



# **Export Compliance Program Handbook**

Policies, Procedures, and Guidance

Version 2.0

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# TABLE OF CONTENTS

<b>Acronyms</b> .....	<b>1</b>
<b>Acknowledgements</b> .....	<b>1</b>
<b>Section 1: Export Controls Overview</b> .....	<b>2</b>
I. Introduction .....	2
II. Definitions .....	2
III. Impacts of Regulations on Your Work .....	3
IV. Export Control Red Flags .....	4
V. Laws/Regulations and Government Agencies Overseeing Export Controls .....	4
VI. Penalties .....	4
<b>Section 2: Export Controls Oversight at GVSU</b> .....	<b>5</b>
I. Commitment to Export Control Compliance.....	5
II. Office of Research Compliance and Integrity .....	5
III. Empowered Official .....	5
IV. Export Control Advisory Committee .....	6
<b>Section 3: University Export Control Policy</b> .....	<b>7</b>
<b>Section 4: Export Administration Regulations (EAR)</b> .....	<b>9</b>
I. Introduction .....	9
II. Commerce Control List .....	9
III. Activities Not Subject to the EAR .....	9
A. Published Information .....	9
B. Fundamental Research Exclusion .....	10
C. Educational Information.....	10
IV. License Exceptions.....	10
V. Commodity Classifications.....	10
VI. Anti-boycott Restrictions .....	11
VII. Additional Information .....	11
<b>Section 5: International Traffic in Arms Regulations (ITAR)</b> .....	<b>12</b>
I. Introduction .....	12
II. United States Munitions List .....	12
III. Public Domain .....	13
IV. Fundamental Research Exclusion.....	13
V. Directorate of Defense Trade Controls.....	13
VI. Commodity Jurisdiction.....	14
VII. Additional Information .....	14
<b>Section 6: Office of Foreign Assets Control (OFAC) Sanctions</b> .....	<b>15</b>
I. Introduction .....	15
II. Licensing .....	15
III. OFAC Sanctioned Countries.....	15
IV. Cuba Sanctions .....	17
A. Overview .....	17
B. Travel to Cuba .....	17
C. Other Activities .....	18
V. Iran Sanctions .....	18
A. Overview .....	18
B. Common Activities Usually Requiring an OFAC License .....	18
C. Prohibited Transactions.....	19
D. Exempt/Authorized Transactions .....	20

VI. North Korea Sanctions.....	23
VII. Russia/Belarus/Ukraine Sanctions .....	23
VIII. Syria Sanctions.....	23
<b>Section 7: Procedures .....</b>	<b>24</b>
I. Export Assessments of Research and Collaborations.....	24
II. Communicating with and Obtaining Export Licenses or Other Approvals from Federal Agencies	24
III. Export Classifications.....	24
IV. Sanctioned Transactions .....	25
V. Restricted Party Screening.....	25
VI. Foreign Nationals on Campus .....	25
A. Students.....	25
B. Visiting Scholars .....	26
C. Employees and I-129 Attestations.....	26
VII. Purchases, Payments, and Other Acquisitions .....	26
VIII. Shipping.....	27
IX. Technology Control Plans.....	27
X. Technical Data Security.....	27
XI. International Travel .....	28
XII. Contract/Agreement Language .....	28
XIII. Restrictive Trade Practices and Boycotts.....	28
XIV. Training .....	29
XV. Recordkeeping and Retention.....	29
XVI. Internal Assessment and Monitoring.....	30
XVII. Detecting and Reporting Violations.....	30
<b>Section 8: Appendix.....</b>	<b>31</b>

## Acronyms

BIS	Bureau of Industry and Security
CCL	Commerce Control List
CFR	Code of Federal Regulations
DDTC	Directorate of Defense Trade Controls
EAR	Export Administration Regulations
ECAC	Export Control Advisory Committee
GVSU	Grand Valley State University
HPC	High Performance Computing
HR	Human Resources
ITAR	International Traffic in Arms Regulations
ITSR	Iranian Transactions and Sanctions Regulations
OFAC	Office of Foreign Assets Control
ORCI	Office of Research Compliance and Integrity
PIC	Padnos International Center
RPS	Restricted Party Screening
SDN	Specially Designated National
SLT	Senior Leadership Team
TCP	Technology Control Plan
UN	United Nations
USML	United States Munitions List
VPRA	Vice Provost for Research Administration

## Acknowledgements

Portions of this handbook are derived from guidance previously developed by The Ohio State University.

## Section 1: Export Controls Overview

### I. Introduction

The United States Government controls exports of sensitive equipment, software and technology as a means to promote our nation's security interests and foreign policy objectives. Through the export control system, the U.S. government can effectively provide for national security by limiting access to the most sensitive U.S. technology and weapons; promote regional stability; consider human rights; prevent proliferation of weapons and technologies, including weapons of mass destruction, to end users and supporters of international terrorism; and comply with international commitments including the UN Security Council. This handbook has been designed to provide GVSU personnel with access to information and resources to assist the University in maintaining compliance with federal laws and guidelines.

### II. Definitions

Term	Definition
Exports (noun)	Goods (commodities, software, technology, technical data, information, or equipment) or services sent from the United States to a foreign destination.
Controlled exports	Specific exports regulated by the federal government sent from the U.S. to a foreign person or destination.
Deemed exports	The release or transmission of controlled exports to any foreign person in the United States. This release of information is considered to be an export to the foreign national's home country or country of current citizenship.
Re-export	The transferring of any controlled export from one foreign country to another foreign country.
Export license	A written authorization provided by the appropriate regulatory authority detailing specific items and conditions allowing the export or re-export of controlled exports.
Export license exception	A written authorization provided by the appropriate regulatory authority detailing the specific items and conditions allowing the export or re-export of controlled exports that would normally require an export license.
Defense article	Any item or technical data designated in the United States Munitions List. It does not include basic marketing information on function or purpose or general system descriptions.
Defense service	Furnishing of assistance, including training, to a foreign person, whether in the U.S. or abroad, related to a defense article or technical information designated in the United States Munitions List.
Educational information	Information that is commonly taught via instruction in catalog courses and associated teaching laboratories of academic institutions.
Foreign national	Anyone who is not a citizen of the host country in which they are residing.
Foreign person or entity	Anyone who is not a U.S. person (per the definition below). Any foreign corporation, business association, partnership, trust, society, or any other

	foreign entity or group as well as international organizations and foreign governments.
U.S. person or entity	Anyone who is a U.S. citizen, a lawful permanent resident of the U.S., or has refugee or asylum status in the U.S., where that person is located. This also includes firms incorporated or organized in the U.S. and their foreign branches.
Fundamental research	Research in science, engineering, or mathematics, the results of which ordinarily are published and shared broadly within the research community, and for which the researchers have not accepted restrictions for proprietary or national security reasons.
Personnel	Faculty, staff, students, visiting scholars, research associates and fellows, postdoctoral fellows, student employees, visitors, volunteers, and all other persons retained by or working at GVSU.
Sanctioned and/or embargoed countries	Certain individuals, entities, and countries with whom the U.S. government actively restricts U.S. persons or entities from conducting interactions for a variety of reasons.
Prohibited party	An individual or entity who is included on one or more of the prohibited lists published by the Departments of Commerce, State, or the Treasury.
Sanctioned transaction(s)	Exporting: 1) to or within a sanctioned or embargoed country, or 2) to entities or individuals from a sanctioned or embargoed country.
Technology control plan	Document generated by the Office of Research Compliance and Integrity outlining the physical, information, and personnel security measures required to safeguard controlled exports.

