

Do Export Controls apply to my work? What do I need to do?

Receiving/Conducting Export Controlled (ITAR/EAR) or Proprietary Work

- We need to request export classification of the project, data, and any equipment/items received
- Creation of a Technology Control Plan (TCP) – create with the Export Controls Office
- You need to secure the Room (consider budget items for security measures)
 - Limited access (proper setup with Public Safety)
 - Audit trail of when and who enter the room
- You need to secure the export controlled equipment, data, etc. to include tracking and recordkeeping.

Receiving/Purchasing Export Controlled Items (e.g. FLIR Camera)

- We need to request export classification and communicate with the Export Controls Office prior to finalizing the purchase order. We need to work together to establish proper controls (TCP, security of the equipment, room, etc.)
- Tracking of the equipment and maintain a chain of custody log for the equipment, including receipt, changes in location, use, and appropriate disposal. Contact the Export Controls Office for disposal.

Know your customer and your visitors

- You need to know who is on the other end of the phone, email, collaboration, visit – Conduct Restricted Party Screening (RPS), which is an essential part of our export compliance program.
 - RPS determines if the individuals and companies with whom you engage are on any government issued restricted, blocked, or denied party lists. Request a restricted party screening from a designated department employee or the Export Controls Office for entities and individuals prior to engagement (e.g. collaboration, visit).
- We need to screen all visitors, institutions, and companies prior to visit, travel, collaboration, etc.

Shipping

- Prior to shipment, we need to know the recipient(RPS) and the item(s) export classification (ECCN/ITAR)

International Travel

Where am I going, who am I visiting, and what am I doing while there? Am I hand-carrying or shipping item(s)?

- If traveling to OFAC Sanctioned Destinations (Top 5 out of 21 country specific: Cuba, Iran, Syria, Sudan, North Korea) contact Export Controls Office
- If taking or shipping items contact Export Controls Office
- Avoid international travel with proprietary data (GE data, etc.)
- Ensure RPS is conducted on place and or person(s) of visit and cleared prior to trip
- Presentations and discussions must be limited to topics that are not related to controlled items, software, or technology unless that information is already published or in the public domain.

Contact the Export Control Office for further guidance: exportco@uc.edu or 513-556-1426.

Visit our website: <http://researchcompliance.uc.edu/exportControls/exportControls.aspx>

- During your visit or presentation be aware of side conversations, including emails, phone calls, or in-person – ensure that they are discussions on publicly available information
- Do not give advice to any foreign military or police – this could be a defense service per the ITAR. For example, if the foreign military person presents a specific problem or scenario, if you give your opinion, advice, or solution this could be a defense service.

Verify that your technology or information falls into one or more of the following categories prior to travelling (does not apply to tangible items):

- Research which qualifies as fundamental research
- Published information or publicly available information or software
- Educational information

Do not take any items, information, software, or technology that fall into any of the following categories:

- Controlled Unclassified or Export Controlled, Limited Distribution, Proprietary, Confidential, or Sensitive
- Data or information received under a Non-Disclosure Agreement or results from a project with contractual constraints on the dissemination
- Specifically designed for military, intelligence, space, satellites, encryption software, or nuclear related applications
- Computer software received with restrictions on access or export to non-US Persons

Things to Remember

- Foreign Military, Police, and/or Government Visitors (includes Cadets) or collaborations, travel, etc. – **Alert Export Controls Office Immediately**
- Signing agreements with international institutions, governments, companies, and research facilities could put the university at risk if they are on any restricted parties list
- Ensure accurate controls on visiting and or sponsoring international staff/faculty/post docs
- The Fundamental Research Exclusion **ONLY** applies to information **NOT** developed products. Tangible products of fundamental research (models, instruments, devices, samples) **ARE** subject to Export Controls
- The following causes the Fundamental Research Exclusion **NOT** applicable to the project:
 - Making **SIDE DEALS** or statements/agreements that the publication restrictions are okay or approval by the sponsor is alright with you
 - If you do not intend to publish any of the work
 - Proprietary, sensitive, or restricted projects
 - Sponsor “Approval” instead of “Review” prior to publication
 - Review or approval by sponsor of individuals on the project, especially foreign persons or U.S. persons only statements/clauses
- Regulations require documentation: Keep all records for at least 5 years from the date of determination, export or conclusion of the project/contract/agreement, or the expiration of a BIS/DDTC license/agreement.