

Export Control Program

ROWAN UNIVERSITY POLICY

TITLE: *Export Control Management System*

SUBJECT: *Research Compliance*

POLICY NO: *Res:2015: 03*

APPLIES: *University-wide*

ISSUING AUTHORITY: *President*

RESPONSIBLE OFFICER: *Vice President for Research*

ADOPTED: *01/01/2014*

AMENDED: *10/20/2015*

LAST REVISION: *02/23/2018*

I. PURPOSE

The purpose of this policy is to state the essential aspects of the laws and regulations concerning exports, confirm our policy for compliance, and explain how the University will provide our researchers with the assistance they may need to ensure compliance with these complicated laws.

II. ACCOUNTABILITY

Under direction of the President, the Vice President for Research and the Research Compliance Officer shall implement and ensure compliance with this policy.

III. APPLICABILITY

This policy applies to all Rowan University faculty, staff and students involved in the University's research program.

IV. REFERENCES

Export Control Regulations applicable to Rowan University are included in Attachment 1.

V. DEFINITIONS

Key Definitions and terms are included in Attachment 2.

VI. POLICY

1. Rowan University (RU) is fully committed to complying with applicable export control laws. To ensure compliance with these laws, Institution's projects and programs will be managed in accordance with applicable Federal laws, rules and regulations as well as enumerated in this policy. These govern to the extent of any inconsistencies with the Institution's Information and Guidelines on United States Export Control Laws dated 6/10/2004 (See Attachment B), which also apply.
2. Research and inquiry into intellectual areas of great promise is one of the most basic obligations Rowan University has to its faculty, to its students, and to society at large. Rapid advances in the fields of science and engineering have resulted in a closer association between the university and industry. This

close association in rapidly advancing technical fields often involves export controlled information, materials and technology.

3. As a general policy, RU will not undertake, on the campus, classified research or research whose results may not be published without prior permission. However, there may be situations in which the pursuit of knowledge may involve critically important, but sensitive areas of technology where the publication of research results would not be in the best interest of national security and public interest. In such cases, the University will have flexibility to depart from the standards of freedom of inquiry in order to serve public interest.
4. Rowan University is committed to the highest level of compliance with all applicable export control laws and regulations that pertain to the conduct and dissemination of our research and to the export of tangible items such as equipment, components or materials. While our primary mission is education, research and dissemination of knowledge, the responsibility remains to balance the service of this mission with safeguarding national assets through adherence to the export regulations, rules and laws of our country.
5. As a public institution of higher education, RU employs foreign nationals; collaborates with international partners on research, education and services; and hosts foreign visitors and international students in connection with international exchange programs as well as other academic, research and collaboration agreements. It is the intent of the Institution to employ foreign nationals, collaborate with foreign nationals and host international visitors, both long and short term, in the most welcoming manner possible while also assuring compliance with U.S. laws and regulations governing the export of certain items (including such items as equipment, software, chemicals, and biological materials) and technical data.
6. Most activities on campus will not trigger export licensing requirements and will be eligible for exclusions under the fundamental research exclusion, the publicly available or public domain information exclusion, or the educational exclusion. For those activities that are not eligible for such protections, each employee is personally responsible for safeguarding exportcontrolled data /information, i.e. controlled technology or technical data, as required by the above federal agencies from disclosure to foreign persons without prior approval. An export license from the U.S. government or determination by the RU's Office of Research that an export license exception or exemption is available is required before a foreign person or foreign national may be given access to items or technology /technical information controlled by either the U.S. Department of Commerce, the U.S. Department of State or the U.S. Department of Energy. No release of classified information (i.e. confidential, secret, top secret) is permitted to any person without the proper security level clearance and a documented "need to know" for that specific information.

VII. DESCRIPTION OF UNIVERSITY'S EXPORT CONTROL FUNCTIONS

1. In 2013, the State of New Jersey designated Rowan as second comprehensive public research institution in the State of New Jersey. As a research institution and a U.S. institute of higher education, most research, teaching, or service at the Institution will appropriately fall under the fundamental research exclusion, the publicly available/public domain exclusion, the education exclusion or a combination of the three. There may be occasions in which RU may conduct research or provide service or agree to a contract with a sponsor involving classified research. In such cases, RU will have the flexibility to depart from the standards of freedom of inquiry in order to serve public interest. When such exceptions occur, each project will be reviewed by the Senate's Research Committee (SRC) and acted upon in light of its impact on overall research mission of the university.
2. Export Control Compliance Organizational Structure
 - a. The University's export compliance efforts will be coordinated through the Office of Research with the assistance of the Office of the General Counsel. However, much of the responsibility for export compliance lies with individual university personnel. The purpose of this section is to outline the university's export compliance structure.
 - b. RU's Export Control Compliance Review Team (Team) is comprised of the Vice President for Research, General Counsel or designee attorney ('GC'), Chief Research Compliance Officer, Director of Sponsored Program, Biological Safety Officer, Grants Specialist, Chief Internal Auditor, Director of Purchasing, Director of Asset management, Director of Technology Commercialization and Licensing and Director of Tech Park.

- c. Vice President for Research will lead the Team and he/she is RU's empowered official for export controls. The Team is in place to ensure that the Institution has the infrastructure, resources, policies and guidelines to comply with all institutional compliance issues associated with Export Controls and Rowan University's Export Control Compliance Program.
- d. The empowered official, GC and Chief Research Compliance Officer are knowledgeable in EAR, OFAC, AECA, DOE 10 CFR Part 810 ('DOE'), NRC 10 CFR Part 110 ('NRC'), and ITAR. Further, these individuals are cognizant of when and how these regulations affect the organization.
- e. As part of Institution's Export Control Compliance Program, the Compliance Review Team has either initiated the internal controls to ensure compliance with EAR, OFAC, AECA, and ITAR or they have put together the appropriate teams to establish and implement the necessary export control compliance program. The Empowered Official has the approval authority for activities requiring export licensing, export licensing itself, and related security plans.
- f. The departments and or divisions involved in export controls related to ITAR, AECA, OFAC, DOE, NRC, and EAR have devoted personnel to the Institution's Export Control Team and other resources to ensure compliance with the Federal rules, regulations and statutes. The other resources include funds to support training in export controls and procedures for screening and conducting following compliance functions.
 - i. Restricted parties screening;
 - ii. Locating Federal Regulations on export controls;
 - iii. Searching the Export Control Classification Number (ECCN) and (United States Munitions List (USML); and
 - iv. Assisting in license determinations.
- g. Asset Management Division, Purchasing Services and Environmental Health and Safety have implemented processes to track equipment, property (both Institution's titled and Government furnished), biologicals, chemicals and other materials that are controlled by ITAR, NRC and EAR.

3. Rowan University Export Control Working Group

Membership in the Rowan University Export Control Working Group appears in Attachment 3.

4. SCREENING

The following screens are performed or coordinated by the Export Control Coordinator as a procedure in the review of export control issues on campus. See Attachment 4.

- a. Export-related Restricted, Denied and Blocked Persons Lists (BIS)
- b. Sanction Programs Related Blocked Persons Lists
- c. Law Enforcement –related Wanted Persons List (Domestic)
- d. Politically Exposed persons and Office of Inspector general
- e. International Terrorist, Blocked Person, Wanted, and Entity Lists
- f. Export Risk Country Alerts

5. TRAINING AND EDUCATION\

- a. See Attachment 5.

6. IDENTIFICATION, RECEIPT AND TRACKING OF EC ITEMS

- a. Office of Research reviews the scope of work from research project submissions, awards and contracts for export control related issues or materials. If this initial review reveals items of concern an Export Control Checklist is completed and/or discussions with the Principal Investigator (PI) are initiated to make further determinations as to the involvement of export controls. The Division of Research Compliance (DRC) in the Office of Research reviews and maintains in the award files copies of the proposals, research grants, contracts, confidentiality agreements and other agreements, as applicable, that may impact the export control review and determination. Additionally, Office of Research will perform export control review and license determination with the PI development of a Technology Control plan and/or interpretation of any EAR/ITAR export license requirement and associated documents, as applicable, pertaining to the project/research. Additionally, Office of Research is responsible for determining the need for licenses and submitting applications. When chemicals or biological materials are involved the Director of EHS and Biological Safety Officer will also review with the PI export control issue pertaining to the project.

7. IDENTIFICATION OF ITAR/EAR CONTROLLED PROJECTS REVIEW PROCEDURES

- a. Office of Research has oversight and approval of all licensing under export control laws (with the exception of physical exports of biologics, chemicals and explosives out of the United States or OFAC travel related licensing). Office of Research also makes determinations relating to the

export control status of new technologies and materials resulting from university research when an invention disclosure or a work disclosure has been submitted to the Office of Technology Licensing.

