

EXPORT COMPLIANCE STARTS WITH YOU

When could export controls be applicable to you?

Export controls could apply when you are involved into your activities such as:

- International collaborations
- Foreign travel
- Advising a student who is residing outside the U.S.
- Teaching outside of the U.S. – virtual or in person in sanctioned countries
- Purchasing International Traffic in Arms regulated items
- Performing research intended for military use
- Hosting international visitors, i.e. visiting scholars
- Conducting research involving biologic or select agents
- Taking/shipping export controlled items out of the U.S.
- Purchases from foreign vendors
- Performing dual-use research (research that may have both commercial purposes and military applications)
- Providing a defense service

What is an “Export”?

- Physical Export: sending any material to foreign locations (includes hand carry & electronic exports)
- Deemed Export: disclosing controlled technology and/or technical data either written, oral, or visually to a foreign person in the United States (may also include access or visual inspection of ITAR equipment).

Who is a “foreign” person/national?

A foreign person/national is not a U.S. citizen, legal permanent resident (green card holder) or protected person. This includes individuals, as well as foreign governments, international organizations, etc.

Why do you and the university need to comply with export controls?

The U.S. government mandates compliance through a complex set of laws and regulations that restrict the export (physical or deemed) of export controlled items and limit access of some foreign persons to certain biologic agents, technology, technical data, software or services without first obtaining a license or determining if an exception may apply. Regulations, including:

- Export Administration Regulations (EAR)
- Office of Foreign Asset Control (OFAC)
- International Traffic in Arms Regulations (ITAR)

In addition to these regulations:

- Export controls apply regardless if the activity is funded or unfunded
- You are responsible for any item in question
- Universities are expected to develop processes to comply
- **Price of non-compliance – penalties, fines & possible incarceration**

Are there exceptions?

There are two general (2) exceptions to export controls the university has available:

1. Educational: courses published in a course catalog, available to all students and does not include ITAR items
2. Fundamental research: Research that is NOT Restricted. **Restrictions may include, but not limited to:**
 - Limitation on participation by foreign nationals, which may include International collaborators, students, or faculty
 - Publication restrictions, etc.
 - Personnel restrictions, etc.
 - Material, technology, etc. classification by the EAR or the ITAR
 - Non-disclosure/proprietary agreement
 - End use prohibitions, e.g. space

What do I do if I have questions?

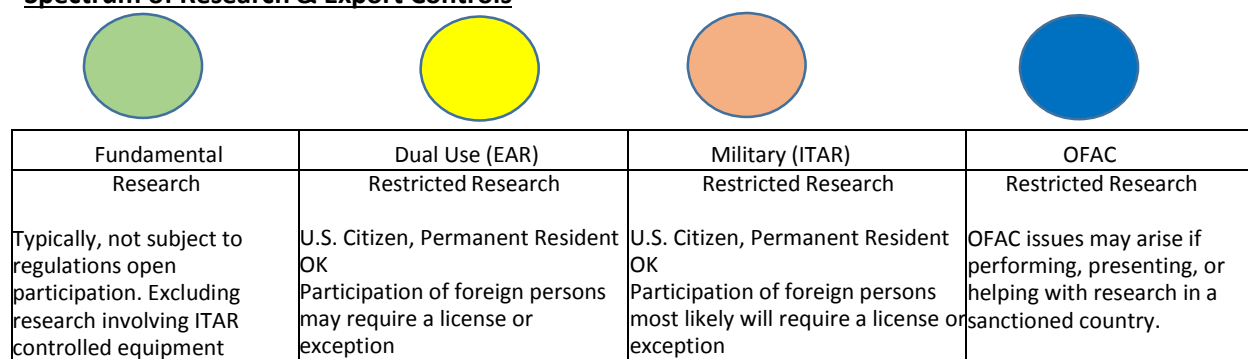
Contact OSPRI for an export control risk assessment. OSPRI performs risk assessments for grants/contracts processed through OSPRI and other individual requests. Assessment includes, but is not limited to:

- Determining if the educational or fundamental research exception is applicable
- Reviewing the material/technology EAR or ITAR classifications
- Country interaction; sanctions vary by country and change often. Current heavily sanctioned countries include but are not limited to Cuba, Iran, North Korea, Syria, and Sudan.
- Individual screenings to ensure persons/entities have not been identified as a restricted party

If it is determined the project and/or person(s) is/are restricted:

- A Technology Control Plans (TCP) may be required and
- Export Licensing may be required

Spectrum of Research & Export Controls



Fundamental Research	Dual Use (EAR) Restricted Research	Military (ITAR) Restricted Research	OFAC Restricted Research
Typically, not subject to regulations open participation. Excluding research involving ITAR controlled equipment	U.S. Citizen, Permanent Resident OK Participation of foreign persons may require a license or exception	U.S. Citizen, Permanent Resident OK Participation of foreign persons most likely will require a license or exception	OFAC issues may arise if performing, presenting, or helping with research in a sanctioned country.

OSPRI is here to help

In addition to performing export control analyses, OSPRI provides:

- OSPRI Export Control website: <http://www.uccs.edu/osp/research-compliance/export-controls.html>
- Training
 - Export Control training is available for all employees through Skillssoft
 - OSPRI staff will provide department or one on one training
- Restricted party screening (visitors, researchers, collaborators)
- Assist the PI in resolving Export Control issues
- Licensing to allow foreign nationals access or to ship out of the U.S. (if possible)
 - Only OSPRI can apply for an export control license on behalf of UCCS
- Contract negotiation to allow for open access i.e. no publication or personnel restrictions
- Assist PI with developing Technology Control Plans

Many departments are OSPRI’s export control partners

- Faculty, Researchers & Staff
- Purchasing
- Shipping
- Office of Environmental Health
- Facilities Services Department
- Human Resources
- Technology Transfer
- Global Engagement Office
- IT Security

Questions contact

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This information is intended to provide a high level overview of export controls, and examples of activities that may require additional analysis. This document should not be considered an all-inclusive description of export controls. Export control regulations are continuously changing and extremely complex. Contact OSPRI with questions. Version 1/28/2016