### III. Impact of Regulations on Your Work

The export control regulations may apply to a number of University activities, including, but not limited to:

- Shipping, hand-carrying, or transferring items outside of the U.S.
- Traveling internationally with equipment (including laptops, depending upon the destination country)
- Conducting industry-sponsored work and/or work involving proprietary information, security access controls, publication restrictions, and/or participation restrictions
- Collaborations with foreign colleagues and institutions
- Allowing the participation of foreign students, scholars, and visitors in research activities
- Providing services (including training) to foreign persons, both in the U.S. and abroad

#### IV. Export Control Red Flags

Certain components or materials of research may raise red flags for export control review. Common examples include the following:

- High risk areas of research (e.g., engineering, computer information systems, encryption, space and satellite technology)
- Troublesome clauses (e.g., restrictions on participation by foreign nationals, restrictions on publications of research results, agreements that restrict access to materials or data)
- Foreign involvement (e.g., training foreign nationals, collaborating with non-U.S. colleagues 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)

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

#### V. Laws/Regulations and Government Agencies Overseeing Export Controls

Below are the most common export control laws and regulations affecting GVSU. Note that other export control laws exist and may be applicable in very rare cases.

Law	Agency	Regulations	Intent of Regulations
Export Administration Act	Department of Commerce	Export Administration Regulations (EAR)	Protecting national security, foreign policy, and economic objectives
Arms Export Control Act	Department of State	International Traffic in Arms (ITAR)	Protecting military capabilities
Trading with the Enemy Act	Department of Treasury	Office of Foreign Assets Control (OFAC)	Protecting national security and foreign policy

#### VI. Penalties

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.

## **Section 2: Export Controls Oversight at GVSU**

### **I. Commitment to Export Control Compliance**

GVSU is committed to ensuring the safe and ethical conduct of research and scholarly activities, and will provide the tools and education necessary for GVSU personnel to conduct their activities in accordance with all applicable federal, state, local, international, and University export control policy and regulatory requirements.

### **II. Office of Research Compliance and Integrity**

The ORCI provides oversight, assistance, and training related to export controls at GVSU. The ORCI works to ensure compliance with federal export control regulations and with federal economic and trade sanctions that bar transactions with sanction-listed individuals, entities, and governments.

Specific services provided by the ORCI related to export controls include:

- Overseeing implementation and management of GVSU's Export Control Program
- Providing guidance and oversight to faculty, staff, and students regarding export control laws and University policies and procedures
- Leading the Export Control Advisory Committee to ensure all University policies are aligned with federal, state, and local regulations, and procedures are optimized to reduce administrative burden of GVSU faculty, staff, and students
- Conducting reviews of export control activities, such as potential research activities, hiring of foreign nationals, collaborations with foreign nationals, and international travel activities
- Developing TCPs as needed
- Providing training and outreach to personnel to further their understanding of export controls
- Ensuring compliance with federal agency reporting requirements
- Providing training to other academic units who use GVSU's export control screening software

### **III. Empowered Official**

The Vice Provost for Research Administration (VPRA) serves as the University's Empowered Official. This position is responsible for overseeing the University's export compliance program. The Empowered Official, or designee, is legally empowered to sign license applications or other requests for approval on behalf of the University, and has the authority to:

- Enquire into any aspect of a proposed export or temporary export by the University;
- Verify the legality of the transaction and the accuracy of the information to be submitted; and
- Refuse to sign any license application or other request for approval without prejudice or other adverse recourse.



#### **IV. Export Control Advisory Committee**

GVSU has developed an Export Control Advisory Committee (ECAC) that is responsible for providing guidance related to export control issues at GVSU, including:

- Providing oversight of the export control program
- Assisting in development of procedures, guidelines, record-keeping requirements, and training materials pertaining to export regulations
- Facilitating communication about the importance of export control regulatory compliance and policies among the University community
- Facilitating training and dissemination of information within units and departments
- Assisting in periodic reviews of technology control plans submitted by the GVSU PIs, as needed

The VPRA, in consultation with the ORCI, appoints members to the ECAC. Membership is comprised of central- and College-level faculty/administrators who oversee University activities falling under export control areas.

### Section 3: University Export Control Policy

The GVSU Senior Leadership Team (SLT) approved the following University Export Control Policy, SLT 3.6, last updated on 4/24/2019:

All personnel at Grand Valley State University, including faculty at all levels, staff, students, visiting scholars, and all other persons herein referred to as “GVSU Personnel” retained by or working at the University must comply with all U.S. export control laws and regulations while teaching, conducting research, or providing service activities at or on behalf of the University. No GVSU Personnel may engage in any export activity that is prohibited by the U.S. Department of Commerce, the U.S. Department of State, the U.S. Department of Treasury’s Office of Foreign Assets Control, or any other government agency that enforces export laws/regulations. Similarly, GVSU Personnel may not transfer any controlled item, including technology and technical data, to any foreign nationals inside or outside the United States territory without approved documentation.

Compliance with export control laws and regulations must be considered and if necessary achieved *before* engaging in science or technology-based research, executing contracts or other agreements, purchasing high-technology devices or software, or traveling internationally. GVSU Personnel are responsible for the following:

- (i) Ensuring their educational, research, and other University activities are conducted properly and in compliance with [export control regulations, all requirements of this policy, and any technology control plan](#) on which they are included;
- (ii) Ensuring contracts and service agreements entered into on behalf of the University include the [appropriate export control language](#);
- (iii) Notifying the Office of Research Compliance and Integrity at least 30 days prior to traveling on behalf of the University to any of the following locations:
  - (1) [Embargoed and/or targeted sanctioned countries identified by the Export Administration Regulations and/or the Office of Foreign Assets Control](#), and
  - (2) [Prohibited countries identified by the International Traffic in Arms Regulations](#)
- (iv) Obtaining pre-approval from the Office of Research Compliance and Integrity to take or ship any University property to an [embargoed, targeted sanctioned, and/or prohibited country](#) as defined in (iii) above; and
- (v) Ensuring 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](#)

It is essential that all GVSU Personnel keep current with information and training provided by the University. The Vice Provost for Research Administration (VPRA), or designee, is the University’s Empowered Official who is responsible for overseeing the University’s export compliance program.

The University's Empowered Official or designee, is legally empowered to sign license applications or other requests for approval on behalf of the University and has authority to:

- (i) Enquire into any aspect of a proposed export or temporary import by the University,
- (ii) Verify the legality of the transaction and the accuracy of the information to be submitted, and
- (iii) Refuse to sign any license application or other request for approval without prejudice or other adverse recourse.

