

UMBC POLICY ON EXPORT CONTROL REGULATIONS UMBC IV-2.20.01

I. POLICY STATEMENT

It is the policy of the University to comply with U.S. Export control regulations. Export control regulations restrict transmission of certain types of information, technologies, and commodities overseas to individuals, including U.S. citizens, or what may be made available to foreign nationals on U.S. soil.

II. PURPOSE FOR POLICY

Export control regulations are a group of [federal regulations](#) designed to advance the national security, foreign policy, and economic interests of the United States. These regulations have been in existence for many years. In 1949 the Export Control Act (implemented by the Export Administration Regulations - EAR) was enacted, and in 1976, the Arms Export Control Act became law (implemented by the International Traffic in Arms Regulations - ITAR).

All institutions of higher education and their faculty, staff, and students must comply with these regulations. Violations, may lead to, civil and criminal sanctions both institutional and individual (including substantial fines and even prison terms).

III. APPLICABILITY AND IMPACT STATEMENT

This policy, and its associated procedures, apply to all activities conducted by UMBC Personnel using UMBC Resources that may result in an Export or other transaction with a foreign national, entity, or country subject to Export controls, requiring an Export license or other government approval prior to the activity taking place (“UMBC Activity”).

UMBC Personnel are responsible for complying with this Policy and its associated procedures.

UMBC Personnel will comply with the provisions of any license, conditions of any other government approval, policy or UMBC-directed certification, technology control plan, or procedure when it has been determined that a UMBC Activity involves an Export or other transaction with a foreign national, entity or country subject to Export controls.

IV. CONTACTS

Direct any general questions about this University Policy first to your department's administrative office. If you have specific questions, call the following offices:

Subject	Contact	Telephone	Email
Policy Clarification	Assistant VP for Research Administration	410-455-5642	EC@UMBC.edu

V. UNIVERSITY POLICY

The administrative unit at UMBC responsible for the implementation of this Policy and development of related procedures is the Office of Research Administration (ORA).

Export control regulations span several areas within UMBC (i.e. Research, Licensing, Travel, Shipping, Procurement, Academic Affairs, Human Resources, etc). ORA will assist any UMBC Unit where Export control regulations may apply in implementation of this Policy.

ORA will implement this policy in a manner consistent with UMBC's commitment to openness in research without restriction on dissemination of research results (See University System of Maryland, IV-2.20 – Policy on Classified and Proprietary Work).

Violations and Penalties

In addition to civil and criminal penalties that may apply under applicable law to individual UMBC Personnel and to UMBC, violation of Export controls by UMBC Personnel may subject the violator to remedial or disciplinary action for misconduct, including termination or dismissal, in accordance with applicable UMBC policies and procedures.

