

THE
UNIVERSITY
OF RHODE ISLAND
DIVISION OF RESEARCH
AND ECONOMIC
DEVELOPMENT

EXPORT CONTROL COMPLIANCE MANUAL



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i. Introduction

This Manual is intended to provide a summary of the University of Rhode Island's (URI) procedures, practices and framework for compliance with United States export control laws and regulations, including key personnel's duties and responsibilities for compliance, enforcement, management and reporting.

It is the URI policy that all personnel, including employees, visiting scholars, postdoctoral fellows, students, and other persons retained by or working at or for URI conduct their affairs in accordance with U.S. laws and regulations, including compliance with U.S. export control laws and regulations applicable to its operations.

Export controls are a dynamic and multi-faceted body of law and regulations that can affect a research institution in many ways. Compliance with the statutory and regulatory requirements is critical because non-compliance may carry serious civil and/or criminal penalties for both the researcher and the institution. Export controls present a special challenge to research institutions because they demand that national security and the necessary safeguards it mandates be reconciled with the fundamental principle of unrestricted academic freedom, which includes the right to freely publish research findings within an unfettered global academic community.

Export Control Laws and Regulations provide significant exceptions for research performed in the United States that meets the definition of "Fundamental Research" and information that is considered to be in the "Public Domain." Both of these exclusions were legislated to protect academic and intellectual freedoms which are fundamental URI commitments.

URI is committed to monitoring URI's transactions and relationships to ensure that export control requirements are met, providing guidance and training so that faculty and staff are aware of export control requirements, and managing export control-related correspondence and reporting so that government agencies are satisfied with URI's compliance efforts, policies and procedures.

ii. Key Parties

Office of Research Integrity:

Ross Levine, Export Control Officer, 401-874-5343 or ross_levine@uri.edu

Mr. Levine has also been designated URI's "Empowered Official" for export control matters, discussed later in this manual.

Ted Myatt, Associate Vice President for Research Administration, supervises the Export Control Officer and other members of the Office of Research Integrity. 401-874-2636 or researchintegrity@etal.uri.edu, 401-874-4328

Additional Personnel Responsible for Export Control Matters:

Peter Snyder, Vice President, Research and Economic Development (401) 874-4576, pjsnyder@uri.edu, appoints the "Empowered Official". The Office of Research Integrity reports to Dr. Snyder.

URI Facility Security Officer: Sally Marinelli 401 874-5467 smarinelli@uri.edu

URI Assistant Facility Security Officer: Cort Burke 401 874-2865
cort_burke@uri.edu

Franca Cirelli, Associate Director, Office of Sponsored Projects (401) 874-5891
franca@uri.edu, responsible for subcontractor Restricted Party Screening

Melissa DeJesus (401) 874-2543, mdejesus@uri.edu, Office of International Students and Scholars, responsible for visiting scholars, researchers and student interns.

Tracey Angell, Director of Purchasing (401) 874-2326, tracey@uri.edu, responsible for identification of newly purchased equipment subject to export controls

URI Office of General Counsel (401) 874-4486, responsible for legal oversight and review as required

Laws and Regulations

Federal Agencies Involved in Export Controls

The Departments of Commerce, State, and Treasury administer the primary controls on the export of goods or commodities. The Department of Commerce regulates the export of items and information that have civilian and dual-use applications (military and civilian), the Department of State regulates the export of items that have military applications or that relate to space, and the Department of the Treasury enforces country-specific embargoes. In certain circumstances, these agencies may require the University to secure a license before the item or information is exported to another country or shared with a foreign national.

Department of Commerce

The Bureau of Industry and Security, or BIS, of the U.S. Department of Commerce implements and enforces U.S. export control regulations relating to the export of dual-use goods and technologies as well as exclusively civilian items. Items subject to the jurisdiction of BIS are listed on the [Commerce Control List](#) (CCL) found in the Export Administration Regulations. Whether a license is required to export or re-export an item on the CCL is determined by examining the precise classification of the item, the destination of the item, and the end user. The CCL covers topics such as chemicals, microorganisms, computers lasers and sensors. BIS also maintains the [Denied Persons List](#) and the [Entities List](#), which identify specific persons and entities to which exports are not permitted without the prior approval of BIS.

Department of State

The Directorate of Defense Trade Controls of the U.S. Department of State regulates the export of defense goods, technical data, and defense services. The Directorate administers the [International Traffic in Arms Regulations, or ITAR](#). Generally, a defense article is an item developed for a military application and has no predominant civilian application. Unless an exemption applies, a license must be obtained before any defense article is exported to a foreign country or foreign national. Directorate authorization is also required for any agreement under which a U.S. person will assist foreign persons in the development, design, production or use of a defense article or under which a U.S. person will license to a foreign party the right to manufacture U.S.-origin defense articles abroad. The Directorate maintains a [list of debarred persons and entities](#) whose exporting privileges have been revoked as a consequence of violations of the ITAR.