- b. Division of Sponsored Research will review at the time of award all grant and solicitations, proposals, confidentiality agreements, awards, etc. for the following:
 - i. Restrictions on publishing research results.
 - ii. Restrictions on foreign nationals from performing or accessing research results.
 - iii. Restrictions on deliverables or results from being disclosed or delivered to any country or individuals.
 - iv. Physical items being shipped overseas.
 - v. Verification that the project does not consist of basic or applied research.
 - vi. RU Export Control Compliance Program.
 - vii. The research effort is being conducted outside of the United States.
 - viii. Embargoed/sanctioned countries and/or entities involved.
 - ix. Scope/Agreement/Solicitation references weapons, select agents (aka highly pathogenic /toxic biologics), pathogens, toxins, bacteria, military systems, missiles, satellites, space related technologies, infrared, night vision, inertial measurement units (IMU), Global Positioning System (GPS), High Performance Computers (HPC), Astronomical Instruments (build/design main issue), armor, weapons of mass destruction, detectors, sensors, lasers, directed energy, trajectory, radars, cloaking, encryption, unmanned aerial vehicles (UAV), autonomous underwater vehicles (AUV), autonomous ground vehicles, optics, etc.
 - x. Requirement to use third-party information that is subject to nondisclosure obligations
 - xi. Presence of export controlled items, data, or technology.
 - xii. Other Red Flags are identified.
 - xiii. Upon completion of review, the final determination on whether or not the effort is controlled are made and determine if further steps need to be taken. If one or more of the above bullet points apply, then neither the fundamental research exclusion nor publicly available /public domain exclusion apply and Office of Research will assist the principal investigator in determining whether a controlled technology/commodity is involved and/or export control regulations apply to the project. DRC, UFIC and EHS are responsible for export licensing under their purview but will involve each other and additional offices as appropriate. To assist in making this determination, the principal investigator shall work with Office of Research RU's to follow RU Export Control Compliance Program.

8. OBTAINING AN EXPORT LICENSE

- a. If it is determined that a controlled technology or item is involved and an exclusion or license exemption does not apply; a license is required before the technology or item can be shared, disseminated, or exported out of the U.S.. This requirement applies to both research results as well as tangible items if the results are not covered by Fundamental Research, Public domain /Publicly Available Information, or other exclusions. The processing time for a license is normally two to four months after the application is submitted. Office of Research in conjunction with GC, will obtain any necessary ITAR, EAR and/or OFAC licenses.

9. ADMINISTRATION OF THE TCP

- a. Administration of the TCP associated with any grant, proposal, or project is the joint responsibility of Office of Research and the PI/Department as it applies to the release of controlled technical data or items subject to the regulations whether in the U.S. or abroad.
- b. Principal Investigators and department heads are responsible for ensuring that employees in their activities are properly instructed in the handling of classified, export-controlled, or proprietary information and that they have signed the required attachments, prior to involvement in the project, attended mandatory Export Control Training, and are cognizant of their obligations and responsibilities under the Project-specific TCP, as applicable.

10. TRAVEL AND PRESENTATION PROCEDURES FOR SANCTIONED/EMBARGOED ENTITIES

- a. Each employee is personally responsible for complying with travel, business, and export control restrictions relating to countries and individuals sanctioned by the United States in regulations, laws, and executive orders enforced by OFAC. For further information, individuals may contact Office of Research.

- b. Once the traveler's respective Dean and Division executive approves the academic basis for the international travel request, the University's Ethics Liaison Officer reviews the travel forms to ensure that there are no ethics related issues with the requested travel.
- c. Guidance for International Travels when our faculty/staff travel may or not be directly related to export control or deemed export control is contained in Attachment 8 - Export Control International Travel Guidelines and the University's International Center's Travel Guidelines website. (<https://www.rowan.edu/home/international-center/international-travel-guidelines-rowan-employees-and-students>)

11. RECORDKEEPING

The University is subject to several regulatory recordkeeping requirements related to its export activities. The ITAR and the EAR require that records be kept reflecting the export and temporary import of defense articles, defense services, dual-use commodities and related technologies. This procedure outlines requirements for complying with the recordkeeping regulations. Types of records to be maintained will depend on the university's activities and how items are controlled for export. The retention period is five years from the date of export, re-export, or any other termination of the transaction

a. Transactions subject to recordkeeping requirements

The following types of transactions are subject to recordkeeping requirements:

- i. Exports of controlled commodities, software or technical data from the United States or by U.S. persons;
- ii. Re-exports or transshipments of controlled products or technical data originally exported from the United States or by U.S. persons;
- iii. Any other transaction subject to export control, whether the export or re-export actually occurs;
- iv. Negotiations in connection with an export; and
- v. Exports, where it appears that a person in another foreign country has an interest in the transaction or that the commodity or technical data will be exported, transshipped, or diverted.

b. Records required to be kept

- i. All documents related to export activities should be retained, whether they involve the administrative processes associated with obtaining licenses or other approvals, or the implementation of a license or approval, which has already been approved. It is RU policy that the following export documents and related supporting materials be retained by the University:
 1. Any paperwork detailing internal export control assessments, including any documentation regarding the applicability of any licensing exemptions (such as public domain or fundamental research);
 2. Include records of the compliance program, implementation efforts, and the steps to discover and rectify inadequacies. Such steps may mitigate the consequences of unintentional violations. Encourage prompt disclosure of potential violations to the central office for a knowledgeable and timely response including appropriate self-disclosure to the appropriate agency to mitigate penalties. Example: in an Export Control Management Plan Classification decisions issued by the appropriate government agency;
 3. License applications, and all supporting documents;
 4. Issued licenses with limitations or provisos, if any;
 5. International Import Certificates and applications therefore;
 6. Delivery Verification or similar evidence of delivery;
 7. Shipper's Export Declarations ("SED");
 8. Receipts, bills of lading and other documents related to export clearance;
 9. Reports of boycott requests and all documents relating to the requests;
 10. Any other document issued by the U.S. Government that demonstrates that an export occurred;
 11. Applications for registration;
 12. Purchase orders;
 13. Foreign import certificates;
 14. Airway bills;

- 15. Non-transfer and use certificates.
 - ii. Memoranda, notes, correspondence, contracts, invitations to bid, books of account, financial records, and any other written matter pertaining to an export.
- c. Period of retention

Export documents must be retained for a minimum period of five (5) years, calculated from one of the following points in time:

 - i. Export records under the EAR (See §762.6) must be retained for five (5) years from the latest the following times:
 - 1. The date the export from the U.S. occurs;
 - 2. The date of any known re-export, transshipment, or diversion of such item;
 - 3. The date of any termination of the transaction, whether contractual, legal, formally in writing or by any other means, or
 - 4. In the case of records of or pertaining to transactions involving restrictive trade practices or boycotts, the date the regulated person receives the boycott-related request.
 - ii. Records relating to exports under the ITAR must be maintained for five (5) years from:
 - 1. The expiration of the license or other approval to which the documentation relates;
 - 2. The date the license or other authorization is exhausted or used completely; or
 - 3. The date the license or other authorization is suspended, revoked, or no longer valid.
- d. Identifying Responsible Recordkeeping Function

The University will maintain the following records, either originals or back-ups, through the Coordinator, Export Control, and Office of Research/Sponsored Programs.
- e. Accessibility
 - i. Records must be kept in a manner which facilitates the ability to retrieve the records for any purpose and to review the records during internal or U.S. Government audits.
 - ii. University Personnel may not, under any circumstances, interfere with or impede any federal law enforcement officer performing his/her official duties.

12. INTERNAL MONITORING/AUDITS

- a. RU is committed to ensuring that its efforts to comply with United States export laws and regulations are successful and effective throughout the University. Every compliance program must include an internal assessment function designed to objectively and independently review all aspects of the program. RU will conduct internal assessments as required.
- b. Each project which has a Technology Control Plan (TCP) will be reviewed on an annual basis. The PI, key persons and all labs/offices/etc. associated with the TCP will be visited and reviewed for compliance with the TCP. Any deficiencies will be noted and corrected. If there are substantial deficiencies the project may be halted pending correction of the deficiencies.
- c. Types of Assessments
 - i. Policies and Procedures Assessment - A review of policies and procedures will be conducted to assess whether the University effectively maintains export policies and procedures. This review is designed to identify whether applicable legal obligations are addressed throughout RU
 - ii. Self-Audit/Internal Audit - Regular internal audits should be conducted to ensure that the university's Export Control Compliance Program is operating effectively, including:
 - 1. Best practices:
 - a. Faculty awareness education program.
 - b. Export Control Determinations - The goal is to ensure that the guidelines of the Export Control Management System are being followed, that the processes are changed as needed and new processes are added when required.
 - iii. Compliance Assessment - A review of select contracts, activities, practices and procedures will be conducted to assess whether the University is successfully implementing the policies and procedures of the compliance program.
 - iv. Frequency of Internal Assessment - Policies and procedures assessments and compliance assessments will be conducted on an annual basis, and will consist of scheduled review.

