



UNIVERSITY of  
**LOUISIANA**  
L A F A Y E T T E

## UNIVERSITY EXPORT CONTROL POLICY

**Policy #** RE.001.1

**Responsible Executive:** VP Research  
Office of Research

**Responsible Office:** Integrity

**Originally Issued:** 3/21/2022

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### I. Policy Statement

The University of Louisiana at Lafayette (“University”) will conduct its teaching, research, and service activities in compliance with all export control laws and regulations, as well as federal sanctions, and presidential orders, including those laws promulgated by the Department of Commerce through its Export Administration Regulations (“EAR”), the Department of State through its International Traffic in Arms Regulations (“ITAR”), and the Department of Treasury through its Office of Foreign Assets Control (“OFAC”) (collectively, “Export Control Laws”). The University and its Employees are required to comply with Export Control Laws as well as this Policy. This Policy provides the framework for the University’s adherence to such Export Control Laws.

### II. Purpose of Policy

The University is obligated to comply with Export Control Laws that dictate what information and technologies can be shared with countries throughout the world. This Policy supports the University’s compliance with such Export Control Laws issued for reasons of national security, foreign policy, and/or competitive trade. Export Control Laws may impose requirements on University training, teaching, research, or services, including but not limited to: transferring materials, data, Technology, or equipment subject to Export Control Laws to a foreign national, either in the United States (“U.S.”) or abroad; allowing foreign nationals to participate in export controlled research; traveling to Sanctioned and Embargoed Countries; conducting business with restricted persons and entities; shipping export controlled items outside the U.S.; and travelling with export controlled items outside the U.S.

Failure to comply with these requirements can result in fines for both the individuals involved and the University, as well as the loss of export privileges, which could impact international collaboration and shipping research equipment to international research sites, for up to ten (10) years. Adherence to the Export Control Laws protects the University, its personnel, and their respective intellectual property.

Please see the below examples of different scenarios where Export Control Laws may impact University students and/or Employees:

- Faculty using Technology and software, and/or communicating about Technology and software with Foreign Persons in any country including the U.S.;
- Students or Employees sending emails to a foreign country, even if to a U.S. citizen;
- An Employee purchasing items within the course and scope of said Employee's employment from companies with foreign bases;
- Employees involved with visiting scholars from foreign countries; and
- Anyone working on a research project where export-controlled Technology or software is used and Foreign Persons are present or will be communicated with.

## **A. Training**

In order to inform the University community about export controls, the University makes export control training available via the Collaborative Institutional Training Initiative ("CITI"). The link to access CITI is <https://about.citiprogram.org/en/homepage/>.

1. Required Training. Staff and faculty impacted by Export Control Laws will be required to complete CITI's basic training module and additional specific modules as it pertains to their area prior to the staff or faculty's expenditure of funds, the University's signing of contracts, or travel to countries designated in the export control regulations and sanctions.
2. Highly Recommended Training. It is highly recommended that all other members of the University community complete this training as well.
3. Maintenance of Training Records. CITI will maintain record of all export control training completed by members of the University community.
4. Additional Required Training for Research Project Personnel.
  - a. Any research project personnel identified in a Technology Control Plan will be required to attend a meeting with ORI in order to address any questions arising out of export control training.
  - b. Any research project personnel travelling outside the United States with a laptop or conference presentation which may contain export-controlled materials are required to receive additional training. The Export Control Officer must be contacted thirty (30) days in advance of any anticipated international travel to ensure appropriate training.

## **B. Research**

Projects involving export-controlled Technology and information will require special attention when involving non-U.S. Persons, either face-to-face or via electronic communication.

1. Export Control Licenses. When Foreign Persons are needed to work on a research project, Principal Investigators are responsible for contacting the Office of Research Integrity ("ORI") in order to obtain licenses from federal agencies. In addition, export control licenses may also be needed in order to accomplish the following: (i) shipping items to a foreign country or

through a foreign country, (ii) sharing information in a foreign country, or (iii) visiting a foreign country in the course and scope of duties and activities with the University. ORI will assist Principal Investigators by applying for licenses from said federal agencies.