Department of the Treasury

The Office of Foreign Assets Control, or OFAC, of the U.S. Department of

Treasury administers and enforces certain country-specific controls that take the form of economic embargoes against countries, currently including Burma (Myanmar), Cuba, Democratic Republic of the Congo, Iran, Iraq, Lebanon, Libya, North Korea, Somalia Sudan, Syria, Ukraine, Venezuela, Yemen and Zimbabwe. The scope of these economic and trade embargoes varies from country to country, and the list is constantly changing. OFAC has adopted regulations that detail the scope of the embargo against each country. OFAC also maintains lists of Specially Designated Terrorists and Specially Designated Nationals and Blocked Persons, with whom U.S. persons are prohibited from engaging in any transactions due to U.S. foreign policy and national security concerns. Transfers of items and information to individuals or entities on these lists are prohibited without the prior approval of OFAC. Visit their website for details about the [sanction programs](#).

1. Management Commitment and Organizational Structure

(i). University of Rhode Island Statement on Export Control Compliance

From Peter J. Snyder, Ph.D., Vice President for Research and Economic Development, Professor of Biomedical and Pharmaceutical Sciences, & Professor of Art and Art History:

“September 16, 2020

Dear members of the URI Research Community,

As we return to campus life this fall in these challenging times, I am releasing this important reminder to all regarding compliance with U.S. export control laws and regulations. Although international travel has been curtailed, the University of Rhode Island (URI) continues to encourage international collaborations and where possible, international exchange visitors and students. As we engage in these endeavors, we must be aware that export compliance issues can arise with online or remote technology exchanges with overseas collaborators as well as international campus visitors and students via “deemed exports” (broadly defined as technology exchanges with non-U.S. persons, even if the technology exchange takes place entirely within the United States). URI endorses the principles of open exchange of ideas and academic freedom and encourages collaborations with other researchers throughout the world. Nevertheless, URI faculty, staff and students must abide by all U.S. export compliance laws and regulations established to protect national security and promote U.S. commerce and foreign policy.

Background:

As Vice President for Research and Economic Development, I am responsible for ensuring URI’s compliance with U.S. export control laws and regulations. The Export Compliance Officer (ECO) within the Office of Research Integrity has been designated as the “Empowered Official” who will serve as the primary point of contact for URI faculty and staff on export control issues and will have responsibility for managing the day-to-day implementation of the university’s export compliance program. URI’s export control policy is located here: <https://web.uri.edu/policies/files/Export-Control-20200803-APPROVED-1.pdf>.

Primary export control regulations include the Export Administration Regulations (EAR) administered by the Department of Commerce covering most commercial and dual-use technologies, the International Traffic in Arms Regulations (ITAR) covering most military technologies administered by the Department of State and the Foreign Assets Control Regulations (FACR) administered by the Office of Foreign Assets Control (OFAC) of the Treasury Department.

Exemptions from Export Controls:

The most important exemption from export controls regulations for researchers is the Fundamental Research Exclusion (FRE). This principle states that research to be published or publicly disseminated is exempt from export control regulations. Educational materials for established courses identified in a university catalog are similarly exempt from export controls, therefore most undergraduate and many graduate courses are exempt from export control regulations.

Current Considerations:

- Certain URI research programs sponsored by U.S. government agencies are subject to strict export controls including research sponsored by the Department of Homeland Security and the Department of Defense. Export compliance concerns may arise if there are inadequate physical controls on laboratory security as well as inadequate controls on access to and/or use of research data. If uncertain, faculty and research staff may contact their program officer and/or the URI Export Control Officer (ECO) or URI Facility Security Officer for assistance.
- Much recent media attention has been made of inappropriate influence by foreign entities over federally funded research. NSF and NIH have indicated that failure to disclose foreign relationships and activities may jeopardize project funding and potentially cause ineligibility for future funding for a Principal Investigator (PI) or an institution. It is important for researchers and scholars to disclose their international relationships to determine if there are any potential conflicts of commitments, duplications of research, and/or diversion or disclosure of intellectual property or confidential information in the performance of their research.

- Programs with restrictions on release of information, including government classified programs, government programs involving “controlled unclassified information” or “for official use only” information and commercial programs with publication restrictions or proprietary information are all likely subject to export controls. In addition, laboratory equipment may be subject to export controls if so identified by the manufacturer or vendor. In all such cases, a Technology Control Plan (TCP) is needed to outline export compliance requirements as appropriate for the circumstances. Contact the URI ECO for assistance with a TCP.
- If your program has export compliance considerations, export control training is available via the Collaborative Institutional Training Initiative (CITI Program). The CITI export control training includes a variety of modules suitable for your role.
See <https://about.citiprogram.org/en/series/export-compliance-ec/> for more information.

Conclusion:

The U.S. government continues its oversight and monitoring of export compliance at U.S. institutions of higher learning. Export control law or regulation breaches may have severe repercussions for URI and any individuals involved.”