VIII. HANDLING SUSPECTED VIOLATIONS

1. Management commitment to reporting

- a. Effective implementation and administration of the University's export compliance guidelines requires ongoing and consistent cooperation between the University and its personnel to ensure compliance with all requirements relating to United States export control regulations and laws. Certain events require University personnel to notify the Office of the General Counsel immediately.
- b. The failure of the University to comply with applicable United States export laws and regulations could result in substantial penalties, including suspension of the university's export privileges, fines, and imprisonment for personnel found to be in violation of these laws. Violations under EAR are subject to civil penalties of \$10,000 to \$120,000 per violation and criminal penalties of \$50,000 to \$1 million per violation and may include 10 years in prison. Violations under ITAR are subject to civil penalties of \$500,000 per violation and criminal penalties up to \$1 million per violation and may include 20 years in prison. Violations under OFAC regulations are subject to civil penalties of \$250,000 per violation and criminal penalties up to 20 years in prison.
- c. University personnel shall not willfully ignore information that comes to them in the normal course of university activities to avoid potential compliance issues. Knowledge possessed by university personnel can be imputed to the university and render the university liable for violations. Therefore, any questionable, unauthorized, or illegal activities, whenever discovered by any employee, must immediately be reported to the Office of the General Counsel for review and evaluation. Sufficient information must be provided to allow the University to pursue an appropriate course of action in the event of an actual or potential violation. Accordingly, university personnel are encouraged to provide as much detail as available when reporting possible violations.
- d. RU has implemented various avenues for the reporting of such violations and will proactively review and report through the GC's office and Office of Research any suspected violation as deemed necessary under current Federal laws and regulations.

2. Avenues for Reporting

- a. Violations relating to export controls may be reported through the RU Compliance Hotline and may be done by telephone or with the use of a web form. A person can remain anonymous regardless of which method is used. Alternatively, a violation may be reported directly to Office of Research or the GC.
- b. If any of the following events occur, you must immediately contact Melissa Wheatcroft, J.D., Office of General Counsel, the Export Control Officer and the Associate Vice Provost for Research, the Chief Research Compliance Officer.
 - i. Any non-routine contact, by phone, letter or in person, by a United States Government official or agency concerning exports or imports, including any request to review or discuss a previously issued export license or past export shipment.
 - ii. A shipment from or to the university is detained or seized by U.S. Customs.
 - iii. Receipt of a subpoena or other criminal procedure notification related to U.S. export or import laws.
 - iv. A suspected violation of export control laws or the university guidelines regarding exports.
 - v. Any reporting requirements under the anti-boycott and restricted trade practices regulations.
 - vi. Any requirement for United States Government export approval
 - vii. Notification shall occur as soon as possible after any of the foregoing events.
- c. Once an alleged violation has been reported, Office of Research, GC, and other parties as required, will review the facts of the case and make a determination regarding the validity of the allegation. If the allegation merits further fact finding and investigation, the University will undertake said investigation and, when circumstances warrant, will notify the appropriate U.S. Government entity.

3. Voluntary Disclosures

- a. Department of State
 - i. The Department of State strongly encourages the disclosure of information to the Office of Defense Trade Controls ("ODTC") by persons, firms, or any organization that believes they may have violated any export provision of the Arms Export Control Act ("AECA"). Voluntary self-disclosure may be considered a mitigating factor in determining the administrative penalties, if any, that can be imposed by the Department of State. Failure to report such

violation(s) may result in circumstances detrimental to United States national security and foreign policy interests.

- ii. Violations of the ITAR may result in criminal or civil prosecutions. Any license or other approval can be suspended, revoked, denied or amended without prior notice. Enforcement actions can include detention and seizure of suspect shipments. An entity or individual indicted for, or convicted of, violating the ITAR or other export control laws can lose security clearances, be suspended from participating in the export of defense articles, services and/or technical data, and may be subject to criminal fines and imprisonment.
- iii. Under the ITAR, it is unlawful:
 - 1. To export or attempt to export from the United States any defense article or technical data or to furnish any defense service for which a license or written approval is required by the ITAR without first obtaining the required license or written approval from the ODTC;
 - 2. To import or attempt to import any defense article whenever a license is required by the ITAR without first obtaining the required license or written approval from the ODTC;
 - 3. To conspire to export, import, re-export or cause to be exported, imported or re-exported, any defense article or to furnish any defense service for which a license or written approval is required by the ITAR without first obtaining the required license or written approval from the ODTC;
 - 4. To violate any of the terms or conditions of licenses or approvals granted pursuant to the ITAR;
 - 5. To willfully cause, or aid, abet, counsel, demand, induce, procure or permit the commission of any act prohibited by The Arms Export Control Act or any regulation, license or approval issued
 - 6. To use false or misleading statements or omit a material fact on any export or import control document.

b. Department of Commerce

- i. The Department of Commerce encourages the disclosure of any violation of the EAR. Voluntary Disclosure procedures can be found in Section 764.5 of the EAR. Self-Disclosure to the Office of Export Enforcement ("OEE") prior to the time that OEE, or any other agency of the U.S. Government, has learned the same, or substantially similar information, is considered a mitigating factor in determining what administrative sanctions, if any, will be sought by the OEE. A voluntary disclosure, however, does not absolve a company from wrongdoing. Violations of the EAR may result in criminal or civil prosecutions, imposition of fines, forfeiture of property (or any interest therein) or denial of export privileges.
- ii. The following actions violate the EAR:
 - 1. Aiding, abetting, counseling, commanding, inducing, procuring or permitting the doing of any act prohibited, or the omission of any act required by the EAR or any license or authorization issued;
 - 2. An attempt or conspiracy to violate or willfully evade compliance with the EAA or the EAR;
 - 3. Possession of goods or technology with the intent to violate export restrictions or with the knowledge or reason to believe the goods will be exported illegally;
 - 4. Misrepresenting or concealing facts to BIS or Customs;
 - 5. Failure to report a violation or comply with recordkeeping requirements

IX. FACULTY/STAFF AWARENESS WORKSHOPS

- 1. It is critical that faculty and appropriate staff are made aware of Export Control rules and issues. Violations of export control laws carry severe penalties, including huge monetary fines and possible prison time. One of the many components of compliance with federal Export Control laws is the establishment of an effective and ongoing education and awareness program.

2. The Export Control Officer has developed and implemented annual Faculty/Staff Awareness Workshops. The presentation is comprehensive and punctuated with case studies that relate to each department's research or science. We end each meeting with a discussion of the current issues and a question and answer session. The Office of Research offers these workshops at any time upon request.

X. ATTACHMENTS

1. Attachment 1 - Export Control Regulations
2. Attachment 2 - Key Definitions And Terms
3. Attachment 3 - Export Control Working Group
4. Attachment 4 - Screening
5. Attachment 5 - Training and Education
6. Attachment 6 - Faculty/Staff Awareness Workshops
7. Attachment 7 - Frequently Asked Questions
8. Attachment 8 - Export Control International Travel Guidelines

ATTACHMENT 1 EXPORT CONTROL REGULATIONS

The main Export Control Regulations applicable to Rowan University follow:

1. The Export Administration Regulations (EAR), Title 15, sections 730-774 of the Code of Federal Regulations (CFR) are promulgated and implemented by the Department of Commerce. The EAR regulates the export of 'dual use' goods and services (goods and services having both military and civilian uses) identified on the Commodity Control List (CCL). The complete text of the EAR and CCL are available online at: <http://www.bis.doc.gov/policiesandregulations/ear/index.htm>.
2. The International Traffic in Arms Regulations (ITAR), 22 CFR §§ 120-130 are promulgated and implemented by the Department of State and regulate defense articles and services and related technical data. Regulated items are identified on the United States Munitions List (USML), 22 CFR § 121. Complete, on-line versions of ITAR and USML are available online at http://www.pmddtc.state.gov/regulations_laws/itar.html.
3. Treasury Department, Office of Foreign Assets Control (OFAC), the U.S. Department of the Treasury, through the Office of Foreign Assets Control ("OFAC"), regulates economic trade with foreign countries. The Foreign Assets Control Regulations ("OFAC Regulations"), 31 C.F.R. Parts 500-597, implemented pursuant to the Trading with the Enemy Act ("TWEA"), 50 U.S.C. §§ 1-44 and the International Emergency Economic Powers Act ("IEEPA"), 50 U.S.C. §§ 1701-1706, administer the statutory economic trade sanctions imposed against several foreign countries. The sanctions range from partial to full trade embargoes and are imposed in addition to other U. S. export control law penalties. Information regarding sanctions in effect can be found at the OFAC web site: <http://www.treas.gov/offices/enforcement/ofac/>.
4. United States Munition List, May 13, 2014 e-CFR Code of Federal Regulations. <http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=2b696098de1ff50ea0b25e7959b4b0bb&r=PART&n=22y1.0.1.13.58>
5. Commerce Control List (CCL): <http://www.bis.doc.gov/index.php/regulations/commerce-control-list-ccl>.
6. Rowan University thanks University of Florida, University of Tennessee, MIT and Ohio State University for the use of their policies and guidelines.
 - a. http://research.ufl.edu/compliance/pdf/EXCON_Comp_Guidelines.pdf.
 - b. <http://exportcontrol.utk.edu/>.
 - c. <http://orc.osu.edu/regulations-policies/exportcontrol/regulations/>.
 - d. <http://osp.mit.edu/compliance/export-controls>.
 - e. http://www.pmddtc.state.gov/regulations_laws/itar.html

