



**Office of Export Controls Compliance**  
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**UNIVERSITY OF CENTRAL FLORIDA**  
EXPORT COMPLIANCE



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### Other key information and web sites

**Export Control Office Website:**  
[www.research.ucf.edu/ExportControl](http://www.research.ucf.edu/ExportControl)

**UCF Export Control Policy:**  
<http://policies.ucf.edu/documents/4-209ExportControl.pdf>

**Export Control Management Plan Manual:**  
[http://www.research.ucf.edu/documents/PDF/UCF%20ECMP%203.25.2014\\_Rev%202.pdf](http://www.research.ucf.edu/documents/PDF/UCF%20ECMP%203.25.2014_Rev%202.pdf)

**Export Administration Regulations (EAR):**  
<http://www.bis.doc.gov/index.php/regulations/export-administration-regulations-ear>

**International Traffic in Arms Regulations (ITAR):**  
[http://www.pmdc.state.gov/regulations\\_laws/itar.html](http://www.pmdc.state.gov/regulations_laws/itar.html)

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### Export Control Regulations

- Restrict the export use of and access to enumerated or controlled technical data, materials, equipment, and technology listed in the EAR or ITAR for reasons of national security or proprietary protection.
- Ensure that technical data, technology, software, biological and chemical agents, equipment, and know-how are not employed for purposes other than their intended use.
- Restrict financial transactions and the provision of services to certain restricted and sanctioned entities.
- Restrictions apply to foreign persons wherever located.

### Export Controls Apply to:

- UCF and all faculty, staff, students, volunteers, and visitors
- All research activities, including grants, contracts, and cooperative agreements
- Non-research activities of UCF, such as international exchange programs or foreign person use of research equipment or facilities
- UCF has an Export Control Policy and Export Control Compliance Manual(ECMP), that governs conduct, available at:  
<http://www.research.ucf.edu/ExportControl/policies.html>.

### What is prohibited?

- Physical shipment or transport of items outside U.S. borders
- Transmission (analog or digital) of controlled technology or technical data outside the United States
- Use or application of controlled technology on behalf of, or for the benefit of, any foreign person or entity either in the U.S. or abroad, i.e. providing know-how or a service
- Release or disclosure (including verbal or visual) of controlled technology, software, or technical data, either in the U.S. (deemed export) or abroad
- **A deemed export:** Disclosure within the U.S. of controlled technology or know how or providing services to foreign persons, which may include participation in research projects, presenting

controlled data at conferences, attending meetings, hosting informal visits, international collaborations, and/or technical discussions

### Examples of a foreign person:

- Individual in the U.S. in non-immigrant status (H-1B, F-1, J-1, B-Type or other foreign persons)
- Individual associated with a branch of a foreign government
- Individual employed by a foreign corporation or group that is not incorporated or organized to do business in the U.S.
- U.S. citizens, permanent residents, asylees, and refugees are considered U.S. persons.

### What are the penalties for non-compliance?

- Violations, criminal sanctions – including substantial fines and even prison terms – can be applied.

#### Department of State (ITAR)

- Criminal: up to \$1,000,000 per violation AND up to 10 years in prison
- Civil: seizure and forfeiture of articles, revocation of exporting privileges, fines of up to \$500,000 per violation

#### Department of Commerce (EAR)

- Criminal: \$50,000 to \$1,000,000 or five times the value of the export, whichever is greater, per violation; up to 10 years in prison
- Civil: loss of export privileges, fines \$10,000 to \$120,000 per violation

#### Department of Treasury (OFAC)

- Criminal: up to \$1,000,000 per violation; up to 10 years imprisonment
- Civil: fines \$12,000 to \$55,000 (depending on applicable law) per violation.

### What University activities are excluded from export controls?

- Public domain exclusion: The information is in the public domain. It has been published and is generally accessible to the public through unlimited and unrestricted distribution without proprietary or national security restrictions.
- Educational Information Exclusion: Educational information may be disclosed if it is released by instruction in catalog courses or consists of general scientific, mathematical or engineering principles commonly taught in universities and associated laboratories.

- Chemicals, biological materials, and scientific equipment
- Supplying certain technologies or data at a “closed” conference or meeting (a meeting that is not open to all technically qualified members of the public and attendees are not permitted to take notes)
- Restricted information (in print and electronic format or discussed verbally while abroad)
- Travel to sanctioned or embargoed countries
- Conducting business with, or providing services to, certain people or entities (including human subjects and collaborative research)

- Travel exclusions/ exceptions

There are two main exceptions that apply to international travel.

- Items taken abroad as “tools of the trade” may qualify for the temporary export exception (TMP).
- Items taken abroad as personal belongings may qualify for the personal baggage exception (BAG).

- Exception criteria:

- Items must return to the U.S. in 12 months
- Items must remain in your personal control at all times or stored in a safe place
- Items may not be exported under these exceptions to embargoed countries
- If the item incorporates encryption technology, some restrictions may apply
- You cannot travel with proprietary or export controlled technical data or export a defense article under these exceptions

- Data, laboratory notebooks, hard copy reports, and research materials should be held in locked, fireproof cabinets located in rooms with key-controlled access.
- Electronic communications and all databases should be managed via a type of virtual private network that limits access to authorized users only and facilitates exchanges between those authorized users while encrypting any data sent.
- Discussions about the project or work products should be limited to the identified contributing investigators and are held only in areas where unauthorized persons are not present.
- Discussions with third party subcontractors, such as identified manufacturing sites, should be conducted only under signed confidentiality agreements and fully respecting the non-U.S. citizen limitations for such disclosures.
- Third party communications should be conducted only under valid confidentiality agreements with prior consent of the government.