(ii). Organizational Structure:

URI Export Compliance Committee

The URI Export Compliance Committee (ECC) includes senior managers and key personnel involved in export-related issues. The ECC usually meets semi-annually to provide oversight and guidance in areas such as demonstrating senior management commitment, internal audit, effective risk assessments and supporting this URI Export Control Compliance Manual. Urgent issues may be addressed by email, conference calls and the like as needed.

Export Compliance Committee Membership:

Peter Snyder
Ted Myatt

James Patti
Ross Levine
Sally Marinelli
Cort Burke
Kara Larsen
Peter Harrington

Office of Research Integrity

The Office of Research Integrity (ORI) supports ethical research practice at the University of Rhode Island. ORI's goals are to ensure research conducted at URI is safe, ethical, and compliant; to facilitate the conduct of research; to comply with applicable regulations, laws, and institutional policies; and thereby, promote a culture of integrity in research. The Export Control Officer, Ross Levine, is part of the Research Integrity team and reports to Ted Myatt, the Associate Vice President for Research Administration.

Empowered Official

The Vice President, Research and Economic Development has appointed the Export Control Officer as URI's "Empowered Official" in accordance with the International Traffic in Arms Regulations (ITAR), Part 120.25. The Empowered Official will maintain currency and understanding of the U.S. Government's (USG) provisions and requirements under the export control statutes and regulations, criminal and civil liabilities and administrative penalties for violating the Arms Export Control Act, the ITAR, the Export Administration Act and Export Administration Regulations and other USG laws and regulations related to export control. As part of URI's Export Control Policy, the Empowered Official must attend regular training.

The Empowered Official will act on the Vice President, Research and Economic Development's behalf in stopping any export transaction or refusing to approve any action that the Empowered Official believes is not in total accordance with the applicable regulations, laws and URI's Export Control Policy. The Empowered Official will have full and independent authority in all matters concerning global trade, export administration, compliance and related issues and will have a direct line of authority to the Vice President, Research and Economic Development.

2. Risk Assessments

Every export related review, transaction and issue is subject to a risk assessment. In some cases, the risk assessment is informal, based on the Export Control Officer's knowledge and understanding of the issues, significance and potential impact of any potential violation or misunderstanding. In many cases, depending on the type of issue involved, objective risk assessment criteria can be used to establish the risk, necessary level of review and appropriate measures, as discussed below:

- (i) Sponsored Projects will be reviewed for export control requirements, including contract clauses, proprietary or other information disclosure restrictions, Classified or Controlled Unclassified Information. In the event the technology involved is classified, is on the U.S. Munitions List, or has an ECCN ending in any characters other than ---9*, (such as 8A992), a Technology Control Plan will be created for the project with the assistance of the PI. ECCNs ending in ---9* are normally less restricted, with exports prohibited only to terrorist supporting nations (North Korea, Sudan, Iran, Syria and Yemen).
- (ii) All J-1 visa exchange visitors and H1-B visa employment candidates will be screened using E2Open's AmberRoad software. CVs of candidates will be reviewed and their academic institutions, prior employers and a sample of their co-authors will also be screened. Other information sources including but not limited to government reports, public information and reference information may also be consulted. High risk candidates identified from adverse screening results, including their affiliated universities, will likely be rejected. High risk affiliates include those with known foreign defense ties or relationships, as well as those on entity or unverified lists published by the State Department.

Being mindful of the risk of undue influence from foreign talent programs, requirements to review exchange visitors have been clarified as shown below:

- The ECO will review all DS-2019 requests for visiting scholars and students.

- DS-2019 requests and supporting information (CVs, funding statements and the like) must be submitted to the ECO for review and approval prior to URI accepting a visiting scholar or student's application.
 - DS-2019 applications will only be approved for a maximum of one year (see below regarding extension requests).
 - The ECO will review all DS-2019 extension requests prior to their approval.
 - DS-2019 requests and all extensions will need to be approved by the appropriate College Dean as well as the Department Head.
 - Visiting scholars and students will need to agree, as a condition of their exchange visit, to certain restrictions on their use of URI information systems including antivirus and endpoint protection software.
- (iii) Faculty, researchers and students who may have or will need access to classified or controlled unclassified information (CUI) will also be screened using E2Open's AmberRoad software. Access to classified information is restricted to U.S. Citizens and access to CUI is restricted to U.S. Citizens, U.S. Persons (those granted U.S. immigrant status commonly known as "green card holders) and certain asylees. The Export Control Officer will work closely with the Facility Security Officer to identify and address any high-risk persons to be granted CUI access as well as to make sure a Technology Control Plan is prepared for the affected project.
- (iv) The Controller's office also has rights to use the E2Open screening software for vendors and suppliers. Vendors and suppliers are screened as part of the supplier qualification process in the Controller's office, including searching external databases for supplier reporting status, federal debarment lists, the Secretary of State's business lists, TIN Matching and other requirements as necessary.
- (v) Subcontractors and their named personnel are similarly subject to Restricted Party Screening as required by the Associate Director, Office of Sponsored Projects.

