



Export Control Policy

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Responsible Authority	Director, Office of International Collaboration and Export Control
Initiating Authority	Vice President for Research Vice President for Compliance, Ethics, and Risk
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APPLICABILITY/ACCOUNTABILITY

This policy applies to all members of the University of Central Florida (UCF) community, including, but not limited to, employees, students, visiting researchers, and volunteers.

BACKGROUND INFORMATION

UCF encourages and supports open research and the free exchange of ideas, but also recognizes that the United States (U.S.) has enacted export control laws that control the export and release of certain technologies and information outside of the U.S. and to foreign nationals within the U.S. Export control laws exist to protect our country, its citizens, and the innovations of the U.S. for reasons of national security, foreign policy, and competitive trade. Although most UCF activities and research are exempt from export control laws, UCF engages in activities, research, and the development of new technologies that are subject to export restrictions. The application of export control laws requires a detailed analysis of UCF activities and research to determine the applicability of the export control laws and what requirements and restrictions may apply. This policy establishes the program and procedures to assist the UCF community with complying with these laws.

POLICY STATEMENT

UCF is committed to compliance with U.S. export control laws, regulations, and sanctions including, but not limited to, the Export Administration Regulations (EAR), the International Traffic in Arms Regulations (ITAR), and the sanctions and embargoes imposed by the Office of Foreign Assets Control Regulations (OFAC). The UCF community must comply with all applicable U.S. export control laws, this policy, and UCF export control requirements. The UCF

community is responsible for the proper handling, transfer, access, storage, disposal, control and dissemination of export-controlled hardware, software, technology, and technical information to destinations and persons outside of the U.S., as well as in some cases, to foreign nationals in the U.S.

The Office of International Collaboration and Export Control (OICEC) under the Office of Research (OR) is the designated authority charged with compliance oversight of U.S. export control requirements for UCF and the director of OICEC, or designee, is the UCF export control officer. For purposes of the export control regulations, the UCF empowered officials are the provost and executive vice president for Academic Affairs, the vice president for research, and the director of OICEC, or designee.

DEFINITIONS

Denied Party. A person or entity whose export and reexport privileges have been denied by the U.S. Government.

Empowered Official. Authorized full-time permanent employees registered with the Department of State in accordance with federal regulation 22 CFR 120.25, who have independent authority to inquire into any aspect of a proposed export or temporary import, to verify legality and compliance with U.S. export control laws and sanctions, and to refuse to authorize or limit the transaction without prejudice or other adverse recourse.

Export. The term export is defined in accordance with the EAR, ITAR, and other applicable export control regulations, but in general will be defined as sending or taking an item, material, technology, or technical information out of the U.S., the release of certain technology and technical information to a foreign national, and/or providing assistance, including training, to a foreign national, whether in the U.S. or abroad in the design, manufacture, installation, repair, or operation of a defense article.

Foreign National. Any person who is not a lawful permanent resident of the United States, citizen of the United States, or any other protected individual as defined by 8 U.S.C. 1324(b)(3), including refugees and asylees.

Fundamental Research Exclusion. For purposes of this policy, fundamental research shall be defined in accordance with the EAR, ITAR, and other applicable export control regulations, but in general will be defined as basic or applied research in science and engineering performed or conducted at an accredited institution of higher learning in the U.S. where the resulting information is ordinarily published and shared broadly in the scientific community. Fundamental research is distinguished from research that results in information restricted for proprietary reasons, national security reasons, or pursuant to specific U.S. government access and dissemination controls. Research that results from fundamental research is not subject to export controls.

Permanent Resident. An individual who has permission to reside in the U.S. on a permanent basis, i.e., a “Green Card” holder.

Sponsored Research. All organized research and development activities sponsored by federal and non-federal agencies and organizations, including university sponsored research that is accounted for and separately budgeted. This includes research executed by university employees using any university space, facilities, materials, equipment, or property that is financed by contract payments, grants or gifts from any source (UCF Regulation UCF-2.027). Sponsored Research supports research and development, but it also includes instruction, training, professional development, curriculum development, community and public service projects, and commercialization. Sponsored Research funding instruments also includes cooperative agreement, consortium agreement, and donation.

