



## **Export Controls and Economic Sanctions Compliance Policy**

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| <b>Policy Title:</b>          | Export Controls and Economic Sanctions Compliance Policy                                 |
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| <b>Responsible Office:</b>    | Office of Research and Innovation  |
| <b>Responsible Executive:</b> | Vice Provost for Research and Innovation   |
| <b>Applies to:</b>            | University Employees/Faculty/Staff/Students/Visiting Scientists, Researchers or Scholars |

### **POLICY STATEMENT**

NSU conducts technical research in a range of disciplines that have sensitive military, space, and intelligence applications. This research can involve controlled unclassified information (CUI) that is subject to export restrictions and prohibited for release outside the U.S. or to foreign persons, wherever located (including while visiting NSU), unless specifically authorized by the U.S. Government. It is the unequivocal policy of NSU to comply fully with all applicable export control and economic sanctions laws and regulations of the United States and other countries where NSU operates or collaborates.

While the overriding purpose of research, scholarship, and education at NSU is to share information and new knowledge, there are times when access to technical data, laboratory spaces, equipment, and chemicals should be restricted for confidentiality, export compliance, national security, safety, and/or other security reasons. This Policy establishes a framework for identifying activities, research, and/or research space that requires additional security precautions.

All NSU members, including faculty, staff, postdoctoral fellows, students, and all other persons involved in technical research, are responsible for understanding and adhering to these laws and all relevant NSU policies and procedures. Violations of this Policy can have severe consequences for the University and the individuals involved, including criminal, civil, and administrative sanctions, and possible disciplinary actions.



# Export Controls and Economic Sanctions Compliance Policy

| TABLE OF CONTENTS                                | PAGE NUMBER |
|--|-------------|
| Definitions .....                                | 2           |
| Contacts .....                                   | 2           |
| Stakeholder(s) (For Administrative Policy) ..... | 3           |
| Policy Contents .....                            | 3           |
| Education and Compliance.....                    | 5           |
| Publication.....                                 | 5           |
| Review Schedule.....                             | 5           |
| Related Documents .....                          | 6           |
| Forms .....                                      | 6           |

## DEFINITIONS

**Comprehensively Sanctioned Country:** A country embargoed under the authority of the U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC). Comprehensive sanctions include the blocking of assets and trade restrictions.

**Export Controls:** The set of regulations that govern the export of commodities and technology outside of the U.S. or to a foreign person, including but not limited to, the International Traffic in Regulations, the Export Administration Regulations and all sanctions and embargoes enacted by the OFAC.

**Export License:** A license is an authorization from a U.S. Governing Body to engage in a transaction that would otherwise be prohibited.

**Fundamental Research:** Basic and applied research in science and engineering, the results of which ordinarily are published and shared broadly, 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 concerns.

**Restricted Party:** Each U.S. Governing Body with oversight for export controls publishes lists of restricted (or denied) parties. Individuals, groups or entities a U.S. government agency has identified as a restricted party cannot engage in certain aspects of business U.S. persons without specific authorization.

**U.S. Governing Body:** The three principal U.S. regulatory governing bodies that oversee Export Controls: the U.S. Department of State, the U.S. Department of Commerce, and the U.S. Department of the Treasury.



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### **CONTACT(S)**

The Office of Research and Innovation officially interprets this policy. The Provost and Vice President for Academic Affairs and the Office of Research and Innovation is responsible for obtaining approval for any revisions as required by BOV Policy # 01 (2014) *Creating and Maintaining Policies* through the appropriate governance structures. Questions regarding this policy should be directed to Office of Research and Innovation.

### **STAKEHOLDER(S)**

All university members including faculty, staff, postdoctoral fellows, students, and all other persons studying or working at the university, including visiting scholars and scientists, that conducts and/or participates in research.

### **POLICY CONTENTS**

The United States, EU, UK and other countries maintain and enforce a variety of export control and economic sanctions laws, regulations, directives and other rules that govern international transactions. In the United States, they consist of primarily the Export Administration Regulations (including Antiboycott Regulations) (EAR) administered by the US Commerce Department's Bureau of Industry and Security (BIS), the International Traffic in Arms Regulations (ITAR) administered by the U.S. Department of State's Directorate of Defense Trade Controls (DDTC), and the economic sanctions programs and regulations administered by the U.S. Treasury Department's Office of Foreign Assets Control (OFAC). The EU, UK, and other countries maintain similar measures, including EU Regulation (EU) 2021/821, which establishes a community regime for the control of exports, transfers, brokering, and transit of "dual-use" items.

These laws (collectively, the "Export Control Laws") protect U.S. and other countries' national security and foreign policy objectives and ensure compliance with international obligations. They regulate transactions involving sanctioned countries, persons and entities, and certain trade involving sensitive goods, software, technology, and end-use applications. NSU takes seriously its obligations to comply with the Export Control Laws, as they apply to the University.

