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Policy

UNIVERSITY POLICY SR-08.00-09/22

TO: The University of West Florida Community

FROM: Dr. Martha D. Saunders, President

SUBJECT: Export Control

RESPONSIBLE OFFICE: Research Administration and Engagement

I. Purpose:

This document is intended to promote understanding of and compliance with the regulations governing U.S. export control, including but not limited to Section 1010.36, Fla. Stat. This policy applies to all faculty, staff, and students at the University of West Florida and will be administered by Research Administration and Engagement (RAE) or its successor department.

II. Definitions:

The following words and terms have the definitions indicated for purposes of this Policy:

Deemed Exports are Export-Controlled Items subject to federal and state laws, regulations, and policies and that are released to a foreign national within the United States. Such releases are deemed to be an export to the person's country or countries of nationality.

Exclusions refers to information that is not subject to export controls because one or more of the following conditions exist:

A. it is considered fundamental research.
B. it is available in the public domain.
C. it involves the educational function of the University.

Export is the shipment, transfer, or release of Export-Controlled Items.

Export-Controlled Items are the commodities, software, technology, and activities subject to the Export Administration Regulations (EAR) and the articles, services, technical data, and software subject to the International Traffic in Arms Regulations (ITAR).

Export Controls are the set of federal and state laws, regulations, and policies that govern the Export outside the U.S. or to a Foreign Person within the U.S. of Export-Controlled Items.

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An Export License is an authorization from a U.S. regulatory agency to engage in an Export that would otherwise be prohibited. An Export License may be required when international students or international scholars participate in UWF research that involves Export-Controlled Items. An application for an Export License must be made by RAE in consultation with a project's principal investigator.

Foreign Persons consist of foreign companies not incorporated in the U.S., foreign institutions/governments, and foreign individuals who are not Legal Permanent Residents (LPRs) of the U.S. "Foreign national" as used in the EAR is synonymous with "foreign person" as used in the ITAR.

The Research Integrity Office (RIO) is the office within RAE that has been assigned the responsibility to review employment-related travel abroad, requests to ship research equipment abroad, contracts or research awards for Exclusions from Export Controls, and the dissemination to Foreign Persons or foreign countries of Export-Controlled Items.

A Technology Control Plan is a written plan that is developed to secure Export-Controlled Items. The plans are tailored according to the needs of the research project and the requirements of the Export License.

III. Policy:

A. Compliance:

UWF shall comply with all federal and state laws, regulations, and policies that regulate the shipment, transfer or release of Export-Controlled Items to foreign nationals and foreign states for reasons of foreign policy, trade protection, and national security. These are Export-Controlled Items as controlled through:

1. The Export Administration Regulations (EAR), which are promulgated and enforced by the Department of Commerce, as identified on the Commerce Control List (CCL);

2. The International Traffic in Arms Regulations (ITAR), which are promulgated and enforced by the Department of State, as identified on the U.S. Munitions List (USML); and

3. The trade controls imposed by the Treasury Department through its Office of Foreign Assets Control (OFAC).

The University recognizes that as an institution of higher education, most research, teaching, or service at UWF will appropriately fall under the Exclusions provided by regulatory agencies. In the event of a suspected or actual export control violation, UWF will take all necessary steps to ensure the matter is fully investigated and resolved/remediated.

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B. Export Control Review:

To ensure compliance with U.S. regulations concerning Export Control, the RIO will review certain activities through its established processes and procedures. These activities include the following:

1. Contracts or research awards that have contractual restrictions that may affect the research project's Exclusion from Export Control regulations.

2. Shipment or transfer of Export-Controlled Items in consultation with UWF Environmental Health and Safety.

3. Transfer of Export-Controlled Items to a foreign national located in the U.S. that would constitute a Deemed Export.

4. Employment-related international travel.

5. Interactions with citizens or entities in a U.S.-sanctioned or embargoed country.

6. Research involving Export-Controlled Items found on the USML or the CCL.

7. International material transfer agreements.

8. Non-disclosure agreements restricting the exchange of Export-Controlled information.

C. Violations:

Failure to comply with export control laws, regulations, and policies may result in criminal and civil fines against the University and its employees. Additionally, an employee's failure to comply with export control laws, regulations, policies, a UWF Technology Control Plan, or this policy may result in disciplinary action, up to and including termination.

Approved by: DocuSigned by: Martha Saunders D54A387C376848D... Dr. Martha D. Saunders **Date:** 09/12/2022

Authority: Section 1010.36, F.S.; Export Administration Regulations (EAR); International Traffic in Arms Regulations (ITAR); Office of Foreign Assets Control (OFAC)

History: Created 09/12/2022