



Applies to: All units and university personnel, including faculty, staff, visiting scholars, research associates and fellows, postdoctoral fellows, student employees, students, visitors, volunteers, and all others retained by or working at the university.

**Responsible Office**

**Office of Research**

**POLICY**

Issued: 04/14/2009  
Revised: 04/15/2018

The Ohio State University conducts innovative research in many areas. The university fosters a research environment conducive to the creation and dissemination of knowledge for the public good. As part of this mission, the university continues to expand its research and other collaborative efforts with foreign countries and their citizens. The university also conducts research and commercial collaborations with industry and the federal government. All such activities may be subject to federal regulations covering certain exports with destinations and persons outside of the United States. In some cases, these regulations also apply to non-U.S. citizens at the university and within the United States.

Ohio State seeks to comply with applicable export control regulations in all university activities including innovative research and collaborative efforts to further the creation and dissemination of knowledge for the public good while simultaneously protecting national security, foreign policy, and the economy and commerce.

**Purpose of the Policy**

To outline the key features of export control regulations, examine the relationship of these regulations to activities conducted at the university, and explain how the university will assist personnel to ensure compliance with such export control regulations.

**Definitions**

Term	Definition
Controlled exports	Specific types of exports regulated by the federal government (e.g., commodity, biologics, equipment, software, encryption, technology, or technical information) sent from the U.S. to a foreign person or destination.
Deemed export	The release or transmission of controlled exports to any foreign person in the U.S. Such a release of information is considered to be an export to the foreign national's home country or country of current citizenship.
Exports (noun)	Goods or services transferred across national borders for the purpose of selling or realizing foreign exchange.
Re-export	The act of transferring any controlled export (see definition above) from one foreign country to another foreign country, or when technology is released in one foreign country to another foreign country (or a national of another foreign country).
Export license	A written authorization provided by the appropriate regulatory authority detailing the specific terms 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 terms 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 (See 22 C.F.R. §121.1). It does not include basic marketing information on function or purpose or general system descriptions. See 22 C.F.R. §120.6 "Defense Article."
Educational information	Information that is commonly taught via instruction in catalog courses and associated teaching laboratories of academic institutions. Educational information is <u>not</u> subject to export control regulations.



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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 (see 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., wherever that person is located. Also includes U.S. incorporated or organized firms and their foreign branches.
Fundamental Research	Any "basic and applied research in science and engineering, the results of which are ordinarily published and shared broadly within the scientific community..." is <u>not</u> subject to export control regulations under the Fundamental Research exclusion. See National Security Decision Directive 189 (NSDD 189). Research that contains publication restrictions or that contains access or dissemination restrictions <u>does not qualify</u> as Fundamental Research. See 15 C.F.R. §734.8 "'Technology' or 'Software' that arises during, or results from Fundamental Research," 22 C.F.R. §120.10 "Technical Data," and 22 C.F.R. §120.11 "Public Domain."
Personnel	Faculty, staff, visiting scholars, research associates and fellows, postdoctoral fellows, student employees, students, visitors, volunteers, and all other persons retained by or working at the university.
Unit	Generic term for a department, program, institute, center, or other unit within a college or central office.
Sanctioned and/or embargoed countries	Certain individuals, entities, and countries with whom the U.S. government actively restricts U.S. persons or <a href="#">entities</a> from conducting interactions for a variety of reasons. The following departments all maintain and enforce separate blocked and sanctioned lists: <ul style="list-style-type: none"> <li>– Department of Commerce, see Export Administration Regulations, 15 C.F.R. §746 "Embargoes and other Special Controls";</li> <li>– Department of State, see International Traffic in Arms Regulations, 22 C.F.R. §126.1; and</li> <li>– Department of the Treasury, see Office of Foreign Assets Control sanctions information.</li> </ul>
Prohibited party	An individual or entity who is on one of the 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 – Export Compliance (ORCEC) outlining the physical, information, and personnel security measures required to safeguard controlled exports.