- a. Fundamental Research Exception. ITAR considers Fundamental Research in science and engineering at accredited institutions of higher learning in the U.S. to be in the Public Domain, and, therefore, no export license would be needed to export the resulting information abroad or share it with Foreign Persons in the U.S. ORI will assist Principal Investigators in determining whether this Fundamental Research exception applies to their research.
- b. Technology Control Plans. Any University research project that involves export-controlled equipment or information, or has restrictions on access, requires a Technology Control Plan. ORI will also assist Principal Investigators (“PI(s)”) in making recommendations for development of Technology Control Plans to protect the information and Technology from inadvertent Deemed Exports, exports to foreign entities, or to unlicensed non-U.S. Persons. In making such recommendations to PIs regarding their Technology Control Plans, ORI will also consult with the Office of Information Technology and the Office of Purchasing as appropriate. The Technology Control Plan will focus on physical containment as well as electronic communication and storage of data. Before any individual may have access to export-controlled items or Technology, he or she must be informed of the conditions of the Technology Control Plan and agree in writing to comply with the security measures outlined in the Technology Control Plan. Technology Control Plans will include:
  - i. A commitment to export control compliance;
  - ii. Identification of the applicable export controls and items or technologies subject to said controls;
  - iii. A description of the agreed upon security measures to control the item/technology including as appropriate, including but not limited to the following:
    1. Laboratory compartmentalization;
    2. Time blocking, which is the compartmentalization of lab areas by scheduling blocks of time when restricted or non-restricted work can be conducted;
    3. Appropriate marking for export controls, to include document marking;
    4. Physical security, to include locked storage;
    5. Electronic security, to include online transfer software and email; and
    6. Confidential communications;
  - iv. Identification and nationality of each individual who will have access to the controlled item or Technology;
  - v. Personnel screening measures for granting access to the controlled item/Technology; and

- vi. Appropriate security measures for disposal of the item/Technology when use is complete.
2. Protection of Intellectual Property. The University community is obligated to protect the intellectual property developed at the University from theft or misappropriation. This is especially relevant with items that are or may become export-controlled, proprietary, or have dual use potential. Researchers are required to provide information to the Export Controls Officer and Empowered Official about any persons having inappropriate interest in or requesting specific information about a project that should not be shared outside of the research team. To assist the Export Controls Officer and Empowered Official with resolving the situation, researchers should provide a report including the following information to the Export Controls Officer and Empowered Official:
    - a. Date and time of the interaction;
    - b. Type of interaction (e.g., email, face to face conversation, etc.);
    - c. Name of person(s) making requests;
    - d. Names of any witnesses to the interaction;
    - e. Description of the research project involved; and
    - f. Description of the information that was requested.

### **C. Travel**

Employees traveling to foreign countries for conferences, teaching, and research and students traveling to foreign countries for study abroad programs, international internships, field experiences, and student exchange programs should be aware of any Export Control Laws that the U.S. has enacted for their destination and the countries they will be traveling through.

1. Export Control Licenses. Employees and students may be required to have an export license in order to travel to their destination and/or present project information. A careful determination of whether the project qualifies for the Fundamental Research exemption is recommended. Employees and students can contact ORI at 337-482-5811 or [ori@louisiana.edu](mailto:ori@louisiana.edu) for information about any restrictions and methods to protect their information and Technology as they travel.
2. Electronic Communication. Travelers should be aware that electronic communication about Technology or projects, even to the U.S. or a U.S. Person, during travel in foreign countries, could be a violation of the Export Control Laws.
3. Intellectual Property Prohibition. Items that are being protected for intellectual property reasons should not be carried outside of the U.S. to avoid loss via theft or confiscation.

### **D. Contracts**

Many contracts include clauses that require the University to assure that it will abide by Export Control Laws and prevent the loss of Technology and technological information to foreign entities. All contracts including such export control clauses shall be reviewed in accordance with the delegation of authority, including but not limited to being approved by the administrators within the Office of Vice President for Research, Innovation, and Economic Development's Research Coordinator, Office of Research and

Sponsored Programs (“ORSP”), Operational Review, and/or the Office of Sponsored Programs Administration Finance (“SPFAC”) and approved by ORI. Contact Operational Review at [contracts@louisiana.edu](mailto:contracts@louisiana.edu) regarding any clarifications on contract review.

### **E. Shipping**

Employees shipping items to a foreign country must be aware of any Export Control Laws that the U.S. has enacted for the countries the item will be traveling through. For the purposes of shipping documentation used by the applicable courier or customs broker, the end-user of the item may be required to provide a statement ensuring that there is no intent to provide the item to a third party. The end-user may also be required to ensure persons from specific countries will not have access to the item. If an item being shipped will be used by the shipper when they arrive in the country, appropriate secure storage must be arranged by the shipping party until the shipper can take control of the item. ORI shall assist persons shipping items with identifying any Export Control Laws that could impact the shipment.

### **F. Purchasing**

State of Louisiana institutions must abide by both La. R.S. §39:1602 and the OFAC sanctions when purchasing items from foreign countries. La. R.S. §39:1602 gives an institution the right to reject the lowest bid if it is from a bidder in a Communist country, which may include but not be limited to: China, Cuba, Laos, North Korea, or Vietnam. OFAC places sanctions on specific countries when the U.S. government, desiring to effect a change, determines that a foreign government has made human rights violations or violated international laws. These economic sanctions can be so specific that they prevent the purchase of specific classes of items. To determine if a specific purchase from a foreign country is prohibited, individuals shall consult with the [OFAC sanctions website](#) and request assistance from ORI.

