

A GUIDE FOR UNDERSTANDING EXPORT CONTROL LAWS AND REGULATIONS

University of Colorado Denver Policy Statement

It is the policy statement of the University of Colorado Denver (UC Denver) to comply with all U.S. export control laws and regulations.¹ Research, scholarly, and other activities of UC Denver are subject to U.S. export control laws. These laws govern the transfer of certain tangible items, software, technology, and information, to a foreign national or to a foreign country. Penalties are severe for non-compliance and include potential criminal and civil sanctions for both UC Denver and the individual faculty, staff or student.

In pursuit of this policy statement, the Office of Regulatory Compliance at UC Denver shall develop, implement and maintain an export control compliance program in partnership with the appropriate offices and individuals within UC Denver, including, but not limited to, the Office of Grants and Contracts, Environmental Health and Safety Office, Office of International Education, and the Office of University Counsel. Program elements will include:

- 1) Compliance with export controls laws and regulations within research areas, such as sponsor agreements, material transfers, and grant proposals; educational areas; international programs abroad and domestic-based; international travel; employment or visitors of foreign nationals at UC Denver; international shipping of goods/items, including domestic shipments to foreign nationals; and payments to foreign nationals or entities.
- 2) Education, awareness and informational resources for administrative areas and departments, as well as for faculty, staff, and students;
- 3) Centralized points of contact for assistance with export control issues, questions, export license applications, and coordination with regulatory agencies;
- 4) Campus based resources for complying with export control laws.

Restrictions on dissemination of research or on inclusion of foreign nationals in program or contractual requirements are not consistent with the University of Colorado's "mission to acquire knowledge and disseminate it widely"² or "vision of diversity"³ and will not be accepted. Requests for exceptions to these policies should be submitted to the Vice Chancellor for Research for consideration in consultation with the appropriate departments and/or dean.

What are these laws and how to they pertain to UC Denver research?

The Department of Commerce (Export Administration Regulations (EAR), 15 C.F.R. §§ 730-774), the Department of State (International Traffic in Arm Regulations (ITAR), 22

¹ Export Administration Regulations, 15 C.F.R. §§ 730-774); International Traffic in Arm Regulations, 22 C.F.R. §§ 120-130; Office of Foreign Asset Controls, 31 C.F.R. § 500.

² University of Colorado Administrative Policy Statement for Restricted, Proprietary and Classified Research

³ University of Colorado vision statement on diversity: (<https://www.cusys.edu/diversity/>)

C.F.R. §§ 120-130), and the Department of Treasury through its Office of Foreign Assets Controls (OFAC, 31 C.F.R. § 500) have implemented laws and regulations that prohibit the export of specific unlicensed technologies. The focus of the laws is to uphold national security and protect trade. While the laws have been in effect since the early 1900s, the Commerce, State and Treasury Departments have increased scrutiny and enforcement of the laws in the recent years. These laws apply to all US citizens and US entities; therefore, UC Denver, faculty, staff and students must comply with these export regulations.

Certain types of university research may be controlled through these regulations and laws. If it is determined university research is controlled under EAR, ITAR or OFAC,, there may be a need to secure a license from one of the departments to carry on the research or certain activities within a research initiative.

What research activities may involve export controls?

- Actual shipment of covered goods or items (commercial/munitions)
- Electronic or digital transmission of any covered goods, items or related goods/items
- Any release or disclosure, including verbal disclosures or visual inspection or any technology software or technical data to any foreign national
- Actual use or application of covered technology on behalf of or for a benefit of any foreign entity or person anywhere

What are areas that export issues may appear?

- Research (including within laboratories at UC Denver)
- Transfer Materials (this includes transfer of information OR actual goods/items)
- UC Denver Programs Abroad
- Foreign Nationals at UC Denver
- Publications
- Travel Abroad

Who can I contact with questions or for assistance with licensing and other related export control matters?

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