**Policy Details**

- I. Background
  - A. Since the 1940s the Departments of State, Commerce, and Treasury have regulated the transfer or release from the U.S. any export that has been deemed strategically important to the U.S. for reasons of national security, foreign policy, or the protection of the economy and commerce. These regulations are collectively referred to as 'export controls' or 'export control regulations.'
  - B. Many research, teaching, or service activities conducted by university faculty and staff are shielded from these federal regulations by a long-standing **Fundamental Research** exclusion, which is discussed in more detail below. Even though the Fundamental Research exclusion may apply to the university's activities, all potential exports must be reviewed for applicable export control regulations and assessment under the exclusion.
  - C. Failure to comply with the export control regulations may result in severe penalties to the institution, as well as criminal sanctions to those individual(s) involved. All **personnel** should familiarize themselves with this policy but especially the individuals working in the following areas:
    1. Engineering, physical and computer sciences (especially those involved in defense-related research);



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2. Biological sciences and medicine, including those working with select agents and infectious materials; and
3. Those conducting research or academic collaborations with colleagues in countries that have been designated as **sanctioned and/or embargoed countries** by the U.S. Departments of State and the Treasury.

II. Scope

A. **Exports and sanctioned transactions** subject to this policy include but are not limited to:

1. Activities or research in controlled areas (e.g., encryption technology, nuclear technology, chemical/biological weapons, and military technologies);
2. Activities involving the shipping or taking of equipment, technology, or software outside the U.S.;
3. Activities involving teaching and research collaborations with foreign colleagues or the participation or training of **foreign nationals** here or abroad;
4. Activities involving travel or work outside the U.S.;
5. Conducting tours of foreign nationals through research areas;
6. Conducting research sponsored by any entity restricting publication or participation by foreign nationals;
7. Performing works for hire, including testing services, educational services, etc.;
8. Activities involving the receipt and/or use of export-controlled information or technologies from other parties;
9. Activities involving the payment of **foreign persons or entities**;
10. Hosting foreign national visitors;
11. Activities related to the sharing, shipping, transmitting, or transferring of encryption software in source code or object code; and
12. Activities including sharing, shipping, transmitting, or transferring any item, information, or software that will support the research, design, development, production, stockpiling, or use of nuclear technology, chemical/biological weapons, or missiles.

III. Federal Administration

A. The Departments of Commerce, State, and the Treasury are the principal administrative branches of the U.S. government involved in the oversight and enforcement of export control regulations.

1. The Department of Commerce, through the Bureau of Industry and Security, administers the Export Administration Regulations, controlling the export of dual-use items (i.e., items having both commercial and military applications) as well as strictly commercial items.
2. The Department of State, through the Directorate of Defense Trade Controls, administers the International Traffic in Arms Regulations, controlling the export of items developed primarily for military or space applications.
3. The Department of the Treasury, through the Office of Foreign Assets Control, enforces specific embargoes and/or sanctions.

IV. Compliance Roles and Responsibilities

- A. All personnel are responsible for ensuring their educational, research, and other business 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.
- B. The senior vice president for research is the designated Ohio State Empowered Official as it relates to export control regulations. Other Empowered Officials may be appointed as needed.
- C. The Office of Research Compliance – Export Compliance (ORCEC) is responsible for oversight of compliance for all exports and sanctioned transactions.
- D. The export compliance officer (ECO) facilitates compliance with the university's responsibilities under export control regulations. Additionally, sponsored program officers, department administrators, **units**, HR staff, the Technology Commercialization Office (TCO), and the Office of Legal Affairs (OLA) work in conjunction with the ECO to facilitate compliance.



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- E. Failure to comply with export control regulations may result in substantial civil and criminal penalties to the university and the specific individual(s) involved, as well as administrative sanctions resulting in potential loss of federal funding and export privileges.

