

## **Navigating the Interface between Legal Requirements and Scientific Methodology**

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Over the past couple years I have been very fortunate to participate in a U.S. Department of State-funded project undertaken by the American Association for the Advancement of Science Center for Science, Technology, and Security Policy (AAAS-CSTSP) entitled *International Engagement: Responsible Bioscience for a Safe and Secure Society*. This project funded four workshops in the Broader Middle East and North Africa region (BMENA): Amman, Jordan; Kuwait City, Kuwait; Tunis, Tunisia; and Dubai, United Arab Emirates. These workshops, with local co-sponsors at each location (Jordan University of Science and Technology, Kuwait Institute for Scientific Research, Institut Pasteur de Tunis, and Dubai Healthcare City) presented a stellar opportunity for scientists and administrators from the BMENA region to interact with their colleagues from Europe and North America.

While the scientific topics differed from workshop to workshop, I was an American participant at all four workshops who spoke on issues of international collaboration, legal requirements, and their relationship with science. I made the following general points at the workshops, and firmly believe they apply regardless of location. I suggest them here in the spirit of fostering international collaboration:

### *Keys to Success in International Collaboration:*

\*Each party's reputation is their most valuable asset, so they should act accordingly. In particular, this means collaborating with honesty and integrity.

\*Objectives and expectations for all parties concerned should be realistic, understood, and aligned for success (internal to their institution and consistent with their collaborator).

\*Project activities drive legal requirements (particularly tax and regulatory compliance issues).

\*Ongoing legal review of the project is necessary during project operations-legal considerations do not end with a grant or contract award.

\*Cultural nuance is critical to international success. Differences in culture are what make collaboration interesting and fruitful, but it can lead to complications and failure if not handled properly.

### *General Areas of Concern:*

\*Contract issues. The legal agreement and administrative structure should support the research accurately and efficiently. This is particularly true where you are collaborating with a foreign government. *Create a culture of Yes, not a culture of No.*

\*Intellectual Property (IP). This can be a major stumbling block to international collaboration unless handled appropriately and accurately. This particularly includes the clear delineation of background, sideground, and foreground IP.

\*Export Controls. In the American context, this refers to the export and re-export of U.S. knowledge and technology. While it is important to support the easy flow of knowledge and technology across national borders, it is equally important to recognize that such knowledge and technology may have “dual use” if it gets into the wrong hands.

\*Regulatory Compliance. This includes but is not limited to human subjects and animals in research, biosafety, and conflicts of interest. The AAAS workshops were heavily interested in biosafety and biosecurity, and success in those areas requires a certain amount of regulation by national governments.

\*Other considerations. These include taxation, employment, real estate, payment provisions, and degrees of risk & liability. In a philosophical sense, many international projects have a higher degree of risk than a “domestic” project - which is why proper project planning and addressing realistic risks are so important.

It is very important that university research managers educate their faculty about these issues, particularly in those countries where the research management infrastructure is not significantly developed.

My experience in the AAAS workshops further confirmed the experience I have gained over nearly 20 years in international collaboration, namely, that greater international collaboration is possible if collaborators worldwide (scientists and administrators) exhibit sufficient flexibility to ensure success in collaboration. Everyone pays lip service to compromise and collaboration, but the continuing existence of problems leads me to believe that much needs to be done. It is hoped that continued information sharing and discussion between faculty and administrators will help smooth the way towards greater international collaboration.

### **Additional Sources of Interest:**

AAAS Center for Science, Technology, and Security Policy: <http://cstsp.aaas.org>

AAAS CSTSP *International Engagement*: <http://cstsp.aaas.org/InternationalMeeting>

GUIRR main web page: <http://sites.nationalacademies.org/pga/guirr>

GUIRR *International Research Collaborations* project workshop report (National Academies Press): [http://www.nap.edu/catalog.php?record\\_id=13192](http://www.nap.edu/catalog.php?record_id=13192)

NCURA International Neighborhood:

[http://www.ncura.edu/content/regions\\_and\\_neighborhoods/neighborhoods/international](http://www.ncura.edu/content/regions_and_neighborhoods/neighborhoods/international)



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