

Inventory of UC Engagements with Countries of Concern

On August 28, 2023, the University of California (UC) President [issued a letter](#) to the Chancellors and Lawrence Berkeley National Laboratory Director outlining a new comprehensive framework (herein referred to as “Framework”) with three core requirements for UC international affiliations and agreements involving emerging technology and countries of concern. These new requirements are intended to proactively protect UC’s intellectual property, strengthen collaborations, and preserve the reputation of UC’s research enterprise.

The three elements of the new Enhanced Review and Approval Framework are: 1) a forward-looking Enhanced Review and Approval process for Engagements involving both a country of concern and emerging technology; 2) *an inventory of active or currently pending Engagements involving a country of concern*; and 3) routine compliance reporting on all active and current international Engagements involving emerging technologies.

This document outlines guidance **specific to the inventory of active or currently pending Engagements with a country of concern**, herein referred to after as the “inventory,” along with the template to use for submitting information on these Engagements to UCOP.

Inventories submitted by locations will be reviewed by the responsible UCOP offices [UC Legal, Ethics Compliance and Audit Services (ECAS), and Research Policy Analysis and Coordination (RPAC)] to provide a summary and risk assessment to the President.

Timing

Locations will have **90 days** from the release date of this guidance to complete and submit their Inventory to UCOP.

What must be included in the Inventory?

The Inventory must include all active or currently pending “Engagements” involving a country(ies) of concern¹, regardless of whether the Engagement involves emerging technology. “Engagements” are defined below to include only “Institutional Level” activities. As defined, an Institutional Level activity is one undertaken by or on behalf of the University, a location or any of its components are considered at the Institutional Level. In contrast, “Individual Level” activities (which are not included in the definition of “Engagements,” and which therefore do NOT need to be included in the location inventories) include activities undertaken by a researcher acting in their individual capacity. Refer to the “Definitions” section at the end, taken directly from the UC International Engagements Enhanced Review and Approval Guidance issued Nov 20, 2023, for the complete description of the terms used.

¹ For the purposes of the President’s letter and this guidance “Countries of concern” include Qatar, Saudi Arabia, United Arab Emirates, the People’s Republic of China (including Hong Kong and Macau), the Democratic People’s Republic of Korea (North Korea), the Russian Federation, and the Islamic Republic of Iran. See e.g., Section 19221 of the [CHIPS and Science Act of 2022 \[42 U.S. Code § 19221\]](#); [Section 117 of the U.S Higher Education Act of 1965](#); and <https://www2.ed.gov/policy/highered/leg/institutional-compliance-section-117.pdf>. Note “countries of concern” terminology is used in various regulations and contexts. Locations should always refer to the specific applicable federal law, order, or regulation when determining which countries are subject to particular federal controls or restrictions.

Gifts of \$50,000 or more from a country of concern must be included in the Inventory. The \$50,000 threshold aligns with [Sec 10339B of the CHIPS and Science Act of 2022](#)

Degree-granting and exchange programs (where the exchange refers to people) with a research component (whether the research component is called out in the agreement or not) and involving a country of concern must be included in the Inventory.

Any other Engagement NOT identified in the below table that involves a country of concern and that is undertaken at the Institutional Level must be considered included in the Inventory. A location can write to researchsecurity@ucop.edu to request clarification.

Must Individual Level Engagements be included in the Inventory?

No. Individual Level activities, which are activities undertaken by a researcher acting in their individual capacity are not Institutional Level activities (see definitions below). Examples of Individual Level activities are:

- Individual visiting scholars or students that are not covered under an exchange or degree-granting program or other agreement that involves a research component.
- Individual faculty collaborations and Engagements, e.g., a speaking engagement.
- Outside Professional Activities undertaken by faculty in their individual capacities. ²

Note: While these activities do not need to be included in the Inventory, there may be other legal, regulatory or policy requirements for certain Individual level activities not related to the President's letter.

What else does not need to be included in the Inventory?

The following do NOT need to be included in the Inventory:

Agreement type	Purpose	What may be exchanged
Non-disclosure Agreement (NDA) or Confidentiality Agreement (CDA)	Transfer of information	Proprietary or confidential information
Federally Sponsored grants or contracts, federally sponsored research with foreign subawards, or federally sponsored research with foreign-located collaborators	Financial support for research from a federal agency	Technology, items, software

² Outside Professional Activities undertaken by faculty are governed by Academic Personnel Manual Sections 025 and 671.

Agreement type	Purpose	What may be exchanged
Sales and Service Agreement	Sale of a UC service related to location facilities, operations, or procurement	Technology, items, software
Material Transfer Agreement (MTA)	Material transfer	Technology, items, software
Data Use or Software License Agreement (DUA/SLA)	Transfer of information or software	Technology, information, software
Patent/Intellectual Property licensing ³	Further technology development	Rights
Purchasing or procurement	Operational purchase of supplies, equipment and services	Goods and services
Gifts <i>under</i> \$50,000 from a foreign source associated with a country of concern	Provides funding for research, capital projects, or other purposes	Goods and services
Degree granting programs without a research component or exchange	Agreements for educational exchanges between institutions	Educational services

What information about each Engagement needs to be included?