- (vi) The Export Control Officer will make risk assessments as required for URI faculty and staff international travelers depending on their destination and area of technology/research. Such assessments will be based on technology transfer restrictions for their destination. These restrictions can result from the technology's export classification restricting access to particular countries, or embargoes applicable to the individual destination country.
- (vii) The ECO will review classified and CUI projects, purchased equipment, contracts and subcontracts as required to assess the risk related to the technology involved. Considerations will include the physical security for the project as well as regulatory restrictions. For example, equipment to be used or deployed from a research vessel is inherently subject to higher risk than a piece of laboratory equipment permanently installed in a secure research laboratory. Based on the risk assessment, the ECO will write and execute a TCP with the PI.
- (viii) Exceptions to the Export Laws and Regulations: Much of the export controlled technology that international students and scholars have access to on campus at URI will not require licensing because of the exceptions contained in the relevant regulations for "fundamental research" or "educational information." If the on-campus teaching of basic and applied research is free from restrictions on publication and involves information that is not subject to any access or dissemination controls, it generally qualifies for the "fundamental research" exclusion. The information is considered to be in the public domain, and no license is necessary for access to this information by foreign nationals.

Similarly, there is an exception for educational information that is released through instruction in catalog courses and associated teaching laboratories of U.S. academic institutions. Thus, we do not need a license to share information with our international community on campus if the information is provided through instruction in the classroom or in our laboratories on campus in the United States. For students physically living in the United States,

some distance learning courses may also fall within this exception. Although the fundamental research exclusion (coupled with the educational information exemption) may be broad, it generally does not authorize the transfer of physical items outside of the U.S. In addition, the fundamental research exclusion does not generally apply to work conducted abroad by URI researchers, even if such research and informational exchanges are being conducted at an institution that is affiliated with URI. To be eligible for the fundamental research exclusion, the research must take place at an accredited institution in the United States.

Publicly Available Information / Public Domain

All information that is publicly known is also not subject to export controls (with the exception of certain encryption software). Under the ITAR, information that is published and that is generally accessible or available to the public is said to be in the “public domain” and not export controlled. Examples include: (a) sales at newsstands and bookstores; (b) subscriptions that are available without restriction to any individual who desires to obtain or purchase the published information; (c) second class mailing privileges granted by the U.S. government; (d) libraries open to the public or from which the public can obtain documents; (e) published patent applications and issued patents; (f) unlimited distribution at a conference, meeting, seminar, trade show, or exhibition, generally accessible to the public, in the United States; (g) any public release after approval by the cognizant U.S. government agency; and (h) fundamental research in science and engineering at accredited institutions of higher learning in the U.S. where the resulting information is ordinarily published and shared broadly in the scientific community.

The EAR uses the term “publicly available” rather than “public domain.” Under the EAR, information is publicly available when it becomes generally accessible to the public.

3. Export Authorization and Tracking Export-Controlled Items - Processes to:
3.1 Ensure the Organization Makes Correct Export Decisions, Including
Identifying When U.S. Government Authorization Is Required Prior to Exporting

In order to ensure correct export decisions are made by URI, the Export Control Officer will conduct or lead reviews in the following areas:

- (ix) Reviews of sponsored projects designated as having export issues via “Research Action Notices”,
- (x) Reviews of incoming sponsored project contracts and awards for export compliance issues and other contract issues,
- (xi) Conduct Restricted Party Screenings for exchange visitors and H1-B candidates to make sure no denied or otherwise restricted parties are included, to avoid unauthorized deemed exports or other export issues,
- (xii) Conduct Restricted Party Screenings on faculty, researchers and students who may have or will need access to classified or controlled unclassified information (CUI),
- (xiii) Conduct Restricted Party Screenings on selected vendors, suppliers and/or subcontractors,
- (xiv) Manage URI’s AmberRoad screening software license with E2Open and make sure authorized users have necessary training and access,
- (xv) Manage URI’s international traveler laptop loaner program,
- (xvi) Make risk assessments as required for foreign travelers depending on their destination and area of technology/research,
- (xvii) Review classified and CUI projects, purchased equipment, contracts and subcontracts as required to determine the need for Technology Control Plans (TCPs),
- (xviii) Write and execute TCPs with the PI.

State Department Directorate of Defense Trade Controls (DDTC) Registration:

Any person who engages in the United States in the business of either manufacturing or exporting defense articles or furnishing defense services is required to register and keep that registration current with the DDTC pursuant to the Arms Export Control Act (AECA) and the International Traffic in Arms Regulations (ITAR Part 122). Registration serves as a precondition to submitting an application for an export license or other approval from the DDTC, or to use export exemptions.

3.2 Track and Protect Any Export-Controlled Items Being Used or Developed by the Organization

(i). Export-Controlled Items Being Used by URI:

The Purchasing Department identifies purchased materials, goods or equipment for which the vendor lists an Export Control Classification Number (ECCN) or other export restriction by sending a copy of the Purchase Order for such material, goods or equipment to the Export Control Officer. The Export Control Officer will review the vendor's export classification and usually will accept the classification. In rare cases when the Export Control Officer may disagree with the classification, the Export Control Officer will work with the vendor to resolve the issue. Occasionally a vendor will also request an end-user certificate from URI for the items they are selling to URI. In such cases, the Export Control Officer will work with the requisitioner (usually a sponsored project PI) to verify the request and assist in completion of the end-user certificate.

