



Export Controls

Policy Statement

It is the policy of the University of Vermont to comply with all United States export control laws and regulations, including those implemented by the Department of Commerce through its Export Administration Regulations (EAR) and the Department of State through its International Traffic in Arms Regulations (ITAR), as well as those imposed by the Treasury Department through its Office of Foreign Assets Control (OFAC).

Reason for the Policy

Since the events of September 11, 2001, the federal government has become increasingly concerned with protecting information and technology from disclosure by universities, the release of which could hamper U.S. economic vitality or contribute to the military potential of U.S. international adversaries. Export laws and regulations that have been in effect for the past twenty years are the bases for restricting use and access to this information and technology.

Strategic Direction

This policy supports the following goal in the University's Strategic Plan:

http://www.uvm.edu/president/strategic_planning/Strategic%20Plan%202009-2013.pdf

- Focus and strengthen research, scholarship, and the creative arts, and develop outstanding graduate programs that support the creation and sharing of knowledge.

Applicability of the Policy

This policy applies to all University of Vermont faculty, staff, and students.

Policy Elaboration

Please see the University Guidelines for Export Controls for further elaboration of this policy.

All institutions of higher education and their faculty, staff, and students must comply with these laws. Confirmed violations may result in disciplinary action. Procedures for the investigation of suspected violations, imposition of disciplinary action, and the availability of grievance or appeal channels shall be governed by otherwise applicable University policies, handbooks, and collective bargaining agreements. In case of violations, criminal sanctions (including substantial fines and even prison terms) can be applied.

Definitions

Controlled information: includes information about controlled items including information which is required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of controlled items and may be released through visual inspection, oral exchanges, or the application of personal knowledge or technical experience with controlled items. This includes information in the form of blueprints, drawings, photographs, plans, instructions and documentation. Also included in this definition are non-physical items (software and algorithms, for example) listed under EAR or ITAR.

Controlled physical items: means dual use technologies listed under Export Administration Regulations (EAR) at http://www.gpo.gov/bis/ear/ear_data.html and defense articles listed on the International Trafficking In Arms Regulations (ITAR) United States Munitions List (USML) at <http://www.fas.org/spp/starwars/offdocs/itar/p121.htm> .

Export: for the purposes of this policy, the term “export” has several meanings. Specifically, the term refers to:

- the shipment of controlled physical items, such as scientific equipment, that require export licenses from the U.S. to a foreign country;
- the transfer of controlled information, including technical data, to persons and entities outside the United States; and
- any verbal, written, electronic, and/or visual disclosures of controlled information, including technical data, related to export controlled items to Foreign Nationals in the United States (“deemed exports”).

Foreign national: means a natural person (as well as a corporation or other entity) who is not a lawful permanent resident of the United States – that is, someone who has not been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with immigration laws and has therefore not been issued a “green card.”

Please see the University Guidelines for Export Controls for definitions of other key terms.

Procedures

All members of the University community must consider whether export controls or embargoes may apply before or when undertaking any of the following activities:

- initiating new research, whether unfunded or funded, under a grant or contract;
- allowing access to current research;
- traveling for any purpose to a U.S.-sanctioned country, as listed by the U.S. Treasury Department's Office of Foreign Asset Control (OFAC);
- taking laptop computers, GPS systems, or their associated software to another country;
- exporting, releasing, transmitting, or allowing access to current research results;
- participating in research or training activities abroad;
- allowing foreign nationals or foreign persons to participate in a research activity (see below for additional requirements); or
- taking receipt of controlled materials from a third party.

While primary compliance responsibility with export control rules and regulations rests with the investigators and individuals responsible for research and other activities for which these regulations may be germane, the University will assist its faculty, staff, and students in assessing their activities under these regulations.

University of Vermont - Export Control Checklist has been developed to help in this assessment.

Foreign Nationals – A Deemed Export Compliance Attestation Form must be completed by University departments for foreign nationals with certain Visa statuses who are filing a petition for work authorization at the University. Please contact the Office of International Education for specific applicability.

Forms

University of Vermont - Export Control Checklist

<http://www.uvm.edu/policies/grants/relateddocs/exportchecklist.pdf>

Addendum Checklist for Export Control Issues Related to Laptops or GPS Equipment

<http://www.uvm.edu/~uvmppg/ppg/grants/relateddocs/exportchecklistlaptop.pdf>

Deemed Export Compliance Attestation Form

<http://www.uvm.edu/~oies/services/DeemedExportAttestationForm2.pdf>

Contacts

Questions related to the daily operational interpretation of this policy should be directed to:

Associate Vice President for Research Administration 656-3360

Office of International Education
656-4296

*** Above contact will arrange for appropriate support both within the University and, where necessary, outside the University, to address export control and license issues.

The Senior Vice President and Provost is the official responsible for the interpretation and administration of this policy.

Related Documents / Policies

University Guidelines for Export Controls

<http://www.uvm.edu/~uvmppg/ppg/grants/relateddocs/exportguidelines.pdf>

Council on Government Relations (COGR) information on export controls

http://www.cogr.edu/Pubs_ExportControls.cfm

Bureau of Industry and Security, Department of Commerce

<http://www.bis.doc.gov/>

Effective Date

Approved by the President on July 5, 2011