Guidance on Disclosures
2021
**Learning Objectives**

By the end of this training document, you should be able to:

- Understand how to disclose external engagements through MyDisclosures.
- Appreciate recent concerns raised by U.S. granting agencies regarding foreign engagements.
- Recognize the disclosures required by U.S. government funding agencies, and how to implement them at the University.
- Follow the University’s Academic Visitor Guidance when inviting guests to campus.
- Implement procedures to assure that engagements do not violate export control regulations.
- Appreciate recent changes in University policies related to intellectual property (IP) and copyright.

**Abbreviations:**

COC: conflict of commitment

DOD: Department of Defense

DOE: Department of Energy

FCOI: financial conflict of interest

NIH: National Institutes of Health

NSF: National Science Foundation
Part 1: Disclosing External Engagements Related to University Professional Responsibilities

The University recognizes that the expertise of its faculty is a valuable resource and, thus, permits employment outside the University, as defined in Policy CS-09 and Policy RI-01. In general, with supervisor approval, faculty may engage in outside employment on average for one workday per week.

No dedicated paid time is allotted to engage in external employment for other members of the University community, such as staff members, but such employment is allowed during times not scheduled for University duties (such as weekends for a staff member whose scheduled University duties are from Monday through Friday).

However, for all University members, outside employment must not:

- Generate a conflict of commitment (COC), where an individual engages in external activities, either paid or unpaid, that interfere with their primary obligation and commitment to the University.
- Generate an unmanageable conflict of interest (COI). The most tangible type of conflict of interest is a financial conflict of interest (FCOI), where financial gain from an external commitment could cause conscious, unconscious, or perceived bias when completing research, teaching, or other activities at PITT.

For example, consider a faculty member who is a paid consultant for a company and also conducts research to test the company’s products. That individual may develop an unconscious bias that limits their objectivity in evaluating research data. The University uses COI management methods to protect against the effects of such possible bias.

Every individual inherently has conflicts of interest, and such conflicts must be managed to avoid real or perceived bias in the conduct of their work. At the University of Pittsburgh, management of both conflicts of interest and commitment start with disclosure of outside activities that are related to an individual’s University duties.

Faculty members must obtain permission from their department chair, dean or campus president prior to initiating employment outside the University. Note that supervisors have the right under University policy to deny permission for outside employment.

In addition, all full-time faculty members, as well as part-time and adjunct faculty members designated by their department chair or dean, must disclose all of their financial and professional interests, activities, and relationships outside the University (other than those specifically exempted) that:

- Could be reasonably perceived to be related to their institutional responsibilities.
- May generate a conflict of interest or conflict of commitment, or the perception of such a conflict, with their duties to the University.

Additional information about interests and relationships that must be disclosed, and those that don’t require disclosure, is provided on the University’s Conflict of Interest website.
Such disclosures are also required for other University members, including:

- Any individual (trainee, staff or faculty member) who is *independently* responsible for the design, conduct or reporting of research at the University.
- All administrators or staff members whose position is classified as Administrator IV or above.
- Individuals (regardless of job class) who are in a position to make, direct or materially influence University business decisions, including the independent selection of vendors.
- Any employee who is designated to complete a disclosure by their supervisor, department chair, or dean.

The online *MyDisclosures system* was created to simplify disclosures to the University. All required individuals must enter their disclosure in *MyDisclosures* upon hire, and must update their disclosure annually (typically by April 15). In addition, individuals must update their disclosure within 30 days of initiating a new financial or professional commitment related to their University position, or altering an existing relationship (e.g., obtaining a second consulting agreement with a company, or additionally joining the company’s management or board of directors).

University members must also disclose employment or relationships of immediate family members if they are related to the University member’s professional activities at PITT. For example, a faculty member must disclose if their spouse is employed by a drug company that funds the faculty member’s research.

*MyDisclosures* is intended for disclosures of relationships that may generate either a financial conflict of interest or a conflict of commitment. Thus, unless *exempted as a typical academic duty* such as peer review for a journal or service on a U.S. government panel, both paid and unpaid activities related to an individual’s position at the University must be disclosed.
Completing a Disclosure Using MyDisclosures

Individuals in certain job classes (e.g., full-time faculty and higher-level administrative staff) are automatically classified as mandatory disclosers in MyDisclosures. When these individuals are first added to the human resources payment system, they will receive an email prompt from MyDisclosures to complete their disclosure.