ATTACHMENT 2 KEY DEFINITIONS AND TERMS

1. **Code of Federal Regulations (CFR)** — The United States Code of Federal Regulations (CFR) is the codification of the general and permanent rules and regulations published in the Federal Register by the executive departments and agencies of the Federal Government.
2. **Commerce Control List (CCL)** -A list of items under the export control jurisdiction of the Bureau of Industry and Security, U.S. Department of Commerce. The CCL is found in Supplement 1 to part 774 of the EAR.
3. **Commerce Control List (CCL) Category** -The CCL is divided into ten categories: (1) Nuclear Materials, Facilities and Equipment, and Miscellaneous; (2) Materials, Chemicals, "Microorganisms," and Toxins; (3) Materials Processing; (4) Electronics Design, Development and Production; (5) Computers; (6) Telecommunications; (7) Sensors; (8) Navigation and Avionics; (9) Marine; (10) Propulsion Systems, Space Vehicles, and Related Equipment.
4. **Commerce Control List (CCL) Group** -The CCL is divided into 10 categories. Each category is subdivided into five groups, designated by the letters A through E: (A) Equipment, assemblies, and components; (B) Test, inspection and production equipment; (C) Materials; (D) Software; and (E) Technology.
5. **Controlled Country** -A list of countries designated controlled for national security purposes found in Country Group D:1, including: Armenia, Azerbaijan, Belarus, Cambodia, the People's Republic of China, Georgia, Iraq, Kyrgyzstan, Laos, Libya, Macau, Moldova, Mongolia, North Korea, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, and Vietnam. Cuba is a controlled country, but is listed in Country Group E:2 (unilateral embargoes) rather than Country Group D:1.
6. **Deemed Export** -The disclosure or transfer of export controlled software, technologies or technical data to a foreign entity or individual inside the US is "deemed" to be an export to the home country of the foreign entity or individual
7. **Defense Article** - (ITAR 120.6) means any item designated in the United States Munition List (USML). Examples include specified chemical agents, cameras designated for military purposes, specified lasers, and GPS equipment as noted above. It also means any technical data recorded or stored in any physical form, models, mock-ups, or other items that reveal technical data directly relating to the particular item or "defense article" listed in the USML.
8. **Defense Service** -(ITAR 120. 9) means the furnishing of assistance (including training) anywhere (inside the United States or abroad) to foreign nationals in connection with the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing, or use of defense articles, and the furnishing of any controlled "technical data" (see definition below) to foreign nationals anywhere.
9. **Denied Persons List** - A list, referenced in Supplement No. 2 to part 764 of the EAR, of specific persons that have been denied export privileges, in whole or in part. The full text of each order denying export privileges is published in the Federal Register.
10. **Dual-Use Items** - that have both commercial and military or proliferation applications. While this term is used informally to describe items that are subject to the EAR, purely commercial items are also subject to the EAR (see §734.2(a) of the EAR).
11. **Empowered Official** -a U.S. person who:
 - a. Is directly employed by the applicant or a subsidiary in a position having authority for policy or management within the applicant organization; and
 - b. Is legally empowered in writing by the applicant to sign license applications or other requests for approval on behalf of the applicant; and
 - c. 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 Arms Export Control Act and the International Traffic in Arms Regulations; and
 - d. Has the independent authority to:
 - i. Enquire into any aspect of a proposed export or temporary import by the applicant, and
 - ii. Verify the legality of the transaction and the accuracy of the information to be submitted; and
 - iii. Refuse to sign any license application or other request for approval without prejudice or other adverse recourse. (22 C.F.R. § 120.25)
12. **End-Use** - A detailed description of how the ultimate consignee intends to use the commodities being exported.

13. **End-User** -The person abroad that receives and ultimately uses the exported or re-exported items. The end-user is not a forwarding agent or intermediary, but may be the purchaser or ultimate consignee.
14. **Export** - in export control regulations, there are several meanings which include any of the following: 1) actual shipment of any covered goods or items; 2) the electronic or digital transmission of any covered goods, items or related goods or items; 3) any release or disclosure, including verbal disclosures or visual inspections, or any technology, software or technical data to any foreign national; or 4) actual use or application of covered technology on behalf of or for the benefit of any foreign entity or person anywhere.
15. **Export Administration Regulations** -The Export Administration Regulations (EAR), Title 15, sections 730-774 of the Code of Federal Regulations (CFR), means the regulations promulgated and implemented by the Department of Commerce that regulate the export of goods and related technology identified on the Commodity Control List (CCL), Title 15 CFR 774, Supp. 1. Goods and technology on the CCL are not inherently military in nature; they are primarily and inherently commercial or potentially commercial in nature.
16. **Export Control** -The set of laws, policies, and regulations that govern the export of sensitive items for a country or company.
17. **Export Control Classification Number (ECCN)** -Identifies items on the Commerce Control List that are subject to the export licensing authority of the Bureau of Industry and Security.
18. **Exporter** -The person who has authority of a principal party in interest to determine and control the sending of items out of the country.
19. **Export License** -The approval documentation issued by an export agency authority authorizing the recipient to proceed with the export, reexport, or other regulated activity as specified on the application.
20. **Foreign National / Foreign Person**- Persons who are not U.S. citizens, "Lawful Permanent Residents" (Green Card), (8 USC § 1101(a)(20)) or other "Protected Individuals" under the Immigration and Naturalization Act (8 USC §1324b (a)(3)) designated an asylee, refugee, or a temporary resident under amnesty provisions. A foreign national also means any foreign corporation, business association, partnership or any other entity or group that is not incorporated to do business in the US. Under ITAR, the term "foreign person" is used, but has the same definition as "foreign national" herein.
21. **Fundamental Research** - (EAR and ITAR) means basic or applied research in science and engineering performed or conducted at an accredited institution of higher learning in the United States where the resulting information is ordinarily published and shared broadly in the scientific community. Fundamental research is distinguished from research that results in information that is restricted for proprietary reasons or national security reasons (EAR) or pursuant to specific U.S. government access and dissemination controls (ITAR).
22. **Fundamental Research Exclusions** -The EAR provides that university research normally will be considered as fundamental research unless the university or its researchers accept sponsor restrictions on publication of scientific and technical information resulting from the project or activity. The EAR specifically permits limited prepublication reviews by research sponsors to prevent inadvertent divulging of proprietary information provided to the researcher by the sponsor or to insure that publication will not compromise patent rights of the sponsor. The citation for the official definition of fundamental research under the EAR is 15 CFR § 734.8.
23. **International Trafficking in Arms Regulations (ITAR)** – The International Traffic in Arms Regulations (ITAR), 22 CFR §§ 120-130, means the regulations promulgated and implemented by the Department of State that control the export of articles, services, and related technical data that are inherently military in nature, as determined by the State Department. These "defense articles," "defense services," and related "technical data" are listed on the Munitions List (USML), 22 CFR § 121. Even some articles and technologies that is not readily identifiable as inherently military in Nature—for example, research satellites—are included on the USML.
 - a. The ITAR states that university research will not be deemed to qualify as fundamental research if: (1) the university or its researchers accept any restrictions on publication of scientific and technical information resulting from the project or activity; or (2) the research is federally funded and specific access and dissemination controls protecting information resulting from the research have been accepted by the university or the researcher. The ITAR citation is 22 CFR § 120.11(8).
24. **Munitions List** -articles, services and related technical data designated as defense articles and defense services pursuant to the Arms Export Control Act