For more information about export controls, please contact the Office of Research Compliance and Integrity at 616-331-3197 (<https://www.gvsu.edu/export/>).

## Section 4: Export Administration Regulations (EAR)

### I. Introduction

The Export Administration Regulations (EAR; [15 CFR 730-774](#)), authorized by the U.S. Department of Commerce, regulate the export of “dual-use” items. These items include goods and related technology (including technical data and technical assistance) which are designed for commercial purposes, but which could also have a military application.

Technical data includes blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, manuals, and instructions written or recorded on other media or devices, such as disk, tape, and read-only memories. Technical assistance includes instruction, skills training, working knowledge, and consulting services.

### II. Commerce Control List

The Department of Commerce’s Bureau of Industry and Security (BIS) has developed a list, the [Commerce Control List](#) (CCL), that codifies what goods and technologies are controlled under the EAR. The level of control is dependent upon the specifications of the device and associated technology. Controls may be placed on exports, deemed exports, and/or re-exports. A license may be required to export the good or technology, depending upon the destination country, the recipient, and the end use. Some exclusions and exemptions apply.

The CCL includes 10 broad categories:

1. Nuclear Materials, Facilities and Equipment, and Miscellaneous
2. Materials, Chemicals, Microorganisms, and Toxins
3. Materials Processing
4. Electronics
5. Computers
6. Telecommunication and Information Security
7. Lasers and Sensors
8. Navigation and Avionics
9. Marine
10. Propulsion Systems, Space Vehicles, and Related Equipment

The CCL is a “positive list,” meaning that if an item’s specifications are not listed on the CCL, then the EAR generally do not apply. However, the EAR also controls the export of purely commercial commodities in support of the U.S. trade and embargo policies; these items are classified as EAR99. This category covers any good or technology that is subject to the EAR but not included on the CCL. These items generally do not require a license; however, a license may still be required for these items because of embargoes, sanctions, the recipient, and/or the end use.

### III. Activities Not Subject to the EAR

Many activities are not subjected to the EAR, and the EAR lists several exclusions from the regulations. These include published information, information resulting from fundamental research, educational information, and the export or re-export of items with less than *de minimis* U.S. content (where applicable).

#### a. Published Information

Information is considered published when it is made available to the public without restrictions upon further dissemination. For example, this can include information

disseminated via subscriptions available without restrictions, libraries, and unlimited distribution at conferences; information can be disseminated in any form, including posting on publicly available Internet sites. Published information is not subject to the EAR.

#### **b. Fundamental Research Exclusion**

The Fundamental Research Exclusion (FRE) for the EAR allows that the information and software (except certain encryption source code) that result from fundamental research (i.e., research in science, engineering, or mathematics, the results of which ordinarily are published and shared broadly within the research community, and for which the researchers have not accepted restrictions for proprietary or national security reasons), are outside the scope of EAR-controlled technical data, and may be disclosed to non-U.S. persons without specific U.S. government authorizations.

University research is considered to be fundamental to the extent that researchers do not accept restrictions on the publication of scientific and technical information resulting from the research. However, there are occasions when the exclusion does not apply. Confidential technical information from an outside party, such as a government or industry sponsor, will generally not fall within the FRE. However, temporary delays in publication for the protection of sponsor proprietary information do not remove research from the fundamental domain.

#### **c. Educational Information**

Educational information is information released as part of a course listed in the University's course catalog, and through instruction in the classroom or teaching laboratory. Participation in the course should be open to any qualified student enrolled at the University. Educational information is not subject to the EAR, even if the instructor is teaching the class at an institution outside of the U.S.

### **IV. License Determinations and Exceptions**

When an item or activity is subject to the export control regulations, a licensing determination must be made. Licensing determinations fall into one of three categories:

1. No license is required;
2. An export license is required, and an export license application must be submitted to the appropriate government agency and approved prior to the activity occurring; or,
3. An export license is required, but a license exception is available.

License exceptions allow the activity/export to occur without submitting a license application, provided certain conditions are met. The conditions that must be met are dependent upon the license exception being used. If all of the conditions cannot be met, the activity requires an approved license from the appropriate government agency. The complete listing of license exceptions for the EAR are found in [15 CFR 740](#). The two most common exceptions utilized by GVSU personnel are the BAG and TMP exemptions. The BAG exemption applies to personally-owned items taken abroad for personal use while abroad. The TMP exemption applies to temporary export of GVSU-owned equipment for work-related activities, such as professional presentations, teaching, and field research. Contact the ORCI to determine if your activity/export requires, and can utilize, a license exception.

## **V. Commodity Classifications**

The BIS encourages exporters to use the CCL to self-classify items to be exported. However, the exporter is liable for any resulting violations in the event of an incorrect classification. When unsure about a self-classification, an exporter can submit the item/technology to BIS for a formal classification. Contact the ORCI for assistance in classifying items and submitting formal classification requests to BIS.

## **VIII. Anti-boycott Restrictions**

The EAR contains anti-boycott restrictions ([15 CFR 760](#)) that prohibit U.S. persons or entities from participating in any non-U.S.-sanctioned boycott of a foreign government. The provisions apply to any U.S. person or entity located in the U.S. or abroad. As such, they apply to GVSU as it is a U.S. entity organized under U.S. law. Participation in these restrictions includes refusing to engage in business transactions with the boycotted country, agreeing not to use “blacklisted” suppliers from the boycotted country, or providing information related to business relationships with the boycotted country.

**U.S. persons asked to support a restrictive trade practice or boycott imposed by another country are required to promptly report the request to the Department of Commerce.** If you encounter boycott language in a GVSU-related activity, please contact the ORCI (616-331-3197; [rci@gvsu.edu](mailto:rci@gvsu.edu)).

## **IV. Additional Information**

If you have any questions regarding whether your activity or export are subject to the export laws and/or an export license is required for your activity, please consult with the ORCI (616-331-3197; [rci@gvsu.edu](mailto:rci@gvsu.edu)).

## **Section 5: International Traffic in Arms Regulations (ITAR)**

### **I. Introduction**

The International Traffic in Arms Regulations (ITAR; [22 CFR 120-130](#)), authorized by the U.S. Department of State, regulates the export of items and information inherently military in design, purpose, or use. This includes both “defense articles” (physical items and technical data) and “defense services” (providing assistance/training to non-U.S. persons with respect to defense articles).

Defense articles include any items or technical data that are designed, developed, configured, adapted, or modified for a controlled use on the United States Munitions List (USML, see below). Models or other items that reveal technical data associated with items listed on the USML are also considered defense articles. Defense articles do not include basic marketing information on function or purpose or general system descriptions.

Technical data includes information required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance, or modification of defense articles. This includes blueprints, drawings, photographs, plans, instructions, or documentation. It also includes classified information relating to defense articles and defense services on the USML and 600-series items controlled by the CCL, information covered by an invention secrecy order, and software directly related to defense articles. Information concerning general scientific, mathematical, or engineering principles commonly taught in schools, colleges, and universities, or information in the public domain as defined in the ITAR, are not considered technical data.