After an individual has filed a disclosure, they can login to MyDisclosures at any time to update this disclosure when new outside relationships are initiated. In addition, each spring, disclosers will be prompted via email to review their disclosure and certify its accuracy. Federal government regulations require this annual recertification process.

Comprehensive training guides and videos for the use of MyDisclosures are available on the PITT COI website. Note that both the University of Pittsburgh and UPMC use MyDisclosures to collect information needed to manage conflicts of interest and commitment, and individuals employed by both can complete their disclosures through a single unified process. Dual PITT and UPMC employees (those receiving a paycheck from both) can login to MyDisclosures by using either their PITT or UPMC credentials.

Although all disclosure forms are similar, the specific questions that appear on an individual's online disclosure form vary depending on their appointment at the University and/or UPMC.

Supervisor Responsibilities in Reviewing Disclosures

Once a University member submits a disclosure, their supervisor must review it online via the MyDisclosures system. Reviews should be conducted promptly after the disclosure is submitted. Timely reviews are critical, as some transactions, like grant awards, are not permitted unless a disclosure approved by the supervisor is on file.

The following are important considerations when supervisors review a disclosure. If desired, supervisors can seek guidance by referring a disclosure to the COI Office through MyDisclosures, or by emailing mydisclosures@pitt.edu.

- Full-time faculty members are permitted to engage in outside employment for one workday each week (not including nights, weekends, and University recess periods). Supervisors should assure that this maximum is not exceeded.
- If outside employment or appointments that were not pre-approved are discovered, the discloser should be reminded that pre-approval of all employment/appointments is required by University policy.
- Since engagements at foreign institutions are scrutinized by U.S. funding agencies, supervisors should assure that foreign engagements have been properly disclosed to these agencies (see next section for more details).
- Supervisors should assure that external engagements do not generate a real or perceived financial conflict of interest or conflict of commitment.
- Supervisors should assure that disclosers have complied with the University’s Conflict of Interest for Research Policy.
Part 2: Foreign Engagements

The University of Pittsburgh is fully committed to fostering international collaborations while complying with evolving U.S. government mandates regarding undue foreign influence. These mandates require disclosure and management of all potential conflicts of interest and commitment for relationships with foreign institutions, universities, organizations, and governments.

The designation “foreign engagements” is usually focused on foreign government-owned companies, as well as foreign universities and other academic institutions and organizations. Note that engagements with foreign-owned multinational companies with a presence in the United States (e.g., GlaxoSmithKline, Roche, Sanofi, Elsevier, Springer Nature, BASF) are normally regarded the same as engagements with American-owned companies.

Participation of U.S. Scientists in Foreign Talent Programs

In 2018, National Institutes of Health (NIH) Director Francis Collins issued a “Statement on Protecting the Integrity of U.S. Biomedical Research.” That statement outlined three areas of concern regarding engagement of members of NIH-funded institutions by foreign entities:

- Failure by some researchers at NIH-funded institutions to disclose substantial contributions of resources from other organizations, including foreign governments, which distorts decisions about the appropriate use of NIH funds.
- Diversion of intellectual property produced through NIH-supported biomedical research to other entities, including other countries.
- Sharing of confidential information by peer reviewers with others, including foreign entities, or otherwise attempting to influence funding decisions.

Similar concerns have been raised by other U.S. government agencies, as outlined in the following publications:

- National Science Foundation (NSF) “Dear Colleague Letter: Research Protection”
- United States Senate report “Threats to the U.S. Research Enterprise: China’s Talent Recruitment Plans”

In several publicized examples, U.S. scientists were discovered transferring data and other intellectual property generated through studies sponsored by U.S. funding agencies to a foreign laboratory prior to making these findings broadly accessible through publications and presentations. This selective transfer of information offered the foreign country an unfair advantage in commercializing the intellectual property. In some cases, the scientists were provided considerable remuneration from the foreign government, and these relationships were not disclosed to either the funding agencies or their institutions. Foreign government programs to obtain intellectual property and other “know how” from U.S. scientists, often in exchange for financial compensation, are commonly referred to as “talent programs.”
As examples, a Harvard chemist, Dr. Charles Lieber, was arrested and is being prosecuted for foreign engagement that was not disclosed to granting agencies, including NIH and the Department of Defense (DOD). In early 2021, MIT Engineering Professor Gang Chen was arrested for failing to disclose to the U.S. Department of Energy (DOE) contracts, appointments and awards from foreign entities.

