Export Control
RP-11-009

About This Policy

Effective Dates:
03-20-2018

Last Updated:
03-20-2018

Responsible University Administrator:
Vice President for Research

Policy Contact:
Export Control Officer
Office of Research Compliance
export@iu.edu

Scope

This policy applies to all faculty, staff, and students of Indiana University (University/IU); all IU units; and whenever IU funds, equipment, data or other resources are used for activities that may create export control risk.

Policy Statement

The University’s mission includes global engagement and international research, education, and service. In all of its activities, the University is required to comply with all U.S. export control laws and regulations, including the Export Administration Regulations implemented by the Department of Commerce, the International Traffic in Arms Regulations implemented by the Department of State, and regulations implemented by the Treasury Department through its Office of Foreign Assets Control.

The Office of the Vice President for Research will oversee compliance for all Indiana University export control matters to ensure compliance with U.S. export control laws and regulations, and will facilitate the procurement of all required export licenses.

Reason For Policy

IU is committed to complying with U.S. export controls laws. Under U.S. export control laws, the federal government may impose both civil and criminal penalties on individuals and the University for violations of these laws. Consequently, the University expects its employees to be familiar with U.S. export control laws, this policy, and relevant University procedures, in order to identify activities that may give rise to export control concerns and consult with University export control officials.

U.S. export control laws and regulations may affect faculty, staff, and students when:

- Traveling outside of the United States with export-controlled equipment owned or leased by IU.
- Traveling outside of the United States to a sanctioned or embargoed country/region.
- Sharing controlled data with a foreign national (a Deemed Export).
- Hosting foreign persons from sanctioned or embargoed countries.
- Collaborating with a researcher or institution outside of the U.S., especially when that collaboration involves individuals or institutions from a sanctioned country or when sensitive information or equipment may be shared.
- Exporting/shipping items internationally.
- Engaging in a project or research involving:
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• restrictions or limitations on publication, dissemination,
• proprietary information (e.g., confidentiality or non-disclosure agreements), or
• restrictions on foreign person participation. Involvement in a project/research related to military; space
related information; nuclear, chemical, and/or biological weaponry; missiles; unmanned vehicles;
encryption technologies or other items listed on the International Traffic in Arms Regulations (ITAR)
U.S. Munitions List (USML).

• Performing work under an RFP/Agreement/Contract that is marked “Export Controlled” or includes export control
provisions.

Procedure

More detailed information and procedures can be found on the website of the Office of Research Compliance:
https://research.iu.edu/compliance/export-control/index.html. Faculty, staff, and students should contact the
Export Control Specialist before engaging in a transaction that may involve export control concerns and to apply
for an export control license or other export control related government authorization.

Definitions

Deemed Export

The release or transfer of controlled technology or source code to a foreign person in the U.S. is "deemed" to be
an export to the person’s country of citizenship or permanent residency, even though the release took place within
the U.S.

Export

• The shipment, transmission or carriage of items out of the U.S. (e.g., by truck, car, plane, rail, hand-carry, email,
   telephone, fax, posting on the internet, and other non-physical means);
• The transfer or disclosure of export-controlled software, technology, or technical data to a non-U.S. person
   located in the U.S. (a deemed export) or outside the US; or
• The performance of a defense service subject to the ITAR on behalf of, or for the benefit of, a non-U.S. person.

Export Administration Regulations (EAR)

Export control regulations administered by the U.S. Department of Commerce, Bureau of Industry and Security
(BIS). The EAR regulates exports, re-exports, and activities (goods and technologies) for both dual-use items
(items that have both commercial and military or proliferation applications) and solely commercial items.
Controlled items are identified on the Commerce Control List (CCL).

Export Controls

The federal government’s use of regulations and licensing requirements to manage exportation of commodities
and information to foreign countries; to manage the sharing of commodities and information with foreign persons
who are present in the U.S.; and to regulate transactions with sanctioned countries, individuals and entities.

Export Control Specialist

The official within the University’s Office of Research Compliance responsible for managing IU’s export control
compliance program.

Export License

Written authorization from a federal agency, such as the Bureau of Industry and Security, to proceed with a
controlled export-related activity (e.g., granting the right to engage in an otherwise-prohibited export transaction).

Foreign Assets Control Regulations
Economic and trade sanctions regulations administered by the U.S. Department of the Treasury, Office of Foreign Assets Control (OFAC) based on U.S. foreign policy and national security goals. These regulations target foreign countries as well as regimes, terrorists, international narcotics traffickers, those engaged in activities related to the proliferation of weapons of mass destruction, and other threats to the national security, foreign policy or economy of the U.S.

Designated individuals and entities considered a threat to national security or participating in activities that are against U.S. foreign policy are placed on one or more restricted parties lists, such as the Specially Designated Nationals and Blocked Persons List (SDN List).

**Foreign Person**

- Any natural person who is not
  - a lawful permanent resident of the United States;
  - a citizen of the United States; or
  - an individual who has been granted political asylum or other protected status, as defined by 8 U.S.C. 1324b(a)(3).

- Any foreign corporation, business association, partnership, trust, society or any other entity or group that is not incorporated or organized to do business in the United States, as well as international organizations, foreign governments and any agency or subdivision of foreign governments (e.g., diplomatic missions).

**International Traffic in Arms Regulations (ITAR)**

Export control regulations administered by the U.S. Department of State, Directorate of Defense Trade Controls (DDTC) primarily to control the import and export of defense articles, defense services and related technical data.

**U.S. Person**

- An individual who is a U.S. citizen;
- An individual who is a lawful permanent resident (green card holder) of the U.S. as defined by 8 U.S.C. 1101 (a)(20);
- An individual who has been granted political asylum or other protected status, as defined by 8 U.S.C. 1324b(a) (3);
- A corporation, business association, partnership, trust, society, or any other entity or group that is incorporated or organized to do business in the U.S. under U.S. law; or
- A federal, state, or municipal governmental entity in the U.S.

**Sanctions**

Faculty, staff and students subject to this policy that are found to be in violation of this policy may be subject to sanctions relating to the individual’s employment (up to and including immediate termination of employment in accordance with applicable university policy); the individual's studies within the university (such as student discipline in accordance with applicable university policy); civil or criminal liability; or any combination of these.

**Additional Contacts**

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<tr>
<th>Policy questions</th>
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<td>Office of Research Compliance</td>
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<td>Jeffrey Michael Goetz</td>
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History

This policy was established in 2018.

Related Information

Indiana University Export Control website
U.S. Department of State
International Traffic in Arms Regulations (ITAR)
U.S. Department of Commerce, Bureau of Industry and Security (BIS)
Export Administration Regulations (EAR)
U.S. Department of Treasury – Office of Foreign Assets Control (OFAC)
Foreign Assets Control Regulations, 31 CFR Parts 501-598
National Security Decision Directive 189 (NSDD 189)