3361: 10-30-01  Research: export controls in sponsored research.

(A) Definitions as used herein.


(2) “Fundamental Research Exemption” means the exception to “Export Control Regulations” which is recognized for basic and applied research in science and engineering where the resulting information is ordinarily published and shared broadly within the scientific community, as distinguished from research the results of which are restricted for proprietary reasons or specific U.S. government access and dissemination controls. Research will not be considered “Fundamental Research” if:

   (a) The university or its researchers accept other restrictions on publication or scientific and technical information resulting from the project or activity, or

   (b) The research is funded by the U.S. government and specific access and dissemination controls protecting information resulting from the research are applicable.

(3) “Educational Exemption” means the exception to “Export Control Regulations” which applies to general scientific, mathematical or engineering principles commonly taught in for[credit courses at the university of Cincinnati or at other schools, colleges and universities.

(4) “Employment Exemption” means the exception to “Export Control Regulations” which applies to disclosures of unclassified technical data in the U.S. by the university of Cincinnati to foreign persons who are its bona fide and full time regular employees. This exception is available only if:

   (a) The employee’s permanent abode throughout the period of employment is in the United States
(b) The employee is not a national of a country to which exports are prohibited by law; and

(c) The university of Cincinnati has informed the individual in writing that the technical data may not be transferred to other foreign person without the prior written approval of appropriate governmental bodies.

(B) Policy.

(1) It is the policy of the university of Cincinnati that, absent extraordinary circumstances, teaching, research, and public service will be accomplished openly and without prohibitions or limitations on the publication and dissemination of scholarly work, including the results of sponsored research. “Export Control Regulations,” however, may require the university to obtain permission from the specific government agencies before allowing foreign nationals access to certain controlled technologies. “Export control Regulations” have the potential to limit the research opportunities of foreign students or employees, and to prevent international collaboration in certain research areas. In addition, violations of “Export Control Regulations: can result in the loss of sponsored activity, monetary fines, or imprisonment.

(2) The office of sponsored programs shall perform an initial review of contracts for sponsored research and reach a determination as to whether a sponsored research project qualifies for the “Fundamental Research Exemption.”

(3) In any case in which a contract does not qualify for the “Fundamental Research Exemption” due to publication restrictions, the office of sponsored programs shall refer the contract to the office of general counsel. The office of general counsel will attempt to negotiate such changes in the contract as may be required to cause the project to so qualify.

(4) If such efforts are unsuccessful, the office of general counsel will determine whether the activity qualifies for exemption under the “Educational Exemption,” the “Employment Exemption,” or other applicable exemption as may be provided for in applicable law.
(5) If it is determined by the office of general counsel that the sponsored activity does not qualify for any such exemption, the contract for such activity shall be approved only upon written request of the principal investigator approved by the vice president for research and upon certification by the office of general counsel that all required licenses have been obtained and that the activity otherwise may be conducted in compliance with “Export Control Regulations.”

Effective: August 5, 2005

Certification: Donna Christos signature

Donna Christos

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