

University of Oregon Export Control Management Plan

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Words, phrases, and acronyms in **bold italics** are defined in the appendix.

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¹ Portions of this manual have been drafted from Princeton University's Export Control Management Plan.

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Export Control Policy Statement

The University of Oregon is deeply committed to freedom of inquiry and the advancement of knowledge. The institution remains steadfast in its commitment to international collaboration and in its stance against national origin discrimination. The UO is also committed to complying with the changing landscape of federal regulations concerning national security and global engagement. Congress and federal agencies have raised concerns about inappropriate foreign influence on the work of U.S. higher education institutions.

Designed to support national security, economic security, and foreign policy interests of the United States, export control regulations govern the transfer of information, items, and technologies to foreign countries and foreign persons.

Export control regulations apply to the physical shipment of items abroad and to sharing information and technology in-person or electronically with non-U.S. citizens. For example, export control regulations may apply when visiting scholars and international students tour university labs or participate in research. In addition, international travel and shipping are also subject to export control regulations. This means that some activities may be prohibited by law or require an export license prior to the activity taking place.


The UO is eligible for the fundamental research exemption, which exempts it from some significant export control requirements. Under this exemption, basic and applied research in science and engineering in which the results are published and shared broadly do not require an export control license. Many, but not all, activities within the university fall under this exemption.

However, some activities do not qualify for the fundamental research exemption. For example, research in which the UO accepts publication restrictions or certain confidentiality clauses or in which the sponsor prohibits the participation of foreign persons does not qualify for the exemption. Even when an exemption applies to a project itself, export control regulations may still apply to certain equipment and chemicals.

The UO continues to monitor changes in federal law and regulations involving export controls. Many export control compliance measures take place automatically and seamlessly as part of regular administrative processes. Nevertheless, all UO community members are required to comply with export control regulations and have a role to play in the institution's overall compliance. Failure to comply with export control regulations may result in significant civil and criminal penalties for the UO and for the individual involved.

It is important that UO faculty, researchers, and students understand when export controls apply and know where to go for assistance. This manual serves as a helpful guide, and faculty need not navigate export control regulations on their own.

The Office of the Vice President for Research and Innovation (OVPRI) has a team of dedicated professionals available to support members of the campus community in ensuring export control compliance. This team provides trainings, offers consultations, and answers questions. The export control website at exportcontrols.uoregon.edu offers resources for the UO community. To ask questions, request assistance with classifying equipment, or schedule a training, members of the campus community can contact our export control officer at exportcontrols@uoregon.edu.



Anshuman “AR” Razdan
Vice President for Research and Innovation

Who is Affected by This Policy

All University of Oregon (UO) faculty, staff, and students have a role to play in ensuring the institution’s compliance with **export** control regulations. Central units that assist faculty, staff, and student engagement with foreign countries and **foreign persons** by facilitating compliance with **export** control regulations are also affected by this policy.

The Office of the Vice President for Research and Innovation houses the Export Control Officer, the Associate Director of Conflicts of Interest and Export Controls, and the Assistant Vice President for Research Integrity, all of whom lead the UO’s export control compliance program and serve as a centralized resource for the UO community. Please see the Responsible Parties section of this document for additional information.

U.S. Government Export Controls

The U.S. Departments of State and Commerce have implemented regulations governing the transfer of certain information, items, and technologies to foreign countries and **foreign persons**. In addition, the U.S. Department of Treasury maintains targeted economic sanctions that restrict or prohibit a wide range of activities, including educational services, to certain countries, entities, and individuals.

These regulations are intended to promote national security, further U.S. economic sanctions, aid regional stability, implement anti-terrorism and crime controls, protect global human rights, and facilitate research, teaching, and service in furtherance of the university's mission. The regulations affect not only the shipment of items outside the U.S., but also research

conducted by international employees and visitors on campus, travel with UO equipment outside the U.S., and collaborations with entities abroad.

Typically, few **exports** at the UO require an **export license**. Even in situations where an item or **technology** appears to be an **export**-controlled item, an exemption from license requirements may exist. The most common exemption for institutions of higher education is the **fundamental research exemption**, described more fully in Common License Exemptions below. If an **export license** is required, the Export Control Officer will consider a variety of factors before determining whether to apply for a license.

Failure to comply with **export** control regulations may result in significant civil and criminal liabilities for the UO and the individuals involved, damage to U.S. national security, and damage to the UO's standing as a premier research institution.

Policy

The University of Oregon is committed to complying with U.S. **export** control regulations, and the UO will assist faculty, staff, and students in maintaining compliance. The primary responsibility to follow UO policy and U.S. **export** control regulations rests with the individual most informed about the project. No member of the UO community is authorized to engage in or commit the UO to engaging in any activity that is contrary to U.S. **export** control regulations.

Procedures

Before engaging in activities that involve an **export** or a **deemed export**, UO faculty, staff, and students must receive approval from the Export Control Officer. Detailed operational procedures for events triggering the need for an **export** control analysis, such as shipping to foreign countries, purchasing from foreign vendors, research collaborations with foreign institutions, issuing visas, or traveling to sanctioned countries, are included in the Operational Procedures and Guidelines in this document and in the Standard Operating Procedures posted on the [export control website](#). At any time, the UO community may direct questions to exportcontrols@uoregon.edu.

