



## **Campus Administrative Policy**

### **Policy Title: Export Control Compliance**

Policy Number: 6002      Functional Area: Research

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Effective: July 1, 2023  
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Responsible Officer: Vice Chancellor for Research

Applies to: University of Colorado Anschutz Medical  
Campus  
University of Colorado Denver

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### **A. Introduction**

The University of Colorado Denver | Anschutz Medical Campus (collectively “the University”; separately “CU Denver” or “CU Anschutz Medical Campus”) 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 and CU Anschutz Medical Campus Community Members, and establish the administrative foundation for the University's export control compliance program. It is the responsibility of all University 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 University 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 University 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 U.S. policy including but not limited to 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 conduct 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 University 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, University 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.

University 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 University community members are responsible for reviewing the materials on the University's [export controls website](#) and consulting with the Office of Regulatory Compliance when export controls apply.

Questions about export control should be directed to the Office of Regulatory Compliance. Visit [the Export Control website](#) for additional information. The Office of Regulatory Compliance will assist University 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. ([Export Control Program website](#)) 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 University 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 Office of Regulatory Compliance with any questions regarding or related to the subject matter discussed below.

University community members are defined as follows:

- 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 the University

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 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 ([License Exceptions](#)).

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.

## Notes

1. Dates of official enactment and amendments:  
August 1, 2016: Adopted / Approved by the Chancellors  
March 27, 2016: Modified  
July 1, 2023: Updated
2. History:  
March 27, 2016: Modified to reflect a Campus-wide effort to recast and revitalize various Campus policy sites into a standardized and more coherent set of chaptered policy statements organized around the several operational divisions of the university. University branding and links verified.  
July 1, 2023: Updated
3. Initial Policy Effective Date: August 1, 2016
4. Cross References/Appendix:
  - U.S. State Department – International Traffic in Arms Regulations (ITAR) ([Code of Federal Regulations website](#)) – 22 CFR §§120-130
  - U.S. Commerce Department – Export Administration Regulations (EAR) ([Export Administration Regulations \(EAR\) Website](#)) - 15 CFR §§730-774
  - U.S. Bureau of Industry and Security (BIS) ([Bureau of Industry and Security Website](#))
  - U.S. Treasury Department – Office of Foreign Assets Control (OFAC) ([Office of Foreign Assets Control Website](#)) - 31 CFR §§500-599
  - National Security Decision Directive 189 (NSDD 189) ([National Security, Decision Directives Website](#))
  - University of Colorado System, [Institutional Statement of Export Control Commitment and Support](#)