VI. DEFINITIONS *(Note: A full list of definitions can be found at [UMBC's Export Control web page](#))*

Export Control Compliance Official	<p>The UMBC Provost appoints one or more Officials for purposes of UMBC compliance with Export control regulations. The Official is authorized to sign applications for Export licenses and other requests for government approval on behalf of UMBC.</p> <p>The Official has independent authority to:</p> <ul style="list-style-type: none">(i) inquire into any aspect of a proposed Export;(ii) implement Technology Control Plans(iii) verify the legality of an Export transaction and the accuracy of the information to be submitted;(iv) refuse to sign any license application or other request for approval; <p>Note: UMBC does not currently have the resources to obtain and administer Export Control licenses. The financial burden will be taken into consideration in deciding to pursue Export Control licenses.</p>
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	The Official may act through designees including the personnel of the UMBC Office of Research Administration. The Official has direct access to UMBC's Office of General Counsel with regard to any matter concerning campus compliance with Export Control regulations.
UMBC Personnel	All UMBC employees, full-time and part-time, including student employees; students; consultants; visitors; and others using UMBC Resources.
UMBC Resources	All resources owned, leased, or otherwise utilized by UMBC Personnel within the scope of UMBC activities including education, research, health care and service.
UMBC Unit	Any group within UMBC including but not limited to central or departmental entities, centers, institutes, etc.
Export	<p>The actual shipment or transmission of items subject to the EAR out of the United States, or release of technology or software subject to the EAR to a foreign national in the United States. Release of Export-controlled technology and software can also occur through transmission via e-mails, faxes, designs, and verbal correspondence. EAR carves out specific requirements for dealing with encryption source code and object code software.</p> <p>Under the ITAR regulations, Export means not only sending or taking a Defense Article out of the U.S. in any manner, but also disclosing (including oral or visual disclosure) or transferring technical data to a foreign person, whether in the U.S. or abroad. An Export also means performing a defense service on behalf of, or for the benefit of, a foreign person, whether in the U.S. or abroad.</p> <p>The Office of Foreign Assets Control regulations are issued by the US Department of the Treasury, which administers and enforces economic and trade sanctions based on US foreign policy and national security goals against targeted foreign countries, terrorists, international narcotics traffickers, and those engaged in activities related to the proliferation of weapons of mass destruction. Therefore, travel to or association with the listed countries or entities may be restricted.</p>
Deemed Export	In addition to the actual shipment of a commodity out of the country, the export regulations also control the transfer, release, or disclosure (visually, electronically, verbally, or in any other medium) of Technical Data or Technology to a foreign national (i.e. students, post-docs, visiting faculty/scholars) within the United States. The "deemed export" regulation states that a transfer of source code or Technology (EAR term) or "Technical Data" (ITAR term) to the foreign national is "deemed" to be an export to the home country of the foreign national. This deemed export rule does not apply to persons lawfully admitted for permanent residence in the United States and does not apply to persons who are protected individuals under the Immigration and Naturalization Act (8 U.S.C.1324b (a) (3)). Accordingly, for all controlled commodities, a license or license exception is required prior to the transfer of Technical Data or Technology about the controlled commodity to foreign persons

	inside the U.S. (including on university campuses).
Technical Data or Technology	Information which is required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of defense articles. This includes information in the form of blueprints, drawings, photographs, plans, instructions or documentation. Technical data includes classified information relating to defense articles and defense services, and some software may be considered technical data. This definition does not include the controlled equipment/commodity itself, nor educational materials, basic marketing information on function, purpose or general system descriptions of defense articles contained in “publicly available” user manuals. The "deemed export" rules apply to the transfer of such technical information to foreign nationals inside the U.S.
Defense Article	Any item or technical data (these include military and commercial satellite and space related items, equipment, vehicles, instrumentation, software, and materials), designated by the Department of State in the International Traffic in Arms Regulations. This term includes technical data recorded or stored in any physical form, models, mockups or other items that reveal technical data directly relating to items on the United States Munitions List. It does not include basic marketing information on function or purpose or general system descriptions.
Technology Control Plan	A document defining how UMBC will manage controlled Exports
Export Control License	Approval from the United States government to provide controlled Exports to foreign nationals

VII. APPROVAL AND PROCEDURES

Procedures will be modified or developed within applicable functional units as may be required to comply with this Policy.

VIII. DOCUMENTATION:

To implement this Policy, ORA will document and disseminate information on roles and responsibilities and procedures for identification, approval, and tracking of items or activities subject to Export Control laws. Record-keeping, awareness training, and procedures for self-assessments will be addressed.

IX. RESTRICTIONS AND EXCLUSIONS:

Several exclusions to the Export control regulations may apply. Please see [UMBC's Export Control](#) web page for additional details regarding Export Controls. .

X. RELATED ADMINISTRATIVE POLICIES AND PROCEDURES:

[IV-2.20- POLICY ON CLASSIFIED AND PROPRIETARY WORK](#)
[IV-2.00 - POLICY ON SOLICITATION AND ACCEPTANCE OF SPONSORED PROJECTS](#)

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Policy Section: IV Research

Responsible Administrator: Assistant VP for Research Administration

Responsible Office: Assistant VP for Research Administration

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