

**3361: 10-17-11 Conduct and ethics: export control regulations administration and compliance.**

(A) Purpose.

This rule describes the roles and responsibilities of university faculty, staff, students, volunteers, and visitors to facilitate compliance with the United States Export Control Regulations.

(B) Scope.

All faculty, staff, students, volunteers, and visitors involved in the following activities on behalf of the university are subject to this rule:

- (1) Research
- (2) Development, production, or use of export controlled items or technical data
- (3) International travel
- (4) International shipments
- (5) International collaborations
- (6) Proprietary work

(C) Definitions.

As used herein, the following terms have the indicated meaning:

- (1) Educational Exclusion: Information released by instruction in catalogue courses and associated teaching laboratories, even if the information being shared is controlled by the Department of Commerce Export Administration Regulations (EAR). Information and technology covered by the International Traffic in Arms Regulations (ITAR) do not qualify for the educational exclusion.
- (2) Export Controls Regulations: The body of regulations that restrict the dissemination of information, new knowledge, technology, goods and/or services to non-US persons. These regulations include: the ITAR (22 CFR § 120-130), the Export Administration Regulations (15 Code of Federal Regulations § 730-774), Office of Foreign Asset Control Regulations (31 CFR § 500-599), and part 810 of the Atomic Energy Act (10 CFR § 810).
- (3) Export Controls Officer: The individual appointed by the president or his or her designee responsible for facilitating compliance with Export Controls Regulations and with investigating and reporting non-compliance.
- (4) Fundamental Research Exclusion: Basic and applied research in science and engineering, the results of which ordinarily are published and shared broadly within the scientific community, as distinguished from proprietary research the results of which ordinarily are restricted for

proprietary or national security reasons. The Fundamental Research Exclusion ONLY applies to information, NOT to developed products (National Security Decision Directive 189).

(5) Public Domain: Research or information that is published and generally available or accessible by the public.

(6) U.S. person: A U.S. citizen or lawful permanent resident (green card holder); any corporation, business association, partnership, society, trust, or any other entity, organization or group that is incorporated to do business in the United States; or any U.S. governmental (federal, state or local) entity.

(D) Policy.

(1) It is the policy of the university that all faculty, staff, students, volunteers, and visitors engaged in activities on behalf of the university as listed in paragraph B of this rule, comply with all U.S. laws and regulations as they relate to university activities, including Export Control Regulations. Teaching, research, and public service are generally intended to be accomplished openly and without prohibitions or limitations on publication and dissemination of scholarly work. Export Control Regulations may restrict or limit opportunities of foreign students or employees or international collaboration in certain areas. Whenever possible and appropriate, the university should utilize exemptions to the Export Controls Regulations. The Export Controls Officer is charged with reviewing activities and identifying applicable regulatory exemptions (primarily the Fundamental Research Exclusion, the Educational Exclusion, and information in the public domain).

(2) The Export Controls Officer, in conjunction with university leadership, should develop policies and/or procedures for the assessment and management of export controlled activities.

(3) All university faculty, staff, students, volunteers, and visitors should complete training when involved in activities listed in paragraph B, of this rule.

(4) No individual who, in good faith and based upon a reasonable belief, reports apparent violations of the Export Controls Regulations shall be subject to retaliation by the university or any member of the university community.

**3361:10-17-11**

Replaces: Former 3361:10-30-01

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Certification: *Nicole S. Blount*  
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