The scope of export-controlled items includes, but is not limited to, equipment, software, source code, algorithms, chemical and biological materials, and technical data in any form. The Export Control Laws also restrict activities within certain countries and with designated institutions, entities, and individuals, even if no controlled items are involved. They apply to virtually all fields of science and engineering and restrict both physical shipments and electronic transmission of information. It is thus critical that the NSU community identify projects that could implicate the Export Control Laws and implement appropriate measures to safeguard controlled items (including technical information) and transactions.



## **Export Controls and Economic Sanctions Compliance Policy**

### **RESPONSIBILITIES OF THE NSU COMMUNITY**

This Policy, together with the NSU Export Compliance Program Manual and written procedures, technology control plans, research and laboratory security programs, and other guidance that NSU may issue from time to time, constitute our export compliance program. Collectively, they set forth the responsibilities of the NSU research community to comply with the Export Control Laws. NSU's export compliance program is overseen by the University Provost and Vice President for Academic Affairs and the Vice Provost for Research and Innovation.

The Provost and Vice President for Academic Affairs and the Vice Provost for Research and Innovation are vested with the authority to designate Empowered Officials to oversee compliance with and enforcement of this Policy. An "Empowered Official" has the independent authority to (1) inquire into any aspect of a proposed export transaction; (2) verify the legality of the transaction and the accuracy of the information; and (3) refuse to sign any license application or other request for approval without prejudice or other adverse recourse (22 C.F.R. § 120.67(a)). NSU's empowered officials include the Vice Provost for Research and Innovation and the Export Control Compliance Officer.

Although primary responsibility for compliance rests with individual investigators and researchers, the Office of Research and Innovation and/or Export Control Compliance Officer will assess each new grant, contract, material transfer agreement, and data use agreement for potential export control concerns. Investigators, schools, colleges, and departments must assist in addressing potential export control issues, developing appropriate technology control plans, and applying for licenses, as needed. The Office of Research and Innovation will also assist in removing any publication or other dissemination restrictions.

All members of the NSU research community have responsibilities to implement and adhere to this Policy, including by doing as follows:

- Cooperate with the Office of Research and Innovation in determining the applicability of export control requirements to research before starting any research;
- Notify the Office of Research and Innovation of any changes in the scope or staffing (including foreign persons) of research projects that could alter initial determinations about the applicability of export control regulations and licensing requirements;
- Notify the Office of Research and Innovation well in advance of sending scientific or computational equipment, including GPS equipment, and encrypted software out of the country to determine if a license is required;
- Send all nondisclosure agreements to the Office of Research and Innovation for review and modification of any provisions that could eliminate institutional exclusions from export control requirements; and
- Contact the Office of Research and Innovation and/or Export Control Compliance Officer before engaging in research activities with foreign persons and persons in countries subject to OFAC boycott programs.



## **Export Controls and Economic Sanctions Compliance Policy**

### **EDUCATION AND COMPLIANCE**

- The Office of Research and Innovation will make every effort to educate and train all stakeholders and appropriate audiences on the policy's content as necessary. Annual training can be held in-person, online or virtually.
- Records of training will be maintained in the Office of Research and Innovation.
- Export control issues are handled on a case-by-case basis, and compliance requirements depend on the specific facts and circumstances. Individual researchers (including Principal Investigators) have primary responsibility for complying with the Export Controls Laws and for ensuring their research projects and researchers receive the tools and knowledge they need to comply.
- Members of the NSU community are encouraged to contact the Office of Research and Innovation and/or the Export Control Compliance Officer with any questions or concerns about compliance and are required to report to them any suspected non-compliance with the Export Control and Sanctions Laws or this Policy. Employee vigilance is a critical factor in ensuring that NSU does not become inadvertently involved in an export or sanctions violation.
- Violations of the Export Control Laws can result in severe civil and criminal penalties issued against the University and individuals, as well as significant reputational damage. Complying with Policy is a requirement of employment or collaboration with the University, and any failure to comply may be ground for disciplinary action by the University, including possible termination of employment or studies.

### **PUBLICATION**

This policy shall be widely published and distributed to the University community. To ensure timely publication and distribution thereof, the Responsible Office will make every effort to:

- Communicate the policy in writing, electronic or otherwise, to the University community within 14 days of approval;
- Submit the policy for inclusion in the online Policy Library within 14 days of approval;
- Post the policy in the university policy library; and
- Educate and train all stakeholders and appropriate audiences on the policy's content, as necessary.
- Strive to review and evaluate this policy on a biennial basis or sooner as require.

Failure to meet the publication or procedural requirements does not invalidate this policy.



## **Export Controls and Economic Sanctions Compliance Policy**

### **REVIEW SCHEDULE**

- Next Scheduled Review: 4/12/2027
- Approval by, date: President/Cabinet, 4/12/2024
- Revision History: None
- Supersedes: New

### **RELATED DOCUMENTS**

- [Export Administration Regulations \(EAR\) - 15 CFR 730-774](#)
- [International Traffic in Arms Regulations \(ITAR\) – 22 CFR 120-130](#)
- [Office of Foreign Assets Control – 31 CFR 500-598](#)

### **FORMS**

None