Once the ECCN has been reviewed, the Export Control Officer will notify the requisitioner. If the equipment has a low-risk ECCN (i.e. EAR 99 or a similarly classified ECCN (with the final digits ...999)), then the Export Control Officer will send a notice to the PI advising that the equipment is subject to export controls and request a brief explanation of the planned uses for the equipment. The notice will also advise of restricted uses (such as missile, nuclear or CBW weapons development), restrictions on exports to OFAC sanctioned countries (Iran, North Korea, Yemen, Cuba and Syria) and caution against deemed exports.

In the case of equipment with higher risk levels of export controls (such as ECCN 3A001 or 6A001), the Export Control Officer will initiate a similar discussion with the PI. The Export Control Officer will request more details on planned uses and advise the PI that a Technology Control Plan (TCP) will be required. The TCP will identify the controlled equipment, use and storage location as applicable, who has custody, physical and digital security requirements for the equipment, authorized participants, training requirements and disposition plans for the equipment. In some cases, existing TCPs may be modified to include additional equipment being added to the originally covered equipment.

URI has established the "International Traveler Laptop Loaner Program" to help insure the integrity of international travelers' laptops. International travel creates

multiple opportunities for data and equipment theft, compromise and covert malware installations. The purpose of the program is to protect personal identity information, URI information systems and intellectual property which may be resident on traveler's daily-use laptops by providing "sanitized" loaner laptops for short term international travelers. Providing loaner devices and encouraging traveling without sensitive materials or information means less risk of inadvertent violations of export control laws and regulations or improper FERPA or HIPAA disclosures.

3.2 Track and Protect Any Export-Controlled Items Being Used or Developed by the Organization

(ii). Export-Controlled Items Being Developed by URI:

The Export Control Officer will work with URI PI to identify export controls or restrictions on areas of Sponsored Projects or other research by reviewing the Commerce Control List (CCL) under the EAR and the U.S. Munitions List under the ITAR. Once a U.S. Munitions List category or Export Control Classification Number (ECCN) has been determined, the Export Control Officer will notify the requisitioner. Similar to purchased equipment, if the equipment has a low-risk ECCN, the ECO will send a notice to the PI advising that the research is subject to export controls and advise of restricted uses (such as missile, nuclear or CBW weapons development), restrictions on exports to OFAC sanctioned countries (Iran, North Korea, Yemen, Cuba and Syria) and caution against deemed exports.

In the case of research with higher risk levels of export controls (such as ECCN 3A001 or 6A001), the Export Control Officer will initiate a similar discussion with the PI to develop a Technology Control Plan (TCP) similar to the process with higher risk purchased equipment.

3.3 Screen All Parties Associated with an Export Transaction Prior to Export

For physical exports of equipment or transmissions of technology to international destinations, the ECO will conduct Restricted Party Screenings on international research entities and institutions, key personnel and review embargoes to determine applicability.

As a research institution, URI may provide research equipment as well as technology expertise to international collaborators. Research equipment to be provided to international collaborators will be reviewed and if subject to export controls, in addition to screening the recipient individuals and organization(s), an end-user certificate may be requested. An end-user certificate is the recipient's signed declaration that the equipment will only be used for the stated purpose and will not be re-exported or transferred to any other party without the University's consent.

The presence of foreign nationals visiting or working in URI labs or facilities may result in a "Deemed Export". There is a high likelihood that foreign students and researchers will be participating in fundamental research in an academic setting. There also is a particular fear on the part of the Federal government that these foreign researchers and students may be a conduit to other individuals in their native countries who may be less likely or unable to pass the scrutiny imposed by the visa process and by the Customs Office to enter the United States.

In contrast to "exports," which are defined as actual shipments of any covered goods or items outside the United States, "deemed exports" are transfers of controlled technology to foreign persons, usually in the U.S., where the transfer is regulated because it is "deemed" to be to the country where the person is a resident or a citizen. Such technology may be released for export through:

- Visual inspection by foreign nationals of U.S.-origin equipment and facilities;
- Oral exchanges of information in the United States or abroad; or
- The application to situations abroad of personal knowledge or technical experience acquired in the United States.

For example, the transfer of GPS technology to a Syrian national in the U.S. may be regulated as if the transfer of the technology were made to the Syrian national in

Syria. The transfer is thus “deemed” to be to Syria even though all activities take place in the U.S.

Under the policies of most research institutions, foreign faculty, students, staff, and scholars may not be singled out for restrictions in their access to educational and research activities. Nor will the institution agree to restrictions on publication of research results, other than for a short period (generally 30-60 days) for sponsor review (but not approval) of proposed publications to remove inadvertently included proprietary information provided by the sponsor or to seek patent protection. Failure to follow such a policy will destroy the institution’s fundamental research exclusion and, without this protection, EAR or ITAR will then apply to information (technology or technical data) concerning controlled materials or items. Unless a license exception applies, a “deemed export” license may be required before the information is conveyed (even visually through observation) to foreign students, researchers, staff, or visitors on campus, and an actual export license will be required before the information is conveyed abroad to anyone.