## PROCEDURE

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Issued: 04/14/2009  
Revised: 04/15/2018

- I. Export Assessments of Research and Collaborations
  - A. When requested, required, or necessary by procedure, ORCEC 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 or not an activity is controlled research or qualifies as Fundamental Research;
    - 2. A commodity jurisdiction determination (under which agency an export is regulated), a commodity classification determination (under which entry on the Commerce Control List the export is regulated and which countries/foreign nationals are restricted for export);
    - 3. A determination of whether an international collaboration or foreign exchange involves transactions subject to trade sanctions (including nationality and restricted party screening); and/or
    - 4. 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, with unit approval, ORCEC will assist the affected party in seeking necessary **export licenses** or other government approvals (e.g., an **export license exception**), and/or recommend security measures (e.g., a transaction-specific technology control plan) or other documentation (e.g., certifications) needed to ensure compliance with export control regulations.
- II. Communicating with and Obtaining Export Licenses or Other Government Approvals from Federal Agencies
  - A. Ohio State cooperates with those governmental agencies with law enforcement and license responsibilities related to export control, sanctions, and facility security regulations.
  - B. The ECO serves as the university point of contact with those agencies.
  - C. ORCEC, in collaboration with OLA, will assist any units in filing for any export license or other government approval necessary to conduct a university approved activity.
- III. Export Classifications
  - A. When requested or necessary, the ECO oversees the classification of commodities, biologics, equipment, software, encryption, technology, and technical information that may be subject to export control regulation.
  - B. All classifications must be approved by the ECO; only those classifications approved by the ECO 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.
  - C. An inventory of classifications is maintained by ORCEC.
- IV. Sanctioned Transactions
  - A. Sanctioned transactions are strictly prohibited unless they are vetted and approved by the ECO and the department chair/director and dean/vice president.
  - B. When necessary, transactions may be reviewed by the senior vice president for research, the vice president and chief compliance officer, other senior university officials, and/or the University Risk Management Committee, with input from the requesting unit or ECO.
  - 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; or
    - 4. Hosting visitors from sanctioned and/or embargoed countries and/or [Entity List](#) organizations.



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- V. Restricted Party Screening
  - A. Any unit may request access to restricted party screening (RPS) software maintained by ORCEC.
  - B. Requesting units must develop an internal process, with the assistance of the ECO, to use the software to screen individuals, exports, and destinations.
- VI. Foreign Nationals on Campus
  - A. Students
    - 1. Publicly available information and **educational information** may be transferred to a 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 that such transactions are not made to foreign national students.
    - 2. Units must also ensure 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 given.
  - 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 ORCEC.
    - 2. The inviting unit is responsible for notifying ORCEC that a visiting scholar will be on campus and requesting an export review of the proposed activities of that individual before access is given.
  - C. Employees and I-129 **Deemed Export** Attestations
    - 1. A hiring unit may screen prospective employees to determine if an individual is a **prohibited party**. Such screening should be performed through the use of RPS software, and a record of the screening should be maintained by the hiring unit.
    - 2. An I-129 deemed export attestation may be required for certain visa types. The Office of International Affairs (OIA) is responsible for procuring all requested visas, and for notifying ORCEC when an I-129 attestation is required.
      - a. OIA may complete the I-129 attestation for candidates from non-sanctioned countries, who will not have access to controlled exports.
      - b. I-129 attestations for candidates from sanctioned countries or for candidates who may have access to controlled exports must be completed by the ECO with assistance from OIA and the proposed supervisor.
    - 3. Supervisors who hire individuals from sanctioned countries must ensure that such individuals have no access to controlled exports during their employment at Ohio State.
- VII. International Gateways
  - A. Personnel employed by or acting on behalf of an International Gateway office are responsible for compliance with export control regulations, regardless of their citizenship or country of residence.
  - B. International Gateway directors/responsible administrators are responsible for ensuring that the activities of the gateway office comply with export control regulations.
  - C. Upon request, ORCEC will assist with the review of any activity that may involve an export.
- VIII. Purchasing, Payments, and Other Acquisitions
  - A. Personnel involved in the purchase or acquisition of items, technology, and/or software are responsible for screening prospective and actual vendors, suppliers, and partners to ensure that those individuals and/or entities are not prohibited parties.
  - B. Personnel must notify ORCEC if the university acquires (through purchase, donation, or any other acquisition) items which may be a defense article.
  - C. Personnel involved in making payments to non-university parties are responsible for screening such parties using RPS software, and notifying ORCEC if there are any screening alerts.



