Export Control Policy

POLICY INFORMATION

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PURPOSE AND SUMMARY

Supporting research, developing relationships, and participating in the worldwide academic and business community to further the pursuit of knowledge is a critical component of the University of Arizona mission. The University is committed to complying with U.S. export controls laws and regulations that apply to its activities, including the International Traffic in Arms Regulations (ITAR), the Export Administration Regulations (EAR), and the Office of Foreign Assets Control (OFAC) regulations.

The EAR and the ITAR govern the shipment, transfer, and access of export-controlled data, items, equipment, materials, and software to non-U.S. Persons or entities (domestically and abroad). The OFAC regulations impose sanctions and embargoes on transactions or exchanges with designated countries, entities, and individuals. These federal regulations are in place to protect the economic vitality and national security of the United States. Violations of these laws can result in significant fines and penalties.

SCOPE

This policy applies to all students, faculty, staff, and DCCs engaged in University activities impacted by EAR, ITAR, OFAC, and/or restricted and denied party lists. This includes but is not limited to, research; foreign national access to controlled information; international collaborations; online classes abroad; services; outreach; and international travel.

DEFINITIONS

Export: An export is the transfer of export-controlled data, items, equipment, materials, and software or providing a defense service to a non-U.S. Person or entity. An export can occur in a number of ways, such as; a physical shipment, hand-carrying an item out of the U.S., email transmission of data, presentations, discussions, visually accessing export-controlled data, etc.

Deemed Export: A deemed export is the release or transmission in any form of export-controlled technology or software code **within the U.S** to anyone who is not a U.S. Person.

U.S. Person: An individual with U.S. citizenship, permanent residency, or protected individual status such as refugees and asylees. Corporations incorporated in the United States are U.S. Persons for purposes of the ITAR and EAR.

Technology Control Plan (TCP): Documentation providing protocols to safeguard the visual, physical, or electronic access by unauthorized non-U.S. persons to export-controlled data, items, equipment, materials, and software.

Restricted Party Screenings (RPS): The U.S. government maintains lists of individuals or entities with whom the University and its employees may be prohibited by law or require a license to export to or engage in certain transactions. RPS is the process of reviewing foreign and U.S. individuals and entities to prevent illegal transactions with parties on the various federal government lists of restricted individuals, companies, and organizations.

POLICY

All individuals affiliated with the University who work with, or have access to, export-controlled data, items, equipment, materials, and software are required to be familiar with and fulfill the requirements of the U.S. export controls laws and University export control compliance protocols.

All individuals affiliated with the University engaging in international activities which include, but are not limited to, collaborations, travel, online classes abroad, and services and outreach are required to be familiar with the requirements of U.S. export control laws and University export control compliance policies that impact these activities.

COMPLIANCE AND RESPONSIBILITIES

Penalties for export control violations are substantial, including significant fines, debarment from participation in federal contracting, loss of export privileges, and in some cases imprisonment. In addition to these severe penalties, the potential reputational damage to an institution from violation of these laws could be difficult to repair, possibly resulting in lost opportunities for attracting world-class researchers and/or decreased access to research funding through private industry and government sources.

Export Control is responsible to advise, train, manage, and oversee institutional compliance with export control regulations. The Director is designated as the University's primary Empowered Official with the authority to make export controls determinations and government license submissions on behalf of the institution. Export Control will respond to reports of potential violations of export control regulations, inform federal agencies, and lead efforts to respond to violations. Export Control will also provide guidance on next steps with identified restricted parties.

Primary Investigators (PIs) are responsible for: 1) Assisting Export Control in the identification of activities that may intersect with export control regulations; 2) Maintaining a current export control training certification; 3) Confirming with Export Control all project personnel have completed training and are cleared to access export-controlled items; 4). Notifying Export Control of potential violations.

Central administrative units, departments, and colleges will coordinate with Export Control on centralized procedures for Restricted Party Screenings and identifying international collaborations, travel, services, and online study abroad requiring OFAC licenses. For example, all individuals affiliated with the University who work with international persons and entities must confirm via Restricted Party Screening and consultation with Export Control that activities are permitted with collaborators.

Training: University employees working on an export-controlled project with a Technology Control Plan (TCP) must complete export control training prior to working on a project and/or accessing export-controlled items or data. Agreements will not be processed by Contracting Services until training is confirmed as current and the TCP is in place.

Technology Control Plan: The purpose of a [Technology Control Plan (TCP)](#) is to control the visual, physical, or electronic access by unauthorized non-U.S. Persons to certain export-controlled data, items, materials, equipment and software. Before export-controlled work can begin or export-controlled data can be received, each project member must complete online export control training and participate in a TCP briefing from Export Control.

RELATED INFORMATION

[University of Arizona Export Control](#)

[Export Administration Regulations (EAR)](#)

[International Traffic in Arms Regulations (ITAR)](#)

[Office of Foreign Assets Control (OFAC) Regulations](#)

REVISION HISTORY

Updated on 8 December 2020.