Most activities at the UO will qualify for an exemption to U.S. **export** control regulations, and no **export license** is required. Nevertheless, federal regulations mandate that the UO must document its analysis, including the availability of an exemption, and there are some situations in which **export** controls may still apply. Examples of such situations can be found in the Export Controls and University Activities section of this document.

The Export Control Officer, with the assistance of the person proposing, facilitating, or overseeing the activity, will complete an analysis to determine whether an **export license** is

required for the activity. This analysis must be complete before engaging or agreeing to engage in the activity. The Export Control Officer is committed to supporting research and global engagement and will strive to carry out analyses in a manner that does not cause undue delay.

Broadly, the **export** control analysis considers:

1. What is the item, knowledge, **software**, or **technology**?
2. Where is it going?
3. Who will be using it?
4. What will they be using it for?

What is the item, knowledge, software, or technology?

This question helps the Export Control Officer determine whether the item, knowledge, **software**, or **technology** is **export** controlled and, if so, which government agency has jurisdiction. The Export Control Officer will ask:

- Does the project restrict researcher participation based on country of origin or citizenship? (for sponsored research)
- Does the project prohibit the hiring of non-U.S. citizens to be involved in the research? (for sponsored research)
- Does the project grant the sponsor a right of pre-publication review for matters other than the protection of patent and/or proprietary sponsor information? (for sponsored research)
- Does funding originate from the Department of Defense, Department of Energy, NASA, the National Reconnaissance Office, or other U.S. government agency that is more likely to place restrictions on research publication and dissemination? (for sponsored research)
- Does the item, knowledge, **software**, or **technology** have potential military applications?

Where is it going?

These questions help the Export Control Officer determine whether an **export license** may be required. The Export Control Officer will ask:

- Will **foreign persons** or collaborators have access to technical information or source code?
- Will **foreign persons** or collaborators have access to materials or equipment that may be regulated by **export** control regulations?
- Will work be performed outside of the U.S.?
- Does the project require travel or shipping outside of the U.S.?
- If so, will the **export** go to a country in which the U.S. has enacted a sanction or embargo? Will there be a potential for a **deemed export** within the U.S. (or outside)

due to access by a **foreign person** with citizenship in a sanctioned or embargoed country?

Who will be using it?

This question helps the Export Control Officer determine who the end user will be. The Export Control Officer will ask:

- Who will be the end user of the item, knowledge, **software**, or **technology**?
- What is the extent of the involvement of **foreign persons** and foreign sponsors in the project?

What will they be using it for?

These questions help the Export Control Officer determine what the end use for the item, knowledge, **software**, or **technology** will be. The Export Control Officer will ask:

- What will the end user be using the item, knowledge, **software**, or **technology** for?

Once an item is identified as meeting the criteria for a particular **Export Control Classification Number (ECCN)**, the Export Control Officer reviews the Commerce Country Chart in 15 CFR 738 Supplement 1 to determine if a particular **export control** is at issue and a license may be required.

If an **export license** is required, the Export Control Officer will determine whether to pursue a license. The Export Control Officer will consult with the person requesting the review, the department or unit connected to the activity, and appropriate UO leadership to conduct a cost benefit analysis, to consider the risks associated with the activity and UO's ability to safeguard **export**-controlled items or information, and to consider the time available and likelihood of success of pursuing the license. When appropriate, the Export Control Officer will complete the application process through the proper agency with information provided by the UO community member. The process for obtaining a license can be lengthy, so ample time should be allowed for obtaining one. Additional details can be found in the Obtaining an Export License section of this document.

Export Control Management Plan

This Export Control Management Plan states the policies, procedures, and resources that the UO uses to ensure compliance with U.S. **export** control regulations. Additional procedures can be found in the Standard Operating Procedures on the [export control website](#).

Export Controls and University Activities

Export control regulations include exemptions for certain types of information and activities related to academia. Generally, these exemptions apply to information that is published or provided as part of academic course catalogs. The exemptions also apply to research projects in which the results are published or disseminated.

As a rule, the UO does not accept research awards that contain a restriction on the publication of research results, with the exception of sponsor review to ensure publications would not compromise patent rights or share propriety information. This rule is necessary to maintain the UO's ability to apply the **fundamental research exemption**.

Nevertheless, there are situations that may require the UO to address **export** control issues and/or obtain an **export license**. The scenarios included here are not an exhaustive list of those in which the UO may need to obtain an **export license**.

- **Deemed Export**

Export controls apply much more broadly than shipping an item abroad. When non-public information is shared with a **foreign person**, U.S. **export** control regulations consider that release a **deemed export**. **Deemed exports** can occur through²:

- Demonstrations
 - Oral briefings
 - Telephone calls or messages
 - Emails
 - Lab visits
 - Presentations at a conference or meeting
 - Documents, hardware, or drawings carried in luggage or checked baggage
 - Carrying a laptop, flash drive, or smartphone with technical information or **software** to another country
 - Design reviews
 - Posting non-public data on the Internet
 - Collaborations with **foreign persons**, universities, or research centers
 - Hosting foreign researchers and visitors
- Shipping
Shipping items, equipment, **software**, or **technology** to another country is an **export** from the U.S. In some cases, the **exports** may require an **export license**.
 - Travel
Traveling to a foreign country for a conference or meeting may require an **export license** if the UO community member plans to share non-public information or travel with a laptop that has technical or non-public information on it. In addition, travel to

² The list provided is derived from the University of Wyoming Export Control Review Process, available online at https://www.uwyo.edu/research/_files/research_compliance/export_control/_docs/export-control-review-process-manual.pdf.

embargoed or sanctioned countries may require an **export license** even if there is no intent to share non-public information during the trip.

