I. SCOPE

This Interim Export Control policy ("Policy") applies to all University Members whose activities, including but not limited to, research activities, grants, contracts and cooperative agreements, may trigger export controls. Export controls are designed to ensure that sensitive information, technology, software, biological and chemical agents, and equipment are not utilized for purposes other than their intended use.

II. POLICY STATEMENT

The purpose of this Policy is to provide awareness of the United States export control laws and regulations and the University’s plan for complying with those laws.

III. POLICY

It is the policy of the University to comply with United States export control laws and regulations pertaining to the exports of items, services and technology by or on behalf of the University. It is the responsibility of all University Members to be aware of and comply with these laws and the University’s policies and procedures. Violation of this Policy may have severe criminal, civil and administrative sanctions, including possible disciplinary action.

Over the past few years the Federal government has become increasingly involved with protecting information and technology from disclosure by universities, the release of which could hamper U.S. economic vitality or national security. Export laws and regulations promulgated by the U.S. Department of Commerce, the U.S. Department of State and the Treasury Department’s Office of Foreign Assets Control are the basis for restricting use and access to this information and technology. These laws impact research, foreign travel and the transfer of technology and information to certain countries.
Below is an overview of the Department of Commerce’s ITAR and EAR regulations, the Office of Foreign Assets Control embargoes, Principal Investigator responsibilities, examples for Arcadia faculty and staff, penalties for non-compliance and important links for further information.

A. Overview of ITAR and EAR

Export Control is regulated by the Department of Commerce’s Export Administration Regulations (EAR) and by International Traffic in Arms Regulations (ITAR). These regulations control the export of commodities, software, technical data, and information to foreign countries.

Export commonly refers to the shipment or transmission of items, services, or technical data out of the United States however, under EAR and ITAR export can also refer to the release of technology or software technical data to a foreign national in the United States (deemed export). Software or technical data is considered released for export through:

- visual inspection by foreign nationals of equipment and facilities that originated in the United States;
- oral exchanges of information in the United States and abroad; or,
- the application to situations abroad of personal knowledge or the experience acquired in the United States.

EAR uses the regulations in the Commerce Control List maintained by the Bureau of Industry (BIS) and Security that includes items, commodities, software, and technology subject to the authority of BIS. ITAR regulations focus on the export of defense articles and defense services and use a list of categories called the U.S. Munitions List.

ITAR and EAR cover items of U.S. origin, such as:

- equipment
- chemicals
- biological substances
- other materials
- software code
- computers

ITAR and EAR issues usually do not pertain when your research and the information you are working with:

- is in the public domain;
- is not encrypted software;
- does not have sponsor restrictions on publication; and/or
- is not related to space or missile technologies, military technologies or military applications.
An export license may be required before a controlled item or material may be exported. A license could take 3-6 months to acquire. For example, you cannot ship computers to restricted countries without licenses. There are severe penalties for noncompliance.

In addition to ITAR and EAR, the Office of Foreign Assets Control (OFAC) of the U.S. Department of the Treasury administers and enforces economic and trade sanctions based on U.S. foreign policy and national security goals against targeted foreign countries, terrorists, international narcotics traffickers, and those engaged in activities related to the proliferation of weapons of mass destruction. OFAC prohibits payments or providing anything of value to sanctioned countries, nationals of some countries and specified entities. OFAC also prohibits travel to and other activities with embargoed countries and entities. Visit this link to check the current list of sanctions programs and countries http://www.treasury.gov/resource-center/sanctions/Programs/Pages/Programs.aspx.

B. Principal Investigator Responsibilities:

Every principal investigator should ask the following questions:
- Does the research involve any EAR categories?
- Does the research involve any item on the ITAR Munitions List?
- Does the research involve technology or devices designed for use in military, security and intelligence applications?
- Does the research involve anything else with a substantial or dual-use military application?
- Will you collaborate in any way with a foreign national as a researcher or commercial partner?
- Will you use a research assistant who is a foreign national?
- Will you send your research results to a foreign country or foreign citizens?
- Do you anticipate any foreign travel associated with the project?

If you answer affirmatively to any of these questions, then there is a possibility that export control does apply to your project. You must consult the Office of General Counsel to determine if export controls pertain to your project and if a license is required.

Examples when export controls may apply to Arcadia employees:
- An employee carries a laptop computer into one of the OFAC/embargoed countries.
- An employee carries a cellular phone that has a GPS system into a restricted country.
- An employee accepts an award from the U.S. government that has propriety restrictions on the release of data.
- An employee ships computers or encrypted software to a foreign country.
- An employee collaborates with a foreign national or releases information to a foreign national on a research project for the federal government.

C. Penalties for Non-Compliance

The penalties for violating Federal Export Control laws are significant and involve criminal and civil penalties. Unlike other situations in which University might accept liability and
protect its employees, in this case individuals are liable for violating the ITAR/EAR/OFAC export controls or embargos.

Important Links for Further Information:
OFAC - http://www.treasury.gov/resource-center/sanctions/Pages/default.aspx
ITAR - https://www.pmddtc.state.gov/regulations_laws/itar.html

IV. DEFINITIONS

Export means 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.

University is Arcadia University, its colleges, schools, affiliates, divisions and subsidiaries.

University Members are all faculty, administrators and students whose activities may trigger export controls.

IV. EFFECTIVE DATE

November 14, 2014

V. SIGNATURE, TITLE AND DATE OF APPROVAL

By: Barbara F. Noone, Ph.D.
Arcadia University
Provost and Vice President Academic Affairs
11/18/2014

VI. DATES OF REVIEW

• July 3, 2018; Approved by Provost John Hoffman.