In both these cases, the U.S. scientists maintained close collaborations with a foreign laboratory, and a foreign government funded their research in those laboratories. In essence, they were operating two laboratories (one domestic and one foreign), which provided for additional productivity and a competitive edge in attracting funding from U.S. agencies. Since the foreign engagements were not disclosed, the U.S. agencies were unable to factor this advantage into their funding decisions. Prosecution of these scientists hinges on their failure to disclose the foreign engagements, and not the existence of the relationships.

Another area of concern has been the release of confidential information in grant proposals by peer reviewers. NIH has sanctioned a number of scientists who shared the contents of grant applications they were assigned to review, including dissemination of the information to scientists outside the United States.

Other Examples of Foreign Influence on Research

The vast majority of foreign scholars who work in the United States are a great asset to the institutions where they reside, and offer valuable expertise, cross-cultural exchange, and diversity in opinions. However, there are a few examples of so-called “non-traditional collectors,” foreign scientists who remove materials and intellectual property from U.S. labs to benefit research in their home country. For example, Zaosong Zheng was jailed and then removed from the United States following an attempt to smuggle biological samples to a foreign laboratory (which were discovered in his suitcase at Logan Airport as he was boarding an international flight).

Confucius Institutes are public educational partnerships between colleges and universities in China and educational institutions in other countries; the partnerships are funded in part by the Chinese Ministry of Education. The institutes have been criticized by members of Congress for a variety of reasons, including censorship of academic freedom. Most Confucius Institutes in the U.S. closed following the passage of the National Defense Authorization Act for Fiscal Year 2019, which prohibited universities that host Confucius Institutes from receiving Defense Department funding for Chinese language study. Pitt’s Confucius Institute closed on June 30, 2020 due to increasing scrutiny from the U.S. government.

Extensive guidance regarding foreign engagement is provided on the Pitt Research webpage Managing International Research and Engagement.

Special Considerations for Consulting or Collaborating with Foreign Companies and Institutions

As discussed above, federal government agencies including the National Institutes of Health (NIH), National Science Foundation (NSF), and Department of Energy (DOE), Congress, and the White House have issued communications, guidance, regulations, and policies related to undue foreign influences on research integrity.
Although there are some exceptions for disclosing interactions with academic institutions in the United States, such as traveling to another university to provide a lecture, these exceptions do not apply to foreign institutions. For example, the following must be reported in MyDisclosures:

- Organizing a meeting for a foreign government, university or professional organization.
- Travel to a foreign institution or university to present scholarly work, teach, or provide a lecture. Single lectures conducted virtually, for which no compensation or honorarium is provided, do not need to be disclosed. Note that all lectures provided to foreign audiences are subject to export control regulations (see next section).
- Teaching (providing multiple lectures) at a foreign institution or university, even if conducted virtually and not compensated.
- Service on committees or governing boards for foreign institutions, universities, or professional organizations.
- Travel sponsored or reimbursed by a foreign government, institution, or university.
- Salary support or honoraria, and other forms of cash-equivalent compensation paid directly to a University member (and not through a grant or contract with the University of Pittsburgh) for services they perform for a foreign institution, university, or government.
- Tangible gifts provided by a foreign institution, university, or nonprofit organization.

In general, engagements with foreign institutions and companies (other than single, uncompensated lectures) must be disclosed through MyDisclosures. For example, if a PITT faculty member spends one day per month providing lectures via Zoom to students at a foreign institution, but does not receive any payment for doing so, this activity must still be disclosed and evaluated as a possible conflict of commitment.
Case Study 1

Jane Smith, a faculty member in PITT’s School of Engineering, is asked to give a seminar about her ongoing research at Moscow State University in Russia. Jane has an 8-month university contract, and decides to travel to Russia over the summer when she has no pressing academic commitments. The Russian government buys her plane ticket, and she is delighted by the first class accommodations and dining provided during the visit. During her seminar, Jane shares unpublished data from a study supported by the U.S. Department of Energy that she has been involved with as co-investigator. Jane develops a friendship with her Russian hosts and agrees to participate in monthly teleconferences with graduate students at Moscow State University to share the latest developments from PITT’s School of Engineering.