Defense services include furnishing of assistance, including training, to a foreign person, whether in the U.S. or abroad, in the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing or use of defense articles. This also includes providing any foreign person any technical data controlled by the ITAR.

### **II. United States Munitions List**

The Department of State has developed a list, the [United States Munitions List \(USML\)](#), that codifies what defense articles and technical data are controlled under the ITAR.

The USML includes 21 broad categories:

- I. Firearms, close assault weapons, and combat shotguns
- II. Guns and armament
- III. Ammunition/ordnance
- IV. Launch vehicles, guided missiles, ballistic missiles, rockets, torpedoes, bombs, and mines
- V. Explosives and energetic materials, propellants, incendiary agents, and their constituents
- VI. Vessels of war and special naval equipment
- VII. Tanks and military vehicles
- VIII. Aircraft and associated equipment
- IX. Military training equipment and training
- X. Protective personnel equipment and shelters
- XI. Military electronics
- XII. Fire control, range finder, optical and guidance and control equipment
- XIII. Auxiliary military equipment
- XIV. Toxicological agents, including chemical agents, biological agents, and associated equipment
- XV. Spacecraft systems and associated equipment
- XVI. Nuclear weapons, design and testing of related items
- XVII. Classified articles, technical data, and defense services not otherwise enumerated

- XVIII. Directed energy weapons
- XIX. [Reserved]
- XX. Submersion vessels, oceanographic and associated equipment
- XXI. Miscellaneous articles

An export under the ITAR includes sending or taking a defense article outside of the U.S., disclosing (including oral or visual disclosure) technical data to a foreign person whether in the U.S. or abroad, or performing a defense service on behalf of a foreign person whether in the U.S. or abroad. Exports of ITAR-controlled items are prohibited to some countries and individuals.

### **III. Public Domain**

Information in the public domain is exempt from the ITAR. Public domain information is defined in the ITAR as information that is published and generally accessible or available to the public. The source of the information might include libraries, subscriptions, newsstands, and bookstores, as well as published patents and public release at conferences, meetings and tradeshows held in the U.S. where those venues are generally accessible to the public and through public release in any form after approval by the appropriate U.S. government department or agency.

### **IV. Fundamental Research Exclusion**

The Fundamental Research Exclusion (FRE) for the ITAR allows that the information resulting from fundamental research (i.e., basic and applied research in science and engineering where the resulting information, as distinguished from research the results of which are restricted for proprietary reasons or specific U.S. Government access or dissemination controls) is outside the scope of ITAR-controlled technical data, and may be disclosed to non-U.S. persons without specific U.S. government authorizations. The work must occur at accredited institutes of higher learning in the U.S. to be considered fundamental research under the ITAR. Therefore, any work conducted by GVSU faculty in the field or outside of the U.S. would not be eligible for the FRE under the ITAR.

University research is considered to be fundamental to the extent that researchers do not accept restrictions on the publication of scientific and technical information resulting from the research. Research is not considered fundamental research under the ITAR if either of the following conditions apply:

- The University or its researchers accept other restrictions on publication of scientific and technical information resulting from the project activity
- The research is funded by the U.S. government and specific access and dissemination controls protecting information resulting from the research are applicable.

Confidential technical information from an outside party, such as a government or industry sponsor, will generally not fall within the FRE. However, temporary delays in publication for the protection of sponsor proprietary information do not remove research from the fundamental domain.

### **V. Directorate of Defense Trade Controls**

The Directorate of Defense Trade Controls (DDTC) reviews and authorizes license applications for ITAR-controlled items. A U.S. person who manufactures, brokers, or exports defense articles or services must be registered with the DDTC, and registration is required before applying for a license or utilizing some license exemptions. GVSU will register with DDTC as it becomes necessary to conduct activities subject to ITAR control. All license requests relating to GVSU activities must be made through the Empowered Official.



## **VI. Commodity Jurisdiction**

The DDTC determines if an item or technology falls within the scope of the ITAR. When unsure about a self-classification, an exporter can submit the item/technology to DDTC for a formal classification. At GVSU, this request can only be made by the Empowered Official. Items in the ITAR can be self-classified; however, the exporter is liable for any resulting violations in the event of an incorrect classification. Therefore, it is strongly recommended that GVSU researchers contact the ORCI for assistance in classifying their items.

## **VII. Additional Information**

If you are working with any item on the USML and/or plan to receive any ITAR-controlled information, you must consult with the ORCI to discuss your specific situation (616-331-3197; [rci@gvsu.edu](mailto:rci@gvsu.edu)). The ORCI will determine if an export control license is required and will work with you to develop a TCP to protect the item/information. All license applications and commodity jurisdiction requests related to GVSU activities must be made through the Empowered Official.

## Section 6: Office of Foreign Assets Control (OFAC) Sanctions

### I. Introduction

The U.S. Office of Foreign Assets Control (OFAC) broadly regulates and enforces economic and trade sanctions, thereby restricting what activities U.S. citizens and residents are allowed to participate in with individuals of certain foreign countries. These limitations are dependent upon the country and individuals in question and the activities being performed. The regulations apply to “U.S. persons.” This includes any U.S. citizen, permanent resident alien, entity organized under the laws of the U.S. (including foreign branches), or any person in the United States.

OFAC places sanctions on countries, regimes, and/or specific activities. The sanctions range from very broad to very specific, and vary considerably by country/region. Many sanctions are targeted against specific individuals identified by the Treasury Department (referred to as Specially Designated Nationals [SDNs]) or against specific groups of people usually associated with a governmental body or regime. Other sanctions, such as those for Iran, not only prohibit the conduct of activities within the foreign country, but also prohibit the conduct of activities with any individual from those countries, even if the individual is located outside of the country in question at the time of the activity. Therefore, it is critical to review the specific sanctions before conducting activities with any OFAC-sanctioned country or individual, or conducting activities in an OFAC-sanctioned country.

### II. Licensing

The sanctions specifically describe what activities are exempt from the sanctions; activities that are prohibited according to the OFAC sanctions require a license from OFAC. Specific license requests must be submitted and approved by OFAC **prior to engaging in the activity**. Activities not described in the sanctions do not require a license and can be conducted without written approval from OFAC, provided they do not involve SDNs.

In certain limited cases, OFAC has issued general licenses that can be used to conduct activities listed in the sanctions. Activities permitted under a general license do not require written approval from OFAC prior to conducting; however, the conditions of the general license must be carefully reviewed to ensure that all conditions are sufficiently met. Additionally, the use of a general license requires specific documentation. You must consult with the ORCI prior to utilizing any general license.

Activities conducted under both general and specific licenses are subject to OFAC audit, and records must be maintained for five years after the conclusion of the activity. All OFAC license requests related to GVSU activities must be submitted by the Empowered Official.