25. **Public Domain** -(ITAR; 22 CFR § 120.11) means information that is published and that is generally accessible or available to the public: (1) through sales at newsstands and bookstores; (2) through subscriptions which are available without restriction to any individual who desires to obtain or purchase the published information; (3) through second class mailing privileges granted by the U.S. government; (4) at libraries open to the public or from which the public can obtain documents; (5) through patents available at any patent office; (6) through unlimited distribution at a conference, meeting, seminar, trade show, or exhibition, generally accessible to the public, in the United States;(7) through public release (i. e., unlimited distribution) in any form (e.g., not necessarily in published form) after approval by the cognizant U.S. government department or agency; and (8) through fundamental research in science and engineering at accredited institutions of higher learning in the U.S. where the resulting information is ordinarily published and shared broadly in the scientific community.
26. **Reexport** -"Reexport" means an actual shipment or transmission of items subject to export regulations from one foreign country to another foreign country. For the purposes of the U.S. EAR, the export or reexport of items subject to the EAR that will transit through a country or countries to a new country, or are intended for reexport to the new country, are deemed to be exports to the new country.
27. **Specially Designated National (SDN)** -Any person who is determined by the U.S. Secretary of the Treasury to be a specially designated national for any reason under regulations issued by the Office of Foreign Assets Control.
28. **Technical Assistance** -Technical assistance may take forms such as instruction, skills training, working knowledge, consulting services, and may also involve the transfer of technical data.
29. **Technical Data** -means information required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance, or modification of controlled articles. This includes information in the form of blueprints, drawings, plans, instructions, diagrams, photographs, etc. May take forms such as blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape, or read-only memories. The ITAR definition does not include information concerning general scientific, mathematical, or engineering principles commonly taught in schools, colleges, and universities, or information in the public domain (ITAR 120.10(5)).
30. **Technology** -Any specific information and know-how (whether in tangible form, such as models, prototypes, drawings, sketches, diagrams, blueprints, manuals, software, or in intangible form, such as training or technical services) that is required for the development, production, or use of a good, but not the good itself.
31. **U.S. Person** -an individual who is a citizen of the United States or a foreign national with a visa status of Legal Permanent Resident (LPR). An LPR is also known as a Permanent Resident Alien (PRA).

ATTACHMENT 3 ROWAN UNIVERSITY EXPORT CONTROL WORKING GROUP

Empowered Official

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**ATTACHMENT 4
SCREENING**

The following screens are performed or coordinated by the Export Control Coordinator as a procedure in the review of export control issues on campus. The coordinator will screen the following lists:

1. **Export-related Restricted, Denied and Blocked Persons Lists (BIS)**
 - a. Department of Commerce Bureau of Industry and Security (BIS) Denied Persons List (www.bis.doc.gov)
 - b. Department of Commerce BIS Entity List (www.bis.doc.gov/entities/default.htm.) (BIS)
 - c. Department of Commerce BIS Unverified List (<https://www.bis.doc.gov/index.php/policy-guidance/lists-of-parties-of-concern/unverified-list>.) (BIS)
 - d. Department of State Arms Export Control Act Debarred Parties (www.pmdtc.state.gov/compliance/debar_intro.html.) (DDTC)

- e. Department of State Nonproliferation Orders: Missile Sanctions, Lethal Military Equipment Sanctions, Chemical and Biological Weapons Sanctions, Nuclear Sanctions (www.state.gov/isn/c15231.htm.)

This includes:

- i. Executive Order 1338
- ii. Iran and Syria Nonproliferation Act
- iii. Executive Order 12938 as amended
- iv. Missile Sanction law
- v. Chemical and Biological Weapons Sanction Laws
- vi. Iran, North Korea and Syria Nonproliferation Act Sanctions (INKSNA)
- f. Department of State International Traffic In Arms Regulations (ITAR) Munitions Export Orders (www.pmddtc.state.gov/regulations_laws/itar.html.) (DDTC)
- g. Weapons of Mass Destruction Trade Control Designations [OFAC] <http://www.treasury.gov/resource-center/sanctions/Programs/Documents/wmd.txt>.
- h. Department of State Terrorist Exclusion List <http://www.state.gov/j/ct/rls/other/des/123086.htm>.
- i. U.S. Treasury Department Palestinian Legislative Council List [OFAC] <http://www.treasury.gov/resource-center/sanctions/Terrorism-Proliferation-Narcotics/Pages/index.aspx>
- j. U.S. Federal Register General Order www.archives.gov/federal-register/index.html

2. Sanction Programs Related Blocked Persons Lists

- a. Department of Treasury Specially Designated Nationals and Blocked Persons, including Cuba and Merchant Vessels, Iran, Iraq and Merchant Vessels, Sudan Blocked Vessels <http://www.treasury.gov/resource-center/sanctions/SDN-List/Pages/default.aspx>. (OFAC)
 - i. Department of Treasury Specially Designated Terrorist Organizations and Individuals <http://www.treasury.gov/resource-center/sanctions/SDN-List/Pages/default.aspx>.
 - ii. Department of Treasury Specially Designated Narcotic Traffickers and Narcotics Kingpins <https://www.treasury.gov/resource-center/sanctions/Programs/pages/narco.aspx>
 - iii. Department of Treasury Foreign Narcotics Kingpins www.treasury.gov/resource-center/sanctions/Programs/Documents/.
 - iv. List of Foreign Financial Institutions Subject to Part 561 <http://www.iranwatch.org/sites/default/files/us-treasury-561list-073112.pdf>.
 - v. U.S. Treasury Department Foreign Sanctions Evaders List (FSE-IR, FSE-SY) <http://www.treasury.gov/ofac/downloads/fse/fselist.pdf>. (OFAC)
 - vi. United Nations Consolidated List http://www.un.org/sc/committees/list_compend.shtml.
 - 1. U.N. sanctions measures (assets freeze, travel ban, or arms embargo) imposed by the Security Council on Individuals and entities under Security Council Resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities, 1518 (2003), 1521 (2003) concerning Liberia, 1533 (2004) concerning The Democratic Republic of the Congo, 1572 (2004) concerning Cote d'Ivoire, 1591 (2005) concerning The Sudan, 1918 (2006), 1970 (2011) concerning Lybia, 1988 (2011), and 2048 (2012) concerning Guinea-Bissau.
 - vii. U.S. General Services Administration (GSA) List of Parties Excluded from Federal Procurement Programs (www.gsa.gov and www.epa.gov/ogd/sdd/espl.htm.) (SAM/EPLS)
 - viii. U.S. General Services Administration (GSA) List of Parties Excluded from Federal Non-procurement Programs (www.gsa.gov and www.epa.gov/ogd/sdd/espl.htm.) (SAM/EPLS)
 - ix. U.S. General Services Administration (GSA) List of Parties Excluded from Federal Reciprocal Programs (www.gsa.gov and www.epa.gov/ogd/sdd/espl.htm.) (SAM/EPLS)

3. Law Enforcement –related Wanted Persons List (Domestic)

- a. U.S. Air Force Office of Special Investigations – Top Ten Fugitives <http://www.osi.af.mil/About/Air-Force-Fugitives/>
 - i. Focuses on four priorities: to exploit counterintelligence activities for force protection, to resolve violent crime impacting the Air Force, to combat threats to Air Force information systems and technologies, and to defeat and deter acquisition fraud.
- b. Bureau of Alcohol, Tobacco, Firearms, and Explosives Most Wanted <http://www.atf.gov/content/ATF-most-wanted>.
 - i. Enforces U.S. federal laws and regulations relating to alcohol, tobacco products, firearms, explosives, and arson.

