

## FAQs for International Projects

---

January 10, 2025

The Research Foundation of the City University of New York (RFCUNY) received the questions below regarding International Projects. The responses are not meant to be an exhaustive list when planning for international projects. Please keep in mind that CUNY is responsible for research compliance matters and specific questions regarding research compliance should be directed to your sponsor contact, your campus grants officer, or CUNY's Office of Research. Managing an international project exists at the intersection of international travel, subrecipient monitoring, export controls, procurement policies and procedures and all should be considered in specific situations. Certain countries or entities may have country-specific or entity-specific restrictions.

### **1. What are the subrecipient monitoring requirements for international subrecipients?**

Domestic or international subrecipient monitoring includes the oversight of activities undertaken by the prime recipient (e.g., RFCUNY) that provides reasonable assurance that subawards made are being administered in compliance with all applicable laws, regulations, and provisions pertaining to the grant or contract agreement.

As part of the pre-award assessment process, the subrecipient is required to complete a [Subrecipient Profile Questionnaire for Foreign Entities](#) which helps identify potential risks.

The risk assessment considers several factors including the following:

- Whether the subrecipient is legally registered within the country of operations.
- Copies of any materials that describe the organization, mission, and history.
- Whether the organization has other sources of U.S. Government funds.
- Evidence of effective financial controls within the subrecipient's systems and administrative operations.

For post-award subrecipient monitoring, RFCUNY relies on PIs to be the primary control point for allowability, allocability and reasonableness of research expenses. The PI is responsible for monitoring the activities of subrecipients to ensure that awarded funds are used for authorized purposes and performance goals are achieved. Additional information on subrecipient monitoring and responsibilities can be found at the RFCUNY webpage at [RFCUNY - Subrecipient Monitoring Procedure](#).

### **2. Can RFCUNY provide examples of general information and registrations that must be completed for international agreements?**

It is difficult to provide general guidance as each project is specific and unique. When submitting an agreement involving international travel, please be sure to provide

RFCUNY's Office of Legal Affairs with as many details regarding the travel plans as possible, so that those details can be reviewed along with the agreement. Any information or registrations that are required may differ depending on what country the project will take place in, what work is being done, what is included in the approved project budget, and the terms and conditions of the project sponsor(s).

### **3. How is the contracting process different for an international vs. domestic consultant?**

International and domestic consultant contracting follows the same [RFCUNY process](#). Additionally, an international consultant may need to complete paperwork (foreign source income certification, [see Foreign Source Income | Internal Revenue Service](#)) confirming that the work was done out of the country when it comes time for payment, but otherwise there isn't any major difference in the contracting process. There can always be additional project-specific challenges or issues to resolve depending on the work being done, the person completing the work, and/or the sponsor terms and conditions that flow down to the contractor.

### **4. Do payments to international translators and interpreters require an ICA?**

Typically, translator/interpreter services would require an Independent Contractor's Agreement (ICA). If the translator/interpreter providing services is international, we request a completed copy of the foreign source income certification form with the Scope of Work and applicable tax form (W-8BEN or W-8BEN-E if services are provided by a company).

### **5. Does RFCUNY have suggested potential international partners or intermediaries who are familiar with rules and regulations and insurance requirements for particular international collaborations?**

We have insurance broker contacts, including our current broker and others, who are recommended international partners or intermediaries to assist with international insurance regulations and requirements. The PI and/or CUNY grants officer should contact RFCUNY's Corporate & Project Insurance Manager at [sherry\\_mccorey@rfcuny.org](mailto:sherry_mccorey@rfcuny.org). RFCUNY will work with our broker contacts to obtain local insurance, as available in the current insurance market and in accordance with local laws, regulations and requirements in the country of the international collaboration.

### **6. Are there general regulations or requirements concerning the sharing of project data with international collaborators?**

There are no general "regulations or requirements." Applicable "regulations or requirements" have to be determined on a case-by-case basis including looking at the location of the project, what the project data are, and what sponsor terms and conditions apply to the specific project. This cannot be ascertained in the abstract. However, U.S. export control regulations may impose restrictions on the transfer of certain information,

materials, or technology to foreign nationals within the U.S. (deemed export) and overseas. Sharing of project data is subject to CUNY Export Control regulations.

**7. If a contract or agreement is with the U.S. Department of Defense (DOD) or the National Aeronautics and Space Administration (NASA), are there export control issues that should be considered?**

U.S. export control laws and regulations apply to all sponsors and not exclusively to DOD or NASA and should always be considered when planning any project. If the sponsor is DOD or NASA, there may be additional restrictions/terms and conditions attached to a particular project so the college/PI should be particularly diligent when considering whether there will be any export control issues for their specific project prior to commencing the project. A Technology Control Plan (TCP), or other documents, may be required if there are any restrictions regarding international national involvement, or dissemination and publication restrictions. If PIs have any concerns at the pre-award/proposal stage, they should reach out to their campus based sponsored programs office, the CUNY Office of Research, University Export Control Officer, and/or their college counsel.

