

University of Louisville

OFFICIAL UNIVERSITY ADMINISTRATIVE POLICY

POLICY NAME

Export Control Policy

POLICY NUMBER

TBD

INITIAL ADOPTION AND EFFECTIVE DATE

TBD

POLICY APPLICABILITY

This policy applies to all faculty, staff, volunteers, students, postdocs, trainees and visiting scholars and students ("Covered Population"); all University of Louisville ("University") departments; and whenever University funds, equipment, data, or other resources are used for activities governed by export control regulations.

REASON FOR POLICY

International engagement in research, education, and service are essential missions of the University. Export of certain items, technologies, software, proprietary research materials (including animals), and services is regulated for reasons of national security, foreign policy, prevention of the spread of weapons of mass destruction, and for competitive trade. Export control laws restrict the shipment, transmission or transfer of certain items, software, technology, proprietary research materials (including animals), and services from the United States to foreign countries, as well as releases of controlled technology or source code to foreign persons located in the United States ("Deemed Exports").

This policy is based on federal export control regulations promulgated by the Department of State, Directorate of Defense Trade Controls (DDTC), Department of Commerce, Bureau of Industry and Security (BIS) and the Department of the Treasury Office of Foreign Assets Control (OFAC) and is compliant with all federal requirements.

POLICY STATEMENT

The University shall comply with all U.S. export control laws and regulations, including the Export Administration Regulations (EAR) implemented by BIS, the International Traffic in Arms Regulations (ITAR) implemented by DDTC, and regulations implemented by OFAC. The federal government may impose both civil and criminal penalties on individuals and the University for violations of these laws. Consequently, the University expects its Covered Population to be familiar with U.S.

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export control laws, this policy, and relevant University procedures, to identify activities that may give rise to export control concerns. U.S. export control laws and regulations affect the Covered Population when:

- Traveling abroad with export-controlled equipment owned or leased by the University.
- Traveling abroad with University export controlled data.
- Traveling abroad to a sanctioned or embargoed country/region. Current listing located at: <https://ofac.treasury.gov/sanctions-programs-and-country-information>.
- Sharing controlled data with a foreign national inside the U.S. (a Deemed Export) or outside the U.S.
- Hosting foreign persons at the University.
- Collaborating with a researcher or institution outside of the U.S., especially when that collaboration involves individuals or institutions from a sanctioned country and/or when sensitive items, technologies, software, proprietary research animals, and services may be shared.
- Exporting/shipping items internationally.
- Engaging in a project or research involving:
 - restrictions or limitations on publication and/or dissemination,
 - proprietary information (e.g., confidentiality or non-disclosure agreements, proprietary research materials (including animals)), or
 - restrictions on foreign person participation.
- Involvement in project/research related to military; space related information; nuclear, chemical, and/or biological weaponry; missiles; unmanned vehicles; encryption technologies or other items listed on the International Traffic in Arms Regulations (ITAR) U.S. Munitions List (USML).
- Performing work under an RFP/Agreement/Contract that is marked "Export Controlled" or includes export control provisions.
- Development of technology or data that has a dual use.

Export Control regulations may also be violated by purchasing from or selling to, or hiring or entering collaborative relationships with, individuals or entities (i) on a restricted party list, (ii) from certain countries, or (iii) who are engaged in activities deemed to be contrary to defined national interests.

Individuals and entities must be screened for any potential restrictions prior to the University engaging in any contractual relationships, transactions, or other activities with them in accordance with the University's Sanction Check Screening Policy.

Violations can occur in connection with transactions taking place entirely within the United States.

TRAINING AND EDUCATION

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Training and education are the foundation of a successful export control compliance program. A well-informed Covered Population minimize the likelihood that a violation of Export Controls will occur. The following training is mandatory and coordinated through the Office of Research Integrity (ORI):

- Covered Population subject to a Technology Control Plan (TCP) must complete an initial training, followed by annual refresher trainings.
- Covered Population found to be in violation of Export Controls or University policy must complete assigned training.
- Mandatory training may also be assigned to individual departments, groups, or offices on an as needed or risk assessment basis.

Other training options offered by ORI, including individual one-on-one training by request, are listed on the University's Export Control website.

RECORD KEEPING REQUIREMENTS

The University must retain certain documentation related to Export Controls in accordance with time periods set forth under applicable U.S. laws and regulations. The Export Control Administrator (ECA) has primary responsibility for retaining copies of export-related documentation, including, but not limited to, analyses of license requirements and related correspondence, notes, and memoranda, for a minimum of five years from the date of export, re-export, and transfer. Departments, programs, and University Personnel are also responsible for retaining export-related records and documentation, such as licenses and shipping documentation, for a minimum of ten years from the date of export, re-export, or transfer. Records may be retained as electronic files or hard copies.

VIOLATIONS OF THIS POLICY

Violations of Export Control regulations carry potential penalties for the University and the individual, including substantial monetary penalties, potential criminal charges, and imprisonment. Violations of Export Control regulations can also result in denial of export privileges under the EAR or the ITAR. The University is obligated to report any violations to the relevant government agency.

Failure to comply with this and related policies is subject to disciplinary action, up to and including suspension without pay, or termination of employment or association with the University, in accordance with applicable (e.g., staff, faculty, student) disciplinary procedures.

RELATED INFORMATION (O*)

- [Responsible Conduct of Research and Scholarship Policy](#)
- [ProCard Program Policy](#)

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- [Responding to Violations of University of Louisville Research Policies](#)
- [Duty to Report and Non-Retaliation Policy](#)
- [Transportation of Research Animals Policy](#)
- [Sanction Check Screening Policy](#)
- [International Traffic in Arms Regulations \(ITAR\)](#)
- [Export Administration Regulations \(EAR\)](#)
- [Office of Foreign Assets Control \(OFAC\)](#)

DEFINITIONS (O*)

Please see Data Dictionary on Export Control Website

PROCEDURES (O*)

Please see [UofL Export Control Compliance Manual](#)

Commented [AR1]: This is currently under extensive revision and will be re-deployed on a user friendly SharePoint site.

RESPONSIBILITIES (O*)

Executive Vice President, Research and Innovation (EVPRI) is the Delegated Empowered Official for the University's export control compliance program. The EVPRI remains free from undue influence in all export control decisions and reviews and approves any exceptions to the University's commitment to open academic exchange, including granting approval for the use of ITAR-controlled technology at the University.

The Office of Research Integrity (ORI) is responsible for developing and implementing this policy and the procedures outlined in the University's Export Control Compliance Manual.

The Director, ORI serves as the **Export Control Administrator (ECA)** and has direct day-to-day responsibility for administering the University's Export Control Compliance Program. This includes but is not limited to assessing export control requirements on a case-by-case basis; facilitating the license application process; conducting outreach and training to the university community; establishing technology control plans, as appropriate; identifying applicable exemptions or exclusions and providing export control advice.

University Counsel (UC) provides legal counsel to the EVPRI and ECA on export control related matters.

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Covered Population are responsible for understanding and complying with this policy and the procedures outlined in the University's Export Control Compliance Manual.

RESPONSIBLE AUTHORITY (R*)

Executive Vice President, Research and Innovation

RESPONSIBLE UNIVERSITY DEPARTMENT/DIVISION (R*)

Office of Research Integrity
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Louisville, KY 40202
502-852-2454
exportcontrol@louisville.edu

HISTORY (R*)

Revision Date(s):

Reviewed Date(s):

The University Policy and Procedure Library is updated regularly. To ensure a printed copy of this document is current, please access it online at <http://louisville.edu/policies>.

R* = Required O* = Optional