- c. FBI Ten Most Wanted Fugitives
 - i. Investigative functions fall into the categories of applicant matters, civil rights, counterterrorism, foreign counterintelligence, organized crime/drugs, violent crimes and major offenders, and financial crime.
- d. FBI Most Wanted Terrorists <http://www.fbi.gov/wanted/topten/>.
 - i. Lists alleged terrorists that have been indicted by sitting Federal Grand Juries in various jurisdictions in the United States for the crimes reflected on their wanted posters.
- e. Federal Bureau of Investigation (FBI) Wanted Fugitives http://www.fbi.gov/wanted/wanted_by_the_fbi.
- f. FBI Crime Alert <http://www.fbi.gov/wanted/alert/>.
- g. FBI Seeking Information <http://www.fbi.gov/wanted/seeking-info/>.
- h. FBI Hijack Suspects http://www.fbi.gov/wanted/wanted_by_the_fbi.
- i. Food and Drug Administration – Clinical Investigators <http://www.accessdata.fda.gov/scripts/cder/cliil/index.cfm>.
- j. Food and Drug Administration – Disqualified and Restricted. <http://www.accessdata.fda.gov/scripts/SDA/sdNavigation.cfm?sd=clinicalinvestigatorsdisqualificationproceedings&previewMode=true&displayAll=true>.
- k. Food and Drug Administration – Debarment List <http://www.fda.gov/ICECI/EnforcementActions/FDADebarmentList/default.htm>.
 - i. Individuals that have had various restrictions placed against them by the Food and Drug Administration (FDA) for scientific misconduct.
- l. Department of Homeland Security Most Wanted Fugitive Criminal Aliens <http://www.ice.gov/most-wanted/hsi.htm>.
 - i. Terrorism, Drug Smuggling, Money Laundering, Human Trafficking/Smuggling, Import /Export Violations, Child Pornography/Exploitation, Document and Benefit Fraud, Gang-related Crimes, Intellectual Property Rights Violations, Worksite Enforcement.
- m. Naval Criminal Investigation Service – Wanted Fugitives <http://www.ncis.navy.mil/ContactUs/Pages/WantedFugitives.aspx>.
 - i. Conducts felony criminal investigations and counterintelligence for the Department of the Navy, and managing Navy security programs.
- n. U.S. Immigration and Customs Enforcement Most Wanted <http://www.ice.gov/>.
 - i. ICE ERO prioritizes the apprehension, arrest and removal of convicted criminals, those who pose a threat to national security, fugitives, and recent border entrants.
- o. U.S. Drug Enforcement Administration – Major International Fugitives <http://www.justice.gov/dea/fugitives.shtml>.
 - i. Enforces controlled substances laws and regulations of the United States and brings to the criminal and civil justice system of the United States those entities and individuals involved in the growing, manufacture, or distribution of controlled substances appearing in or destined for illicit traffic in the United States.
- p. U.S. Marshals Service – Top 15 Most Wanted http://www.usmarshals.gov/investigations/most_wanted/index.html.
- q. U.S. Marshals Service – Major Fugitive Cases http://www.usmarshals.gov/investigations/major_cases/index.html.
 - i. Involved in most every federal law enforcement initiative. U.S. Marshals major cases and top 15 most wanted consist of individuals with a history of violent crimes that may be considered armed and dangerous.
- r. Office of Research Integrity PHS Administrative Actions <http://ori.hhs.gov/administrative-actions>.
 - i. The names of individuals that have had administrative actions imposed against them by the Office of Research Integrity (ORI), maintained by the Public Health Service (PHS). The Assistant Secretary for Health (ASH) makes the final PHS decision on findings of research misconduct and the imposition of administration actions after reviewing the recommendations made by ORI.
- s. U.S. Postal Inspection Service – Most Wanted <https://postalinspectors.uspis.gov/pressroom/wanted.aspx>.
 - i. Important areas of jurisdictions include: assaults, bombs, controlled substances, electronic crimes, mail fraud, and money laundering.
- t. U.S. Secret Service – Most Wanted <http://www.secretservice.gov/mostwanted.shtml>.

- i. The United States Secret Service is mandated to carry out two missions: protection and criminal investigations. In criminal investigation, the Secret Service is responsible for the enforcement of laws relating to counterfeiting of obligations and securities of the United States, investigation of financial crimes including, but not limited to access device fraud, financial institution fraud, identity theft, computer fraud, telecommunications fraud, and computer based attacks on our nation's financial, banking, and telecommunications infrastructure.
- u. U.S. Office of the Inspector General List of Individuals/Entities Excluded from Federal Health and Medicare Programs
- v. Department of State Arms Control Act Debarred parties <http://pmdtc.state.gov/compliance/debar.html>. (DDTC).
- w. Department of State Designated terrorist Organizations <http://www.state.gov/j/ct/rls/other/des/123085.htm>.
- x. Department of State Terrorist Exclusion list <http://www.state.gov/j/ct/rls/other/des/123086.htm>.
- y. U.S. Treasury Department Palestinian Legislative Council List http://www.treasury.gov/resource-center/sanctions/Terrorism-Proliferation-Narcotics/Documents/plc_list.txt. (OFAC)
- z. Specially Designated Nationals and Blocked Persons (OFAC).
- aa. Department of Homeland Security Most Wanted Most Wanted Human Smugglers <http://www.ice.gov/most-wanted/hsi.htm>.
- ab. U.S. Central Command Iraqi SS Most Wanted http://www.fact-index.com/u/u_u_s_list_of_most_wanted_iraqis.html#.

4. Politically Exposed persons and Office of Inspector general

- a. Politically Exposed Persons and Office of Inspector General <http://oig.hhs.gov/>.
 - i. Chiefs of State and Cabinet Members of Foreign Governments [Central Intelligence Agency]
 - ii. Office of Inspector General List of Individuals/Entities Excluded from Federal Health and Medicare Programs

5. International Terrorist, Blocked Person, Wanted, and Entity Lists

- a. European Union Consolidated List http://eeas.europa.eu/cfsp/sanctions/consol-list_en.htm.
- b. Japan Foreign End-Users of Concern
- c. Canada Public Safety and Emergency Preparedness Listed Entities <http://www.publicsafety.gc.ca/index-eng.aspx>.
- d. Politically Exposed Persons in Money Laundering Risk Countries (CIA)
- e. Australia Department of Foreign Affairs and Trade Consolidated List <http://www.dfat.gov.au/sanctions/consolidated-list.html>.
- f. European Union (EU) Council Regulation on Restrictive Measures to Combat Terrorism [Designated Persons, Groups, and Entities http://www.consilium.europa.eu/uedocs/cmsUpload/080206_combatterrorism_EN.pdf].
- g. Interpol Recently Wanted <http://www.interpol.int/notice/search/wanted>.
 - i. Lists person that are wanted by national jurisdictions
- h. Bank of England Consolidated List of Financial Sanctions Targets in the U.K https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/292041/terrorism.pdf.
- i. World Bank Listing of Ineligible Firms <http://web.worldbank.org/external/default/main?theSitePK=84266&contentMDK=64069844&menuPK=116730&pagePK=64148989&piPK=64148984>.
 - i. Lists names of firms and individuals that are ineligible to be awarded a World Bank-financed contract for the periods indicated because they were found to have violated the fraud and corruption provisions of the Procurement Guidelines or the Consultants Guidelines.
- j. OSFI Consolidated List – Entities <http://www.osfi-bsif.gc.ca/Eng/fi-if/amlc-clrpc/atf-fat/Pages/default.aspx>.
- k. OSFI Consolidated List – Individuals
 - i. Office of the Superintendent of Financial Institutions (OSFI) issues names subject to the regulations establishing a list of entities made under the Canada Criminal Code or the United Nations suppression of terrorism regulations. OSFI is the sole regulator of banks, and the primary regulator of insurance companies, trust companies, loan companies and pension plans in Canada.

- I. OSFI Warning List
 - i. Issues entity names that may be of concern to the business community and the public.
- m. OCC List of Unauthorized Banks <http://www.occ.gov/news-issuances/alerts/2010/alert-2010-12.html>.
- n. Royal Canadian Mounted Police (RCMP)-Wanted Fugitives <http://www.rcmp-grc.gc.ca/eng/wanted-by-the-rcmp>.
 - i. Kingdom of Saudi Arabia Wanted Militants
 - ii. HM Treasury Consolidated List <https://www.gov.uk/government/publications/financial-sanctions-consolidated-list-of-targets>.
 - iii. Canadian Border Services Agency Most Wanted List <http://www.cbsa.gc.ca/wc-cg/menu-eng.html>.
 - iv. Violations of human or international rights under the Crimes Against Humanity and War Crimes Act or under international law.

6. Export Risk Country Alerts

- a. Department of Commerce, EAR Part 736 General Prohibition Three (Foreign-produced direct product re-exports)
- b. Department of Commerce, EAR Part 736 General Prohibition Eight (In transit shipments and items to be unladen from vessels or aircraft)
- c. Department of Commerce, EAR Part 740, Country Group E:1, Terrorist Supporting Countries
- d. Department of Commerce, EAR Part 744, Subject to military end-user and end-use based control policy for specified ECCN dual-use items
- e. Department of Commerce, EAR Part 746, Embargoes and Other Special Controls (embargoes, sanctions, or special controls on specified items)
- f. Department of State U.S. Arms Embargoes
- g. Department of State, Restricted export destinations under the ITAR (126.1) including denial policy
- h. Department of State, DDTC policy restrictions, limitations, or delays on license applications for the export of USML items
- i. Department of State, State Sponsors of Terrorism
- j. Department of State, Countries Not Cooperating Fully with United States Antiterrorism Efforts
- k. Department of Treasury Office of Foreign Assets Control (OFAC) Sanctions or Specially Designated Nationals under OFAC Sanctions
- l. United Nations (UN) Sanctions or Arms Embargoes
- m. BIS India and Pakistan Export Restrictions, including Atomic Energy blocked entities and nuclear activities
- n. Exports and reexports under restriction to Afghanistan
- o. Countries that may require participation in, or cooperation with, an international boycott [Section 999(b)(3) of the Internal Revenue Code of 1986]
- p. Government of Canada Economic Sanctions
- q. U.S. Department of Commerce EAR Country Group E:1, Terrorist Supporting Countries
- r. ("T-7 Countries")
- s. Office of Foreign Assets Control (OFAC) Sanctions
- t. United Nations (UN) Sanctions
- u. U.S. Department of State, List of State Sponsors of Terrorism
- v. Export destination for defense articles and defense services prohibited under the ITAR
- w. (126.1)
- x. BIS India and Pakistan
- y. Exports and Reexports to Afghanistan Restrictions
- z. Countries that may require participation in, or cooperation with, an international boycott [Section 999(b)(3) of the Internal Revenue Code of 1986]

ATTACHMENT 5 TRAINING AND EDUCATION

CITI training is the official site for obtaining training. To obtain training, employees are directed to go to CITI training site. Trainees can use their university user's name and password to obtaining. Additional information on how to obtain training is posted on Office of Research Website.