In these situations, the Export Control Officer may determine that no **export license** is required, an **export license** is required but an exemption exists, an **export license** is required and apply for one. The Export Control Officer may also determine that work on the project should stop if the UO is unable to apply for an **export license** or is unable to obtain one.

Responsible Parties

UO is committed to compliance with **export** control regulations. All UO faculty, staff, and students have a role to play in ensuring the institution's compliance with **export** control regulations. The Export Control Officer is charged with oversight of the UO's **export** controls compliance.

The Export Control Officer determines when and whether an **export license** is required and to obtain one from the relevant government agency. The position also provides administrative support and guidance to the UO community on matters related to **export** controls.

If a proposed activity may violate U.S. **export** control regulations, the Export Control Officer has the authorization to halt that activity. If a violation has occurred, the Export Control Officer has the authority to submit voluntary or requested disclosures to the relevant government agency on behalf of the UO.

The Export Control Officer is the UO's empowered official for **export** control matters. In this capacity, the position:

- Has independent authority to inquire into any aspect of a proposed export and verify its permissibility and the accuracy of information to be submitted
- Has authority to develop and manage policies or procedures to ensure the UO's compliance with **export** controls regulations
- Performs risk assessments to evaluate the strengths and weaknesses of the UO's compliance program
- Has the authority to make a determination on when and whether an **export license** is required and whether it will be pursued
- Prepares, submits, and signs an **export license** application to the relevant government agency
- Provides assistance and training to the UO community
- Completes restricted party screenings
- Classifies equipment and recommends security protocols

The Export Control Officer is an Empowered Official as defined in [22 CFR 122.67](#). As required by the regulation, the Export Control Officer is a U.S. person directly employed by the UO who

has authority for policy or management, is legally empowered to sign license applications or other requests on behalf of the UO, and understands the provisions and requirements of export control regulations. The position has the independent authority to: 1) inquire into any aspect of a proposed export, temporary import, or brokering activity; 2) verify the legality of a transaction and the accuracy of the information submitted; and 3) refuse to sign any license application or other request for approval without prejudice.

The Associate Director of Conflicts of Interest and Export Controls may step in to serve as the Export Control Officer during periods of vacancy. This position also flags UO activities that include a foreign component, including travel and research or collaborations with **foreign persons** and entities.

The International Student and Scholar Services unit within the Division of Global Engagement works with the Export Control Officer to screen applicants for UO-sponsored visas and to assist with identifying UO activities that include a foreign component, including travel and research or collaborations with **foreign persons**.

Research Contracts within Sponsored Project Services works with the Export Control Officer on the terms and conditions of awards that may present **export** control issues and/or negate the **fundamental research exclusion**.

The Chief Information Security Officer within Information Security works with the Export Control Officer to ensure cybersecurity and **export** control compliance for **software** and **technology** matters.

UO Mail Services works with the Export Control Officer to ensure **export** control compliance when shipping internationally.

The travel office within Business Affairs works with the Export Control Officer to assist UO faculty, staff, and students with maintaining **export** control compliance while traveling abroad on university business.

The conflict of interest office contacts the Export Control Officer to complete restricted party screening on foreign entities listed in employee disclosures of outside activities.

A list of those currently filling the roles mentioned in this section can be found in the Appendix.

Operational Procedures and Guidelines

Item Classification

The Export Control Officer will work with the UO community member to determine whether the item, knowledge, **software**, or **technology** is controlled under the Export Administration Regulations (**EAR**). Generally, all items of U.S. origin or items physically located in the U.S. are subject to the **EAR**.³ Foreign manufactured goods are generally exempt if they contain less than a *de minimis* level of U.S. content by value.⁴

The **EAR** requires a license for the export of a wide range of items, but only items listed on the **Commerce Control List (CCL)** require an **export license** prior to exportation. Items not listed on the **CCL** are designated as **EAR99** items and generally can be exported without a license unless: a) the **export** is to a sanctioned or embargoed country, b) the **export** is to a **foreign person** from a sanctioned or embargoed country⁵ or who is otherwise found to be designated as a restricted party by the federal government during standard export control reviews, or c) the **export** results in a restricted and/or military end use.

The following summarizes the types of items controlled under the **EAR** (subject to change):

- **Commodities:** Finished or unfinished goods ranging from high-end microprocessors to airplanes to ball bearings
- **Manufacturing equipment:** Equipment specifically for manufacturing or testing controlled commodities as well as certain generic machines
- **Materials:** Certain alloys and chemical compounds
- **Software:** **Software** specifically associated with particular commodities or manufacturing equipment as well as any **software** containing encryption and the applicable source code
- **Technology:** **Technology**, as defined in the **EAR**, includes both technical data and services. The **EAR** may apply different standards to **technology** for “use” of an item than for “design” or “manufacture” of a product.

The Export Control Officer will work with the UO community member to gather sufficient information to determine whether an item, knowledge, **software**, or **technology** is subject to the jurisdiction of the Department of Commerce and thus governed by the **EAR**. Note that

³ 15 CFR 734.2(a)(1) defining “subject to the EAR” as a term to describe items and activities over which the Bureau of Industry and Security (**BIS**) exercises jurisdiction under the EAR. Items subject to the EAR are described in 15 CFR 734.2-734.5 and 734.9. See also 15 CFR 734.2(a)(3) “Just because an item or activity is subject to the EAR does not mean that a license or other requirement automatically applies.”