### **G. Teaching**

Teaching face-to-face in foreign countries and teaching to foreign students in the U.S. in general is not prohibited, as long as the topic is in published textbooks. However, providing access to online materials in some foreign countries can be export controlled or prohibited by economic sanctions if it is determined to be providing a service that is prohibited by the U.S. regulations or sanctions in affect for that country. If guidance is needed regarding teaching and/or providing access to online materials in foreign countries, consult ORI at 337-482-5811 or [ori@louisiana.edu](mailto:ori@louisiana.edu).

### **H. International Students**

Students from foreign countries are granted visas to attend the University for a specific study topic. Some countries have been restricted regarding what areas of education students may study in the U.S., especially at the graduate level. If guidance is needed regarding the allowed areas of study for a graduate student, consult the Graduate School at 337-482-6965 or [gradschool@louisiana.edu](mailto:gradschool@louisiana.edu).

### **I. Hosts of Visiting Scholars**

Visiting scholars are welcome at the University; however, a license may be required for the visitor to have access to specific Technology, equipment, or information, depending on the intended topics of discussion, planned equipment usage, and the country of origin of the visitor. University Employees or students must not provide Foreign Person scholars or scientists access to any information or technology that could be perceived as a providing a Defense Service without discussing with the Export Controls Officer and receiving explicit prior authorization from the Empowered Official. Please consult ORI at 337-482-5811 or [ori@louisiana.edu](mailto:ori@louisiana.edu) at least six (6) months prior to the visit to allow time for the license to be obtained.

### III. Applicability

This Policy is applicable to and enforceable against all Employees, students, visitors, and individuals affiliated with the University by contract or otherwise (including, but not limited to, non-Employees, such as vendors and independent contractors, volunteers, student organization advisors, and retirees).

### IV. Definitions

1. **Deemed Export:** is the release of Technology or source code subject to the EAR to a foreign national in the United States is considered or “deemed” an export to the home country of the foreign national. ITAR considers any transfer or disclosure of Technical Data to a foreign national (in the U.S. or abroad) to be an export.
2. **Defense Article:** is defined in [22 C.F.R. § 120.6](#) as any item or Technical Data that was or will be specifically designed, developed, configured, adapted, or modified for a controlled use listed on the U.S. Munitions List (“USML”). In addition to the items on the USML, models or other items that reveal Technical Data related to USML items are also considered to be Defense Articles.
3. **Defense Services:** is defined in [22 C.F.R. § 120.9\(a\)](#) as (1) The furnishing of assistance (including training) to Foreign Persons, 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; (2) the furnishing to Foreign Persons of any technical data controlled under this 22 C.F.R. §120.10, whether in the U.S. or abroad; or (3) military training of Foreign units and forces, regular and irregular, including formal or informal instruction of foreign Persons in the U.S. or abroad or by correspondence courses, technical, educational, or information publications and media of all kinds, training aid, orientation, training exercise, and military advice.
4. **Employee:** is any classified or unclassified faculty or staff member of the University.
5. **Empowered Official:** is the Vice President for Research, Innovation, and Economic Development and which is a U.S. Person who meets the requirements of [22 CFR 120.25\(a\)](#):
  - a. Is directly employed by the University in a position having authority for policy or management within the University;
  - b. Is legally empowered in writing by the University to sign license applications or other requests for approval on behalf of the University;
  - c. Understands the provisions and requirements of the various export control statutes and regulations, and the criminal liability, civil liability and administrative penalties for violating the Arms Export Control Act and ITAR; and
  - d. Has the independent authority to:
    - i. Inquire into any aspect of a proposed export, temporary import, or brokering activity by the University;
    - ii. Verify the legality of the transaction and the accuracy of the information to be submitted to the Directorate of Defense Trade Controls; and
    - iii. Refuse to sign any license application or other request for approval without prejudice or other adverse recourse.