The Office of Research can also schedule educational sessions on export and training module through a power point training tool available to all employees. To implement this training program, the Office of Research will send communications to the entire RU community of faculty, staff and those students who participate in RU research or work activities. The Office of Research, Deans, Chairs and Department Chairs will decide who must obtain training. The Office of Research will provide training on a request basis to small interested groups in labs, departments, colleges the one-on-one training required for Faculty and Staff involved in projects subject to export controls. To further complement these training programs, the Office of Research has established a website that hosts a number of documents (i.e., directive/training memorandum, Fundamentals of Export Controls Training Outline and foreign collaboration and travel screening form) developed by the Office of Research and the Compliance Team.

In addition employees are directed to additional training material posted on the following websites:

- FBI Export control enforcement site at: http://export.gov/ecr/eg_main_027618.asp.
- BIS also offers a series of online training seminars that may be accessed at: <http://www.bis.doc.gov/seminarsandtraining/seminar-training.html>.

ATTACHMENT 6 FACULTY/STAFF AWARENESS WORKSHOPS

The presentation and an additional tutorial are also available on the web site.

1. Workshop Format:
 - a. Export Control Basics
 - i. Purpose of U.S. export control laws
 - ii. Regulatory agencies controlling exports
 - iii. The effect of U.S. export controls on universities
 - iv. Fundamental research/education/employment exclusions
 - v. Examples of the exclusions
 - vi. Enforcement: violations and penalties
 - vii. Discussion/Question
 - b. What Faculty Need to Know
 - i. Deemed Export
 - ii. What is a deemed export and how does it occur
 - iii. Handout and case studies
 - iv. Foreign National
 - v. Definition of foreign national
 - vi. Transfer of controlled technology to foreign national
 - vii. International travel
 - viii. Case studies/discussion/questions
 - c. Key Issues for the University: Determining Whether or Not the Export Control Laws Apply to Research
 - i. Visas-Country of Origin
 - ii. Identifying and securing all controlled equipment
 - iii. Chart/ case studies/ Gray areas of research/Best practices
 - iv. University departments that warrant export attention
 - v. The responsibility of the P.I.
 - d. The Far Reaching Impact of Export Controls on Universities
 - i. Current Issues
 - ii. Proposed changes in "use" technology
 - iii. Proposed DoD changes, badging of foreign nationals
 - e. Discussion/Questions/Close.

ATTACHMENT 7 FREQUENTLY ASKED QUESTIONS

1. *If a researcher has an award with no export control language and his/her funding agency begins providing export controlled documents, etc., what should the researcher do?*

This action is a good indication that the direction of the research or some other factor has changed the project in some way to render the export control regulations applicable to this project and that, more than likely, the ROWAN researcher's work will now be export controlled. He/she should reexamine his/her research, checking the USML and CCL lists to see if the research falls under either of these lists. If he/she makes the determination that the research does now fall under export control restrictions, the information/technology must be protected from intentional (or inadvertent) export or "deemed export." The researcher should also notify his/her Contract Administrator in the Office of Sponsored Programs that the export control status has changed so this can be noted in the database. The ROWAN Export Control Policy requires that a Principal Investigator re-evaluate his/her project's export control determination prior to changes in scope of work or hiring foreign nationals to work on the project, including graduate and undergraduate students.

2. *How should a Rowan University employee handle the use of information gained from past or present research in classroom discussions if foreign nationals are present?*

The Rowan employee should first ascertain the source of the information and if the contract or grant under which it was discovered, invented or obtained is under export control restrictions. Lack of contractual designation of "export controlled" is not an exclusively sufficient determination. The employee should also make self-determination of the applicability of export control regulations to the particular information or technology he/she wishes to discuss in the classroom. If this information or technology is now considered export controlled, it should not be presented in the classroom.

3. *What is our guidance for determining if non-sponsored program activity should be export controlled?*

A Rowan employee should check the Department of State's U.S. Munitions List and the Department of Commerce's Commerce Control List to ascertain if the information or technology falls under the information or technology areas covered by the lists. As this research would not be under a sponsored program, the fundamental research exemption would not apply.

4. *Are individuals with dual citizenship (one of which is U.S.) allowed unlicensed access to export controlled information?*

We have been told that some funding agencies regard the non-U.S. citizenship as the primary citizenship status. If there is any doubt, check with your funding agency and with ROWAN's Office of Research & Engagement.

5. *I teach a class which involves information about encryption using standard published textbooks. Do I have a problem if foreign nationals are in my class?*

If you are providing information which is already in the public domain (e.g., published text books, excerpts from professional journals, newspaper articles, etc.), it is acceptable to present this information in a class.

6. *We send documents to Quick Copy for reproduction and I believe foreign nationals might work there. Can we send documents that contain export controlled information?*

No, this would be a "deemed export" and would violate the export control regulations.

7. *What are the practices that I should employ for protecting the export controlled information*

- a. Laboratory work should be physically shielded from observation by operating in secured laboratory spaces or during secure time blocks when observation by un authorized persons is preventable.
- b. Data, lab notebooks, hard copy reports, and research materials are held in locked, fireproof cabinets which are located in rooms with key-controlled access.
- c. Electronic communications and all databases are managed via a type of virtual private network specifically a Secure Socket layer (SSL) which limits access to authorized users only and facilitates exchanges between those authorized users while encrypting (128 bit encryption) any data sent via Internet.
- d. Discussions about the project or work products are limited to the identified contributing investigators and are held only in areas where unauthorized persons are not present.

- e. Discussions with third-party subcontractors, such as identified manufacturing sites, are only conducted under signed confidentiality agreements and fully respecting the non-US citizen limitations for such disclosures.
- f. Third-party communications are conducted only under valid Confidentiality Agreements with prior consent of the Government.

8. *Some of these requirements will cost me money that I didn't request in my proposal because I didn't know that this would be export controlled. How do I handle this?*

Check first with your Department Dean or Center Director to see if they can provide the funds for the separate computer, special storage facilities, separate work space, etc. It may be necessary for you to bring the matter to the Vice President for Research. The information or technology must be protected; this is not an option.

9. *What are my responsibilities as a Principal Investigator/researcher/faculty member and what are the responsibilities of the Office of Sponsored Programs in complying with export control laws and regulations?*

- a. Principal Investigator/researcher/faculty:
- b. As a Principal Investigator, researcher or faculty member you are responsible for determining if the research you are performing, the information you are developing, receiving or disseminating, or the technology you are developing, receiving or disseminating is restricted by export control laws and regulations.
- c. If it is restricted, you have the responsibility of protecting the information or technology from export or deemed export, either intentionally or inadvertently.
- d. You have the responsibility of informing graduate students, undergraduate students, and administrative staff who are likely to come into contact with this information or technology of the proper protection regulations and procedure.
- e. You have the responsibility to periodically review your research to ascertain if its status relative to export control regulations has changed.
- f. You have the responsibility to inform the Office of Sponsored Programs when the export control status of your research changes.
- g. You have the responsibility to report to the Vice President for Research any violations of export control laws and regulations of which you might become aware
The Office of Research is charged with the responsibility of developing and monitoring an effective compliance program sufficient to insure that the ROWAN research and academic community have the knowledge and tools to understand and abide by export control laws and regulations. Toward that end, the Office of Sponsored Programs will:
 - i. coordinate and maintain a University policy regarding compliance with export control laws and regulations;
 - ii. post information, forms and Internet links to relevant U.S. government Internet sites to insure that the Rowan employees have as much current information as possible;
 - iii. conduct education/information sessions for Rowan researchers, faculty and staff to make them aware of the export control laws, regulations and penalties for failure to abide by them;
 - iv. review new awards for obvious export control language and bring this to the Principal Investigator's attention;
 - v. note known export controlled awards in the Office of Sponsored Programs' contract database to assist in locating laboratories or work areas that might need internal audits or special attention to insure adequate protection of information and technology;
 - vi. attend training sessions to learn more about export control and provide updates of regulations and procedures to the ROWAN researchers via the OSP webpage, written notices and workshops, as needed.