Jane is provided no honorarium for the trip (although her travel expenses were paid by the Russian government). Since she traveled during the summer when she had no academic duties, she did not report her trip or her continuing teleconferences with Moscow State University to her department chair or funding agency.

Was Jane wrong in not disclosing these activities?

Discussion

Jane’s invitation to visit Russia was evidently related to her professional responsibilities at the University of Pittsburgh; thus, the trip should have been disclosed through MyDisclosures even though it occurred when she had no academic responsibilities in Pittsburgh and she received no honorarium. Her agreement to provide monthly sessions for graduate students at Moscow State University should also have been disclosed (despite the fact she was not paid for this effort), and evaluated as a potential conflict of commitment. Jane may also have violated the terms of the Department of Energy grant that supports her research by providing unpublished data to individuals at Moscow State University, and violated export control regulations. Jane should have contacted PITT’s Office of Trade Compliance prior to agreeing to visit Russia to determine restrictions in sharing data obtained through funding from the U.S. Government.
Disclosing Foreign Components and Support for Research Conducted by University Members

In addition to disclosing outside employment and engagements, it is crucial to report to research sponsors and funding agencies all “other support” for research activities and professional endeavors, whether they are conducted at PITT or UPMC or elsewhere. The Office of Sponsored Programs maintains a webpage of resources to clarify required disclosures to funding agencies. How “other support” is disclosed will be discussed later in this training module.

U.S. government agencies that fund research activities require disclosure of all support for these activities, to avoid overlap and duplication of:

- Scientific goals
- Financial support for a project
- Investigator effort committed to a project

Other support, sometimes referred to as “current and pending support” or “active and pending support,” typically includes all resources, regardless of monetary value, available in direct support of an individual’s research endeavors. Other support can include:

- Financial support for laboratory personnel (e.g., salary or stipend paid in part or whole by another entity such as another University or foreign government).
- Provision of materials that are not freely available (e.g., biologics, chemicals, model systems, technology).
- Laboratory space or other accommodations at another location to conduct research, or funding to operate a laboratory at another location.

All sources of support that contribute to an investigator’s overall research endeavors must be disclosed to funding agencies.

Foreign Components in Externally-Funded Projects

U.S. federal government granting agencies such as NIH have become particularly vigilant in reviewing foreign components of studies they fund, as well as other support for projects. Foreign components of research include locations outside of the U.S. where a significant scientific element or segment of a project is performed, either by the recipient or by a researcher employed by a foreign organization, whether or not grant funds are expended outside the U.S.

Principal Investigators should review current projects to ensure that all foreign components have been disclosed through progress reports and final technical reports, and must obtain prior approval when adding a foreign component to an existing federal award.

All new proposals must include a clear description of all foreign components.

Examples of foreign components of sponsored projects include:
The involvement of human subjects or animals at a foreign location.

- Extensive travel by recipient project staff to a foreign location for the purpose of data collection, surveying, sampling, and similar activities.
- Collaborations at a foreign site anticipated to result in co-authorship, whether or not grant funds are used to support the collaboration.

**How to Disclose Foreign Support, Collaborations and Components in Grant Applications**

*Sponsors have varying requirements to disclose foreign support, collaborations, and components, so it is critical to understand each sponsor’s requirements before submission of a proposal. This webpage provides guidance.*

For NIH-funded studies, foreign components and engagements must be reported in new proposals, just-in-time requests, or as a prior approval request for a current award. There are directed questions in NIH applications as well as the University’s MyFunding system that must be answered accurately to disclose foreign components of research proposals. In addition, the Other Support page in NIH applications must list all of an investigator’s personnel support, gifts of technology or materials, etc. that are related to their research.

Furthermore, an investigator’s biosketch must list all of their professional appointments, including those at foreign institutions.

*This webpage provides further details about NIH’s disclosure requirements.*

**Required Disclosures for NIH Grant Proposals**

- Foreign Components: Disclose through Directed Questions in Application
- All Research Support: Disclose on Other Support Page
- Academic Appointments: Disclose in Biosketch

NSF instituted similar requirements in mid-2020, and now requires disclosures to cover most other support, both financial and nonfinancial, received by any senior personnel listed in an NSF proposal. This could include resource allocation of equipment, materials, or staffing provided by other sources and additional in-kind contributions, even when “not intended for use on the project/proposal being proposed.” To provide guidance, NSF has published “Frequently Asked Questions on Current and Pending Support.”