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- IX. 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 must ensure that a correct Export Control Classification Number (ECCN) or other required export number is indicated on the shipping documentation.
  - C. ORCEC will assist personnel in determining the correct ECCN and any export license requirements, and completing required paperwork for all shipments.
- X. Technical Data Security
- A. Personnel must abide by the [Institutional Data](#) policy (including the [Information Security Standard](#) and the [Information Security Control Requirements](#)), the [Information Technology Security](#) policy, and the [Research Data](#) policy in the handling of restricted data.
  - B. Personnel who receive, use, generate, store, and/or transmit export-controlled technical information classified as S4 restricted data under the Institutional Data policy (export-controlled S4 restricted data) are responsible for ensuring the security of such data.
  - C. A technology control plan or an export certification form must be in place before any personnel may receive, use, generate, store, and/or transmit export-controlled S4 restricted data. Personnel who desire to work with export-controlled S4 restricted data should contact ORCEC to determine if such a plan is in place, or develop a plan if needed.
  - D. When university information technology (IT) personnel become aware that personnel have access to export-controlled S4 restricted data, IT personnel should contact ORCEC to determine if a technology control plan or export certification form is in place.
  - E. Personnel who receive, use, generate, store, and/or transmit, or otherwise have access to export-controlled S4 restricted data are required to have an RPS screening performed prior to having access to such data. These individuals may also be subject to a criminal background check in accordance with the [Background Check](#) policy.
- XI. International Travel
- A. Personnel traveling internationally on official university business must determine if export control regulations apply to their travel. For more information, refer to the definition of “university business travel status” in the [Travel](#) policy.
  - B. Travelers may visit the [export compliance website](#) or contact the ECO for help in making such determinations.
- XII. Restrictive Trade Practices and Boycotts
- A. The anti-boycott provisions of the Export Administration Regulations prohibit U.S. persons or entities from participating in any non-U.S.-sanctioned boycott of a foreign government. Participation in this context 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.
  - B. 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 personnel who are aware of a restrictive trade practice or a proposed boycott must report the occurrence to the ECO and/or OLA. The ECO will assist personnel in determining if the anti-boycott provisions of the Export Administration Regulations apply and reporting such occurrences to the appropriate authorities.
- XIII. Training
- A. ORCEC will consult with appropriate units to assure provision of training necessary to the understanding of export control regulations and implementation of this policy. Training resources will include written and online material, formal and informal course offerings, and individualized consultation.
  - B. ORCEC provides specific training for personnel involved in conducting controlled research and periodic awareness training tailored to the specific needs of a given unit.



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- C. Certain units may be required to complete mandatory annual training related to export control regulations, policies, and procedures.

**XIV. Recordkeeping and Retention**

- A. The university is required to retain a complete record of all export-related records including but 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 five years from the date of export, **re-export**, or transfer.
- C. The ECO, in conjunction with ORCEC, is responsible for the retention of export-related records.
- D. Personnel are responsible for maintaining all export-related records for five year. Alternatively, personnel may forward all relevant export documentation to the ECO for retention.

**XV. Internal Assessment and Monitoring**

- A. ORCEC will periodically assess and monitor exports and/or sanctioned transactions.
- B. All findings will be reported to the senior vice president for research, and to the vice president and chief compliance officer, as appropriate.

