

Grand Valley State University Export Control Advisory Committee (ECAC) Guidance
Title: <i>Export Control Responsibilities by Role/Unit</i>
Document Number: G-2
Version Number: 1.1
Issue Date: 03/24/2021

## **Background**

Federal regulations control how items, technology, and data may be exported from the United States and shared with foreign persons within the United States. Export control concerns can sometimes arise as part of University activities and, as such, all GVSU faculty and staff are responsible for abiding by export control regulations, per [SLT Policy 3.6](#). “GVSU personnel” refers to faculty at all levels, staff, students, visiting scholars, and all other persons retained by or working at the University.

Note that an export control license may be required to conduct certain activities, and these licenses can take many months to acquire. The penalties for engaging in restricted activities without the proper export control license can be severe, and individuals can be held personally liable. Both individuals and the University can face criminal and civil penalties if export control violations occur. Therefore, it is extremely important to recognize potentially controlled items and activities before engaging in the activity.

This guidance document provides a breakdown of responsibilities, as a function of University role, related to managing and reporting activities potentially subjected to export controls. A list of common export control red flags is also included at the end of the document. Further information about export controls can be found on the [GVSU Export Controls website](#). Questions regarding export controls should be directed to the Office of Research Compliance and Integrity (ORCI) at [rci@gvsu.edu](mailto:rci@gvsu.edu) or (616) 331-3197.

## **Responsibilities by Role**

### **All Personnel:**

- Ensure all educational, research, and other University activities are conducted properly and in compliance with [export control regulations, GVSU export control policies, and any technology control plans \(TCPs\)](#) on which they are included. The need for a TCP will be determined by the ORCI. If a TCP is required, it must be in place prior to beginning the activity, including prior to the receipt of any controlled materials and/or data, and all project personnel named on the TCP must complete appropriate training.
- Ensure contracts and service agreements entered into on behalf of the University include the appropriate [export control language](#).
- Notify the ORCI at least 30 days prior to traveling on behalf of the University to any [embargoed, targeted sanctioned, and/or prohibited locations](#) identified by the Export Administration Regulations, Office of Foreign Assets Control, and/or International Traffic in Arms Regulations, as a license may be required. Provide as much lead time as possible.



- Obtain pre-approval from the ORCI to take or ship any University property to an [embargoed, targeted sanctioned, and/or prohibited location](#), as a license may be required. Provide as much lead time as possible.
- Ensure University business is not conducted with any individual or entity on a [prohibited party list](#) published by the Departments of Commerce, State, or the Treasury.
- Completely and accurately provide all information related to export controls that is requested by the ORCI/Center for Scholarly and Creative Excellence (CSCE).

#### **Faculty/Staff Members:**

- Be aware of and in compliance with export control regulations, policies, and procedures.
- Identify activities in which export control issues might exist (e.g., international collaborations, international shipping, certain research projects, etc.) and notify the ORCI of any identified export control issues. Contact the ORCI if you are unsure if your activities include any export control issues.
- Ensure appropriate licenses, if applicable, have been obtained prior to sharing export-controlled information.
- If the ORCI requires a technology control plan, support the work of the ORCI to ensure this plan is in place *prior* to beginning the export-controlled project and ensure continued compliance with the plan.
- Teaching
  - If utilizing any proprietary or unpublished research data in course instruction, ensure the information is not subject to export control regulations.
- Conference Attendance/Hosting
  - If attending an international conference, ensure the information being shared and any items being transported to the conference are not subject to export controls.
  - If hosting an international conference, ensure all applicable export control regulations are followed.
- International Collaborations
  - Notify the ORCI prior to working with any individuals from [embargoed and comprehensive sanctioned countries](#)
- Research
  - Ensure all research activities conducted by students are appropriately overseen by a qualified faculty or staff member and export control aspects of the work are considered.
  - Inform members of the research team of any applicable export control requirements, including technology control plans pertaining to the project.
  - Ensure the appropriate protection and management of all export-controlled technology.
  - Notify the ORCI if planning to import any research samples or materials from abroad, as certain permits may be required.
  - Notify the ORCI if students will be conducting research outside of the U.S., even if only temporarily.
- Cloud Computing
  - Do not store proprietary, confidential, and/or export-controlled information outside of appropriately protected GVSU servers.



- Before entering into an agreement with a cloud-based service provider, ensure export control terms and conditions are appropriately met.

