

**University of Central Arkansas**  
**Extramural Funding Policies and Procedures**

Policy/Procedure Name: Export Control Policy

Submitted by: Tim Atkinson, Assistant Provost for Sponsored Programs

Approved by: Council of Deans 1/28/09

Council of Vice Presidents (Senior Staff) 3/2/09

Effective Date: 3/2/09

**Purpose**

The University of Central Arkansas (UCA), in the absence of extreme circumstances, accomplishes its teaching, research, and service missions without restrictions on publication and dissemination of results. Federal Export Control (EC) regulations, however, may require UCA to obtain authorization 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 individuals who are not citizens of the United States or permanent resident aliens.

Export control regulations can limit the research opportunities of UCA faculty and their students, affect publication rights, and prevent international collaboration in certain research areas. Violation of EC regulations can result in the loss of research contracts, monetary fines, or incarceration. It is very important, therefore, for UCA to follow specific procedures to protect its educational missions.

The regulations do not apply to information in the public domain or information from fundamental research activities.

UCA will therefore pursue teaching, research, and service missions in a manner consistent with EC regulations while making reasonable efforts to maximize situations in which the University may claim the benefit of the public domain or fundamental research exemptions to the regulations.

**Policy**

To implement this policy, UCA Legal Counsel, Principal Investigators (faculty), and the Sponsored Programs Office must conduct a thorough review of research projects, contract and grant provisions for EC requirements and exemptions. This review will proceed as follows:

1. The Sponsored Programs Office (“SPO”) Administrator assigned to a particular research contract or grant will review the terms of the contract or grant for provisions that restrict access

to and the publication of research and technical data, that limit the participation of foreign nationals in the research effort, or otherwise render the exemptions from the export control regulations inapplicable. The results of such review will be indicated the SPO checklist for pre- award activities.

2. If the review indicates an exemption from the export control regulations may not be available, the SPO Administrator will forward the checklist and supporting documentation to UCA Legal Counsel. Legal Counsel will confirm SPO Administrator reviews, and if the research contract or grant contains terms or conditions that impact the University's exemption from export control regulations, the matter will then be referred to the Assistant Provost and Director of Sponsored Programs.

3. The Assistant Provost will meet with the Principal Investigator to determine if the research falls into one of the categories of technology designated by the Department of State or the Department of Commerce as export controlled, or if the restrictions imposed by the Office of Foreign Assets Control apply. The results shall be documented by the Principal Investigator and the Assistant Provost and forwarded to Legal Counsel.

4. If the research contract or grant falls under the terms of any of these regulations, UCA Legal Counsel, acting on behalf of SPO, will contact the research sponsor to attempt to negotiate the removal or modification of the provisions in the contract or grant that impact the University's exemption from export control regulations. If such negotiation does not result in the removal or modification of the identified clauses, the matter will be referred to the Assistant Provost for Sponsored Programs, working with the Provost, 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 Assistant Provost and the Provost determine that the University will apply for an export control license, UCA Legal Counsel will proceed to make application for the appropriate license. No work under a contract or grant, or sponsored contract or grant, can begin until this process has been completed and any required export control license has been issued.