



Administrative Policy or Guideline

Title:	Export Control Compliance
Source:	Office of the Vice Chancellor for Research
Prepared by:	Office of Regulatory Compliance
Approved by:	Donald M. Elliman, Jr., Chancellor, CU Anschutz Medical Campus Dorothy A. Horrell, PhD., Chancellor, CU Denver
Effective Date:	August 1, 2016
Replaces:	N/A
Applies:	All Campuses; including the Liniger Building at CU South Denver

A. Introduction

The University of Colorado Denver | Anschutz Medical Campus (“CU Denver | AMC”) is committed to complying with all United States (U.S.) export control laws and regulations, including the Export Administration Regulations (EAR) implemented by the Department of Commerce, the International Traffic in Arms Regulations (ITAR) implemented by the Department of State, and regulations implemented by the Treasury Department through its Office of Foreign Assets Controls (OFAC).

The purpose of this policy is to codify the University’s commitment to compliance with U.S. export control regulations, identify the corresponding responsibilities of University personnel, including CU Denver | AMC Community Members, and establish the administrative foundation for the University’s export control compliance program. It is the responsibility of all CU Denver | AMC Community Members to be aware of and comply with all export control requirements as well as applicable University policies and procedures. The Office of Regulatory Compliance is available to assist members of the CU Denver | AMC community in assessing their export control obligations and will facilitate the acquisition of export licenses if required.

B. Policy/Guidelines Statement

The University recognizes the importance of U.S. export control laws and regulations, and expects compliance from all of its CU Denver | AMC Community Members. Violations can result not only in significant civil or criminal liabilities for the University and potentially the

individuals involved, but also in damage to national security and to the University's standing as a premier institution of research and learning.

The export of certain items, technologies, software and services is regulated for reasons of national security, foreign policy, prevention of the spread of weapons of mass destruction and for competitive trade reasons. Prior written authorization (an "export license") from one or more U.S. government agencies may be required to carry out certain sponsored research or other educational activities involving specified technologies, or certain countries and/or their citizens, if an exception, exemption or exclusion is not available. No CU Denver | AMC Community Member may engage in any activity, or commit the University to engage in any activity, that violates U.S. export control laws and regulations. Specifically, CU Denver | AMC Community Members may not:

- Export commodities, software, or technology subject to the EAR, except as authorized by the U.S. Department of Commerce;
- Export hardware, technical data, or services subject to ITAR, except as authorized by the U.S. Department of State;
- Engage in transactions subject to OFAC, including travel, except as authorized by the U.S. Department of Treasury; or
- Violate any other U.S. export control law or regulation.

CU Denver | AMC Community Members involved in research and academic projects that are subject to export controls must follow the requirements that are appropriate for the roles that they serve. All CU Denver | AMC Community Members are responsible for reviewing the materials on the University's [export controls website](#) and consulting with the University's Export Controls Officer (ECO) when export controls apply.

Questions about export control should be directed to the ECO in the Office of Regulatory Compliance. See ucdenver.edu/exportcontrol for additional information. The ECO, through established policies and procedures located on the Office of Regulatory Compliance website, will assist any CU Denver | AMC Community Members in determining the applicability of export control laws and regulations regarding research, travel, or other potentially controlled activities. Specifically, this Policy implements the University's Export Controls Program Guidance Manual. ([Click here](#) to view an online version of the guidance manual.)

C. Definitions

The following definitions are commonly used in the area of Export Control, and are designed to provide CU Denver | AMC Community Members with a baseline understanding of the types of situations and scenarios that may give rise to Export Control compliance issues. This list is not exhaustive; please contact the ECO with any questions regarding or related to the subject matter discussed below.

CU Denver | AMC Community Members are defined to include the following:

- Employees (faculty, staff, authorized agents and other categories, as applicable);
- Registered and visiting students;
- Volunteers and Trainees;
- Members of affiliated boards;
- Visiting scholars;

- Contracted nonpermanent individuals; and
- Vendors while doing business with CU Denver | AMC

Deemed Export is the release or transmission of information or technology subject to export control to any foreign national in the U.S., including graduate students and training fellows. Such release of information is considered to be an export to the person's home country.

Export means any item (i.e., commodity, software, technology, equipment, or information) sent from the U.S. to a foreign destination. Examples of exports include the actual shipment of goods as well as the transfer of written documents or information via email, phone, fax, internet, and verbal conversations.

Export License is a written authorization provided by the appropriate governing regulatory authority detailing the specific terms and conditions under which export or re-export of items regulated by export control regulations is allowed.

Export License Exception is an authorization that allows the export or re-export, under very specific conditions, of items that would normally require a license. Export License Exceptions are detailed in EAR § 740 (<http://www.access.gpo.gov/bis/ear/pdf/740.pdf>).

Foreign National is defined as anyone who is not a U.S. citizen, or who is not a lawful permanent resident of the U.S., or who does not have refugee or asylum status in the U.S. Any foreign corporation, business association, partnership, trust, society or any other foreign entity or group as well as international organizations and foreign governments are considered "Foreign National(s)."

Fundamental Research as defined by National Security Decision Directive 189 (NSDD 189), is any "basic and applied research in science and engineering, the results of which are ordinarily published and shared broadly within the scientific community..." Information that results from Fundamental Research is not subject to Export Control.

U.S. Person is any U.S. citizen, permanent U.S. resident alien, or protected individual, wherever that person is located. U.S. incorporated or organized firms and their foreign branches are also considered U.S. persons.

D. References

1. U.S. State Department – International Traffic in Arms Regulations (ITAR) (<http://www.fas.org/spp/starwars/offdocs/itar/index.html>) – 22 CFR §§120-130
2. U.S. Commerce Department – Export Administration Regulations (EAR) (http://www.access.gpo.gov/bis/ear/ear_data.html) - 15 CFR §§730-774
3. U.S. Bureau of Industry and Security (BIS) (<http://www.bis.doc.gov/>)
4. U.S. Treasury Department – Office of Foreign Assets Control (OFAC) (<http://www.treas.gov/offices/enforcement/ofac/>) - 31 CFR §§500-599

5. National Security Decision Directive 189 (NSDD 189)
(<http://www.fas.org/irp/offdocs/nsdd/nsdd-189.htm>)

6. University of Colorado System, [*Institutional Statement of Export Control Commitment and Support*](#)