### III. OFAC-Sanctioned Countries

The following is an overview of OFAC-sanctioned countries and the restrictions on certain activities. Additional information is available for some countries/regions below, as of the date of this manual. It is noted that sanctions change frequently; when conducting activities involving OFAC-sanctioned countries, always consult the Department of Treasury’s [Sanctions Program and Country Information website](#) for the most up-to-date information.

- Afghanistan: Restrictions on activities with specific parties
- Balkans Region (includes Bosnia-Herzegovina, Macedonia/North Macedonia, Serbia, Kosovo region): Restrictions on activities with specific parties
- \*Belarus: Restrictions on imports, exports, and activities with specific parties

- Burma: Restrictions on activities with specific parties
- Central African Republic: Restrictions on activities with specific parties.
- China: Restrictions on activities with specific parties and certain financial transactions
- Congo, Democratic Republic of: Restrictions on activities with specific parties
- \*Cuba: Restrictions on imports, exports, financial transactions, and travel
- Ethiopia: Restrictions on activities with specific parties
- \*Iran: Restrictions on imports, exports, and financial transactions
- Iraq: Restrictions on activities with specific parties
- Lebanon: Restrictions on activities with specific parties
- Libya: Restrictions on activities with specific parties
- Mali: Restrictions on activities with specific parties
- Nicaragua: Restrictions on activities with specific parties
- \*North Korea: Restrictions on imports, exports, and travel
- \*Russia: Restrictions on imports, exports, and activities with financial/energy sectors
- Somalia: Restrictions on activities with specific parties
- South Sudan: Restrictions on activities with specific parties
- Sudan and Darfur: Restrictions on activities with specific parties
- \*Syria: Restrictions on imports, exports, and financial transactions
- \*Ukraine (certain regions only: Crimea, Donetsk, and Luhansk): Restrictions on imports and exports, investment in the region
- Venezuela: Restrictions on activities with specific parties
- Yemen: Restrictions on activities with specific parties
- Zimbabwe: Restrictions on activities with specific parties

\*If you are planning to conduct any work with countries subject to import, export, or travel restrictions, you must consult with the ORCI to discuss your specific situation (616-331-3197; [rci@gvsu.edu](mailto:rci@gvsu.edu)). More specific information is listed below for these countries.

If you are working with individuals from countries subject to restrictions with specific parties, you are encouraged to contact the ORCI with the names of all individuals and entities involved. The ORCI can screen the individuals and entities against of the U.S. government's restricted parties lists to ensure compliance with the regulations.

#### **IV. Cuba Sanctions**

##### **A. Overview**

The U.S. Office of Foreign Assets Control has imposed broad comprehensive sanctions against Cuba, as outlined in the Cuban Assets Control Regulations ([31 CFR 515](#)). These sanctions restrict certain academic collaborations and exchange of materials and equipment.

If your activities involve collaboration with Cuban residents, travel to Cuba, or shipping any items to a Cuban entity or individual, you are required to contact the GVSU Office of Research Compliance and Integrity for consultation prior to engaging in these activities.

##### **B. Travel to Cuba**

Travel to Cuba for tourist activities is not allowed. However, travel to Cuba is allowed for the following reasons, provided certain additional conditions are met:

- Professional research and professional meetings
- Educational activities
- Journalistic activities
- Family visits
- Official business of the US government, foreign governments and certain intergovernmental organizations
- Religious activities
- Public performances, clinics, workshops, athletic and other competitions, and exhibitions
- Support for the Cuban people
- Humanitarian projects
- Activities of private foundations or research or educational institutes
- Exportation, importation, or transmission of information or informational materials
- Certain authorized export transactions

**Note that each of these categories have specific conditions that must be met for the travel to be authorized. Do not travel to Cuba without consulting the Office of Research Compliance and Integrity (ORCI)!**

Travelers to Cuba must “self-certify” that they have met all OFAC requirements to travel without a license. Records of any travel-related transactions (tickets, receipts, etc.) must be kept for a minimum

of five years following the date of travel. The traveler's schedule must not include free time or recreation in excess of that consistent with a full-time schedule related to the authorized travel in Cuba.

### **C. Other Activities**

Certain restrictions exist related to other activities involving Cuba as well. These activities include, but are not limited to, certain financial transactions and the importation and exportation of goods and services. You are required to consult with the ORCI prior to engaging in any activity involving Cuba.

## **V. Iran Sanctions**

### **A. Overview**

The U.S. Office of Foreign Assets Control (OFAC) has imposed broad comprehensive sanctions against Iran, as outlined in the Iranian Transactions and Sanctions Regulations (ITSR; [31 CFR 560](#)). These sanctions restrict certain academic collaborations and exchange of materials and equipment.

If your activities involve collaboration with Iranian residents or with individuals "ordinarily resident" in Iran, travel to Iran, or shipping any items to an Iranian entity or individual, you are required to contact the GVSU Office of Research Compliance and Integrity (ORCI) for consultation.

Examples of individuals usually considered "ordinarily resident":

- Undergraduate and graduate students from an OFAC-sanctioned country attending an institution outside of the U.S.
- Employees at non-U.S. institutions with temporary appointments (e.g., visiting professors, adjunct professors, etc.)
- Individuals still owning property in an OFAC-sanctioned country and/or frequently visiting an OFAC-sanctioned country

Examples of individuals usually NOT considered "ordinarily resident":

- Individuals in the U.S. holding a student or work visa (including faculty, staff, and students at U.S. institutions)
- Individuals having dual citizenship in an OFAC-sanction country and a non-OFAC-sanctioned country
- Individuals with permanent residency in a non-OFAC-sanctioned country
- Full-time, tenure-track (or equivalent) professors at non-U.S. institutions

### **B. Common Activities Usually Requiring an OFAC License**

The following activities involving Iran usually require an OFAC license:

- Providing an Iranian national (who is either located in Iran or who is located outside of the U.S. and Iran but is "ordinarily resident in Iran") a "service." This could include technical assistance or analysis.
- Traveling to Iran and bringing anything other than personal belongings, such as University-owned equipment or material.

- Imports from Iran or exports to Iran of anything other than informational materials or humanitarian donations.
- Transferring funds to an Iranian financial institution or to an individual/entity on one of the U.S. government's restricted party lists.

**Don't conduct these activities without consulting with the ORCI and obtaining an OFAC license!**

### **C. Prohibited Transactions**

The following transactions are prohibited, unless a license is issued by OFAC or they fall within one of the ITSR exemptions indicated below.

#### *1. Exportation, reexportation, sale or supply of goods, technology, or services to Iran.*

- "Services" means providing anything of value, even if no money is exchanged.
- Includes services performed in Iran or by an entity organized under the laws of Iran, or a person residing in Iran
- Includes services performed outside of Iran by a citizen, national or permanent resident of Iran who is ordinarily resident in Iran

Examples:

- Providing technical assistance to an Iranian national in Iran or an Iranian institution
- Providing technical assistance to an Iranian national "ordinarily resident in Iran," but temporarily located outside of the U.S. or Iran
- Providing unpublished data or research results to an individual in Iran
- Conducting research in Iran, including surveys and interviews
- Teaching or lecturing as a guest of an Iranian institution

#### *2. Importation of goods or services from Iran.*

- Includes any goods or services of Iranian origin or owned or controlled by the Government of Iran, other than information and informational materials

Example:

- Accepting samples shipped from Iran for testing

#### *3. Transactions involving blocked property or with Specially Designated Nationals (SDNs) and other restricted parties*

- U.S. governmental agencies maintain lists of individuals and entities that are barred or restricted from entering into certain types of transactions with U.S. persons and entities.