#### **Unit Heads:**

- Ensure faculty and staff members appropriately identify export control flags in their work. Instruct faculty and staff members to contact the ORCI when they are unsure if export control regulations apply to their activities.
- Ensure faculty and staff members provide thorough and accurate information, to the best of your knowledge, to the ORCI/CSCE. This applies to direct inquiries to the faculty/staff member in which the Unit Head is copied on and any ORCI/CSCE submission process in which Unit Head approval is required (i.e., internal and external funding submissions, Institutional Review Board submissions, Institutional Animal Care and Use Committee submissions, etc.).
- If the ORCI requires a technology control plan (TCP), ensure the faculty/staff member provides the ORCI with the needed information in a timely manner and that the work does not begin until the TCP is fully approved.
- If duties require review of Faculty Activity Plans (FAPs), Faculty Activity Reports (FARs), and any other documents used for activity planning and tracking, ensure the faculty/staff member has disclosed all known international activities related to their GVSU work and has appropriately addressed all export control flags related to the work, including seeking the assistance of the ORCI where necessary.
- Ensure faculty/staff members traveling to an [embargoed, targeted sanctioned, and/or prohibited location](#) have appropriately contacted the ORCI within the required time frame prior to traveling.
- Disseminate announcements and requests for information to appropriate unit personnel when requested by the Deans/Appointing Officers, ORCI/CSCE, and/or other University leadership.
- All unit heads of academic departments, and unit heads of other selected units as determined by the Export Control Officer: Complete [Export Control Training](#) at least every two years.

#### **Deans/Associate Deans/Assistant Deans/Appointing Officers:**

- Ensure contracts and service agreements include the appropriate export control language prior to execution. (The CSCE has templates available. All contracts/agreements routed through the CSCE will be reviewed to ensure the appropriate language is included.)
- If duties require review of Faculty Activity Plans (FAPs), Faculty Activity Reports (FARs), and any other planning/tracking documents used for activity planning/tracking, ensure faculty/staff/unit head has disclosed all known international activities related to their GVSU work and has appropriately addressed all export control flags related to the work, including seeking the assistance of the ORCI where necessary.
- If duties include reviewing/signing contracts and agreements, approving research, and/or approving FAPs and/or FARs: complete [Export Control Training](#) at least every two years.
- Disseminate announcements and requests for information to appropriate unit personnel when requested by the ORCI/CSCE and/or other University leadership.

**Empowered Official:**

- Provide ultimate oversight of the University's Export Compliance Program.
- Decide when a proposed activity cannot be conducted at the University.
- Sign license applications on behalf of the University.
- Engage federal agencies when export control concerns are raised.
- Enquire into any aspect of a proposed export or temporary import by the University, as needed.
- Serve on the Export Control Advisory Board.
- Maintain on-going education and training in export controls.

**Export Control Advisory Committee Member:**

- Provide additional oversight of the Export Compliance Program in conjunction with the Empowered Official and the Office of Research Compliance and Integrity.
- Facilitate communication about the importance of export control regulatory compliance and policies among the University community.
- Facilitate training and dissemination of information within units and departments.
- Assist in the development of procedures, guidelines, record-keeping requirements, and training materials pertaining to export regulations as needed.
- Assist in periodic review of technology control plans as needed.
- Regularly attend Export Control Advisory Committee meetings.
- Complete the [Export Control Training](#) at least once every two years.

**Responsibilities by Unit****Business and Finance Office:**

- Consult with the ORCI prior to conducting business with individuals/entities on restricted parties lists (regardless of location) and individuals/entities from OFAC-sanctioned countries, as a license may be required.
- Communicate potential export control issues to the ORCI.

**Center for Scholarly and Creative Excellence**

- Review internal funding applications for potential export control flags.
- Communicate potential export control issues to the ORCI.

**Center for Undergraduate Scholar Engagement**

- Consider potential export control flags when reviewing research plans and fellowship applications.
- Communicate potential export control issues to the ORCI.

**Division of Legal, Compliance, and Risk Management**

- Serve in an advisory role to the University as it relates to export controls.
- Assist with regulatory interpretations and reporting as needed.
- Communicate potential export control issues to the ORCI.



**Facilities Service – Mail and Receiving (for parcels sent through the University’s central shipping):**

- Conduct restricted party screening for recipients of international parcels and clear any screening matches with the ORCI prior to shipment.
- Review the description of contents of international shipments and consult with the ORCI if any export control flags are identified.
- Ensure shipper has obtained pre-approval from the ORCI for any parcel that will be sent to an [embargoed, targeted sanctioned, and/or prohibited location](#).
- Ensure all export documentation (e.g., Electronic Export Information, Automated Export System documents, etc.) for parcels are filed as required.
- Communicate potential export control issues to the ORCI.

**Human Resources:**

- Notify the ORCI of H-1B and O-1 visa applications and assist the ORCI as needed to determine the appropriate response to Part 6 of the Form I-129.
- Work with the PIC to track the status of GVSU-sponsored international employees.
- Communicate potential export control issues to the ORCI.

**Information Technology (IT)/High Performance Computing:**

- Consult and assist on matters related to IT activities or services with potential export control implications.
- Assist with the development of technology control plans as needed, specifically as they relate to storing export-controlled information.
- Provide applicable export control guidance on cloud computing, including acceptable use of cloud servers and limitations to placing restricted information on cloud servers.
- Provide technical assistance on laptops and international travel upon request.
- Determine how and when GVSU personnel, including students, are provisioned for access to GVSU-provided systems and technologies.
- Communicate potential export control issues to the ORCI.