### Research Considerations

#### Will I be able to publish the results of my research?

- These restrictions will be stipulated in the research agreement/contract.

#### Am I limited as to which students/post-docs I am able to use in the research?

- Certain programs may prohibit licensing of foreign persons.

#### What about my collaborators?

- Concerns regarding collaborations are much the same as with students/staff/post-doc employment. Be advised that for research projects that are subject to export control regulations, a license has to be obtained in order to be able to work on the research project. The licensing process can take multiple months and must be completed prior to beginning research on the project.

### Travel Considerations

- Export control regulations affect:
  - Items you take with you on a trip
  - Laptops
  - Encryption items
  - Data and technology
  - Blueprints, drawings, and schematics



- Fundamental Research Exclusion: Basic and applied research in science and engineering where the resulting information is published and shared broadly within the scientific community. University research will NOT be considered fundamental research if:
  - The university or its researchers accept restrictions on publication of scientific and technical information resulting from the research activity, or
  - The research contains specific access or dissemination controls restrictions (such as foreign national restrictions) for reasons of national security.

**The bottom line:** It isn't fundamental research if there are limits on the freedom to publish and talk about research; restrictions on access of information by foreign nationals; restrictions on visas to foreign visitors and collaborators; or restrictions on publication of research results. Fundamental research is not subject to export control regulations.

### What research is exempt from export controls?

- Research activities meeting the legal criteria of “fundamental research.”
- Fundamental research only excludes the results of research, not the conduct of research; therefore, certain equipment cannot be used by foreign persons.

### What research is not exempt?

- Proprietary research and industrial development, design, production and product use, the results of which ordinarily are restricted for proprietary or national security reasons.
- Activities with contractual restrictions on disseminating research results – for example, those that require sponsor approval before publication or generally prevent results from being publicly available.
- Research and activities that prohibit participation of foreign nationals.

### Examples of university activities that may be subject to export controls:

- International collaborations or foreign partnerships
- International shipping or facilitating the export of anything
- International travel, including travel to a sanctioned or embargoed country



- Agreements, contracts or grants that restrict publication, presentation of results or foreign national access or participation
- Activities specifically for military, space, intelligence or energy application
- Provision of a defense article or other military equipment used to perform the research
- Encrypted software
- Research with a subject listed on the Commerce Control List (CCL)
- Research involving anything on the U.S. Munitions List (USML)
- Procuring equipment specifically designed or modified for a military end use
- Operating equipment or using an item identified on the CCL in a manner that provides know-how related to each of the following: maintenance, repair, operation, installation, overhaul, and refurbishment. Such information is found in manuals and blueprints.

#### **Examples of things that are not subject to export controls:**

- Publicly available technical data (i.e., works published for sale, available in public libraries, or through published patents or patent applications)
- General scientific, mathematical or engineering principles commonly taught in colleges and universities
- Information available through unlimited distribution at a conference, meeting, seminar, trade show or exhibition
- Information that results from fundamental research where there are no restrictions on publication or access to research results

#### **UCF Export Control Assessment Process:**

- 1) The Office of Research & Commercialization, Sponsored Programs will conduct a preliminary assessment of your proposals and awards to determine if the activity may be subject to export control regulations.
- 2) If suspect, the activity will be forwarded to the Export Control Officer (ECO) for comprehensive assessment.
- 3) If export controls apply, you will be formally notified by the ECO and a Technology Control Plan outlining security measures will be implemented for the activity.
- 4) You must assist Export Control staff, in particular by letting us know if foreign nationals will be working on the project.

- 5) If foreign nationals will be working on the project, the ECO will determine if a license exception is available or if a federal license or other government approval is required.
- 6) Licensing may take between 3 to 6 months.
- 7) The activity may commence before a license is obtained. However, foreign persons will not be able to participate in the activity until a license or other government approval is issued.

#### **Contact the Export Control Officer if you encounter any questionable Sponsored Research Program prior to:**

- Engaging in research that involves international collaboration
- Traveling internationally
- Conducting research that restricts publications or hiring foreign nationals
- Engaging in research that has potential military applications
- Attending a “closed conference”
- Holding discussions regarding research subject to export control regulations with people outside the UCF community
- Internationally shipping equipment, viruses, bacteria, agents, software, or other materials

#### **General do’s and don’ts**

- Obtain federally issued licenses or other official government approvals prior to:
  - shipping anything internationally
  - disclosing controlled information to a foreign person, wherever located
  - Allowing a foreign person to participate in any restricted program
- Accepting publication or access controls on research invalidates your research from public domain
- Do not travel to any embargoed countries for research or educational activities

#### **Work environment requirements?**

- Laboratory work should be physically shielded from observation by operating in secured laboratory spaces or during secure time blocks when observation by unauthorized persons is preventable.