COMPLIANCE REQUIREMENTS

Export compliance protocols and procedures and key cooperating offices are outlined in the UCF Export Control Management Plan (ECMP). UCF personnel must comply with the protocols and procedures outlined in the ECMP. OICEC, in concert with other departments and units, as necessary, will administer the export compliance program for UCF as outlined below. OICEC will assist UCF academic, research, and business units and direct support organizations with potential export and trade sanction regulations impacting additional activities not outlined below on a case-by-case basis. UCF is committed to assisting and informing the UCF community of the U.S. export control requirements and their application within a university setting. As part of UCF's ongoing commitment to export control compliance, UCF has established a website that contains the ECMP, training modules, and guidance materials.

A. Sponsored Program Export Control Requirements.

The Office of Research (OR) will help ensure that research contracts, gifts, grants, and agreements are executed in compliance with applicable export control regulations, laws, sanctions, and embargoes by assisting the principal investigator in identifying any export control red flags, as determined by OICEC, in any solicitations or contractual documents. When possible, OR will negotiate any access, publication, dissemination, or participation restrictions to allow the research to qualify for the Fundamental Research Exclusion. It is critical that all research activity is assessed to determine if any hardware, software, technology, or technical information involved or generated would void the Fundamental Research Exclusion.

If OR identifies export control red flags or is unable to negotiate access, publication, dissemination, or participation restrictions out of an agreement, OR will route the applicable research documents to OICEC for a comprehensive export control compliance assessment.

The authorization for foreign nationals to engage in, access, use or possess export-controlled hardware, software, or technology is dependent on the conditions identified in applicable U.S. laws, regulations, sanctions, government licenses, and contractual documents. If a research activity is determined to be subject to export control restrictions, OICEC will assist the principal investigator with implementing the applicable export controls. These controls will include both physical and information security control, including the implementation of a technology control plan.

The principal investigator and applicable UCF employees and students are responsible for implementing and complying with all applicable export control requirements, including, but not limited to technology control plans.

B. Visa Export Control Requirements.

When hosting foreign nationals at UCF as students, employees, visitors, or volunteers, certain activities can require an export control license. As part of the visa sponsorship process for a foreign national, the U.S. Government requires UCF to attest whether an export control license is required at the time of sponsorship.

To meet the export control visa attestation requirement and to determine whether an export control license is required, for H, J, O and TN visa types, UCF employees sponsoring a non-immigrant worker are required to furnish OICEC with all necessary information required on the Non Immigrant Export Control Questionnaire to allow OICEC to perform an export control attestation review. In addition to all provisions issued by the U.S. government in licenses or other approvals, UCF employees, units, and departments are responsible for complying with all guidance issued by OICEC.

C. International Travel Export Requirements.

Depending on the proposed destination, item, material, technology, or technical information being exported, the purpose of the travel, and persons, entities, or countries involved in the travel, travel outside of the U.S. can require an export control license.

Prior to engaging in international travel that is employment-related, UCF organized, UCF funded, or for which UCF academic credit will be provided, the travel must be reviewed and approved by OICEC. OICEC's export control review and approval is incorporated into the travel approval process outlined in UCF Policy 2-903, International Travel.

D. International Shipments Export Requirements.

It is the responsibility of the exporter/shipper, prior to shipping any item, material, technology, or technical information out of the U.S., to determine whether an export control license is required. Determining export license requirements can be a complex and complicated process requiring proper commodity jurisdiction and classification of an item. The UCF community is highly encouraged to make all international shipments through The SPOT, part of UCF Business Services. OICEC reviews all department and unit international shipments through The SPOT prior to shipment. If an alternative shipment method will be used, the exporter/shipper is required to review the shipping guidance on the UCF export control website and must contact OICEC if they have any questions prior to shipping any item, material, technology, or technical information out of the U.S.

Items, materials, technology, and information not appearing on a U.S. export control list may be shipped or transmitted to any country, individual, or entity that is not sanctioned, embargoed, or otherwise restricted for export.

E. Denied Party Screening and Embargoes.

In general, individuals and U.S. entities subject to U.S. law are prohibited from engaging in services (compensation does not matter), the exchange of technology, and the exchange of technical information with a U.S. Denied Party unless written approval is obtained from the U.S. Government (i.e., an export control license). UCF will not enter into written agreements or do business with a U.S. Denied Party.

In addition, U.S. sanctions administered by OFAC prohibit individuals and U.S. entities subject to U.S. law from providing technology, material, financial assistance, or anything of value, including services, to any blocked or sanctioned country. This can involve subcontracts, international vendors, or fellowship payments to a researcher.