**Responsibilities**

Position or Office	Responsibilities
All personnel (i.e., faculty, staff, visiting scholars, research associates and fellows, post-doctoral fellow, student employees, students, visitors, volunteers, and all other retained by or working at the university)	<ol style="list-style-type: none"> <li>1. Be aware of and comply with all export control regulations and applicable university policies and procedures.</li> <li>2. Ensure all activities are conducted in compliance with regulations, this policy, and any technology control plan on which you are included.</li> <li>3. Do not engage in business transactions with any boycotted country.</li> <li>4. Promptly report to the ECO and/or OLA any request that supports a restrictive trade practice or boycott imposed by another country.</li> <li>5. Complete required training prior to receiving access to export-controlled items, information, software, or commodities.</li> <li>6. Notify the appropriate administrative staff and/or the ECO whenever it is believed or known that export control regulations may apply to an activity, project, or transaction.</li> <li>7. Provide information to the ECO to assist in determining whether export control regulations apply and whether an export license or other authorization may be required for a given transaction.</li> <li>8. With the assistance of the ECO, obtain an export license or authorization when required.</li> <li>9. Prior to traveling outside the U.S., check the Treasury Department’s list of sanctioned countries, and ensure that all legal requirements are followed while interacting with such destination.</li> <li>10. Check with the ECO before agreeing to provide and/or receive any funding for or by a foreign national individual or entity.</li> <li>11. Obtain an export license to openly share with foreign nationals export-controlled information received from other parties; determine with the respective human resources personnel the current citizenship status of university personnel who can legally access the information before sharing the information or item.</li> <li>12. Sign the Certification on the Handling of Export-Controlled Information if receiving export-controlled information or items; develop a technology control plan in collaboration with the ECO if required.</li> <li>13. Forward all relevant export control documentation to the ECO for retention.</li> <li>14. Promptly report to the ECO any activities or actions that are believed or known to constitute an export violation.</li> </ol> <p><b>Data Security</b></p> <ol style="list-style-type: none"> <li>1. Ensure the security of any export-controlled technical information (classified as restricted data) that you receive, use, store, or transmit.</li> <li>2. Contact ORCEC to determine if a technology control plan is in place or needs to be established.</li> <li>3. Adhere to the Information Security Control Requirements for handling restricted data. See <a href="http://ocio.osu.edu/itsecurity/framework">ocio.osu.edu/itsecurity/framework</a>.</li> </ol>



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- 4. Obtain a restricted party screening prior to accessing export-controlled restricted data that you receive, use, transmit, or otherwise have access to.
- 5. Submit to a background check if required by the Background Check policy.
- 6. If you are IT staff, and you become aware that personnel have access to export-controlled restricted data, contact ORCEC to determine if a technology control plan or Export Certification is in place.

**International Travel**

- 1. Determine if export control regulations apply to your travel by visiting [orc.osu.edu/exportcontrol/](http://orc.osu.edu/exportcontrol/) or contacting the ECO.

**Shipping**

- 1. Ensure that shipments are not prohibited or licensable under export control regulations.
- 2. Ensure that a correct ECCN or other required export number is indicated on the shipping documentation.
- 3. Consult with ORCEC as needed.

**Receiving Gifts**

- 1. Notify ORCEC if the university acquires any item which may be a defense article.

**Purchasing or Acquiring Items**

- 1. Screen prospective and actual vendors, suppliers, and partners.
- 2. Notify ORCEC if the university acquires any item which may be a defense article.

**Making Payments**

- 1. Use restricted party screening when making payments to non-university parties.
- 2. Notify ORCEC if there are any screening alerts.

**Records Retention**

- 1. Maintain all export-related records for five years or forward all relevant documentation to the ECO for archiving.

