

FLORIDA STATE UNIVERSITY

POLICY 7A-10

EXPORT CONTROL POLICY

Responsible Executive: Gary K. Ostrander

Approving Official: Gary K. Ostrander

Effective Date: August 1, 2014

Revision History: Revised: May 21, 2015

I. Introduction

This policy supports compliance with federal laws and regulations issued by federal regulatory entities (e.g. U.S. Department of State, Department of Commerce, and the Office of Foreign Assets Control) regarding export controls. The University's export control compliance policy and procedures are a best practice designed to assure compliance with regulations in those activities of the University to which the regulations may apply. This helps protect the University and its personnel from the consequences of non-compliance.

II. Policy

It is the policy of Florida State University that, absent extraordinary circumstances, teaching, research, and service will be accomplished openly and without prohibitions or restrictions on the publication and dissemination of the results of academic and research activities. Certain federal regulations however, may require the University to obtain permission from the Department of State, the Department of Commerce, or the Office of Foreign Assets Control before allowing foreign nationals to participate in research involving specific technologies or before sharing research information with persons who are not citizens of the United States or permanent resident aliens. These export control regulations have the potential to limit the research opportunities of University researchers and their students, affect publication rights, and prevent international collaboration in certain research areas. In addition, violations of these export control regulations can result in the loss of research contracts, monetary fines, or incarceration of individuals. The regulations do not apply, however, to information that is in the public domain or to information that is the result of fundamental research activities.

Therefore, it is the policy of FSU to pursue its mission in teaching, research, and service in a manner that is consistent with the applicable export control regulations while making reasonable efforts to maximize the situations in which the University may claim the benefit of the public domain or fundamental research exemptions to the regulations. To implement this policy the

Office of Research must conduct a thorough review of research projects, contract and grant provisions, and any ancillary agreements such as material transfer agreements, non-disclosure agreements, or purchase orders to determine the applicability of export control regulations and the exemptions thereto. Contract provisions that limit the participation of foreign nationals in the research effort, or restrict access to or publication of research and technical data may render the exemptions from the export control regulations inapplicable. The Office of Research shall negotiate with the research sponsor to remove or modify contracting provisions that impact the University's exemption from export control regulation.

The Vice President of Research is authorized to determine whether the University will apply for an export control license, conduct the research under the export control restrictions, or abandon the research effort due to the possible burdens or restrictions associated with compliance with the regulations. If the Vice President for Research determines that the University will apply for an export control license, the Legal Counsel will proceed to make application for the appropriate licensee. No work under a contract or grant, or sponsored contract or grant, can begin until review has been completed and any required export control license has been issued.

III. Legal Support, Justification, and Review of this Policy

[Export Administration Regulations](#), 15 CFR 730-774

[International Traffic in Arms Regulations](#), 22 CFR 120-130

[Office of Foreign Assets Control](#), Department of the Treasury

[Fla. Stat. 1004.22](#).

These policies will be reviewed when changes are necessary.

Gary K. Ostrander, Vice President for Research

May 21, 2015