⁴ 15 CFR 734.3(a)(3) subject to the EAR are also foreign-made commodities, software or technology that incorporate controlled more than *de minimis* U.S. origin commodities or that are bundled or commingled with more than *de minimis* U.S. origin software or technology. Such *de minimis* levels are set in the regulations relative to the ultimate destination of the export.

⁵ See 15 CFR 734.

determinations pertaining to agency jurisdiction and item classification must be made and documented by the Export Control Officer.

Determining whether an **export license** is needed from the Department of Commerce requires a determination of whether the item, knowledge, **software**, or **technology** at issue has a specific **Export Control Classification Number (ECCN)**. All **ECCNs** are listed in the **CCL**, [available here](#).

The **CCL** has ten categories, and each category is further subdivided into five product groups. Each item listed in the **CCL** includes a reason for the control. If an item is not listed on the **CCL**, but falls within the jurisdiction of the Department of Commerce, it is designated as **EAR99**.

CCL Categories	
0	Nuclear Materials, Facilities, and Equipment; Miscellaneous Items
1	Materials, Chemicals, Microorganisms, and Toxins
2	Materials Processing
3	Electronics
4	Computers
5 Part 1	Telecommunications
5 Part 2	Information Security
6	Sensors and Lasers
7	Navigation and Avionics
8	Marine
9	Aerospace and Propulsion

CCL Product Groups	
A	End Items, Equipment Accessories, Attachments, Parts, Components, and Systems
B	Test, Inspection, and Production Equipment
C	Materials
D	Software
E	Technology

Reasons for Control	
AT	Anti-terrorism
CB	Chemical and Biological Weapons
CC	Crime Control
CW	Chemical Weapons Convention
EI	Encryption Items
FC	Firearms Convention
MT	Missile Technology
NS	National Security

NP	Nuclear Nonproliferation
RS	Regional Security
SS	Short Supply
UN	United Nations Embargo
SI	Significant Items
SL	Surreptitious Licensing

There are three primary ways to determine the **ECCN**:

1. Request the **ECCN** from the manufacturer, producer, or developer of the item.
2. Self-classify using the **CCL**. To self-classify an item, the Export Control Officer must work with the UO community member to determine the technical specifications of the item. First, determine the category. Then, determine the product group. Review the entries in the **CCL** to identify the item.
3. Request that the **Bureau of Industry and Security (BIS)** classify the item. **ECCN** classifications can be requested through **BIS**'s online web portal called SNAP-R. **BIS** also provides guidance about the interpretations of the **EAR** and can assist in making a determination on whether an **export license** is required.

Shipment Review

Whether shipped overseas or hand-carried, items, **software**, or **technology** leaving the U.S. require review. The shipper is ultimately responsible for **export** documentation related to international shipping, such as filing the Electronic Export Identifier (EEI) document.

Those shipping internationally must work with the Export Control Officer prior to sending international shipments by submitting [an online compliance check request](#) to screen the recipient and the contents of the package. The Export Control Officer completes a restricted party screening, makes an **export license** determination, and reviews end uses for the shipment.

The Export Control Officer works with the sender of the shipment to complete the EEI if required, which will be determined by the Export Control Officer. Some shipments, such as those that include marketing, admission, or immigration materials, do not require an EEI.

Although the Export Control Officer prioritizes minimizing delay and undue burden, export control reviews may take up to 3 business days and departments should plan accordingly.

The Export Control Officer has authorization to halt shipments that do not pass the export control review process.

Departments who regularly ship similar materials internationally may work with the Export Control Officer to complete a compliance check so that each individual shipment need not require screening. Contact exportcontrols@uoregon.edu to begin this process.

Review of Research Projects

Research Contracts, part of **SPS** within **OVPRI**, reviews proposals and award documents to identify situations in which sponsored research may trigger **export** control issues, such as limitations on the publication or dissemination of research results. Research Contracts negotiates agreements to ensure that research projects at the UO qualify for the **fundamental research exemption**.

Research Contracts will consult with the Export Control Officer on agreements that contain language that may trigger **export** control issues.

Research labs on campus that have equipment, chemicals, or other items governed by **export** control regulations may need to enact additional security measures to prevent **foreign persons** from sanctioned or embargoes countries from using the equipment. Appropriate security measures may include compartmentalizing the equipment in a locked area, using locked storage, or introducing electronic security measures. The Export Control Officer may work with relevant department and the Location Innovation Lab Director to assist in securing **export**-controlled items.

Sanctioned Countries & Travel

UO faculty, staff, or students undertaking activities involving countries subject to the Office of Foreign Assets Control (**OFAC**) sanctions or activities involving **foreign persons** are identified primarily through Concur.

UO faculty, staff, or students engaged in UO travel to a country subject to **OFAC**, to a destination in Country Group D, or to a country designated as Level 3 by the U.S. Department of State must complete their travel request through Concur. Concur will notify the Export Control Officer and the Chief Information Security Officer, both of whom may follow up with the traveler for additional information about the trip. The Export Control Officer will email these travelers with a link to an online questionnaire to help make a determination on whether an **export license** may be required for the travel.

Those engaged in UO travel to a foreign destination and whose travel is related to sponsored research must complete training that complies with [National Security Presidential Memo \(NSPM\)-33](#). Details about the required training will be forthcoming once the final implementation guidance is released.

