

**Reason for Policy**

This policy supports and enables the global research enterprise while ensuring compliance with federal export control and sanctions regulations. This policy describes the compliance obligations of UO *personnel* and how the Export Control Officer (ECO) supports them.

**Entities Affected by this Policy**

This policy applies to all UO *personnel*, including staff, faculty, researchers, visiting scholars, students, and visitors.

**Web Site Address for this Policy**

[Provided by Office of the University Secretary after policy is posted online]

**Responsible Office**

For questions about this policy, please contact the Office of Export Controls in the Office of the Vice President for Research and Innovation: (541) 346-2090, [exportcontrols@uoregon.edu](mailto:exportcontrols@uoregon.edu).

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**Enactment & Revision History**

Day-Month-Year – [text]

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**Policy****I. Overview**

The UO is a global research university committed to international collaboration and global research partnerships while ensuring compliance with federal regulations. The UO has a global research enterprise and is home to a community of international staff, faculty, researchers, and students.

All UO activities involving any foreign component or transaction are subject to federal export control regulations. These regulations govern the transfer of commodities, software, technology, and biological and chemical materials to foreign countries and to *foreign persons* in the US. This policy is designed to support and enable responsible international research collaboration in furtherance of the UO's global mission, through careful compliance with US federal regulations focused on national and economic security. This policy applies whenever export control or sanctions regulations apply, and to activity that may or would involve a violation of federal regulation or significant institutional risk. If *personnel* disagree with the decision that an activity may or would involve significant institutional risk, an appeal process is available.

The UO is committed to academic freedom, international collaboration, and nondiscrimination based on national origin. International research collaboration depends on careful, transparent compliance with federal regulations, with the goal of strengthening international partnerships and collaborations, supporting the international community, and advancing international research, scholarship, and creative activity. The Office of Export Controls houses *personnel* with extensive expertise to assist *personnel* in complying with export control regulations. The office provides education and training to help the community understand and meet regulations and offers one-on-one consultations.

Consistent with federal law, the UO's Export Control Officer (1) has authority for policy and management of UO's export control compliance, (2) is empowered to sign license applications or other requests for approval on behalf of the UO, (3) understands the provisions and requirements of the various export control laws and regulations, and the liability and/or penalties for violating the Arms Export Control Act and the International Traffic in Arms Regulations. The Export Control Officer has the independent authority to (1) inquire into any aspect of a proposed export, temporary import, or related activity, (2) verify the permissibility of the transaction under UO policy and state and federal laws, and the accuracy of the information to be submitted, (3) refuse to sign any license application or other request for approval without prejudice or other adverse recourse. The Office of Export Controls reviews all activities where noncompliance presents a demonstrable risk of possible violation of export control and/or applicable federal research security regulations or requirements.

## II. Definitions

*Country of Concern:* Any country deemed to be a country of concern as determined by the Department of State and defined by 42 USC § 19221.

*Deemed Export:* Release or transfer of items, technology, or source code to a *foreign person* in the US. Technology includes the information necessary for the development, production, or use of an item, which could include chemical and biological specimens.

*Empowered Official:* A person who is authorized and legally empowered by the university to inquire into any aspect of a proposed *export*, verify the legality of *export* transactions, apply for and sign federal licenses, and refuse to apply for a license or halt a proposed *export* transaction.

*Export:* A shipment or transfer of an item out of the US in any manner, including carrying or shipping an item to a foreign country, or releasing or transferring controlled items, technology, or source code to a *foreign person* in the US.

*Export Administration Regulations (EAR)*: Federal regulations that govern the transfer of commodities, software, technology, and biological and chemical materials to foreign countries and to *foreign persons* in the US.

*Export License*: Official authorization by a federal agency that outlines terms and conditions to allow for: 1) the *export* of controlled commodities, technology, software, and biological materials; or 2) certain transactions with comprehensively sanctioned countries, entities, and nationals thereof.

*Export License Exception*: An authorization that allows an *export* transaction under certain conditions that would otherwise require a license.

*Foreign person*: As defined by 22 CFR § 120.63, any person who is not a US citizen, lawful permanent resident, or “protected individual” (e.g., asylees/refugees). It includes foreign corporations, associations, and entities not incorporated or organized to do business in the US and foreign governments, their agencies, or subdivisions.

*Fundamental Research*: Basic and applied research where the resulting information is to be shared broadly, as distinguished from proprietary research and from industrial development, design, production, and product utilization in which the results are ordinarily restricted for proprietary or national security reasons.