The subject matter of the project, location of the project, and collaborators working with the college would ultimately determine what issues, if any, the college/PI would have to address.

**8. Does CUNY's travel insurance policy cover faculty traveling abroad on external funding?**

Please refer to the [CUNY International Travel Guidelines](#). RFCUNY provides business travel accident (accidental death & dismemberment) insurance for RFCUNY employee business travelers only, as long as they are acting within the scope of their RFCUNY business related activities or activities that are connected with an RFCUNY funded project.

**9. Can RFCUNY assist with general liability insurance when traveling internationally?**

Yes, RFCUNY general liability insurance provides coverage for RFCUNY employees traveling on business internationally, as long as they are traveling on behalf of and within the scope of their RFCUNY employment or RFCUNY funded projects. Lawsuits occurring for actions taken by RFCUNY employees outside the scope of their RFCUNY business or RFCUNY project related activities will not be covered by RFCUNY's insurance policies.

**10. Are foreign nationals residing outside the U.S. eligible to be placed on RFCUNY payroll?**

RFCUNY does not employ foreign nationals to work on foreign soil. However, under certain conditions and with prior RFCUNY authorization, a foreign national who began

work in the U.S. for RFCUNY can finish their appointment on foreign soil for a short, temporary period of time, as long as they maintain a U.S. bank account for their wages to be deposited.

### **11. Are there agencies that prohibit the hiring of foreign nationals?**

Government agency awards generally do not limit their hiring to U.S. citizens or U.S. persons, but it is recommended that PI's check with their sponsor's terms and Project Officer. An award may have citizenship or residency restrictions and security clearance requirements if it involves classified research, national security research, or other sensitive information. Awards from the DOD and the U.S. Department of Energy (DOE) are examples of awards that may have restrictions. There are also private sector employers (defense contractors for example) that impose similar limitations because they are either required to do so by government contract, security clearance requirements, or by U.S. export controls requirements.

### **12. Are there general rules and regulations regarding travel to and from international countries with natural samples?**

PIs should check with the CUNY Office of Research whether a particular type of agreement would be required when bringing or sending samples outside of CUNY. A list of various research agreements that may be applicable can be found here: <https://www.cuny.edu/research/research-compliance/research-agreements/>. Prior to traveling internationally with materials/equipment, the items should be reviewed to ensure that there are no license or other requirements from a government agency (i.e., U.S. Department of Commerce, State, and/or Treasury or the other country's government) to export/transfer the item regardless of whether it is shipped or hand-carried. Import regulations, in both the other country and the U.S. should also be reviewed prior to the travel.

If the international travel is to an embargoed/sanctioned country such as (including but not limited to) Russia, Cuba, Iran, North Korea, Syria, Crimea (Region in Ukraine), Belarus, etc., please reach out to the CUNY Office of Research, University Export Control Officer for assistance.

### **13. Are there guidelines for contracts associated with collaborations with community agencies?**

Contracts with any international organization should be reviewed with the sponsor, work, organization and location in mind. These factors may differ project to project.

### **14. What are the regulations on the export of computer equipment and other capital assets to international collaborators?**

A PI or researcher who plans to export any computer equipment or devices should contact the CUNY Office of Research, University Export Control Officer prior to shipping/hand-

carrying the item outside of the U.S. in case a license is required. Even if certain equipment such as computers are commercially available, there still may be control restrictions to import/export the item into and out of the U.S. and/or an international country.

Title to equipment purchased with grant funds generally vests with CUNY. The transfer of equipment to an international collaborator is subject to sponsor and CUNY approval. Within the award there will be stipulation on what type(s) of assets can be exported. Certain specific countries will be identified, and the Project Administrators will have this information when setting up the award.

## FAQs for Insurance Requirements for International Subawards

The information provided in this section is not meant to be an exhaustive list of potential insurance requirements or risks. Please keep in mind that the project sponsor may also require subrecipients to maintain insurance covering their project activities. For questions regarding subrecipient insurance coverage, the PI and/or CUNY Grant Officer should contact RFCUNY's Corporate & Project Insurance Manager at [sherry\\_mccorey@rfcuny.org](mailto:sherry_mccorey@rfcuny.org).

### 1. Why do we ask international subrecipients for insurance?

We ask international subrecipients to maintain insurance to cover their project activities and guarantee their means of honoring the hold harmless/indemnity requirements in the subaward agreement. In some cases, the project sponsor will also require that all subrecipients obtain sufficient insurance coverage as a condition of receiving a subaward. The insurance should cover claims made against the subrecipient in connection with the subrecipient's work on the project, in accordance with the terms and conditions of subrecipient's insurance policy.

