.

### **Why is disclosure important?**

Disclosing information is important because it helps assess and manage potential research security risks, thus protecting researchers, their laboratories, and organizations.

Disclosed information can be used to:

- Properly assess an individual's qualifications and capacity to perform the proposed or ongoing research
- Prevent overlap with other obligations
- Avoid duplication of research
- Assess potential conflicts of interest and commitment
- Prevent research security risks
- Protect national security

### **Problematic behaviors that can be avoided with disclosures**

**Problematic affiliations** – collaborations or activities with an individual or entity which pose a risk, are not in the best interest of an employer or sponsor, violate policy or law, or result in a conflict of interest or conflict of commitment.

**Conflict of interest (COI)** – a conflict of interest exists when an individual, their spouse, or dependent child has a significant financial interest which has the potential to directly and significantly affect the design, conduct, reporting or funding of research. **Example** – A researcher studying a drug made by a pharmaceutical company in which they own stock.

**Conflict of commitment (COC)** – obligating more than 100% of your time and effort, whether at the same institution or with different employers. **Example** – a principal investigator on a renewable energy research project is considering taking a part-time consulting position with a private company in the same field. The PI's organization already requires 100% of their time and effort – 70% for research, 20% for teaching, and 10% for service so there is no time left to commit to other projects.

Problematic affiliations, conflicts of interest, and conflicts of commitment, whether done knowingly or unknowingly, pose risks to intellectual property, national security, and the economy. To prevent this, individuals and research organizations must ensure disclosures are current, accurate, and complete.

### **Nondisclosure consequences**

Potential consequences of failing to provide current, accurate, and complete disclosures:

- Theft of intellectual property
- Award funding can be withheld or suspended, potentially indefinitely
- Loss of eligibility for future funding
- Monetary penalties such as heavy fines or paying back funding
- Suspension, termination, or disbarment preventing participation in contracts or awards with the federal government
- Prohibition from involvement in other activities, including peer review, submission of applications, or joining other award submissions
- Additional conditions and oversight required increasing administrative burden
- Limitations on collaborations and/or international participation
- Reputational damage
- Negative impact on career
- Legal consequences, including possible criminal charges and jail time

There are many examples of these consequences happening as a result of a lack of accurate and complete disclosures. In 2020, a faculty member did not disclose his research or any financial conflicts of interest under the university's policies and procedures. Following a federal investigation, the researcher was found to have collaborated with entities supporting foreign governments and was arrested by the Department of Justice. He was terminated from the university, served jail time, and was required to pay over \$100,000 in fines and restitution to NASA.

Complete all required disclosures accurately and in full to avoid these consequences.