



OFFICE OF COMPLIANCE SERVICES
UVM.EDU/POLICIES

POLICY

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Title: Export Controls

Policy Statement

It is the policy of the University of Vermont (University) to comply with U.S. export control laws and regulations and to ensure appropriate measures are taken with those University Personnel that promotes effective management and compliance with such laws and regulations.

Reason for the Policy

The University is a comprehensive research institution of higher education. Export control laws and regulations apply to and affect a range of its activities including research and scholarly activity, hiring of foreign persons, hosting international visitors, selection and education of international students, scholars and graduate advisors, laboratory security, technology transfer, purchasing, receiving and shipping, international travel, exchanges of educational, research and technical information and software development.

The United States government implements a series of export control laws and regulations that are designed to assist with national security, foreign policy and economic objectives, as follows:

- The U.S. Department of Commerce regulates certain dual-use technologies, materials, items, software, and technology under the Export Administration Regulations.
- The U.S. Department of State controls the export of defense articles, defense services and related technical data under the International Traffic in Arms Regulations and the Arms Export Control Act.
- The Department of the Treasury Office of Foreign Assets Control regulates travel and business activities with sanctioned and embargoed countries, as well as certain individuals and entities designated on various lists such as the Specially Designated Nationals list.

Violations or non-compliance with export control laws and regulations can result in civil and criminal penalties, fines, suspension and debarment from government contracting which may apply to an individual and/or the University. UVM Personnel who violate export control laws and regulations while acting within their scope of employment will result in the initiation of disciplinary action consistent with the standards and procedures of applicable policies or collective bargaining agreements. In addition, individuals can face imprisonment.

It is essential for the University to have a coordinated effort to identify and manage potential export controlled activities.

Applicability of the Policy

This policy applies to all UVM Personnel.

Each immediate supervisor of a University Personnel has operational responsibility to ensure compliance of this policy by such University Personnel.

Definitions

Deemed Export: the release of export controlled technology to Foreign Persons in the U.S.

Empowered Official (EO):

The EO, who must be a U.S. citizen, is empowered in writing to sign export license applications or other requests for export approval; understands the provisions and requirements of the various export control statutes and regulations, and the criminal liability, civil liability, and administrative penalties for violating the regulations; and has the independent authority to:

- (a) Inquire into any aspect of a proposed export, temporary import, or any other transaction within the scope of export control regulations.
- (b) Verify the legality of the transaction and the accuracy of any information to be submitted to a licensing or approval authority.
- (c) Refuse to sign any license application or other request for approval without retribution.
- (d) The EO, in conjunction with the Office of General Counsel as needed, is free of any encumbrances and operates under the full support of the University administration to initiate and pursue without interference any and all forms of investigation. All reports and circumstances receive careful consideration. Violation reporting to the appropriate governing body occurs when deemed necessary.
- (e) The EO may delegate some or all of the responsibilities of the EO to one or more designees in order to operationalize these tasks.

U.S. Person: Someone who is: 1) a U.S. citizen (whether born or naturalized); 2) a lawful permanent resident of the United States (e.g., "green card" holders); or 3) a protected individual as defined by 8 U.S.C. § 1324b(a)(3) (e.g., foreign persons such as refugees and asylees who are protected persons and considered U.S. persons for export control purposes). Corporations incorporated in the United States are U.S. persons for purposes of the ITAR and EAR.

Foreign Person: Any person who is not a U.S. Person as defined above.

UVM Personnel: All University of Vermont employees, students, trainees, visitors, and other persons retained by or are working at the University who are involved in research, scholarly activities or other activities subject to export controls.

Procedures

Without approval coordinated through the Office of the Vice President of Research, University Personnel and students may not engage in the transfer of export controlled information, equipment, technology, technical data, services or any other export controlled commodity to a foreign country, a Foreign Person, including a Foreign Person located within the United States through a Deemed Export. In addition, University Personnel and students may not conduct business in countries, or with entities or individuals that are the subject of United States Treasury sanctions.