10. *Some of this information is vague and seems to change a lot. How am I supposed to keep up with all of this?*

This law and its supporting regulations are quite complicated and the international political, military and economic situation changes daily. This is, in turn, reflected in the information and technology which is placed on the controlled lists as well as the various funding agencies' procedures in addressing the export control issue. Our best advice is to revisit your information and technology periodically relative to

the government's controlled lists, keep an open dialogue with your funding agency technical counterpart, and bring your questions and concerns to the Office of Sponsored Programs, Office of Export Controls, to your Dean/Center Director or to the Vice President for Research.

11. *My award has no restriction on foreign nationals working on it and no publication restrictions except the funding agency wants to review a publication prior to distribution. Does this cancel my fundamental research exemption?*

No, this kind of review, even when requested, is considered a courtesy rather than a restriction. If the award required "review and approval" we would consider it a restriction as this language implies the potential of denying approval to publish or requiring changes to the report, presentation or article prior to publication. A publication approval requirement would cancel your fundamental research exemption.

12. *I download software that I use in my classes and usually just click "yes" without reading the license agreement. I've heard that some of these licenses have export control restrictions. What should I do?*

First, read all license agreements because clicking "yes" is agreeing to the conditions of the agreement. Second, notice if there are options concerning the type of software you can download. Most license agreements do contain some export control language. In many instances, there is an "educational" version of the software which does not contain export controlled information and is suitable for classroom use.

13. *I have heard that Microsoft operating software is or may be export controlled. I've already been warned about Rowan not taking my laptop out of the country if it has obvious export controlled data on it but can I have a problem with the basic operating software?*

Possibly, Microsoft provides information on their web site at <http://www.microsoft.com/exporting/> (or at the home page, search for "export control") that lists their different hardware and software products along with the DoC ECCN (export control classification number) and the status of this item relative to requirement of a license for export.

ATTACHMENT 8

EXPORT CONTROL INTERNATIONAL TRAVEL GUIDELINES

Rowan University faculty and staff travelling out of the country must read the pre-briefing described below or meet with Rowan University Export Control Officer when planning to travel abroad., particularly when the employee:

1. Has security clearance and is working on a classified contract.
2. Working with unclassified but sensitive material which is deemed export controlled under federal regulations.
3. Is traveling to any embargoed country -- currently Cuba, Iran, North Korea, Sudan, Syria and Crimea Region of the Ukraine

What should I do before travelling abroad even when not working with classified material?

When travelling abroad consider the following to determine whether export control regulations apply:

1. Where are you going?
2. What are you taking?
3. What will you be doing?

4. With whom you will be interacting?*

*Certain interactions may be considered as “deemed export”. According to Export control regulations, *deemed export* is defined as the release of technology or source code having both military and civilian applications to a foreign national.

Is there a problem for Travelling Abroad?

Not all travels abroad are regulated or a problem. However, be aware that travelling to some foreign countries are subject to Foreign Assets Control (OFAC), Export Administration Regulations (EAR) or International Traffic in Arms Regulations (ITAR), particularly to sanctioned/embargoed countries. If your travel includes going to or transiting through sanctioned countries such as Cuba, Iran, North Korea, Sudan, Syria and Crimea Region of the Ukraine, please contact the Export Control Officer in the Office of Research Compliance for assistance to mitigate the risks associated with traveling to such embargoed countries. A specific license will be required before you travel or transit through those countries.

What am I allowed to take when travelling abroad? What needs to be done before you travel with certain items?

1. **Items such as laptops with no encryption, iPhones and iPads, Jump/Flash drive (unencrypted), Android Cell Phones/Tablets, Garmin GPS, Bitlocker encryption and GoPro Camera for routine use** do **NOT** require a license so long as the travel does not include Cuba, Iran, Sudan, Syria or North Korea.
2. **Scientific equipment, computers, laptops, PDAs, iPads, drives, digital storage devices, cell phones, and GPS units** (they have pre-loaded encryption software subject to regulations) – Verify that **these items are not export-restricted based on your travel destination(s)**. The Export Control Office can assist you in the process and provide an official memo on behalf of the institution indicating that your items and/or equipment have been cleared for export. It is highly recommended that you register when any items/equipment that you will be taking with you Use Form 4455 (https://www.pdfFiller.com/en/project/71893221.htm?f_hash=5126ed) to register with U.S. Customs and Protection (CBP). Registration allows you to prove that you had the items before you left the U.S. and all CBP (Customs and Border Protection)-registered items will be allowed to return to the U.S. duty-free.
3. **Low-Tech, commercially available items** - An export license is NOT required unless you are travelling to or travelling through sanctioned/embargoed countries. If travel or transit includes sanctioned /embargoed countries, an export control license may be required even for every day or routine carry with items such as cell phones and laptop computers. Contact Export Control Office at Rowan for help in determining your export license requirements.
4. **Sharing, shipping, hand carrying, transmitting or transferring Rowan-developed non-commercial software with no source code or object code when travelling abroad** – There may or may not be license exception under Export Control Regulations (EAR). You must follow the following requirements even when a license is not required: 1) You must keep the item under your control all the time and 2) You must return the item within 12 months or consume or destroy within 12 months.
5. **Items used in the design, development, production, stockpiling or nuclear explosive devices with chemical or biological agents** – They may require export control license unless there is no publication restrictions for the data or Non-Disclosure Agreement for the item has no publication restriction.

What will you be doing abroad?

These guidelines are provided to ensure that you do not accidentally export restricted information to foreign nations or nationals.

1. **Presentations:** When presenting data/information in an international setting limit your presentation to only information or data that is published, or is publicly available, or that qualifies as Fundamental Research. Be careful not to include or discuss any proprietary, unpublished, or export-restricted data or information as that may constitute an unauthorized export.

'Fundamental research' means basic and applied research in science and engineering, the results of which ordinarily are published and shared broadly within the scientific community, as distinguished from proprietary research and from industrial development, design, production, and product utilization, the results of which ordinarily are restricted for proprietary or national security reasons."

2. **Interaction with foreign nationals:** You are free to openly discuss any published or publicly available information or information generated as the result of Fundamental Research as long as the recipient is not a sanctioned or specially designated entity. It is important to know that while the results/information resulting from Fundamental Research are not subject to export controls and can be shared without a license, any items, technology, or software generated under that Fundamental Research with publication restriction or protected information would be subject to export controls and may require an export license.
3. **Field work abroad:** Data collected during a field work abroad is not considered as fundamental research until the data is published or made publicly available. Before publishing or making the data public, make sure that the collected data is not export controlled.

What must be done when travelling to Sanctioned/embargoed country?

If you are traveling to a sanctioned country, you are required to obtain a country-specific pre-travel briefing, as well as a post-travel debriefing, from Rowan's Export Control Office. Please be aware that international sanctions can be introduced or lifted at any time. You as the traveler, are ultimately responsible for determining if your destination is under sanctions. For further information on sanctions in place by the government of the United States, please refer to the Department of Treasury's website at <http://www.treasury.gov/resource-center/sanctions/Programs/Pages/Programs.aspx>. At the time of this writing, the following countries were subject to sanctions:

Comprehensively embargoed countries:

OFAC: Crimea region of Ukraine, Cuba, Iran, North Korea, Sudan and Syria

EAR: Crimea region of Ukraine, Cuba, Iran, North Korea and Syria

Targeted Sanction Countries:

OFAC: Libya, Lebanon, Somalia, Belarus, Iraq, Yemen, Myanmar (formerly Burma), Liberia, Zimbabwe, Balkans, the Cote D'Ivoire (formerly Ivory Coast)

EAR: Iraq

ITAR (International Traffic in Arms Regulations) prohibited countries:

Afghanistan, Belarus, Central African Republic, Cuba, Cyprus, Eritrea, Fiji, Iran, Iraq, Cote d'Ivoire, Lebanon, Libya, North Korea, Syria, Vietnam, Myanmar, China, Haiti, Liberia, Rwanda, Somalia, Sri Lanka, Republic of the Sudan (Northern Sudan), Yemen, Zimbabwe, Venezuela, Democratic Republic of the Congo.

Are there restrictions for International Collaborations?

In general, collaborations between Rowan University personnel and scholars at foreign institutions or organizations **do not** require export licenses unless they involve export controlled or restricted research or involve scholars in sanctioned countries. Before engaging in an international collaboration, contact Export Control Office to determine if export licenses are required and to verify that the foreign individual and/or organization are not blocked or sanctioned entities.

When I travel abroad, can I have access to my department resources through VPN?

Yes. However, employees need to be granted VPN access by Rowan IT before traveling if they wish to continue using Rowan University Software and connect to Department Resources while outside of the country. Please Contact Rowan's Information Resources and technology Office on using VPN abroad at iso@rowan.edu.

Export Control Office Contact Information:

Office of Research Compliance
Room 3106 James Hall
Telephone: (856) 256-5853
Email: murthy@rowan.edu

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