Sponsored Program Officer and Department Administrators	<ul style="list-style-type: none"> <li>1. Be aware of and comply with all export control regulations and applicable university policies and procedures.</li> <li>2. Identify projects where export-controlled items, information, or software may be received from and/or transmitted to an outside party, or where such items will be developed in the course of the project.</li> <li>3. Identify projects and other interactions where payments will be made to foreign entities.</li> <li>4. Identify projects or other activities requiring travel to a sanctioned country(s).</li> <li>5. Identify projects and other activities where items will be shipped to a foreign country(s).</li> <li>6. Identify projects and other activities in which a foreign visitor may interact with export-controlled items or projects.</li> <li>7. Notify the ECO as soon as possible, if any one of the above events occur.</li> <li>8. Ensure that the appropriate certification and/or technology control plan is developed and implemented in collaboration with the ECO.</li> </ul>
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Unit (i.e., department, program, institute, center, or other unit within a college or central office)	<ul style="list-style-type: none"> <li>1. Be aware of and comply with all export control regulations and university policies and procedures.</li> <li>2. Request access to restrictive party screen software from ORCEC as desired; develop internal process to use the software, with the assistance of the ECO.</li> <li>3. Ensure that prohibited end use transactions are not made to foreign national students.</li> <li>4. Ensure that foreign national students have access to and engage only in approved/licensed research.</li> <li>5. Notify ORCEC of visiting scholars and request an export review of proposed activities before access is given.</li> <li>6. Screen prospective faculty, staff, and student employees to determine if an individual is a denied person or otherwise a prohibited party, as desired; use RPS software; and retain records.</li> <li>7. Complete mandatory annual training if required to do so by the ECO.</li> <li>8. Assist the ECO with completion of I-129 attestations for candidates from sanction countries or those who may have access to controlled research, technical data, items, equipment or software.</li> <li>9. Administer and monitor existing technology control plans for your personnel.</li> <li>10. Notify the ECO of any issues that arise regarding the implementation of, or compliance with, any management plan.</li> </ul>
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	<ol style="list-style-type: none"> <li>11. Assist in providing information for the I-129 visa attestation process. Provide information to ECO regarding faculty who are citizens of sanctioned countries. Appropriately scope work performed by such faculty so that they do not come in contact with export-controlled information. Communicate such parameters to the appropriate support personnel (including departmental HR representatives, sponsored program officers, program managers, etc.).</li> <li>12. When determined appropriate, designate one or more individuals to perform restricted party screening in conjunction with ORCEC.</li> <li>13. Ensure implementation and adherence to Information Security Control Requirements for handling restricted data. See <a href="http://ocio.osu.edu/itsecurity/framework">ocio.osu.edu/itsecurity/framework</a>.</li> </ol>
TCO (Technology Commercialization Office)	<ol style="list-style-type: none"> <li>1. Be aware of and comply with all export control regulations and university policies and procedures.</li> <li>2. Identify potential export control issues arising in conjunction with Material Transfer Agreements, Non-Disclosure Agreements, or other licensing agreements.</li> <li>3. Identify projects where export-controlled items, information, or software may be received from and/or transmitted to an outside party, or where such items will be developed in the course of the project.</li> <li>4. Identify projects and other interactions where payments will be made to foreign entities.</li> <li>5. Identify projects or other activities requiring travel to a sanctioned country(s).</li> <li>6. Identify projects and other activities where items will be shipped to a foreign country(s).</li> <li>7. Identify projects and other activities in which a foreign visitor may interact with export-controlled items or projects.</li> <li>8. Notify the ECO as soon as possible, if any one of the above events occur.</li> <li>9. Ensure, that the appropriate certification and/or technology control plan is developed and implemented in collaboration with the ECO.</li> </ol>
HR professionals	<ol style="list-style-type: none"> <li>1. Be aware of and comply with all export control regulations and university policies and procedures.</li> <li>2. Assist university personnel in verifying the current citizenship status of university personnel when requested.</li> <li>3. Ensure that no foreign nationals are appointed to export-controlled projects, without approval of the ECO.</li> <li>4. In conjunction with the ECO and other unit personnel, request a Background Check for personnel who access or will access export-controlled restricted data as needed.</li> </ol>
International gateway offices	Ensure that all activities comply with export control regulations.
Supervisors	<ol style="list-style-type: none"> <li>1. Ensure that individuals from sanctioned countries have no access to restricted research, technical data, items, equipment, software, or encryption during their tenure at Ohio State.</li> </ol>
OLA (Office of Legal Affairs)	<ol style="list-style-type: none"> <li>1. Advise the ECO in the preparation of export license applications.</li> </ol>
Office of International Affairs	<ol style="list-style-type: none"> <li>1. Procure all requested visas.</li> <li>2. Notify ORCEC when an I-129 attestation is required.</li> <li>3. Complete the I-129 attestation form for candidates from non-sanctioned countries who will not have access to controlled research, technical data, items, equipment or software.</li> <li>4. Assist the ECO with completion of I-129 attestations for candidates from sanction countries or those who may have access to controlled research, technical data, items, equipment or software.</li> </ol>
ECO (Export Compliance Officer)	<ol style="list-style-type: none"> <li>1. Monitor and oversee the university's export compliance program.</li> <li>2. Assist university personnel in assessing their export control obligations.</li> <li>3. Serve as university point of contact with governmental agencies relative to export control issues.</li> <li>4. Oversee and approve the classification of technologies, items, and software that may be subject to export control regulation.</li> <li>5. Approve transactions with sanctioned countries and prohibited parties as noted in the procedure.</li> <li>6. Complete I-129 attestations for candidates from sanction countries or those who may have access to controlled research, technical data, items, equipment or software, with the assistance of OIA and the proposed supervisor.</li> <li>7. Coordinate and be responsible for the retention of export records.</li> <li>8. Document that an export control review and analysis was performed before any export or release of information takes place, for which the ECO has knowledge.</li> </ol>