- The ORCI has access to software that can easily search these lists.

#### *4. Facilitation of transactions with Iran or attempted evasion of the regulations*

- US persons cannot approve, finance, facilitate, or guarantee transactions by a foreign person that would be prohibited by the regulations if performed by a US person or from within the US.
- US persons are prohibited from transactions that evade or avoid or attempt to violate the regulations.

Example:

- Providing technical assistance to an individual in Iran without the proper export control license, despite knowing that such an activity requires a license.

### **D. Exempt/Authorized Transactions**

The following transactions are exempt from, or authorized by, the OFAC regulations under certain circumstances. Please contact the ORCI prior to utilizing one of these exemptions/authorizations to ensure it is allowable to use for your specific planned transaction.

#### *1. Importation/exportation of information or informational materials*

- “Information and informational materials” includes: publications, films, posters, photographs, microfilms, microfiche, tapes, compact disks, CD ROMs, artworks, and news wire feeds
- This exemption does not apply to:
  - Information and information materials not fully created and in existence at the time of the transaction
  - Substantive or artistic alteration or enhancement of informational materials
  - The provision of marketing and business consulting services
  - Transactions incident to the export of software subject to the Export Administration Regulations
  - The export of goods for use in the transmission of data

#### *2. Peer review and publishing activities*

- Allows for transactions “necessary and ordinarily incident to” the publishing and marketing of manuscripts, books, journals, and newspapers.
- Includes collaborating on the creation and enhancement of written publications, and substantive editing of written publications

- Does not apply if one of the parties is the Government of Iran. (Academic and research institutions and their personnel are not considered parties of the Government.)

### *3. Personal communications*

- Includes postal, telegraphic, telephonic, or other personal communication which does not involve the transfer of anything of value

### *4. Certain academic exchanges and the exportation/importation of certain educational services*

- Allows US academic institutions to enter into academic exchange agreements with Iranian institutions
- Allows US academic institutions to export services:
  - In connection with filing and processing applications and acceptance of payments for submitted applications and tuition from or on behalf of students in Iran or ordinarily resident in Iran
  - Related to recruitment, hiring, or employment of faculty located in Iran or ordinarily resident in Iran
  - To individuals in Iran or ordinarily resident in Iran to sign up for online undergraduate courses in the humanities, social sciences, law, or business, or introductory level science and engineering courses “ordinarily required for the completion of undergraduate degree programs”
- Allows US persons to take undergraduate courses or conduct undergraduate academic research in Iran
- Allows US persons to take graduate courses in humanities, social sciences, law, or business or conduct graduate level academic research in the humanities, social sciences, law or business in Iran
- Allows US persons to export services to Iran for activities such as combating illiteracy and increasing access to education
- Allows US persons to administer college entrance exams or professional certificate exams in Iran

### *5. Activities and services related to certain nonimmigrant and immigrant categories*

- Allows persons eligible for certain visa categories (including F and J visas) to carry out activities in the US for which the visa was granted
- Allows US person to export services to Iran in connection with filing an individual’s application for certain non-immigrant visa categories



- Allows release of technology or software to students ordinarily resident in Iran who are attending school in the US as authorized, provided all the following conditions are met:
  - The release is ordinarily incident and necessary to the educational program in which the individual is enrolled
  - The technology is designated EAR99 under the Export Administration Regulations or constitutes Educational Information not subject to the EAR
  - The release does not otherwise require a license from the Department of Commerce
  - The student to whom the release is made is not enrolled in school or participating in the educational program as an agent, employee, or contractor of the Government of Iran or a business entity or other organization in Iran

#### *6. Travel*

- Allows for transactions “ordinarily incident to travel to or from Iran,” including:
  - Importation and exportation of accompanied baggage for personal use
  - Maintenance within any country including payment of living expenses and acquisition of goods or services for personal use
  - Arrangement or facilitation of such travel including nonscheduled air, sea, or land voyages

#### *7. Services related to conferences in the US or in third countries*

- Allows for importation/exportation of services for a person ordinarily resident in Iran when the services are directly related to the participation in a public conference, performance, exhibition or similar event
- Allows for services directly related to sponsorship by a US person of a public conference or event in a third country that is attended by persons ordinarily resident in Iran, provided that participation in the event is open to the public and not tailored in whole or in part for Iran or persons ordinarily resident in Iran
- Does not apply to the Government of Iran, an Iranian financial institution, or person whose property and interests are blocked by the US government

#### *8. Transfer of funds involving Iran*

- Allows payments arising from and that are necessary to give effect to an underlying transaction that is authorized by OFAC and the payment does not involve debiting or crediting an Iranian account or involve an individual or entity on a government restricted party list

## **VI. North Korea Sanctions**

Effective September 1, 2017, U.S. passports are not valid for travel to North Korea, except when a special passport validation under [22 CFR 51.64](#) has been granted by the Department of State. U.S. persons and residents are also generally prohibited from engaging in transactions involving North Korea.

You are required to consult with the ORCI prior to engaging in any activity with North Korea.

## **VII. Russia/Belarus/Ukraine Sanctions**

Effective in early 2022, OFAC and other government agencies have issued a variety of significant sanctions on Russia, Belarus, and parts of Ukraine (i.e., Crimea, Donetsk, and Luhansk). Currently, the following sanctions are in place:

- Export and re-export restrictions for Russia and Belarus
  - The direct and indirect export of the following items are generally prohibited: microelectronics, telecommunications, sensors, navigation equipment, avionics, marine equipment, aircraft components, and related technology and software.
  - Export of luxury goods to these areas is also prohibited, including apparel, alcoholic beverages, tobacco products, cosmetics, jewelry, and other items.
- Financial and banking restrictions for Russia and Belarus
  - Select Russian banks have been removed from the international SWIFT messaging system.
  - Targeted sanctions have been imposed against various banking groups, corporations, government organizations, and individuals in Russia and Belarus.
- Export and re-export restrictions for certain regions of Ukraine (i.e., Crimea, Donetsk, and Luhansk)
  - The import or export of all goods, services, or technology, regardless of whether money is changing hands, is generally prohibited.

You are required to consult with the ORCI prior to engaging in any activity with Russia, Belarus, or the Ukraine regions identified above.

## **VIII. Syria Sanctions**

Travel to Syria is generally allowed, but not advised. Consult with the [U.S. Department of State website](#) for latest details. You cannot export or supply any services to Syria with the exception of humanitarian and other not-for-profit activities without an OFAC license.