UO community members traveling outside of the U.S. and who plan to take UO-owned items with them, including laptops and cellphones, may require an **export license**. As required, the Export Control Officer will file an EEI for UO employees traveling with UO-owned laptops to Country Group D:5 countries⁶ or other sanctioned country, which includes frequent UO travel destinations such as China and Hong Kong. Regardless of the purpose of the travel, those traveling outside the U.S. with UO-owned items should complete the steps listed on [the export control website](#) prior to travel.

Restricted Party Screening

Restricted party screening is an essential component of complying with U.S. **export** control regulations. Restricted party screening seeks to identify parties that are prohibited from receiving some or all items subject to **export** controls unless an **export license** is obtained.

A match between the party screened and a restricted party or debarment list may indicate a strict export prohibition, a specific license requirement, or the presence of a “red flag,” depending on the list in which the match is found.

The UO contracts with a third-party vendor, Visual Compliance, to check multiple restricted party and debarment lists. The Export Control Officer uses Visual Compliance to screen:

- Visa applicants for all UO-sponsored visas and short-term foreign visitors who hold independent visitor visas
- UO employees sponsored by outside entities on F-1 Optional Practical Training (OPT)
- **Foreign persons** and entities serving as research sponsors, collaborators, subawards, or subagreements
- **Foreign persons** and entities listed on non-disclosure agreements, data transfer agreements, material transfer agreements, unfunded collaboration agreements, and license agreements
- **Foreign persons** and entities listed on conflict of interest disclosures submitted by UO employees
- **Foreign persons** and entities serving as hosts (such as conference organizers) for UO employees traveling abroad
- **Foreign persons** and entities serving as hosts for UO students studying or interning abroad
- Recipients of international shipping

Barred Entities Lists

Various U.S. government agencies maintain lists of individuals and entities barred or otherwise restricted from entering into certain transactions with U.S. persons, institutions,

⁶ See <https://www.bis.doc.gov/index.php/documents/regulations-docs/2255-supplement-no-1-to-part-740-country-groups-1/file> for current listing of Country Group D-5 countries.

and entities. While most sanctions are administered by **OFAC**, **BIS** has jurisdiction over certain **export** prohibitions.⁷ Economic sanctions and embargo programs are country specific and activity, item, and information specific.

U.S. economic sanctions broadly prohibit most transactions between a U.S. person and **foreign persons** in an embargoed country, including China, Cuba, Iran, North Korea, Syria, and Sudan. These prohibitions include the import and **export** of goods and services, whether direct or indirect, as well as “facilitation” by a U.S. person of transactions between foreign parties and a sanctioned country.

For example, sending a check to an individual in Iran could require an **OFAC** license or be prohibited. More limited sanctions may block particular transactions or require licenses under certain circumstances for exports to a number of countries.

A full list of **OFAC** sanction programs can be found online [here](#). The specially designated nationals and blocked persons list can be found [here](#).

Red Flags

The Department of Commerce has identified the following “red flag” items to be used as a checklist to discover possible violations of the **EAR**.

- The customer or its address is similar to one of the parties found on the U.S. Department of Commerce’s list of denied persons.
- The customer or purchasing agent is reluctant to offer information about the end use of the item.
- The product’s capabilities do not fit the buyer’s line of business, such as an order for sophisticated computers for a small bakery.
- The item ordered is incompatible with the technical level of the country to which it is being shipped, such as semiconductor manufacturing equipment being shipped to a country that has no electronics industry.
- The customer is willing to pay cash for a very expensive item when the terms of sale would normally call for financing.
- The customer has little or no business background.
- The customer is unfamiliar with the product’s performance characteristics but still wants the product.
- Routine installation, training, or maintenance services are declined by the customer.
- Delivery dates are vague, or deliveries are planned for out-of-the-way destinations.
- A freight forwarding firm is listed as the product’s final destination.
- The shipping route is abnormal for the product and destination.
- Packaging is inconsistent with the stated method of shipment or destination.

⁷ See 15 CFR 746.

- When questioned, the buyer is evasive and especially unclear about whether the purchased product is for domestic use, for **export**, or for **re-export**.

Those with reason to believe a violation is taking place or has occurred may report it to the Export Control Officer by emailing exportcontrols@uoregon.edu. The Export Control Officer may also report export control violations to the Department of Commerce by calling its 24-hour hotline number, (800) 424-2980, or report anti-boycott violations to **BIS** through [its website](#). UO community members may also make a report directly to the Department of Commerce or **BIS**.

Visa Review

The U.S. Department of Homeland Security (DHS) requires that visa sponsors complete an initial **export** control review and certify whether the **foreign person** requires an **export license** to conduct activities at the sponsor organization. This DHS policy applies only to H-1B and O-1 visa applicants. The UO also conducts restricted party screening for applicants on all other visa types. In addition, the Division of Global Engagement notifies the Export Control Officer of foreign visitors' travel to UO on independent statuses such as B-1/B-2 or ESTA, when the unit is aware of such travel, and the Export Control Officer conducts screening on those visitors. Departments should also notify the Export Control Officer directly of foreign visitors they are hosting by emailing exportcontrols@uoregon.edu.

The Export Control Officer conducts screening of the visa beneficiary and notifies the Division of Global Engagement of the determination. Regardless of specific DHS requirements, the Export Control Officer carries out export control reviews for all **foreign persons** who hold a visa status at the UO.