Prior to engaging in a foreign collaboration, UCF employees are highly encouraged to confirm that the foreign national/foreign entity is not a U.S. Denied Party by checking the name of the foreign national/foreign entity against the U.S. Department of Commerce Consolidated Screening List. This list identifies U.S. Denied Parties.

UCF performs Denied Party screening and OFAC sanctioned country monitoring, at a minimum, through the following business processes:

- Purchasing
- Sponsored Research Reviews
- Conflict of Interest Disclosure Reviews
- International Travel Reviews
- International Shipment Reviews
- Visa Sponsorship Reviews

OICEC must be notified upon any positive identification of a party that appears to be a Denied Party. OICEC will assist the applicable UCF unit with determining whether the identification is a match and will assist the applicable UCF unit with understanding the extent of the export control restrictions on the applicable party. In addition to all requirements issued by the U.S. Government, UCF employees, students, units, and departments are responsible for complying with all guidance issued by OICEC regarding U.S. Denied Parties.

F. Export Licensing.

As part of the review processes outlined above, OICEC will determine if an export license from the U.S. Government is required for engagement in an export-controlled activity. If an export control license is required, the exporting unit is required to work with OICEC to provide the necessary information to submit an export license application. The export control officer within OICEC serves as the university signature authority for license applications and related documents. OICEC is the only UCF unit designated to coordinate the export control license application process and submit the application to the appropriate federal agency on behalf of UCF. If an export control license is required, the export cannot take place until the requisite license is obtained and there is no guarantee that the authorizing federal agency will grant the license.

G. Restrictive Trade Practices.

The U.S. Government imposes restrictions that discourage, and in some circumstances, prohibit U.S. companies from taking certain actions in furtherance or support of a boycott maintained by a foreign country against a country friendly to the United States (i.e., a boycott of Israel). The Antiboycott Regulations prohibit U.S. companies from entering into agreements that involve refusing to do business with a boycotted country or persons for boycott-related reason and/or furnishing information about any person's business relationships with a boycotted country. OICEC assists departments and units with identifying this type of language in written agreements. If a UCF employee receives an agreement with a prohibited antiboycott provision, the employee is required to report this information to OICEC as soon as possible. Depending on the situation, additional reporting to the U.S. Department of Commerce may be required and OICEC will assist with such reporting.

H. Training.

At a minimum, all UCF employees, students, visiting researchers, and volunteers accessing or generating ITAR controlled technology or 500/600 Series EAR controlled technology must complete the OICEC required export control training course prior to accessing the controlled technology. This course must be completed every two years. In accordance with UCF policy and contractual requirements, at the discretion of OICEC, other UCF employees, students, visiting researchers, and volunteers may also be required to complete the OICEC export control training course.

I. Monitoring and Penalties for Noncompliance.

UCF is registered with the federal government as a defense manufacturer and has designated OICEC to monitor UCF'S export control compliance. The UCF community must immediately report to OICEC any suspected violations of export control laws, a UCF technology control plan, or this policy.

Possible violations of export control laws, a UCF technology control plan, or this policy will be investigated by OICEC under the investigative authority of University Compliance, Ethics, and Risk. Action will be taken according to the nature, severity, and scope of the offense. The export control officer and empowered officials have the authority to suspend or terminate research, teaching, testing, or other export activity if the export control officer or empowered official determines the activity is not in compliance or will lead to noncompliance with existing export or sanction laws or policy.

The civil and criminal penalties associated with violating export control regulations can be severe, ranging from administrative sanctions including loss of research funding to monetary penalties to imprisonment for individuals. Anyone found to have engaged in conduct contrary to this policy is subject to disciplinary action by the university up to and including dismissal or termination from UCF.

RELATED INFORMATION

[U.S. Department of State, Directorate of Defense Trade Controls](#)

[U.S. Department of Commerce, Bureau of Industry and Security](#)

[U.S. Department of Treasury, Office of Foreign Assets Control](#)

[Consolidated Screening List](#)

[UCF, Office of Research & Commercialization, Export Compliance](#)

[National Security Decision Directive 189](#)

[UCF Policy 2-900 International Academic Agreements](#)

[UCF Policy 2-903 International Travel](#)


[UCF Policy 2-901 UCF Policy for All Foreign Nationals](#)


CONTACTS

For questions regarding this policy please contact the Director of the Office of International Collaboration and Export Control, Office of Research Compliance, 12201 Research Parkway, Suite 501, Orlando, Florida 32826-3246, (407) 823-3778 or OICEC@ucf.edu.

POLICY APPROVAL
(For use by the Office of the President)

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