### 2. What risks are RFCUNY protecting?

RFCUNY is protecting against the risk of a subrecipient causing a loss/claim, and possibly a resulting lawsuit, in the scope of an RFCUNY administered or funded project. RFCUNY is also protecting the project sponsors from the risks that project activities or the subrecipient may pose.

### 3. What are the general liability insurance requirements for international subrecipients? Under what circumstances are there exceptions to the coverage limit?

International subrecipients should adhere as much as possible to US insurance standards and policy limits as required by RFCUNY. However, local conditions, customs, laws, standards, etc., may make this difficult. Therefore, in cases where the purchase of a general (or public) liability policy is not possible or practicable, an exception may be made

on a case by case basis. Examples of such conditions may be as follows:

- General (public) liability insurance, or the required limits, may not be standard or available locally. (Note: International limits may be reduced based on local country standards.)
- General (public) liability policies are prohibitively expensive.
- The local legal environment, systems and customs may not lend themselves to claims or lawsuits for which a general liability policy would be necessary.

Each project is unique, and the risks involved depend on the **scope of the subrecipient's work**, country **where** the work is being performed, the **local research environment**, the project budget, etc.

Requests for exceptions must be reviewed by RFCUNY's Corporate & Project Insurance Manager ([sherry\\_mccorey@rfcuny.org](mailto:sherry_mccorey@rfcuny.org)) and the assigned attorney or contract specialist in the Office of Legal Affairs. Project sponsors may also need to review and approve exceptions to insurance requirements.

#### **4. Can RFCUNY obtain estimates for liability insurance premiums on behalf of international subrecipients?**

The international subrecipient may already have local general (public) liability insurance to cover their work on the project. However, RFCUNY's Corporate & Project Insurance Manager ([sherry\\_mccorey@rfcuny.org](mailto:sherry_mccorey@rfcuny.org)) can introduce the international subrecipient to insurance brokers so that the required insurance can be purchased.

The PI or CUNY grants officer should contact RFCUNY's Corporate & Project Insurance Manager (at [sherry\\_mccorey@rfcuny.org](mailto:sherry_mccorey@rfcuny.org)), who will work with our current or other brokers to obtain local insurance quotes, as available in the current insurance market in that specific country, for RFCUNY administered projects and RFCUNY employees, as needed or required.

#### **5. What would be the result for RFCUNY if the subrecipient failed to carry insurance coverage?**

In a case where a subrecipient is uninsured, the subrecipient would have to rely on their own funds to pay for any losses/claims that may arise. In the event a subrecipient has insufficient funds to cover a loss, a third party may sue the parties involved to recover the amount of the loss.

#### **6. Are international lawsuits resulting from international subawards low cost and low risk?**

While there are certain projects where risks may seem relatively low. Losses/claims, and resulting lawsuits, can have unexpected costs since each project is unique and needs to be reviewed on a case-by-case basis.

## **7. Should RFCUNY apply the same standard insurance requirements to all international subawards regardless of their budget, scope of work, venue?**

RFCUNY does not apply the same standard insurance requirements to all international subawards. Factors such as scope of subrecipient's work, country where work is being performed, local research environment, project budget, etc. can make substantial differences in the amount of risk and exposures.

Subrecipients are expected to comply with RFCUNY's standard subaward contract terms and conditions, including insurance requirements. Exceptions may be made based on the specific parameters of a subrecipient's project activities. Requests for exceptions must be reviewed by RFCUNY's Corporate & Project Insurance Manager ([sherry\\_mccorey@rfcuny.org](mailto:sherry_mccorey@rfcuny.org)) and the assigned attorney or contract specialist in the Office of Legal Affairs.

## **8. If the grant is relatively small and the subaward is even smaller (say \$50,000 or less), the cost of insurance would make the project unfeasible. What should we do then?**

The amount of a subaward does not determine the level of risk that may be involved or the cost of damages that could be incurred. Without any coverage, an international subrecipient is left with significant exposure to risk and this impacts risks for CUNY and RFCUNY.

However, exceptions to insurance requirements may be made based on the specific parameters of a subrecipient's project activities, country where work is being performed, local research environment, project budget, etc.

Requests for exceptions must be reviewed by RFCUNY's Corporate & Project Insurance Manager ([sherry\\_mccorey@rfcuny.org](mailto:sherry_mccorey@rfcuny.org)) and the assigned attorney or contract specialist in the Office of Legal Affairs. Project sponsors may also need to review and approve exceptions to insurance requirements.

Changes to insurance requirements are the exception and not the norm. Each project is unique and must be reviewed on an individual basis to determine whether any exceptions can be made to the insurance requirements.