You are required to consult with the ORCI prior to engaging in any activity with Syria.

## **Section 7: Procedures**

### **I. Export Assessments of Research and Collaborations**

- A. When requested, required, or necessary by procedure, the ORCI will assess or assist in determining if activities involving foreign nationals, entities, or countries are subject to export control regulations.
- B. Typical export assessment determinations include:
  - 1. Whether an activity is controlled research or qualifies as fundamental research;
  - 2. A commodity jurisdiction determination or commodity classification determination;
  - 3. A determination of whether an international collaboration or foreign exchange involves transactions subject to trade sanctions;
  - 4. Restricted party screening of collaborators; and/or
  - 5. Whether any parties involved in the transaction require government authorization.
- C. If an export assessment determines that an activity is subject to export control regulations, the ORCI will assist the GVSU personnel in seeking necessary export licenses or other governmental approvals (e.g., an export license exception) and/or recommended security measures (e.g., technology control plan) or other documentation needed to ensure compliance with export control regulations. The individual's College/Department/Unit will be notified as appropriate.

### **II. Communicating with and Obtaining Export Licenses or Other Approvals from Federal Agencies**

- A. GVSU cooperates with those governmental agencies with law enforcement and license responsibilities related to export control, sanctions, and security regulations.
- B. The Empowered Official, or delegate, serves as the University point of contact with these agencies for export control inquiries.
- C. The ORCI will assist GVSU personnel in filing for any export license or other government approval necessary to conduct a University-approved activity. The filing will be submitted by the Empowered Official.

### **III. Export Classifications**

- A. When requested or necessary, the ORCI oversees the classification of commodities, biologics, equipment, software, encryption, technology, and technical information that may be subject to export control regulations.
- B. All classifications must be approved by the ORCI. Only those classifications approved by the ORCI can be used to determine whether an export is subject to export control regulations, and whether an export license is required to complete the desired transaction.

#### **IV. Sanctioned Transactions**

- A. Sanctioned transactions are strictly prohibited unless they are vetted and approved by the Empowered Official, Unit Head, and Appointing Officer.
- B. When necessary, transactions may be reviewed by the Division of Legal, Compliance and Risk Management, with input from the requesting Unit or Empowered Official.
- C. Potential sanctioned transactions include, but are not limited to:
  - 1. Agreements and collaborations with [Entity List](#) organizations;
  - 2. Hiring faculty and staff from sanctioned and/or embargoed countries;
  - 3. Making payments to individuals or entities from sanctioned and/or embargoed countries; and
  - 4. Hosting visitors from sanctioned and/or embargoed countries and/or [Entity List](#) organizations.

#### **V. Restricted Party Screening**

- A. GVSU personnel are responsible for ensuring 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.
- B. GVSU uses Visual Compliance to conduct restricted party screening (RPS).
- C. The ORCI will serve as the primary Unit responsible for conducting RPS for the University. Any Unit with a justified business reason to routinely conduct RPS may request access to Visual Compliance.
- D. Units approved to conduct RPS must receive Visual Compliance training from the ORCI and must develop an internal process to use the software. The ORCI can assist in the development of the internal process.
- E. The ORCI will review any potential flags that arise, and will work with the Unit to identify if a true match exists, and if so, the risk level of the match and the next steps to take.
- F. There are numerous University partners/customers that may require screening, including but not limited to: sponsors, vendors, visitors, international collaborators, and end-users of physical shipments.

#### **VI. Foreign Nationals on Campus**

- A. Students
  - 1. Publicly available information and educational information may be transferred to a GVSU foreign national student without an export license. Exports made to foreign national students related to prohibited end uses (e.g., nuclear technology, missiles, chemical and biological weapons, or other weapons of mass destruction) are not permitted. Units are responsible for ensuring such transactions are not made to foreign national students.

2. Units are also responsible for ensuring that foreign national students are not conducting research that is proprietary, has publication restrictions, has foreign national participation restrictions, or that may be otherwise controlled under the export control regulations without first determining whether an export license is required, and obtaining an export license, if required, before access is provided.
- B. Visiting Scholars
1. Unless a visiting scholar is a U.S. person, all exports involving that individual may be subject to export control regulations. Visiting scholars may not have access to any controlled export unless such transactions have been reviewed by the ORCI.
  2. The inviting Unit is responsible for notifying the Padnos International Center (PIC) that a visiting scholar will be on campus. The PIC is responsible for contacting the ORCI to request an export review of the proposed activities of that individual before access is given.
- C. Employees and I-129 Attestations
1. A hiring unit may screen prospective employees to determine if an individual is a prohibited party, provided they receive approval from the Human Resources (HR) and the Appointing Officer. An individual is considered a prospective employee if they have been selected to receive an employment offer from GVSU; screening of job applicants prior to the determination of the final selected candidate for the position is not allowed.
  2. An I-129 export attestation is required for certain visa types. HR is responsible for procuring all requested visas and for notifying the ORCI when an I-129 attestation is required. The ORCI shall complete the export review of the I-129 attestation with assistance from the hiring unit. The Unit Head of the unit who is responsible for hiring, or continuing to employ, the beneficiary is required to submit a completed Export Control Certification questionnaire to the ORCI.
  3. Supervisors who hire individuals from sanctioned countries must ensure that such individuals do not have access to controlled exports during their employment at GVSU or have an approved license in place to allow access to the controlled material.

## **VII. Purchases, Payments, and Other Acquisitions**

- A. Personnel involved in the purchase or acquisition of items, technology, and/or software are responsible for ensuring the providing individuals and/or entities are not prohibited parties. The ORCI can assist with this determination.
- B. Personnel involved in making payments to non-University parties are responsible for screening such parties and ensuring those individuals and/or entities are not prohibited parties. The ORCI can assist with this determination.
- C. Personnel are required to notify the ORCI if the University acquires (through purchase, donation, or any other acquisition) items which may be a defense article.

### **VIII. Shipping**

- A. Personnel involved in processing shipments on behalf of the University are responsible for ensuring that a shipment is permitted under export control regulations.
- B. Personnel shipping any University property to an [embargoed, targeted sanctioned, and/or prohibited country](#) are required to obtain pre-approval from the ORCI.
- C. Personnel must ensure that a correct Export Control Classification Number (ECCN) or other required export number is indicated on the shipping documentation.
- D. The ORCI will assist personnel in determining the correct ECCN and any export license requirements and will assist GVSU Mail Services in completing required paperwork for all shipments.

### **IX. Technology Control Plans**

- A. Technology Control Plans (TCPs) are implemented to protect the disclosure of controlled technical data and equipment to non-U.S. persons. TCPs can be required for entire projects, for an individual piece of equipment that is export controlled, or when personnel are accessing or storing controlled technical data as background information related to an otherwise fundamental research endeavor.
- B. The ORCI, in conjunction with the Empowered Official, will determine if a TCP is required, and if so, will work with the GVSU personnel involved to develop the TCP.
- C. A TCP must be in place before any personnel may receive, use, generate, store, and/or transmit ITAR-controlled technical data. Personnel who desire to work with ITAR-controlled data must contact the ORCI to develop a TCP.
- D. U.S. persons accessing data or equipment covered by a TCP, or who are otherwise named on the TCP, must agree to its contents and restrictions, and complete export control training.