6. **Export Control Officer**: is the Director of Research Integrity and is tasked with staying current on the export control regulations and assisting faculty and staff with export control compliance and preparation of license applications.
7. **Foreign Person**: is anyone who is not a U.S. Person, which according to: (a) EAR, is based on a person's most recent citizenship or permanent residence or (b) ITAR, is based on the person's country of origin (i.e., country of birth) and all current citizenships.
8. **Fundamental Research**: is basic and applied research in science and engineering where the resulting information is ordinarily published and shared broadly within the scientific community, as distinguished from research where the results of which are restricted for proprietary reasons or specific U.S. Government access and dissemination controls. However, University research will not be considered Fundamental Research if: (i) the University or its researchers accept other restrictions on publication of scientific and technical information resulting from the project activity, or (ii) the research is funded by the U.S. Government and specific access and dissemination controls protecting information resulting from the research are applicable. It is important to note that Fundamental Research applies only to the information generated, and not to any tangible Technology created in the process. The citation for the official definition of Fundamental Research under the EAR is [15 CFR § 734.8\(c\)](#) and under ITAR is [22 CFR § 120.11\(a\)\(8\)](#).
9. **Public Domain**: is defined in [22 C.F.R. § 120.11](#) as information that is published and generally accessible or available to the public. ITAR describes the means by which Public Domain information might be rightfully available, which in addition to libraries, subscriptions, newsstands, and bookstores, include published patents and public release at conferences, meetings, and trade shows **in** the U.S. where those venues are generally accessible to the public. Posting ITAR-controlled Technical Data to the Internet does not automatically make it Public Domain, and may represent an illegal export.
10. **Sanctioned and Embargoed Countries**: are countries designated by OFAC, ITAR, and EAR as having limited or comprehensive trade and arms sanctions imposed by the United States for reasons of anti-terrorism, non-proliferation, drug and human trafficking, human rights violations, and other reasons.
11. **Technical Data**: is the information required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance, or modification of export-controlled articles, typically in the form of blueprints, instructions, diagrams, photographs, etc.
12. **Technology**: is defined by EAR as specific information necessary for the development, production, or use of a product.
13. **Technology Control Plan**: is a customized management plan which outlines the procedures in place to prevent access to export-controlled items, Technologies, data, or information by unauthorized individuals.
14. **U.S. Person**: is, for purposes of defense and dual-use exports, a U.S. entity or a U.S. citizen, or a person lawfully admitted for permanent residence in the U.S. (i.e., green card holder). A U.S. Person may be engaged in activities that are export-controlled, unless there are some additional restrictions that limit participation to U.S. citizens.

## **V. Policy Procedure**

The University of Louisiana at Lafayette Export Control Procedure Manual addresses the procedures required for Employees and students to maintain compliance with Export Control Laws and sanctions, in keeping with the University's values and in order to meet the legal obligations pursuant to applicable laws.

## **VI. Enforcement**

The Vice President for Research, Innovation, and Economic Development/Emplowerd Official is responsible for enforcement of this Policy.

Violations of this Policy and/or the Export Control Laws will be reviewed by the Export Controls Officer, the Empowered Official, and the University's legal counsel to determine the appropriate action.

### **A. Employee Sanctions**

Failure to comply with this Policy or Export Control Laws and/or failure to request export licenses as needed may result in sanctions which may include, but not be limited to, disciplinary action up to termination of employment, as may be determined by the Vice President that an individual reports to upon the recommendation of the Empowered Official in consultation with the Office of Human Resources.

### **B. Student Sanctions**

Failure to comply with this Policy or Export Control Laws and/or failure to request export licenses as needed may result in sanctions which may include, but not be limited to, disciplinary action up to expulsion, as may be determined by Student Rights and Responsibilities upon the recommendation of the Empowered Official.

### **C. Disclosure of Violation to Federal Agency**

Any individual who suspects that a violation has occurred must immediately notify the Export Controls Officer and the Empowered Official. When necessary, a disclosure of the violation will be made to the appropriate federal agency by the Empowered Official. The University will cooperate with all requirements of the federal agency. Sanctions from federal agencies, minimally, could result in discontinuing a research project, loss of funding, fines from the federal government, and loss of export privileges.

## **VII. Policy Management**

Upon adoption, the Vice President for Research, Innovation, and Economic Development shall be the Responsible Executive for this Policy in charge of the management of this Policy. The Director of ORI is the Responsible Officer for this Policy. ORI is the Responsible Office for this Policy.

## **VIII. Exclusions**

This Policy shall not apply to Fundamental Research involving only U.S. Persons and software in the Public Domain, if the software item is not described by 15 CFR 740.17(b)(2). In order to determine if a specific research project meets the definition of Fundamental Research or if software is in the Public Domain, please contact ORI.



## IX. Effective Date

This Policy shall apply to all incidents that are reported on or after the date of adoption of this Policy.

## X. Adoption

This Policy is hereby adopted on 3/21/2022.

DocuSigned by:

*Joseph Savoie*

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**Dr. E. Joseph Savoie**  
**President**

## XI. Appendices, References, and Related Materials

- ✦ [Export Control Procedure Manual](#)
- ✦ [Export Control website](#)
- ✦ [Technology Control Plan Template](#)
- ✦ [Office of Research Integrity Website](#)
- ✦ [EAR \(15 C.F.R. § 730 et seq.\)](#)
- ✦ [ITAR \(22 C.F.R. Subchapter M\)](#)
- ✦ [OFAC](#)
- ✦ [CITI Program](#)

## XII. Revision History

- ✦ Adoption of Export Control Policy: 3/21/2022 (RE.001.1).