



The University of Vermont

Policy V. 6.2.3

Responsible Official: Vice President
for Research

Effective Date: June 15, 2016

Export Controls

Policy Statement

It is the policy of the University of Vermont (UVM) to comply with all U.S. export control laws and regulations, and to provide resources that enable UVM personnel, retained by or working at or for UVM, to conduct business in accordance with these laws and regulations. UVM personnel in the course of their duties may not engage in any export activity that is prohibited by the U.S. Department of Commerce, the U.S. Department of State, the U.S. Department of Treasury's Office of Foreign Assets Control (OFAC), or any other government agency that enforces export laws and regulations. Similarly, UVM personnel may not transfer any controlled item, including technology and technical data, without approved documentation.

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. Export control violations may also result in criminal sanctions including substantial fines and/or prison terms for the individual(s) and the University.

The Vice President for Research (VPR) is UVM's Empowered Official. UVM's Associate Vice President for Research Administration is the VPR's designee to oversee compliance of the University's export control program.

Reason for the Policy

Export controls apply to and affect a range of UVM activities including research and scholarly activity, software development, hiring, the 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 responsibility for the activities of visitors to UVM.

UVM employs foreign nationals and hosts foreign visitors in connection with international exchange programs, degree-granting programs, international academic and research, international fellows (i.e., James Marsh Professors-at-Large Program), and other business

agreements. While UVM welcomes the opportunity to employ foreign nationals¹ and host international visitors, it must also assure compliance with U.S. laws and regulations governing the export of certain commodities and technical data.

It is essential that all applicable UVM Personnel keep current with information and training provided by UVM through various resources regarding export controls.

Applicability of the Policy

This policy applies to all University of Vermont faculty, staff, students, trainees, visitors, and other persons retained by or working at or for UVM involved in research and scholarly activities or activities subject to export controls (“UVM Personnel”).

Policy Elaboration

Export control laws and regulations are governed by the U.S. Department of State Director of Defense Trade Controls (DDTC) through its International Traffic in Arms Regulations (ITAR), and the U.S. Department of Commerce Bureau of Industry and Security (BIS) through its Export Administration Regulations (EAR). The U.S. Department of Commerce regulates certain commercial and dual-use technologies, materials, and items specified in the EAR. The U.S. Department of State controls the export of defense articles, defense services and defense-related technical data through the ITAR.

In addition, the U.S. Department of Treasury’s Office of Foreign Assets Control (OFAC), maintains targeted economic sanctions programs that restrict or prohibit a wide range of export and other transactions that may include educational services involving designated countries, entities, and individuals.

This policy addresses the obligations UVM personnel have with respect to actual and deemed export of controlled items and materials. The controlled materials include, but are not limited to, information, software, data and technology, and technical assistance rendered to foreign countries, entities, or individuals. Notwithstanding this policy, UVM personnel are personally responsible for safeguarding export-controlled items from disclosure or release to foreign nationals without prior **written** approval.

Export control laws can affect research and non-research areas. Examples include, but are not limited to:

- Entering into a contract – such as to purchase items or services.
 - If the person or entity is on a restricted / denied party list.
 - If the money to pay for items or services goes to a person or entity in an embargoed or restricted country.
 - If there are export control restrictions noted in the End-User License Agreement

¹ A foreign national is any individual who is not a U.S. Citizen, Permanent Resident (green card holder), or individual protected under U.S. refugee or asylum status. This designation can also apply to entities that are not incorporated or registered in the U.S. as well as foreign governments with embassies located within the U.S.

(EULA) for software.

- Shipping ancient artifacts to a restricted foreign destination
- Shipping robots outside of the U.S.
- Shipping plasmids to a Ph.D. student writing his/her dissertation at a foreign university.

All departments within UVM can be at risk. Areas that are more likely to trigger export control requirements than others include, but are not limited to:

- Engineering
- Computer Science
- Research with high-energy lasers
- Research with controlled chemicals, biological agents and/or toxins
- Research with encrypted software

Export control laws and regulations restrict the shipment, transmission or transfer of certain items, software, technology and services from the U.S. to foreign countries, as well as “deemed export,” which are releases of controlled items to foreign nationals located in the U.S.

Please see the “University Guidelines for Export Controls²” for further elaboration of this policy.

Definitions

Please see the “University Guidelines for Export Controls”

(<http://www.uvm.edu/sites/default/files/media/exportguidelines.pdf>) for definitions related to this policy.

Procedures

All UVM personnel must conduct their affairs in accordance with U.S. export control laws and regulations. While compliance with applicable legal requirements is imperative, it is equally important to maintain an open research environment that welcomes the participation of researchers from around the world as part of UVM’s mission. To maintain this balance, UVM personnel must be familiar with U.S. export control laws and regulations, including important exclusions and exemptions, as they relate to their responsibilities. Export Compliance training modules are available to UVM personnel through the Collaborative Institutional Training Initiative (CITI) Program (<https://www.citiprogram.org/>).

UVM personnel are responsible for safeguarding the items identified as export-controlled, confidential, restricted, proprietary or sensitive but unclassified (SBU)³. Violations of the Arms Export Control Act (AECA) can be attributed to the person(s) involved in the violation as well as to UVM resulting in possible criminal sanctions as well as sanctions for violation of University policy. Thus it is the responsibility of all UVM personnel to be clear about UVM policies and

² “University Guidelines for Export Controls” can be found here:
<http://www.uvm.edu/sites/default/files/media/exportguidelines.pdf>

³ The U.S. Department of State uses SBU as a document designation comparable to “For Official Use Only” (FOUO)

exercise reasonable care in using and sharing export controlled items and engaging in export controlled activities.

UVM personnel with supervisory authority over foreign nationals or projects involving export controlled items are responsible for overseeing export compliance within their areas of administrative responsibility and for supporting UVM's compliance with export controls by implementing the procedures set forth in this policy.

UVM personnel are to use UVM's Export Compliance website (<https://www.uvm.edu/ovpr/research-integrity-export-control-regulations>) for guidance on matters pertaining to export controls. Where UVM's export compliance website, or the CITI Program Export Compliance training modules, fail to provide the information or resources needed, UVM personnel should contact the Office of the Associate Vice President for Research Administration for consultation.

Forms

None

Contacts

The Vice President for Research is the official that is responsible for the interpretation and administration of this policy. Should UVM personnel have questions related to the daily operational interpretation of this policy, the following departments are available to assist:

Executive Director for Research Administration
(802) 656-3360

Office of International Education
(802) 656-4296 (for foreign national students and employees)

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.

Related Documents/Policies

University Guidelines for Export Controls
<http://www.uvm.edu/sites/default/files/media/exportguidelines.pdf>

Additional Resources

Bureau of Industry and Security, U.S. Department of Commerce
<http://www.bis.doc.gov/>
Council on Government Relations (COGR) information on export controls
<http://www.cogr.edu/ExportControls>

Directorate of Defense Trade Controls, U.S. Department of State

<https://www.pmddtc.state.gov/>

Office of Foreign Assets Control, U.S. Department of Treasury

<http://www.treasury.gov/resource-center/sanctions/Pages/default.aspx>

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Approved by the President June 15, 2016