DOE and DOD have issued evolving guidance related to foreign engagement of the agencies’ grantees. Investigators must pay strict attention to the requirements if they are recipients of grant funds from these agencies or are contemplating applying for funding. As with NIH and NSF proposals, those to DOD and DOE must disclose all support for an applicant’s research. *This document provides more details about DOD’s disclosure requirements. DOE has prohibited grantees from participating in foreign talent programs.*
As noted above, it is crucial for investigators to be aware of disclosure requirements for all agencies and organizations supporting their research and to strictly comply with these mandates. Failure to do so can result in loss of funding and other sanctions, including prosecution by the federal government.

Other Disclosure Requirements

As with all outside employment, a department chair or dean must endorse appointments at other institutions, including involvement in foreign talent programs, whether or not the positions are paid. In addition, all appointments and engagement with foreign talent programs must be indicated on an individual’s curriculum vitae and disclosed to University of Pittsburgh administrators on request; they must also be reported through MyDisclosures. Note that some U.S. government agencies such as DOE explicitly exclude investigators engaged in funded studies from participating in foreign talent programs.

Where Can I Turn for Help?

If a federal sponsor asks questions about your foreign disclosures, foreign components in research agreements, etc., you must email FundingAgencyDisclosures@pitt.edu immediately for assistance.

In addition, the Office of Sponsored Programs can provide guidance about other support information that must be included in grant applications, as well as general information about foreign engagement reporting requirements of funding agencies.
**Case Study 2**

Jack Smith, a faculty member in PITT’s Department of Biological Sciences, met Maki Suzuki when they were graduate students in the same laboratory. They became close friends in graduate school, and that friendship developed into a long-term scientific collaboration. Maki returned to Japan after her graduate studies were completed and is now a prominent scientist at a Japanese university.

Maki sent her graduate student to Pittsburgh to gain research experience in Jack’s lab; the student was supported through a fellowship from the Japanese government. The student greatly facilitated the completion of Jack’s NIH-funded research project. The following year, Jack spent two months in Japan completing a portion of his NIH-funded research, as Maki’s lab had better equipment than Jack’s. Maki was included as a co-author on the article describing the research, as she contributed a number of important insights for interpreting data from the study.

No NIH grant funds were used for this collaboration, and thus Jack did not reflect it on the Other Support page of his NIH grant renewal application. Did Jack violate NIH policy for not doing so?

**Discussion**

Although Jack’s collaboration with Maki was well-intentioned, a number of violations of NIH policies were evident that could have resulted in serious sanctions for Jack. Before Jack visited Japan to conduct research, he should have contacted his NIH Program Officer for advice on adding a foreign component to the sponsored research. He should have also disclosed the salary for the graduate student engaged in his NIH funded work on the Other Support page of his NIH renewal proposal, as well as travel costs and research support provided by the Japanese University.
Part 3: Export Control and University Visitors

The University of Pittsburgh is committed to academic freedom and the dissemination of the final products of research to all interested parties. At the same time, University members must be cognizant of a variety of U.S. laws and regulations that restrict shipments and other transfers into and out of the United States of some research items (technical data, software, and materials) from/to particular countries, entities, and persons. Violation of these laws can result in fines and in some cases prosecution by the U.S. government.

The Office of Trade Compliance is available to provide consultation about the import or export of items to and from other countries, as well as restrictions on transfer of controlled technical data to foreign nationals who are in the United States (a.k.a. “deemed exports”). This office can also aid in preparing licenses and authorizations that are needed to legally import or export items used in or resulting from research activities.

Academic Visitors

The University has restricted the presence of guests on campus during the COVID-19 pandemic. In particular, brief visits (Category 1 visits, see below) are generally not permitted. Please refer to the University’s coronavirus website for additional information.

The Academic Visitor website contains information to assist visitors before their journey to Pittsburgh and during their stay as well as procedural guidance for University faculty and staff who wish to host short- and long-term visitors. This guidance is relevant to both foreign visitors and those from institutions in the United States.

Academic Visitors are individuals supported by other academic institutions or companies who receive an official invitation from a University of Pittsburgh host school or department that will allow them to be a guest on our campus for a specified amount of time and for a specific academic or research purpose. “Academic visitors” can include graduate students and other scholars, but not undergraduate students or contractors working on campus. In some cases, academic visitors may be self-supported.