I-129 Certification

Departments wishing to sponsor an H-1B, O-1 or E-3 applicant complete the [H-1B request form issued by the Division of Global Engagement](#). The application form requests information from the applicant's supervisor to help the Export Control Officer determine whether an **export license** or technology control plan may be required. Department supervisors complete the H-1B, O-1 or E-3 request form and submit it to the Division of Global Engagement, who in turn shares the questionnaire with the Export Control Officer. The Division of Global Engagement cannot sign Form I-129 without prior approval from the Export Control Officer.

Persons from Sanctioned Countries

The Export Control Officer reviews all visa applications, regardless of the type, for **foreign persons** from countries subject to comprehensive sanctions. In most cases, the Export Control

Officer connects with the supervisor by email or phone call to discuss the impact of the sanction regulations on the individual's activities at the UO.

Technology Control Plans

In rare situations, specific data is subject to **export** control regulations and, therefore, may not be shared with some **foreign persons**. A technology control plan may be put into place in these instances.

Obtaining an Export License

If the Export Control Officer, working with the UO community member involved in the matter, determines that an **export license** is required and appropriate, the Export Control Officer will prepare and submit an **export license** application to the relevant government agency. The UO community member is responsible for securing the item, knowledge, **software**, or **technology** against disclosure or transfer to any **foreign person** until a license is obtained.

Securing the appropriate license is a complex process and may take a significant amount of time. All **export license** applications must be prepared and submitted by the Export Control Officer.

If an **export license** application is denied, the Export Control Officer notifies the UO community member who requested the application, the department head of the faculty's home department, and other relevant stakeholders. If relevant, the Export Control Officer sends the license denial to the SPS Director and the SPS Post-Award Associate Director; unless it involves a pending proposal, the information shared will be redacted. Note that in most cases, the Export Control Officer is able to provide a reasonable assessment of license denial risk prior to filing a license application.

Common License Exemptions and Exceptions

Items, knowledge, **software**, or **technology** that are publicly available (15 CFR 734.3(b)(3) and 15 CFR 734.7), educational information (15 CFR 734.3(b)(3) and 15 CFR 734.9), and fundamental research (15 CFR 734.8(b)(5)) are excluded from **export** controls.

Most commonly, items, knowledge, **software**, and **technology** at the UO qualify for the **fundamental research exemption**, but not always. For example, research in which the results are not public because they are controlled by a non-disclosure agreement or confidentiality agreement or when the sponsor places restrictions on publishing the research results would not qualify for this exemption.

UO's Export Control Officer, consulting with the persons involved, the applicable regulations, and other resources, makes the determination whether the **fundamental research exemption** or other license exemption applies.

Other common exemptions include:

ACA	Authorization for export, re-export, or transfer of specific computer-related ECCNs to Country Group D:5
APP	Computer exports to certain countries
APR	Allows re-export from certain countries
BAG	Baggage exemption
CCD	Authorization for certain consumer communication devices to Cuba
CIV	Items controlled for national security reasons to particular countries where the end user is a civilian
COB	Exports to certain government entities
ENC	Certain encryption devices and software
GBS	Items controlled for national security reasons to Group B countries
GFT	Certain gifts and humanitarian donations
LVS	Items of limited value; the value varies and is specified in each ECCN
MI	Encryption exemption for key management
NAC	Authorization for export and re-export of specific computer-related ECCNs to Country Group D:5
RPL	Certain repair and replacement parts for items already lawfully exported
TMP	Certain temporary exports, re-exports or imports, including items moving through the U.S. in transit
TSR	Certain technology and software to specific countries
TSU	Certain mass-market technology and software

Training and Awareness

Pursuant to [National Security Presidential Memorandum-33](#) and Section 10634 of P.L. 117-167 of the [CHIPS and Science Act](#), on-demand training is available on the [OVPRI export control training website](#) for the following topics:

- Research Security Training. This training will soon be required for Principal Investigator, Senior Personnel, and Key Personnel who receive federal funding.
- Export Control Training. This training will soon be required for relevant personnel who receive federal research and development awards that do not qualify for the **fundamental research exclusion**. Trainings of shorter duration for a more general audience are also available.
- Foreign Travel Security Training. This training will soon be required for researchers who receive federal funding and that funding sponsors international travel. The training is recommended for all other UO international travelers.
- Cybersecurity Training. This training is recommended for all UO employees.

The Assistant Vice President for Research Integrity, the Associate Director of Conflicts of Interest and Export Controls, and the Export Control Officer are available to offer customized training sessions for UO faculty, staff, and students. In some cases, a representative from the Bureau of Industry and Security (**BIS**) may be invited to join. Multiple levels of **export** control training may be offered depending on the job responsibilities of attendees. Requests for customized training may be emailed to exportcontrols@uoregon.edu.

Recordkeeping

Under UO policy and export control regulations, actions taken and decisions made that demonstrate adherence to U.S. **export** controls regulations, including **export license** applications, are documented. Documentation is maintained by **OVPRI**, stored electronically, and can be reproduced in hard copy.

Documentation must be retained for five years from the latest **export, re-export**, transaction termination, or receipt of request⁸. In situations where documents are related to a multi-year project, records are maintained for five years after the conclusion of the research project.