### **X. Technical Data Security**

- A. All GVSU personnel must abide by the University's Confidentiality, Data & Security Policy ([SLT 11.7](#)), Email Policy ([SLT 11.2](#)), and Computing Conditions of Use (Information Technology) Policy ([SLT 11.5](#)).
- B. Personnel who receive, use, generate, store, and/or transmit export-controlled technical information are responsible for ensuring the security of the data. Any personnel who plan to be in possession of export-controlled data are strongly encouraged to contact the ORCI for assistance before receiving, using, generating, storing, and/or transmitting the information.
- C. A TCP must be in place before any personnel may receive, use, generate, store, and/or transmit ITAR-controlled technical data. Personnel who desire to work with ITAR-controlled data must contact the ORCI to develop a TCP. Per the decision of the Empowered Official and the ORCI, a TCP may be put in place for personnel who receive, use, generate, store, and/or transmit EAR-controlled materials.
- D. When GVSU Information Technology (IT) or High Performance Computing (HPC) personnel become aware of GVSU personnel who have access to export-controlled data, IT/HPC personnel

should contact the ORCI to determine if an export review has been done by the ORCI and if a TCP is needed and in place.

- E. RPS will be performed for all personnel who receive, use, generate, store, and/or transmit, or otherwise have access to ITAR-controlled data. This will occur prior to the personnel having access to such data.

## **XI. International Travel**

- A. Personnel traveling internationally on official GVSU business are responsible for determining if export control regulations apply to their travel.
- B. Travelers must notify the ORCI at least 30 days prior to traveling on behalf of the University to any [embargoed and/or targeted sanctioned countries identified by the EAR and/or OFAC, and any prohibited countries identified by the ITAR](#). Personnel traveling on behalf of the University to countries not on these lists are encouraged, but not required, to contact the ORCI prior to travel.
- C. Personnel hand-carrying any University property to an [embargoed, targeted sanctioned, and/or prohibited country](#) are required to obtain pre-approval from the ORCI.
- D. The ORCI will determine if any export controls apply to the travel and if an export license is required.

## **XII. Contract/Agreement Language**

- A. GVSU personnel are responsible for ensuring contracts and service agreements entered into on behalf of the University include the appropriate export control language.
- B. Standard export control language has been developed for the following types of contracts/agreements: Non-Disclosure Agreements, Material Transfer Agreements, Data Use Agreements, Testing Agreements, Research Collaboration Agreements, Service Agreements, Lease Agreements, and Procurement Agreements.
- C. The [Technology Control Office](#) website has templates for many of these contracts/agreements that include the appropriate export control language. For any other agreements, or for questions, contact the ORCI.

## **XIII. Restrictive Trade Practices and Boycotts**

- A. Any U.S. person or entity who receives a request that supports a restrictive trade practice or boycott imposed by another country must promptly report the request to the Department of Commerce. Therefore, any GVSU personnel receiving such a request must report the occurrence to the Empowered Official as soon as possible, and may not engage in the requested activity.
- B. The ORCI and Empowered Official will assist personnel in determining if the anti-boycott provisions of the Export Administration Regulations apply and will assist the personnel in reporting such occurrences to the appropriate authorities.

**XIV. Training**

- A. The ORCI will consult with appropriate units to assure provision of training necessary to the understanding of export control regulations and implementation of GVSU export control policies. Training resources will include written and online material, course offerings, and/or individualized consultation.
- B. The ORCI provides specific training for personnel involved in conducting controlled activities and periodic awareness training tailored to the specific needs of a given unit.
- C. The following individuals are required to complete export control training every two years:
  - 1. All unit heads of academic departments;
  - 2. Unit heads of other selected units as determined by the Empowered Official;
  - 3. Deans/Associate Deans/Assistant Deans/Appointing Officers who review/sign contracts and agreements, review research, and/or approve Faculty Activity Reports and Faculty Activity Plans;
  - 4. Other individuals who are likely to review/approve/oversee activities potentially subject to export controls, as determined by the Empowered Official;
  - 5. Export Control Advisory Committee members; and
  - 6. Personnel engaged in work governed by an active Technology Control Plan.

**XV. Recordkeeping and Retention**

- A. The University is required to retain a complete record of all export-related records, as outlined in the EAR, ITAR, OFAC, and related laws and regulations. Documents include, but are not limited to, the University's analysis of export license requirements, any issued export licenses, shipping documents, and any correspondence related to each export activity.
- B. Original records must be retained for at least five years from the date of export, re-export, or transfer.
- C. The Empowered Official, in conjunction with the ORCI, is responsible for the retention of export-related records related to GVSU activities.
- D. Records are generally maintained by the ORCI, but in some cases are maintained locally with operational/academic units. Personnel are responsible for maintaining all export-related records for five years. Alternatively, personnel are encouraged to forward all relevant export documentation to the ORCI for retention.



**XVI. Internal Assessment and Monitoring**

- A. The ORCI will periodically assess and monitor export records and will conduct internal reviews of TCPs. Findings of these assessments will be reported to the Empowered Official, the Vice Provost for Research Administration, the Division of Legal, Compliance & Risk Management, the Export Control Advisory Committee (ECAC), and/or senior leadership as appropriate.
- B. The ORCI, in conjunction with the ECAC, will regularly evaluate the University's overall export compliance program in order to identify potential areas for new or improved compliance procedures. These reviews will include, but are not limited to:
  - 1. Assessing effectiveness of policies, procedures, and current guidance;
  - 2. Identifying current training needs;
  - 3. Reviewing internal ORCI procedures related to export controls;
  - 4. Reviewing procedures in partnership with operational/academic units;
  - 5. Reviewing license and TCP compliance;
  - 6. Updating policies, procedures, guidance, forms, and website information; and
  - 7. Verifying and ensuring appropriate records compliance.

**XVII. Detecting and Reporting Violations**

- A. Members of the GVSU community are expected to contact the ORCI should they have any questions about the application of export controls and/or economic sanctions related to their University activities.
- B. GVSU personnel are expected to report any potential violations to the Empowered Official and/or the ORCI. Potential violations can also be reported anonymously through [EthicsPoint](#), a GVSU-utilized system hosted by a third-party provider. If the reported incident involves an export control concern, the ORCI/Empowered Official will be notified by EthicsPoint.

## Section 8: Appendix

### Appendix: Record of Review and Revisions

Originally Drafted: 04/22/2020

Review/Revision	Version Number	Reviewed by	Date
Section 4.IV: added description of license determinations; Section 6: updated list of OFAC-sanctioned countries; Section 6.VII: removed Sudan Sanctions section and replaced with Russia/Belarus/Ukraine Sanctions; Section 7.XIV: updated list of individuals requiring training; minor grammatical and formatting edits throughout	2.0	ECAC	8/31/2022