## University Policy

Applies to: All units and university personnel including faculty, staff, visiting scholars, research associates and fellows, post-doctoral fellows, student employees, students, visitors, volunteers, and all others retained by or working at the university.

	<ol style="list-style-type: none"> <li>9. Determine the licensing requirements for research involving exports and deemed exports; coordinate the export license application process.</li> <li>10. Assist personnel in developing a technology control plan or other export documentation, if required.</li> <li>11. Assist personnel in determining whether an export license is required relating to travel outside the U.S.</li> <li>12. Assist personnel in verifying the current citizenship status of university personnel when required</li> <li>13. Assist personnel in determining if the anti-boycott provisions of the Export Administration Regulations apply; assist in the reporting of such occurrences.</li> <li>14. Assist shipping personnel in determining whether a shipment requires an export license.</li> <li>15. Assist sponsored programs, TCO, industry collaboration, OLA, and other contracting departments in determining export compliance requirements surrounding a proposed activity or agreement.</li> <li>16. Provide and/or oversee export training for all relevant parties.</li> <li>17. When required by law or regulation, report known or suspected violations of export control regulations to the VP for Research.</li> </ol>
Office of Research Compliance	<ol style="list-style-type: none"> <li>1. Oversee compliance for all applicable exports and/or regulated transactions.</li> <li>2. Monitor and oversee the university's ECO and other export staff.</li> <li>3. Retain all export control documentation.</li> </ol>
ORCEC (Office of Research Compliance-Export Compliance)	<ol style="list-style-type: none"> <li>1. Determine or assist units in export assessments to determine if activities are subject to export or trade sanction regulations.</li> <li>2. With unit approval, assist affected parties in seeking necessary export licenses or other government approvals and/or recommend security measures to ensure compliance.</li> <li>3. Assist units with filing for government approvals, in collaboration with OLA.</li> <li>4. Maintain an inventory of classifications of technologies, items, and software that may be subject to export control regulation.</li> <li>5. Help determine whether a shipment would constitute a prohibited export, and with required paperwork as needed.</li> <li>6. Consult with units to assure provision of training materials.</li> <li>7. Provide training for personnel involved in controlled research.</li> <li>8. Coordinate and be responsible for the retention of export records.</li> <li>9. Conduct periodic self-assessments of university export- or sanction-restricted activities and report findings.</li> </ol>
Chair/director/dean/VP	Approve transactions with sanctioned countries and prohibited parties as noted in the procedure.
Senior vice president for research	<ol style="list-style-type: none"> <li>1. Serve as the designated Ohio State empowered official as it relates to export control regulations.</li> <li>2. Review transactions with sanctioned countries and prohibited parties as requested.</li> </ol>
Vice president and chief compliance officer	Review transactions with sanctioned countries and prohibited parties as requested.
Senior university officials	Review transactions with sanctioned countries and prohibited parties as requested.
University Risk Management Committee	Review transactions with sanctioned countries and prohibited parties as requested.