Risk Assessment

The risk assessment serves to identify risk areas, assess the severity of a given risk, assess the likelihood of occurrence for a particular issue, prioritize risk areas, and develop mitigation strategies for risk areas.

Monitoring and Auditing

Internal Audits

The UO Office of Internal Audit has authority to conduct reviews and audits of the **export** control compliance program. The reviews and audits may include a review of procedures and selected transactions.

External Audits

In addition to internal audits, UO may choose to have an audit conducted by an outside auditor. Audits may also be conducted by the federal government.

Reporting of Audit Results

⁸ See 15 CFR 762.6

Final audit reports may be provided to relevant departments and posted on the **OVPRI** website, and some audits may require confidentiality. Audits may include recommendations to revise procedures along with timelines for implementing corrective actions.

Reporting of Problems and Violations

Any U.S. person or entity who is asked to enter an agreement or provide information that would violate anti-boycott laws must report this quarterly to BIS. UO community members who suspect such activity should contact the Export Control Officer at exportcontrols@uoregon.edu so that this position may file the required report. This requirement applies even if the U.S. person or entity refuses to participate.

Any person or entity that violates the **EAR** is subject to administrative penalties when there is no willful intent and to criminal fines and administrative penalties when there is a willful violation.

Penalties can include civil penalties, the denial of **export** privileges, and placement on lists that prohibit involvement in future **export** transactions. Administrative penalties can include fines for each violation, and criminal penalties can include both substantial fines for each violation and imprisonment.⁹

Aggravating factors can include:

- Willful or reckless violation of law
- Awareness of conduct at issue
- Harm to regulatory program objectives

Mitigating factors can include:

- Voluntary self-reporting
- Remedial response
- Exceptional cooperation with Office of Export Enforcement
- License was likely to be approved

Penalties may apply repeatedly to different steps, such as a penalty for each shipment, along with the act of making a false representation.

Internal Reporting

Concerns related to violation of **export** control regulations must be reported to the Export Control Officer for review and investigation. **OVPRI**, through the Export Control Officer or

⁹ For examples, see “Don’t Let This Happen to You: Actual Investigations of Export Control and Antiboycott Violations,” U.S. Department of Commerce Bureau of Industry and Security Export Enforcement, October 14, 2022, <https://www.bis.doc.gov/index.php/documents/enforcement/1005-don-t-let-this-happen-to-you-1>.

other designated official, has responsibility to review and investigate all non-compliant activities related to **export** control regulations.

UO faculty, staff, or students can report a concern by:

1. Contacting the Export Control Officer directly at exportcontrols@uoregon.edu. Contact information for the person currently in this position can be found in the Appendix of this document.
2. Submitting a report to the [UO Office of Internal Audit](#) by using [this online form](#).

Investigation of Potential Export Control Violations

In the event the Export Control Officer determines that an investigation of a possible **export** control violation is to be launched, in consultation with the UO Office of the General Counsel, the Export Control Officer will take the following steps, as appropriate:

1. Stop activities involving the potential violation.
The activities related to the potential violation must stop immediately. Continuing to carry out the activity after it has been identified creates the opportunity for continued violation of **export** control regulations and thus commensurate penalties.
2. Conduct investigation.
The Export Control Officer may involve other university units in the investigation of the potential violation as needed. The investigation may gather the following information, as appropriate:
 - The activity's description and background
 - Description of the potential violation
 - Which items and controlled categories are involved
 - Dates of the potential violation
 - Who was involved, their citizenship, and their visa status (as applicable)
 - Which countries were involved
 - Explanation of the reason for the potential violation
 - Any corrective action that may have already been taken

The Export Control Officer will prepare a report, including additional recommended corrective actions, for submission to the relevant UO administrators and departments.

3. Inform stakeholders of the potential violation.
UO personnel involved in the potential violation must be notified that an investigation of the potential violation has been launched and that their assistance may be needed during the course of the inquiry.
4. Disciplinary Action

UO community members who violate UO policy and/or engage in illegal activity are subject to disciplinary action, up to and including termination of employment or student status, in addition to possible criminal prosecution.

External Reporting

The Export Control Officer may voluntarily self-disclose to relevant agencies in the event of a potential **export** control violation, as voluntary self-disclosures are a mitigating factor in any **export** enforcement administration action and considered a compelling indicator of a party's intent to comply with U.S. export control regulations.

Parties have 180 days to submit an initial disclosure when violations are first uncovered and follow-up with a complete narrative within 180 days.

The penalties for **export** control violations can be severe, including personal liability (particularly when there are willful violations and/or intentional ignorance of procedures), monetary fines, denial of **export** privileges, and imprisonment. Penalties for the institution may include fines and debarment. Personal liabilities can be significantly mitigated by working with the Export Control Officer.

Corrective Action for Non-Compliance

UO will address non-compliance in accordance with university policy, applicable rules, regulations, collective bargaining agreements, and other applicable requirements.

No individual shall be punished solely for a good faith report of what the UO community member reasonably believed to be an act of wrongdoing or **export** control violation.