**Laboratory Safety:**

- Maintain inventories of chemicals and other regulated substances on campus and flag items in the inventory system which are known to have export control restrictions.
- Provide guidance to faculty and units regarding shipping chemicals and other controlled substances, and notify the ORCI in advance of such shipments, as a license may be required.
- Communicate potential export control issues to the ORCI.

**Office of Research Compliance and Integrity:**

- Oversee implementation and management of GVSU’s Export Compliance Program.
- Provide guidance and oversight to GVSU personnel regarding export control regulations and University policy and procedures.
- Conduct reviews of activities possibly subject to export control regulations and assist GVSU personnel in determining export license requirements.



- Determine when technology control plans are needed and develop plans in conjunction with GVSU personnel.
- Provide guidance regarding Part 6 of the I-129 Form for H-1B/O-1 visa applicants and review J-1 visa visiting scholars to determine any license requirements.
- Ensure compliance with federal agency reporting requirements.
- Enquire into any aspect of a proposed export or temporary import by the University on behalf of Empowered Official, as needed.
- Chair the Export Control Advisory Committee.
- Maintain on-going education and training in export controls.

#### **Office of Sponsored Programs:**

- Review terms and conditions of sponsored projects award documentation to identify terms that invoke export control restrictions.
- Where possible, negotiate out restrictive language and clauses that restrict GVSU's ability to publish research and/or participation/access by foreign nationals.
- Ensure export control language is included in agreements as applicable.
- Conduct or request export control screening as appropriate.
- Communicate potential export control issues to the ORCI, including any changes in awards that might necessitate additional export control review.

#### **Padnos International Center (PIC):**

- Consult and assist the University to increase awareness of international opportunities and related risks, particularly when engaging in activities with sanctioned countries.
- Ensure appropriate export control language is included in any contracts/agreements/memorandums of understanding (MOUs) when initiating international partnerships.
- Track the status of GVSU-sponsored international students.
- Notify the ORCI of J-1 visa visiting scholars and assist the ORCI as needed in reviewing the details of the visit, as a license may be required.
- Notify the ORCI of registered students from OFAC-sanctioned countries who will be taking online courses from outside of the U.S., as a license may be required.
- Provide information as needed regarding the University's international activities, particularly travel activities. Inform faculty, staff, and students of the need to contact the ORCI to discuss technology or data that can be taken to international locations and the need for the ORCI to review activities when the individual is from and/or traveling to an OFAC-sanctioned country.
- Notify the ORCI of registered students from OFAC-sanctioned countries who will be taking online courses from outside of the U.S., as a license may be required.
- Communicate potential export control issues to the ORCI.

#### **Procurement:**

- Consult with the ORCI prior to conducting business with individuals/entities on restricted parties lists (regardless of location) and individuals/entities from OFAC-sanctioned countries, as a license may be required.



- Communicate potential export control issues to the ORCI.

#### **Registrar's Office:**

- Work with the PIC to track the status of GVSU-sponsored international students.
- Notify the ORCI of registered students from OFAC-sanctioned countries who will be taking online courses from outside of the U.S., as a license may be needed.
- Communicate potential export control issues to the ORCI.

#### **Technology Commercialization Office:**

- Review terms and conditions of agreements to identify terms that invoke export control restrictions.
- Where possible, negotiate out restrictive language and clauses that restrict GVSU's ability to publish research and/or participation/access by foreign nationals.
- Ensure export control language is included in agreements as applicable.
- Conduct or request export control screening as appropriate.
- Communicate potential export control issues to the ORCI, including any changes in agreements that might necessitate additional export control review.

#### **University Development:**

- Consult with the ORCI prior to accepting gifts from, or conducting business with, individuals/entities on restricted parties lists (regardless of location) and individuals/entities from OFAC-sanctioned countries, as a license may be required.
- Communicate potential export control issues to the ORCI.

#### **Common Export Control Red Flags:**

- High risk areas of research (e.g., engineering, computer information systems, encryption, space and satellite technology)
- Restrictive clauses in contracts/agreements (e.g., restrictions on participation by foreign nationals, publications of scientific results, access to materials or data)
- Foreign involvement (e.g., training foreign nationals, collaborating with non-U.S. nationals in the U.S. or abroad, shipping or transmitting anything to a foreign country, travel to a foreign country, working with a country subject to a U.S. sanction or boycott)
- Working with unknown entities (e.g., private research sponsors, especially unknown, smaller entities or individuals)
- Online instruction for individuals located in sanctioned countries

Additional red flags can be found on the Bureau of Industry and Security's [Reg Flag Indicators website](#).