### Resources

#### University Policies

Background Check, [hr.osu.edu/public/documents/policy/policy415.pdf](http://hr.osu.edu/public/documents/policy/policy415.pdf)

Institutional Data, [cybersecurity.osu.edu/sites/default/files/institutionaldata.pdf](http://cybersecurity.osu.edu/sites/default/files/institutionaldata.pdf)

Research Data, [orc.osu.edu/files/ResearchDataPolicy.pdf](http://orc.osu.edu/files/ResearchDataPolicy.pdf)

Travel, [busfin.osu.edu/FileStore/PDFs/211\\_Travel.pdf](http://busfin.osu.edu/FileStore/PDFs/211_Travel.pdf)

Use of Unmanned Aircraft Systems (UAS), [oaa.osu.edu/assets/files/Service%20Center/Forms/Fiscal/UAS/Unmanned-Aircraft-Systems-Policy.pdf](http://oaa.osu.edu/assets/files/Service%20Center/Forms/Fiscal/UAS/Unmanned-Aircraft-Systems-Policy.pdf)



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### Ohio State Websites

Office of Research Compliance – Export Compliance, [orc.osu.edu/regulations-policies/exportcontrol](http://orc.osu.edu/regulations-policies/exportcontrol)

Office of Research Compliance – Export Control Frequently Asked Questions (FAQs) <http://orc.osu.edu/regulations-policies/exportcontrol/faqs/>

### Regulatory Websites

National Security Decision Directive 189 (NSDD 189), [fas.org/irp/offdocs/nsdd/nsdd-189.htm](http://fas.org/irp/offdocs/nsdd/nsdd-189.htm)

U.S. Bureau of Industry and Security, [bis.doc.gov](http://bis.doc.gov)

U.S. Commerce Department – Export Administration Regulations, [access.gpo.gov/bis/ear/ear\\_data.html](http://access.gpo.gov/bis/ear/ear_data.html)

U.S. Commerce Department – License Exceptions 15 C.F.R. §740,

<https://www.bis.doc.gov/index.php/documents/regulation-docs/415-part-740-license-exceptions/file>

U.S. State Department – International Traffic in Arms Regulations, 22 C.F.R. §§120-130,

[https://www.pmddtc.state.gov/regulations\\_laws/itar.html](https://www.pmddtc.state.gov/regulations_laws/itar.html)

U.S. Treasury Department – Office of Foreign Assets Control, 31 C.F.R. §§500-599,

[treas.gov/offices/enforcement/ofac/](http://treas.gov/offices/enforcement/ofac/)

U.S. Treasury Department – Resource Center – Sanctions Programs and Country Information, [treasury.gov/resource-center/sanctions/Programs/Pages/Programs.aspx](http://treasury.gov/resource-center/sanctions/Programs/Pages/Programs.aspx)

### Contacts

Subject	Office	Telephone	E-mail/URL
Policy questions	Office of Research Compliance	614-292-9648	<a href="mailto:exportcontrol@osu.edu">exportcontrol@osu.edu</a> <a href="http://orc.osu.edu/regulations-policies/exportcontrol">orc.osu.edu/regulations-policies/exportcontrol</a>

### History

Issued: 04/14/2009

Revised: 09/18/2009

Edited: 05/01/2015

Revised: 04/15/2018