*Fundamental Research Exclusion (FRE)*: Technology or software that is the result of *fundamental research* carried out in the US and intended to be published is excluded from export controls regulations. Certain *fundamental research* may still be subject to export controls as determined by the ECO. Items, equipment, and research carried out abroad do not qualify for the FRE.

*International Traffic in Arms Regulations (ITAR)*: Federal regulations that govern the manufacture, export, and temporary import of defense articles; the furnishing of defense services; and brokering activities involving items described on the US Munitions List (USML).

*Office of Foreign Assets Control (OFAC)*: Federal agency that administers and enforces economic sanctions programs primarily against countries and groups of individuals.

*Personnel*: Refers to all UO stakeholders, including researchers, students from comprehensively sanctioned countries, graduate employees, staff, faculty, and visiting scholars, as well as non-UO *personnel* using UO resources via a facilities use agreement, lease agreement, testing agreement, or other authorized agreement. Undergraduate students, except those from comprehensively sanctioned countries, are largely exempt from export control regulations (15 CFR § 734.3(b)(3) and 22 CFR § 120.33(b)).

*Restricted Party Screening*: A due diligence screening completed by the ECO to verify whether a *foreign person* is subject to federal restriction lists, including but not limited to the Entity List, Denied Persons List, Unverified List, and OFAC sanctions.

*Risk Mitigation Plan*: A customized compliance management plan that outlines required steps to ensure compliance with federal regulations.

*Sanctioned Country*: A foreign country that is subject to US sanctions that restrict or limit transactions by *US persons* or organizations with that country without appropriate federal authorization or licensure (31 CFR Chapter V)

*Technology Control Plan (TCP)*: A customized compliance management plan that outlines required steps to prevent unauthorized access to controlled commodities, software, technology, biological and chemical materials, and data.

### III. General Guidelines

1. *Personnel* are encouraged to engage in global activities that comport with the mission of the university.
2. Export control regulations primarily comprise of the *Export Administration Regulations (EAR)*, the *International Traffic in Arms Regulations (ITAR)*, and *Office of Foreign Assets Control (OFAC)* sanctions, which are under the respective jurisdictions of the Department of Commerce, Department of State, and Department of the Treasury. Together, these regulate the transfer of controlled commodities, software, technology, and biological and chemical materials that are of strategic importance to the US and/or that have a dual civil-military use.
3. The UO is eligible for the *fundamental research exclusion (FRE)*, which exempts it from significant export control requirements. Under this exemption, basic and applied research in science and engineering in which the results are published and shared broadly typically do not require an export control license. Many, but not all, activities within the university fall under this exemption. However, some activities do not qualify for the *fundamental research exclusion*. For example, research in which the UO accepts publication restrictions or certain confidentiality clauses, or in which the sponsor prohibits the participation of *foreign persons*, does not qualify for the exemption. Even when the FRE applies to a project, export control regulations may still apply to certain equipment, items, biological materials, *foreign persons*, and more that are subject to specific federal export control and sanctions regulations.
4. Violations of *export* regulations may result in civil and/or criminal penalties on the institution and/or on the *personnel* involved. Export control regulations are subject to the “strict liability” legal doctrine whereby parties are liable for violations regardless of negligence or intention. The Office of Export Controls is committed to providing service

to the campus community that ensures personnel can maintain compliance by adhering to existing university procedures and policy.

5. *Personnel* must comply with all reasonable instructions from the ECO in the performance of the ECO's duties, and all other UO policies and procedures.

#### IV. Scope

1. All University activities are subject to this policy, but a reasonable directive from the ECO requiring a change in the activity may arise only when the activity represents documented compliance risk under federal regulations, involves the discovery of risk through a *restricted party screening*, or involves demonstrable institutional risk. University activities that implicate export controls or sanctions regulations may include, but are not limited to:
  - i. Shipping or carrying items, software, technology, and biological and chemical materials to foreign countries.
  - ii. Hiring and hosting *foreign persons* on campus.
  - iii. Collaborating with *foreign persons* based in the US or abroad for the purposes of conducting UO business; completing basic or applied research, scholarship, or innovation; and/or providing educational opportunities.
  - iv. Admitting international students from countries that are subject to comprehensive federal sanctions.
  - v. Study abroad programs.
  - vi. Research involving participation in or sponsorship by *foreign persons*, military technology, nuclear technology, encryption technology, or critical and emerging technologies.
  - vii. International travel and employment abroad.
  - viii. Sponsored research that involves restrictions on publication or participation of *foreign persons*, involves receipt of controlled federal data, or involves collaboration with or funding by *foreign persons*.
  - ix. Access to and/or usage of scientific equipment and technology on campus by *foreign persons*.
  - x. Providing payment to or receiving payment from *foreign persons*.
  - xi. Purchasing, procuring, or operating unmanned aerial vehicles in conjunction with federal funds.
  - xii. Agreements with *foreign persons*.
  - xiii. Donations, including in-kind gifts, from *foreign persons*.

