ERGP Research Orientation for New Faculty

Research Compliance at K-State

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Cheryl Doerr

Research Compliance

- Research involving Human Subjects (IRB)

- Research, testing, or teaching involving animals (IACUC)

- Research using recombinant or synthetic nucleic acid molecules, toxins, or infectious agents (IBC)
    - Dual Use Research of Concern (DURC)

- Responsible Conduct of Research (RCR)

- **Controlled Unclassified Information (CUI)**

- **Export Controls Compliance Program (ECCP)**

> Our team is here to help you navigate compliance and maintain K-State's reputation for research integrity

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CUI Defined

- The United States government is implementing requirements for **safeguarding** Controlled Unclassified Information, or CUI.

- CUI is defined as sensitive information that demonstrates risk resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of information collected or maintained by or on behalf of an executive branch agency.

- Information provided by or collected on behalf of the 81 entities comprising the executive branch and that falls into at least one of the CUI categories (i.e. export controls, defense, nuclear) will be considered CUI and will need to be safeguarded to at least NIST 800-171 standards.

NIST 800-171

- NIST 800-171 is a special publication released by the National Institute of Standards and Technology (NIST) "Protecting Controlled Unclassified Information in Nonfederal Information Systems and Organizations."

- It provides guidance and standards on how to protect CUI data in order to reduce or eliminate security incidents from occurring.

- These standards include 110 different physical and IT-related security controls, such as access control, physical security standards, and IT system security.

- NIST 800-171 also requires the development of an audit and training program.

Examples of NIST 800-171 Controls
3.1.8 - Limit unsuccessful logon attempts
3.3.9 - Limit management of audit logging functionality to a subset of privileged users
3.9.1 - Screen individuals prior to authorizing access to organization systems containing CUI
3.12.3 - Monitor security controls on an ongoing basis to ensure the continued effectiveness of the controls
3.14.4 - Update malicious code protection mechanisms when new releases are available

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Controlled Environments

Controlled Environments: Physical

- CUI must be stored or handled in controlled environments that prevent or detect unauthorized access.

- Areas where CUI is stored or used should be equipped with electronic locks – ACCESS CONTROL.

- Doors, overheads bins, file cabinets, and drawers should be locked.

- CUI documents should be kept in a locked drawer or filing cabinet.

- CUI documents should be stored in sealed envelopes.

Controlled Environments

Controlled Environments: Electronic

- Limit and control access to CUI within the work environment by establishing electronic barriers.

- Lock your computer when you leave your office.

- K-State has developed a cloud-based solution in order to meet all CUI safeguarding standards.

Planning for CUI

- Specific federal agencies (DOD, DOI, GSA, NASA) have already adopted the CUI requirements.

  - The rest of the agencies plan to adopt CUI within the next 12 months.

- Researchers who are applying for awards from agencies listed above must incorporate funds for information security requirements in the budgets of all new proposal submissions.

- Researchers who suspect they may be required to implement these controls in the future should also figure the additional costs into their budget proposals.

The following tables provide guidance on funds to be added to budgets.
Computer Services (annual budget)

Implementation	vCPU	RAM	Storage	Disk	Amount	Details
Small	1	3.5GB	50GB	32GB	$1,200	Supports collaboration and document sharing
Medium	8	28GB	400GB	512GB	$4,300	Supports databases, analysis, collaboration, and document sharing
Large	16	56GB	800GB	4TB	Contact cui@ksu.edu	Largest configuration options for resource group

CUI@KSU.EDU

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What is an Export?

- Transfer of controlled items, technology, software, or technical data **out** of the U.S by any means (electronic, verbal, shipping, etc.).

- Export or disclosure **within** the U.S. of controlled technology, information, or source code to a foreign person - Deemed Export.

Exclusions

- Fundamental Research Exclusion (FRE)
  - Research in science, engineering, or mathematics:
    - the results of which ordinarily are published and shared broadly within the research community, and
    - for which the researchers have <u>not accepted restrictions</u> for proprietary or national security reasons.
- Published information
- Educational information commonly taught in classrooms
- Patents and patent applications
- Information shared at <u>open</u> workshops, conferences, or lecture series

When Exclusions do NOT Apply

- Exclusions do NOT apply when:
  - Researchers use or develop export controlled information, technology, or software
  - Contract terms that:
    - limit participation by Foreign Persons
    - restrict release of data and publications
    - classify the project as export controlled

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Export Controls in Research Activities

- Shipping internationally
  - Export controlled items, for prohibited End Use, or to an End User of concern.

- Hiring of non – U.S. Person and/or hosting visiting scholars
  - Review activities for deemed export or license requirements
  - Visitors from embargoed countries
  - Visitors affiliated with institutions appearing on restricted parties lists

- Research collaboration
  - Exchange of controlled information or technology or material, sanctioned countries, or restricted or prohibited individuals and/or entities

- International Travel
  - Travel with equipment, research material, controlled information
  - Travel to sanctioned destinations

When Research Activity is Export Controlled

URCO works with PI/Department

- Determine jurisdiction
  - Is the activity controlled under ITAR or EAR?
  - Will there be an export outside the U.S. or a deemed export?
  - Is a license required?
  - Is a license exception available?

URCO works with PI/Department

- Implement Technology Control Plan (TCP)
  - Physical Safeguarding Plan
  - Information Technology Safeguarding Plan
  - Personnel screening and training
  - Periodic Self-assessment & Post award monitoring

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Questions?

Please contact URCO

comply@ksu.edu or exportcontrols@ksu.edu or cui@ksu.edu

Phone 785-532-3224