While at the University of Pittsburgh, academic visitors must maintain an association with a host faculty member and department that will serve as the intellectual home for the visitor. The initial term for any visit should not exceed one year. An extension to the visit may be approved by a dean or their designee for an additional term of one year.

Visits are divided into three categories:

Category 1: Brief Visits are a visit to any University of Pittsburgh campus that does not exceed 14 calendar days in duration and will not involve use of a laboratory or clinical space.

Category 2: Scholarship/Research Visits are a visit to any University of Pittsburgh campus that will include on-campus scholarship or research that will extend beyond 14 calendar days in duration and will not involve use of a laboratory or clinical space.
Category 3: Activities Involving Laboratory and Clinical Use is a visit to a University of Pittsburgh campus that includes use of a laboratory or clinical space. In this category, the length of the visit and the primary purpose of the visit do not matter.

The MyEC Electronic Visitor Process is required for Category 2 and 3 Visitors and is optional but recommended for Category 1 visitors. For Category 2 and 3 visitors, information should be entered into the system before proceeding with the visitor agreement process. Based upon the information provided, the system will automatically conduct the restricted party screening, and the Office of Trade Compliance will conduct an export control review and embargoed country check. For Category 1 visitors, use of the system creates a permanent electronic record of the individual’s visit, including restricted party screening and embargoed country check results.

All original executed visitor agreements, laboratory and clinical addenda, and invitation letters should be kept at the department or school level, with electronic copies uploaded to the MyEC system for all Category 2 and 3 visitors. Academic visitors are not permitted to begin on-campus activities until all executed documents are received. Approved agreement and letter templates are available on the Academic Visitor website.

An appointment form for visitors who fall into either Category 2 or 3 must be entered into the University’s Worx system. This step is a prerequisite for obtaining a University visitor ID and other administrative actions that are available to the host department or school.

Where Can I Turn for Help?

Please contact the visitor liaison if you have any questions regarding academic visitors. The visitor liaison can be reached at: visitor@pitt.edu or by submitting an inquiry at https://visitor.pitt.edu/.
**Case Study 3**

Twenty years ago, you met Sayyed Mahmoud Hessaby when you were engaged in postdoctoral training in Germany. Sayyed later returned to Iran and became a respected physicist at a University in Tehran. You had not heard from Sayyed in many years, but recently received an email request for his graduate student Ahmed to work in your lab for a year to gain valuable experience. You wholeheartedly agreed to host Ahmed.

While Ahmed was a visitor in your lab, he was an industrious worker who helped you finish an important physics project supported by a grant from the DOD. You were confident that the work could be commercialized, but since Ahmed was so helpful in completing your research, you provided him with open access to all data on your laboratory computers. You also allowed him to take a small custom-designed piece of equipment and data from your lab back to Iran to facilitate his research there.

Did any of your actions violate University or U.S. government policies or regulations?

**Discussion**

Although your actions were intended to facilitate the career of a former colleague’s trainee, they violated many University policies and perhaps also U.S. Export Regulations, placing you and the University at risk of prosecution by the government. Prior to Ahmed’s visit, you should have followed the University’s [Academic Visitor Guidance](#), to ensure that a restricted party screening, export control review and embargoed country check were conducted through the MyEC Electronic Visitor Process. Under this same guidance, the University also requires the completion of a visitor participation agreement and laboratory use addendum prior to any visitor engaging in on-campus laboratory activities. Through the MyEC Process, the Office of Trade Compliance would have flagged the visitor’s home country (Iran) as a highly embargoed country and provided additional advice through an internal management plan that would allow the visit to take place in compliance with existing U.S. export control regulations.

The transfer of data obtained through a grant funded by DOD and equipment from the PITT laboratory also likely violated existing U.S. sanctions imposed against Iran. Consultation with the Office of Trade Compliance prior to the transfer of materials was necessary to assure that no laws were violated, and if possible to establish licenses and authorizations to legally transfer the materials.

Since the PITT investigator intended to commercialize the products of the DOD-funded work through the Innovation Institute, dissemination of the work should have been restricted until a patent application was filed with the assistance of the Innovation Institute.
Part 4: Intellectual Property and Copyright

Over the past year, the University approved new policies related to intellectual property and copyright through the shared governance process.