Faculty or staff who are planning to hire a foreign national scholar or student are required to work with Human Resources. More information is available here: [Hiring Foreign Nationals](#).

Research collaborations may involve the transfer of technology or joint research on areas subject to export controls under the EAR’s Commerce Control List, the ITAR’s U.S. Munitions List, or other controlled areas (for example, atomic energy research is subject to Department of Energy export controls).

International research collaborator individuals and organizations will be screened using the E2Open screening software. Other information sources may also be used as appropriate given the location of the individual and organization, for example, the China Defence Universities Tracker provided by the Australian Strategic Policy Institute, provides detailed information about universities in China and their affiliations with the Chinese government and defense industry, geared to providing risk assessments for potential collaborators. This valuable tool can be a key element in assessing the risks of proposed collaborations.

The primary tool to assess the risk of exchange visitors and students, potential collaborators, research associates, subcontractors and other international parties is the AmberRoad screening software licensed to URI by E2Open. This software

allows authorized users to conduct screenings that cover hundreds of government lists identifying denied parties, restricted or unidentified entities, debarred individuals and entities and many others. The following provides highlights of the types of lists screened by the software:

EAR Denied Persons List. These are individuals and entities that have had their export privileges revoked or suspended by the Department of Commerce Bureau of Industry and Security (BIS).

EAR Entity List. The Entity List identifies foreign parties that are prohibited from receiving some or all items subject to the EAR unless the exporter secures a license. These are often entities identified as being involved in proliferation of missile technology, weapons of mass destruction, and related technologies.

Specially Designated Nationals and Blocked Persons List (SDN List). Maintained by the Treasury Department's Office of Foreign Asset Control (OFAC), this is a list of barred terrorists, drug traffickers, and persons and entities associated with embargoed regimes. Generally, all transactions with such persons are barred.

Arms Export Control Act (AECA) List of Debarred Parties. The Department of State's Directorate of Defense Trade Controls (DDTC) bars certain persons and entities from engaging in the export or re-export of items subject to the U.S. Munitions List.

Unverified List. These are foreign persons and entities for which BIS has been unable to verify the nature of their operations. While transactions with these entities are not barred, special due diligence is required, as there are additional licensing, documentation, and reporting requirements.

Nonproliferation Sanctions maintained by the Department of State. The United States imposes sanctions under various legal authorities against foreign individuals, private entities, and governments that engage in proliferation activities under a variety of laws and regulations including but not limited to: the Nuclear Proliferation Prevention Act, the Iran, North Korea, and Syria Nonproliferation Act (covering weapons of mass destruction, cruise or ballistic missile systems, chemical weapons, etc.) and the Chemical and Biological

Weapons Control and Warfare Elimination Act. Announcements of such sanctions determinations are printed in the Federal Register.

Foreign Sanctions Evaders List Foreign individuals and entities determined to have violated, attempted to violate, conspired to violate, or caused a violation of U.S. sanctions on Syria or Iran, as well as foreign persons who have facilitated deceptive transactions for or on behalf of persons subject to U.S. Sanctions. Transactions by U.S. persons or within the United States involving Foreign Sanctions Evaders (FSEs) are prohibited.

4. Recordkeeping

URI must comply with the various record keeping requirements of the EAR and ITAR and related laws and regulations. Record keeping to meet federal regulatory requirements is generally (and preferably) done by providing documents to the Export Control Officer at the Office of Research Integrity (ORI), but in some instances offices or departments keep documents locally and may provide copies to ORI. For example, the International Students and Scholars Office maintains all international student and scholar records, and the Controller's Office maintains all records of vendor screens. The export control records that are retained and secured by ORI include export licenses, license applications, export policies, manuals, forms and guidelines, memoranda, notes, correspondence, RPS records, contracts, and records submitted to ORI for vetting. Records are maintained for a period of ten years from the expiration date of the authorization or date an exemption is claimed. Thereafter, the records shall be discarded consistent with the State of Rhode Island record retention regulations.

4.1 Export Control Reviews

Export Control Review records include sponsored project awards (which have an export issue annotated on the Research Action Notice (RAN)), purchased equipment for which the vendor identifies an Export Control Classification Number (ECCN), equipment exports identified by faculty or staff to the ECO, and other export issues that may arise. All such reviews are tracked in a log managed by the ECO and retained in the Research Integrity server.

4.3 Restricted Party Screenings

Restricted Party Screening (RPS) records are automatically maintained by the RPS licensed software, Amber Road (provided by E2Open). All searches by authorized users must be saved and are then archived. The Export Control Officer is the Amber Road system administrator who can access all search records, which are downloadable in excel format if required.