UCOP is providing an Inventory template for location use that includes the following data points for each Engagement:

- Location name, point of contact, and contact information
- International Entity(ies) Involved
- Country(ies) of Concern Involved
- Start Date (Actual or Proposed)
- End Date (If applicable)
- Status (Active or Pending)
- Type of Engagement (MOU, gift, sponsored research, etc.)
- Description of UC's Involvement
- Support (Financial, in-kind or other value received by UC as a result of the Engagement)
- Responsible Party (PI, Chair, Engagement POC)

³ For patent/IP licensing, the location IP licensing/tech transfer office should coordinate with the local Export Control Officer for export license reviews and other stakeholders to conduct research security reviews.

- Engagement Title (if applicable)
- Department or Unit
- Other information (optional)

Any additional information or documents, such as copies of agreements, are not needed at the time of submission; however, UCOP may request additional information or documents on specific Engagements after submission. Additional requests will be kept to a minimum and be based on Engagements that represent higher risks.

Engagement status and active period

Only active or currently pending Engagements with a country(ies) of concern, assessed from the time the Inventory is submitted, need to be included.

The start date should be taken from any associated agreement, if applicable. Unless otherwise indicated, the start date is the date that a UC designated official signed the agreement. If no agreement exists for the Engagement, the start date is when the activities of the Engagement were first initiated.

In cases where an agreement may not reference an end date, or if the agreement automatically renews, the location must still indicate the Engagement's duration and status. Regardless, if any activities were performed under an agreement, unless it has been terminated, then it must be considered active.

If an agreement does not have a specified end date, but the location has ended the Engagement and any related agreement, the location must maintain a record that the Engagement was terminated through communication or other direct action taken by the location to end the Engagement.

Gifts are one Engagement type without an end date or status. For the purposes of the Inventory, gifts received within the last five years from the issuance of the [President's letter](#) will be considered active.

Which offices should locations coordinate to gather the requested information?

We suggest you coordinate, minimally, with the following offices at your locations to gather the information requested. Other offices should be consulted at location discretion:

- Procurement
- Contracts & Grants
- Intellectual Property and Industry Research Offices
- Development/Institutional Advancement Offices
- The International Scholars and Student Office and offices that can enter into International Agreements
- Extension
- Academic Deans/Department Chairs
- Departments, Schools or Organized Research Units

Submission process

Using the provided template spreadsheet, each location must submit a single Inventory with all relevant Engagements as outlined by this guidance within the 90-day period.

Inventory revisions to add or remove Engagements, or otherwise update information previously provided, will be accepted as needed, but locations should minimize the number of revisions to the extent possible.

Submit the inventory as an email attachment sent to researchsecurity@ucop.edu.

Definitions (Taken from the UC International Engagements Enhanced Review and Approval Guidance)

Agreements: A manifestation of mutual assent by two or more parties, made through offer and acceptance. An agreement can be written or oral. Forms of agreements may include contracts, gift agreements, corporate sponsorship agreements, grant agreements, and memoranda of understanding.

Engagements: A general term used to describe an activity that the University or any of its components undertake at the Institutional Level that involves significant or meaningful interaction or exchange with another entity. For the purposes of the President's letter, "Engagements" is a "catch-all" term to describe Agreements, Affiliations and Collaborations that need to be considered.

Affiliation: An association or relationship of a continuing nature between the University or any of its components (e.g., location or location sub-units) and another organization or individual in support of an academic, research, clinical and/or scholarship program and/or exchange of students, faculty, scholars, and staff.

Collaborations: A general term used to describe an activity that the University or any of its components undertake at the Institutional Level that involves significant or meaningful interaction or exchange with another entity. For the purposes of the President's letter, this term is used interchangeably with "Engagements."

Institutional vs. Individual Levels: For the purposes of the President's letter, international Engagements that are undertaken by or on behalf of the University, a location or any of its components are considered at the "Institutional Level." In contrast, agreements that are NOT undertaken by or on behalf of the University, a location or any of its components are considered to be undertaken at the "Individual Level." Examples of Individual Level affiliations and agreements include professional relationships between a researcher acting in their individual capacity and international parties to collaborate on a research project or co-author a scientific journal.

Enhanced Review and Approval: For the purposes of these guidance documents, when the phrase "Enhanced Review and Approval" is used, it means specifically pursuant to President Drake's Letter to the Chancellors and LBNL Director on August 28, 2023, and does not mean to be comprehensive of other policies or processes, such as the International Activities Policy, where Enhanced Review and Approval may be required separate of the President's letter.