Copyright

Policy RI-03 stipulates that the ownership of copyrightable scholarly work, including software and course materials, typically resides with the University author. The exceptions to this principle are indicated in Policy RI-03. However, the University retains a license to use course materials created by faculty in their course of employment, including the right to create derivative works, but does not hold the right to publish these materials for dissemination outside the University.

Intellectual Property

The University’s Office of Innovation and Entrepreneurship, through the Innovation Institute, aids investigators in commercializing their inventions and innovations. A federal law, the Bayh-Dole Act, stipulates requirements and procedures for the University to retain title to inventions resulting from funding from the U.S. government.

Grants and contracts from the U.S. government (including agencies such as NIH and NSF) are awarded to the University, and not individual faculty members. Thus, the University has an obligation for implementing the Bayh-Dole Act for federally-sponsored research. As part of this responsibility, U.S. funding agencies require agreements between faculty members and the University that protect the government’s interest in intellectual property developed through federally-sponsored research. These agreements assure that the faculty member does not assign the intellectual property to a third party.

A faculty member must engage the Innovation Institute in commercializing inventions and innovations developed through their employment at PIT, even if the discovery was not a product of research funded by the U.S. government.

If a faculty member believes their research will result in (or has resulted in) discoveries that can be commercialized, and has an intent to do so, they should be familiar with international patent laws. Patents are contracts between governments and inventors: a U.S. patent excludes others from importing, selling, or offering for sale the invention in the U.S. However, patents are geographically restricted (filed country by country where protection is desired) and administered by a country's patent office. Therefore, U.S. patents do not protect intellectual property outside of the United States. Publicly disclosing an innovation before appropriate patent application filing may prevent an innovator's ability to obtain patent protection on that discovery in international settings.

The Federal Bureau of Investigation has indicated that through foreign talent programs and other mechanisms, foreign governments and institutions have obtained valuable intellectual property from U.S. Universities. This was reiterated in a letter sent by NIH Director Francis Collins to grantee institutions in 2018.

The Association of American Medical Colleges (AAMC) has provided advice on preventing data theft from U.S. institutions. The key is to control access to sensitive data and other intellectual property, if there is an intent to commercialize the material, and to incorporate security protections to prohibit transmission
of the intellectual property to unauthorized individuals. PITT IT has posted a webpage about data security procedures. Inventors should be careful to safeguard potentially valuable intellectual property.

Where Can I Turn for Help?

Questions about intellectual property, patents, and related matters should be directed to the Innovation Institute. PITT IT can provide guidance on data security by contacting the help desk.

Part 5: Summary

The following are key take-away points about management of external professional engagements:

- Outside employment and appointments for faculty members must be pre-approved by their chair, dean, or campus president in advance of engaging in these activities. In addition, the outside employment must be disclosed in MyDisclosures within 30 days.

- Faculty members are permitted to engage in employment outside the University one workday per week.

- Financial and professional relationships pertinent to a University member’s employment at PITT must be disclosed using MyDisclosures within 30 days of the engagement and each spring during the annual disclosure period. Department chairs, sometimes in consultation with the Conflict of Interest Office, use this information to manage potential conflicts of interest and commitment.

- U.S. government funding agencies are increasingly concerned about undue foreign influence on research. All investigators must be aware of the disclosure requirements for agencies supporting their work. In general, funding agencies should be consulted in advance if any component of the research (including data analysis) will be conducted in another country. In addition, all support for research (including personnel, equipment, and valuable reagents) must be disclosed.

- Physical shipments and transfers of software and technical data out of the United States to particular countries, entities, and persons may be restricted by Export Control Regulations. Similar restrictions may also apply to items that are imported into the United States. The University’s Office of Trade Compliance assists University members in complying with these requirements.

- The Academic Visitor website outlines the steps required to invite visitors to the University.

- A new copyright policy stipulates that ownership of copyrightable scholarly work, including course materials, typically resides with the University author. However, the University maintains a license to use course materials developed by University employees.

- The University (and not the inventor) is required by the Bayh-Dole Act to commercialize intellectual property disclosed as being created through research funded by the U.S. government. Inventors must engage the Innovation Institute in commercializing intellectual property.

- Public disclosure of innovations may prohibit the patenting of the discovery in some countries. Thus, inventors should employ data security practices to safeguard intellectual property that they intend to commercialize.