#### V. Roles and Responsibilities

1. The Export Control Officer (ECO) in the Office of the Vice President for Research and Innovation is the university's designated *Empowered Official* responsible for overseeing institutional compliance with export controls and sanctions on all

international activity; signing license applications or other requests for approval on behalf of the university; inquiring into any aspect of a proposed *export, deemed export*, or temporary import; halting an activity that may or does violate export control or sanction regulations; and verifying the legality of export control transactions and the accuracy of information. The ECO retains full discretion to halt activity as described and required by law for empowered officials.

- i. In the absence of the ECO, the Director of Conflicts of Interest and Export Controls and the Assistant Vice President for Research Integrity serve as designated *Empowered Officials*.
  - ii. While the ECO is, pursuant to 22 C.F.R. 120.25, authorized to refuse any request for approval without prejudice or other adverse recourse, there may be disagreement about the authority of the ECO and/or the ECO's recommended change in activity.
2. All *personnel* are responsible for understanding and adhering to applicable compliance obligations on their research, scholarship, creative activity, or other official university business. The Office of Export Controls is committed to providing training opportunities for *personnel* to meet their responsibilities. In the vast majority of cases, *personnel* can adhere to compliance obligations by following existing administrative procedures and UO policy requirements. Responsibilities include, but are not limited to:
  - i. Being aware of and adhering to federal export control regulations.
  - ii. Adhering to instructions received from the ECO, which may include adhering to *technology control plans* or halting certain activity.
  - iii. Contacting the ECO in any instance of a potential export control or sanctions violation immediately upon discovery.
  - iv. Completing trainings as directed by the Office of Export Controls.
  - v. Completing pre-travel and post-travel security briefings with the ECO, when the ECO deems that travel involves export control or sanctions restrictions, research security considerations, or institutional risk.
  - vi. Consulting with the ECO prior to providing funds to or accepting funds from a *foreign person* for the purpose of university business when the transaction occurs outside of existing administrative procedures and/or outside of a central administrative office such as Business Affairs, Purchasing and Contracting Services, and UO Advancement.
  - vii. Complying with all terms and conditions of export license applications. Information subject to export control or sanctions regulations must be handled in accordance with the University's Information Asset Classification & Management Policy. Where required, appropriate Technology Control Plans will be implemented to manage access, safeguards, and compliance obligations.

## Procedures

3. UO export control procedures are typically embedded into existing administrative processes. For further information about export control procedures or applicable federal regulations, visit the [Office of Export Controls website](#) or email [exportcontrols@uoregon.edu](mailto:exportcontrols@uoregon.edu).
  - i. [Export Administration Regulations](#)
  - ii. [International Traffic in Arms Regulations](#)
  - iii. [Office of Foreign Assets Control](#)
  - iv. [Foreign Trade Regulations](#)

## VI. Appeals

1. If an activity is not prohibited by export control or sanctions regulations or by other applicable federal laws, regulations, policies, or contracts and if the decision is not exclusively within the ECO's authority as *empowered official* pursuant to federal regulations, then decisions about whether the ECO has authority to approve an activity and decisions about recommended changes to the activity can be appealed. Appeals will only be accepted only:
  1. To determine whether the activity involves demonstrable institutional risk; or
  2. To consider new information that could change the determination that export control or sanctions regulations or related rules apply.
2. Decisions under this policy may be appealed in writing to the Committee for Safeguarding International Research Collaboration, which advises the President or designee(s) in making final determinations.

## VIII. Non-Compliance

This policy has the force of law pursuant to ORS 352.087. Failure of *personnel* to comply with this policy and its associated procedures may subject the individual to discipline, up to and including termination as consistent with applicable university policies and/or collective bargaining agreements.

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## Related Resources

[Office of Export Controls website](#)

[Policy IV.04.02 Travel Policy](#)

[Policy IV.04.29 Printing and Mailing](#)

[Policy IV.06.01 Information Security Program](#)

[Policy IV.06.02 Information Asset Management & Classification Policy](#)