The Vice President for Research (VPR) is the University Export Control Empowered Official (EO).

The procedures for implementing this policy are established by each department and each University unit.

Requests for an export license must be initiated and coordinated through the OVPR.

License reviews, application and approvals or denials operational responsibilities under this policy can take up to 3-6 months (or longer for OFAC) before a final determination is made. Each license is for a specific export transaction.

Regarding Sponsored Project Administration

The Sponsored Project Administration Procedures implementing this policy can be found on the OVPR [Research Integrity - Export Control Regulations](#) webpage.

Principal Investigators are responsible for ensuring that any additional faculty, staff and/or students working under the award are also aware of, and comply with, export control regulations.

If a University researcher needs to export any item, the research activity must pause until a review to determine if a license is required under the U.S. export control laws and regulations. Deemed Exports also require a license.

Alleged violations of this policy should be reported to the direct supervisor of the UVM Personnel. The supervisor then informs the Department Chair, Dean, the Director of Compliance Services, and the Vice President of Research. At their discretion, the appropriate Department Chair or Dean will determine the manner in which the alleged violation will be investigated. The Dean will consult with the Vice President for Research on the appropriate discipline, if any, to be imposed. For represented employees, provisions of any applicable collective bargaining agreement will apply.

Contacts

Questions concerning the daily operational interpretation of this policy should be directed to the following (in accordance with the policy elaboration and procedures) depending on the subject matter of your request:	
Title(s)/Department(s):	Contact Information:
OVRs Research Compliance Officer	Victoria.Jones.1@uvm.edu
OVRs Executive Director for Research Administration	Brian.Prindle@uvm.edu
Associate Dean for Research of your academic unit	See UVM directory
Office of International Education	Emma.swift@uvm.edu
Human Resources	HRInfo@uvm.edu
Foreign Travel	travel@uvm.edu
ETS	Mga@uvm.edu
Purchasing	purchasing.department@uvm.edu

Print and Mail Center	print.mail@uvm.edu
Office of the General Counsel	General.Counsel@uvm.edu

The above contacts will arrange for appropriate support both within the University and, where necessary, outside the University, to address export control and license issues.

Forms/Flowcharts/Diagrams

- [Sponsored Project Administration Export Control Checklist](#)

Related Documents/Policies

- [Council on Government Relations \(COGR\) information on export controls](#)
- Directorate of Defense Trade Controls, U.S. Department of State
- [Office of Foreign Assets Control, U.S. Department of Treasury](#)
- OVP's [Research Integrity - Export Control Webpage](#)
- U.S. Export Administration Regulations can be found at: US Department of Commerce's Bureau of Industry and Security (BIS)
- U.S. International Traffic in Arms Regulations can be found at: International Traffic in Arms Regulations (ITAR)

Regulatory References/Citations

- Council on Government Relations (COGR) information on export controls
- International Traffic in Arms Regulations (ITAR)

Training/Education

Training/education related to this policy is as follows:

Training Topic:	<ul style="list-style-type: none"> • Introduction to Export Compliance (ID 16800) • Export Compliance for Researchers: Part I (ID 16801) • Export Compliance for Researchers: Part II (ID 16802) • Export Compliance for Research Administrators (ID 16803) • Export Compliance and Biosafety (ID 16805) • Export Compliance for Operational Departments (ID 16806) • Export Compliance for International Shipping (ID 16807) • Export Compliance and Purchasing (ID 16808) • Export Compliance and International and Foreign Waters (ID 16809) • Export Compliance and Collaborations (ID 16810) • Export Compliance and United States Sanctions Programs (ID 16812) 		
Training Audience:	All project personnel	Delivered By:	Sponsored Project Administration
Method of Delivery:	On-line training provided by CITI Program	Frequency:	

About this Policy

Responsible Official:	Vice President for Research	Approval Authority:	President
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