Update History

Rev #	Revision Date	Revision Description
1		Final version approved by Vice President for Research and Innovation

Appendix

Definitions and Acronyms

BIS	Bureau of Industry and Security (Department of Commerce)
CCL	Commerce Control List
Deemed Export	A deemed export is when software or technology is shared through visual, oral, written, or other inspection with a foreign person within the U.S. Examples include sharing information with a foreign person by email or in a conversation, a foreign person participating in certain kinds of research, or a foreign person touring a laboratory with equipment subject to the EAR. Defined by export control regulations 15 CFR 734.13(a)(2) and 15 CFR 734.13(b).
DGE	Division of Global Engagement (University of Oregon)
Dual-use Item	A dual-use item is one that has civil applications as well as terrorism- or military-related applications. Defined by export control regulation 15 CFR 730-744.
EAR	Export Administration Regulations
EAR99	An ECCN classification for low-technology consumer goods that typically do not require an export license .
ECCN	Export Control Classification Number
Export	An export is an actual shipment or transmission of items subject to the EAR to a foreign country or a release of software or technology subject to the EAR to a foreign person in the U.S. (also known as a deemed export). Defined by export control regulation 15 CFR 734.2(b).
Export License	An export license is written authorization from the relevant U.S. government agency for an export to occur. The need for a license depends on the type of item, the final destination, the end user, and the end use.
Foreign Person(s)	<p>A foreign person is a person who is not a lawful permanent resident of the U.S., citizen of the U.S., or any other protected individual. An individual with a work or student visa is considered a foreign person.</p> <p>A foreign person also means any corporation, business association, partnership, trust, society, or other entity that is not incorporated in the U.S. or organized to do business in the U.S. as well as international organizations or foreign governments and agencies.</p>

	<p>“Foreign national” is a synonymous term.</p> <p>Defined by export control regulations 15 CFR 801.2(b), 801.2(c), and 801.2(e).</p>
Fundamental Research	<p>Basic and applied research in which the results are published and shared broadly in the research community and for which the researchers and/or the UO have not accepted restrictions for proprietary or national security reasons. Defined by export control regulation 15 CFR 734.8.</p>
Fundamental Research Exclusion	<p>Software or technology that arises during or results from fundamental research and is intended to be published is not subject to the EAR. Defined by export control regulation 15 CFR 734.8.</p>
ITAR	International Traffic in Arms Regulations (Department of State)
OFAC	Office of Foreign Assets Control (Department of Treasury)
OVPRI	Office of the Vice President for Research and Innovation (University of Oregon)
PCS	Purchasing and Contracting Services (University of Oregon)
PI	Principal Investigator
Re-export	<p>An actual shipment or transmission of items subject to export control regulations from one foreign country to another foreign country. A re-export also occurs when releasing items, knowledge, software, or technology subject to the EAR to a foreign person of a country other than the foreign country where the release or transfer takes place.</p>
SDN	Specially Designated Nationals
Software	<p>A collection of one or more programs or microprograms fixed in any tangible medium of expression. Defined by export control regulation 15 CFR 772.1.</p>
SPS	Sponsored Project Services (University of Oregon)
Technology	<p>Technology that may require an export license is information necessary for the development, production, or use of an item. Defined by export control regulation 15 CFR 772.1.</p> <p>“Development” is related to all stages prior to serial production such as design, design research, design analyses, design concepts, assembly and testing of prototypes, pilot production schemes, design data, process of transforming design data into a product, configuration design, integration design, and layouts.</p>

	<p>“Production” means all production stages such as product engineering, manufacture, integration, assembly, inspection, testing, and quality assurance.</p> <p>“Use” includes operation, installation, maintenance, repair, overhaul, and refurbishing.</p>
UO	University of Oregon

List of Employees in Responsible Party Roles

This list of employees filling responsible party roles is current as of May 2024.

Title	Name	Unit	Email
Assistant Vice President for Research Integrity	Jessica Price	Research Integrity, OVPRI	jjprice@uoregon.edu
Export Control Officer	Ethan Mapes	Research Integrity, OVPRI	exportcontrols@uoregon.edu
Associate Director of Conflicts of Interest and Export Controls	Mandy Gettler	Research Integrity, OVPRI	mandyl@uoregon.edu
Chief Procurement Officer	Greg Shabram	Purchasing and Contracting Services	gshabram@uoregon.edu
Post-Award Manager, Contracts Team	Erica Curtis	Sponsored Projects Services, OVPRI	ericacur@uoregon.edu
Director of International Scholar Services	Lindsay Pepper	Division of Global Engagement	lpepper@uoregon.edu
Interim Chief Information Security Officer	José Domínguez	Information Services	jad@uoregon.edu
Mail Services Coordinator	Rebecca Lucas	Finance & Administration Shared Services	rlucas7@uoregon.edu
Travel Manager	Brooke Montgomery	Business Affairs	bmillett@uoregon.edu

Item Classification Sheet

Item Description	
Technical Specifications	
Agency Jurisdiction	
ECCN Classification Decision	
Contacts Made to Determine Item Classification	
Name and Title of Technical Decision Maker & Date	
Name and Title of Approving Manager & Date	
End-Use of the Item (Civilian, Military, Dual Use)	
End-User (Entity and Owner/PI/etc.)	

Request for Evaluation Due to EAR Change Made	
Evaluation Decision Date Name and Title of Product Engineer	

Export Authorization Sheet

Item		
Description		
ECCN or Other Classification		
Country of Destination		
License Determination		
Is license required? Y / N	License exception available? Y / N	No license required (Check here)
License Number:	License Exception:	
Reviewed by:	Initials:	Date:
Screening		
Party Screening Complete	Initials:	Date:
End Use military	Y / N	
Prohibited End Use?	Y / N	
End Use Statement?		
Export Reporting		
Compliance Documents Needed		
Other Documents Needed		