

MINUTES
STATE UNIVERSITY SYSTEM OF FLORIDA
BOARD OF GOVERNORS
ACADEMIC AND RESEARCH EXCELLENCE COMMITTEE
FLORIDA INTERNATIONAL UNIVERSITY
September 1, 2021

*Video or audio archives of the meetings of the Board of Governors
and its committees are accessible at <http://www.flbog.edu/>.*

1. Call to Order and Opening Remarks

Governor Kent Stermon convened the meeting on September 1, 2021, at 9:36 a.m., with the following members present: Governors Edge, Jones, Jordan, and Lydecker. A quorum was established.

2. Minutes of the March 23, 2021, Committee Meeting

Governor Stermon asked for a motion to approve the minutes of the March 23, 2021, committee meeting. Governor Jones moved to approve, Governor Edge seconded the motion, and the motion carried unanimously.

3. Public Notice of Intent to Adopt Board of Governors Regulation 9.012, Foreign Influence

Governor Stermon recognized Ms. Vikki Shirley, General Counsel for the Board of Governors, to present the Public Notice of Intent to Adopt Board of Governors Regulation 9.012, Foreign Influence.

Ms. Shirley explained that the regulation incorporates all requirements of the new law relevant to gift reporting for State University System Institutions and state agencies, including Moffitt and Shands. She noted that any gifts valued at fifty dollars or more, aggregated or individual, received from any foreign source, must be reported to the Board of Governors on a semiannual basis. Ms. Shirley noted that the first reporting year would begin on January 31, 2022.

Ms. Shirley explained that the regulation requires State University System institutions to establish a Research Integrity Office, screen foreign researchers associated with countries of concern, and establish an international travel approval program. She noted that foreign researchers include graduate or undergraduate students who may be U.S. citizens or permanent residents who have or continue to have an affiliation with a foreign country of concern. Ms. Shirley reported that the seven countries of concern as specified in the new regulation, in accordance with statute, are China, Russia, Iran, Cuba, North Korea, Syria, and Venezuela. She indicated that no State University System institution or research entity associated with the state may offer employment, interview, or access research information for researchers until they have undergone the complete screening process. Ms. Shirley noted that the international travel approval

program must be in place by January 1, 2022.

Ms. Shirley reported that Board office staff will have high-level responsibility related to monitoring gift reporting. Additionally, university audit executives will have responsibility for screening researchers and international travel requirements.

Lastly, Ms. Shirley noted that international cultural agreements that constrain the freedom of contract of a public entity, allow control of curriculum or values, and promote an agenda that is detrimental or compromises the security of the U.S. or its citizens are prohibited by the new legislation and regulation.

Governor Lamb inquired about the role of administration at various levels, including boards of trustees, related to accountability for the implementation of the regulation.

Ms. Shirley indicated that the Research Integrity Office would have stringent reporting and monitoring requirements.

Governor Levine expressed concern with the lack of clarity in the regulation regarding the Research Integrity Office's reporting with the university boards of trustees' audit and compliance committees. He noted previous challenges with foreign influence within the State University System and Moffitt. He wanted to ensure there were measures clearly outlined in the regulation to ensure a direct line of reporting between university boards of trustees and the research and integrity function.

Ms. Shirley noted that direct reporting to the boards of trustees is currently required and incorporated into the reporting requirements for university audit offices.

Governor Stermon asked for a motion to approve the Public Notice of Intent to Adopt Board of Governors Regulation 9.012, Foreign Influence. Governor Jones moved to approve, Governor Jordan seconded the motion, and the motion carried unanimously.

4. Update Implementation of House Bill 7017, Foreign Influence

Next, Governor Stermon recognized Dr. Daniel Flynn, Chair of the State University System Vice Presidents for Research, to provide an update on the State University System implementation of section 1012.977, Florida Statutes that went into effect July 1, 2020.

Dr. Flynn reported on the System implementation progress of four activities required by section 1012.977, Florida Statutes. He explained that the statute covers contracts and grants; outside activities that affect the integrity of state universities; and the requirement of employees who engage in the design, conduct, or reporting of research, to disclose and receive determination that outside interest or research do not conflict with university assigned interests.

Dr. Flynn reported that 10 out of 12 institutions had implemented the requirement to develop new training modules, including online, supplemental websites, and

supplemental materials. He noted that the remaining two institutions would implement the requirement within four to eight weeks. He then reported that 12 out of 12 institutions are in compliance with the requirement to develop or revise policies that broaden the target audience and include both conflicts of interest and conflict of commitment. He then reported that 11 out of 12 institutions have developed or revised procedures that incorporate the new statutory requirements. Lastly, Dr. Flynn reported that all institutions are in compliance with the requirement to update or develop electronic systems to address the new statutory requirements.

5. SUS Vice Presidents for Research Update

Dr. Flynn was recognized to provide an additional update regarding House Bill 7017 on foreign influence that went into effect July 1, 2021. He asked that Dr. David Norton, Vice President of Research for the University of Florida, provide an update on the State University System's progress on compliance with House Bill 7017 and related statutes.

Dr. Norton reported that House Bill 7017 addresses foreign influence over state universities and state agencies. He noted the new law includes foreign gift reporting, requiring institutions to report any contracts, grants, and gifts from a foreign source exceeding \$50,000 or more per year. The law also limits or prohibits certain types of international cultural agreements with countries of concern. The law addresses foreign travel and research institutions, requiring each university to establish an international travel, approval, and monitoring process, requiring faculty researchers and research staff to engage in a pre-approval screening process; and requires state universities with a research budget of 10 million dollars or more to screen certain persons seeking research positions at the university. He added that the screening includes persons who may be citizens of foreign countries, those who are not permanent residents of the U.S., citizens or permanent residents of the U.S. who have or may have had any affiliation with an institution or program with a foreign country of concern, and citizens or permanent residents of the U.S. who have spent a significant amount of time employed outside of the U.S., except if employment or training was with an entity of the U.S. government.

Dr. Norton reported that the state universities have multiple processes to address international export control through the State Department, Department of Commerce, or Department of Treasury requirements. He also indicated that institutions would leverage existing resources to address reporting and monitoring. Additionally, he noted that most universities currently have a research integrity office and/or officer involved in the monitoring, screening, and reporting requirements.

Dr. Norton noted that state universities have begun to address requirements by forming task forces or workgroups comprised of various offices across the university. He noted that the University of Florida has a 12-person committee that meets weekly to design a process to address foreign influence.

Dr. Norton indicated that universities would use existing processes that are in place for

the reporting of gifts to implement the new reporting requirement of gifts of \$50,000 or more. He noted that gifts greater than \$250,000 are currently reported to the U.S. Department of Education under Section 117.

Dr. Norton reported that most universities were going to leverage existing travel systems and augment them to meet the new travel screening and pre-approval requirements. He noted existing screening protocols and implementing tools such as visual compliance as examples.

Dr. Norton acknowledged that the vice presidents for research, along with other university staff across the System, had been working with Board staff since the summer.

Dr. Norton noted that his counterparts at Florida International University and Florida Atlantic University were available to address any questions.

Governor Stermon thanked Dr. Norton and Dr. Flynn for their presentation.

6. Concluding Remarks and Adjournment

Having no further business, Governor Stermon adjourned the meeting at 10:00 a.m.

Kent Stermon, Member

Brittanian K. Gamble
Assistant Director, Academic Affairs