4.4 Contract Reviews

Records of Contract Reviews conducted by the Export Control Officer are maintained in a log managed by the ECO and retained in the Research Integrity server.

5. Training

5.1 Export Control Training via CITI Program

The majority of URI's Export Control training consists of on-line training available to all URI faculty, staff and students via the interactive Collaborative Institutional Training Initiative (CITI Program) Export Control Training Modules. It is recommended that all researchers take the Introduction to Export Compliance and Export Compliance for Researchers Part I and Part II. Researchers requiring access to CUI or higher levels of security must complete these three modules at a minimum. Refresher export control training is required at least every three (3) years. The following list shows all the currently available CITI Program Export training modules:

- Introduction to Export Compliance (ID 16800)
- Export Compliance and Distance Education (ID 16811)
- Export Compliance When Using Technology in Research (ID 16804)
- Export Compliance for Researchers: Part I (ID 16801)
- Export Compliance for Researchers: Part II (ID 16802)
- Export Compliance for Research Administrators (ID 16803)
- Export Compliance and Biosafety (ID 16805)
- Export Compliance for Operational Departments (ID 16806)
- Export Compliance for International Shipping (ID 16807)
- Export Compliance and Purchasing (ID 16808)
- Export Compliance and International and Foreign Waters (ID 16809)
- Export Compliance and Collaborations (ID 16810)
- Export Compliance and United States Sanctions Programs (ID 16812)

5.2 Project Specific Training

Some URI programs may warrant setting up an individual or group export control training session. This is typically a one-hour training conducted by the Export Control Officer. Such sessions will provide a general background in export control and then focus specifically on the equipment or technology relevant to the group participating in the session.

5.3 Training Records

Project Specific Export Control training records are retained by the Export Control Officer and include signed attendance sheets, date and location of training, speakers, and the subjects covered. CITI Export Control training records are automatically retained via the CITI licensed training application and can be downloaded by the CITI administrator for the export control modules, the ECO.

6. Internal Audits

Audits are designed to systematically review and monitor the effectiveness of the URI export control compliance program and ensure compliance with export control laws. Audits will be conducted by the Office of Research Integrity (ORI) on an annual basis and on an ad hoc basis as needed.

Audit objectives related to export controls include but are not limited to the following:

- Understanding and assessing the adequacy of management policies designed to comply with all U.S. export control laws and regulations.
- Documenting and evaluating controls implemented to ensure compliance with policies.
- Through testing, determine the effectiveness of these policies and the controls in place and, if necessary, recommend revisions to improve their effectiveness.
- Monitor compliance of research projects and departments with export license requirements, technology control plans and these compliance guidelines.
- Identify possible violations.

The ORI will evaluate and report to the Export Compliance Committee (ECCC) on an ad hoc basis on the results of its audits and the effectiveness of the export control compliance program. This process will be used to identify needed modifications to URI's export control policies and procedures to correct weaknesses identified in the compliance program.

Audits conducted by the ORI will include, but are not limited to:

- Verify that screen checks are being performed,
- Check training logs and records,
- Identify current training needs,
- Verify and ensure appropriate records are in compliance,
- Accuracy and conformity of export transaction documents,
- Foreign national procedures are effective,
- License and Technology Control Plan reviews,
- Stop/hold procedures in place if problems arise,
- Guidelines, procedures and forms updated to reflect any regulatory changes,

- Review procedures for supervisory sign-offs, task and information management between departments, including updating contact persons for roles played by different departments,
- Working with other departments who share export control responsibilities to improve processes as necessary, and
- Ensuring international shipments, visa sponsorships, and international travel are properly documented to ORI for review via examination of relevant records belonging to other URI departments.

7. Reporting and Addressing Violations

Violations

If U.S. export control law is violated, both the university and the individuals involved in the violation may be liable. The exporter and the individual employees involved may be subject to severe administrative and civil sanctions as well as criminal penalties. For example, intentional violations of the EAR are punishable by a fine of up to five times the value of the exports involved, or \$50,000, whichever is greater. Willful violations can result in penalties of up to \$1 million per violation. Penalties can also include the denial of export privileges and debarment from contracting with the federal government. In addition to monetary fines, individuals may be imprisoned for intentional violations. Almost all enforcement actions are public.

Commitment to Reporting

An integral part of export compliance is that employees report suspected violations of export laws or regulations and that these suspected violations are thoroughly investigated. It is the policy of URI to voluntarily self-disclose violations as required. URI faculty, administrators, staff and students are expected to contact the ORI should they have any questions about the application of the export control laws to their research or other activities. They should also report any potential export control violations to the ORI. No employee shall be punished on the basis that they reported what was reasonably believed to be an act of wrongdoing or a violation of the export control laws or regulations.

Compliance Hotline

Suspected violations relating to export controls, as well as other compliance concerns, may be reported through the URI Ethics Hotline toll-free number at 1-855-236-1845 or secure website at <https://uri.alertline.com/gcs/welcome>.

Other Avenues for Reporting

Other avenues for reporting suspected violations include: visiting the Associate Vice President for Research Administration in person, calling the direct phone number at 401.874.2636, or sending a confidential memo by mail to the Associate Vice President for Research Administration at 70 Lower College Road, Kingston RI 02881.

Investigation of Violations

Once an alleged violation has been reported, an investigation will be initiated after consultation with the URI Export Compliance Committee to determine the validity of the allegation and an appropriate response. If the allegation merits further fact finding and investigation, the Committee will work with the appropriate parties to conduct a thorough investigation. The results of its investigation will then be made known to senior management to consider further action, including notification of the appropriate government agency and taking corrective action. All documents and records relating to any suspected violation will be immediately secured and maintained in accordance with all applicable record keeping requirements. Information Technology and Campus Police will support these investigations as needed.

Government Subpoenas and Requests

In the event any subpoena or other request for documents is received from any Federal agency, the Export Control Officer will immediately contact the Office of the General Counsel for appropriate and timely response. Likewise, if a Federal agency representative arrives on campus, the ECO will immediately contact the Associate Vice President for Research Administration for assistance. There shall be no interference or obstruction of any Federal agent or law enforcement officer in the performance of his/her lawful duties.

8. Export Control Compliance Manual

This URI Export Control Compliance Manual outlines processes for members of the URI community to follow to ensure that URI complies with all export control laws and regulations. This manual will be reviewed and updated at least annually by the URI Export Control Officer and approved by the URI Export Compliance Committee.

Editorial questions or recommendations may be sent to the URI Export Control Officer, Ross Levine at 401 874-5343 or ross_levine@uri.edu.

9. Definitions

<u>Term</u>	<u>Abbreviation</u>	<u>Definition</u>
Fundamental Research Exclusion	FRE	Per 15 CFR 734.8, Fundamental research means 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. “Technology” or “software” that arises during, or results from, fundamental research and is intended to be published is not subject to the EAR This is the "Fundamental Research Exclusion".
Empowered Official	EO	See Section 1(ii)l. In accordance with the International Traffic in Arms Regulations (ITAR), Part 120.25, the Empowered Official has full and independent authority for URI in all matters

Term	Abbreviation	Definition
		concerning global trade, export administration, compliance and related issues and has a direct line of authority to the Vice President, Research and Economic Development.
Principal Investigator	PI	The lead investigator for a sponsored or other project or contract, usually the author of the project proposal. The Principal Investigator is responsible for technical reporting and working with research participants at URI and technical staff and participants from the sponsor organization
Technology Control Plan	TCP	A Technology Control Plan may be required by the National Industrial Security Program Operations Manual (NISPOM) for classified, controlled unclassified or export controlled information and technology. Typically a TCP will identify the controlled technology, who will be working on it, training and citizenship requirements (if applicable), physical and Intellectual Property security controls for the technology, how the technology may be disseminated and how the technology will be disposed upon conclusion of the program.

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Term	Abbreviation	Definition
Export Control Officer	ECO	The Export Control Officer is designated by the University as the lead official for enforcement of export control laws and regulations, review of international students and visitors, training faculty staff and students in export control issues and generally being the University's go-to resource for any and all export compliance issues.
Facility Security Officer	FSO	The Facility Security Officer is designated by the University as the official responsible for making sure the University complies with all applicable contract and award security requirements (under Contract Security Classification Specifications (DD Form 254)) including appropriate IP and physical security requirements.
Restricted Party Screening	RPS	Restricted Party Screenings may be conducted on visiting scholars, students, participants in programs with classified or controlled unclassified information, vendors, subcontractors, suppliers and their personnel, collaborators and H1-B employment candidates. RPS are conducted utilizing licensed screening software, presently Amber Road's product, usually by the ECO but also by other authorized URI staff (the

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Term	Abbreviation	Definition
		license has unlimited seats). Other resources may also be used as part of an RPS including Google searches as well as specific lists published by various government agencies.
Educational Information Exclusion	EIE	Per 15 CFR 734.3 (b) (3), "Information and "software" that: ... (iii) Are released by instruction in a catalog course or associated teaching laboratory of an academic institution" are not subject to the EAR and are therefore considered to fall under the "Educational Information Exclusion".
Deemed Export		Per 15 CFR 734.13 (a) (2), "Releasing or otherwise transferring "technology" or source code (but not object code) to a foreign person in the United States ([is] a "deemed export")". Per 15 CFR 734.13 (b), "Any release in the United States of "technology" or source code to a foreign person is a deemed export to the foreign person's most recent country of citizenship or permanent residency."
Collaborative Institutional Training Initiative	CITI Program	The CITI Program has multiple export control training modules licensed by URI. CITI Export Control Training is required for

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Term	Abbreviation	Definition
		all participants in projects with classified or controlled unclassified information and for all participants in projects with TCPs.
Office of Research Integrity	ORI	The Office of Research Integrity is part of the Department of Research and Economic Development, reporting to Dr. Peter Snyder and Dr. Ted Myatt. The Export Control Officer is part of the Office of Research Integrity.