

PLYMOUTH STATE UNIVERSITY POLICY ON COMPLIANCE WITH FEDERAL EXPORT CONTROL REGULATIONS

1. Preamble

- 1.1. Plymouth State University (University) recognizes its legal responsibilities to comply with pertinent regulations regarding the use, release, and exporting of export-controlled technical data, information, materials, and equipment in all activities conducted under the auspices of the University, including outreach, scholarly, research, and teaching activities. Accordingly, the University maintains this policy and underlying procedures. The University strives to ensure that all members of its community – whether staff, faculty, students, consultants, subcontractors or visitors – understand and adhere to this policy.
- 1.2. The University developed this policy to comply with federal export regulations, including but not limited to the International Traffic in Arms Regulations (ITAR), the Export Administration Regulations (EAR), and the Office of Foreign Assets Control (OFAC) regulations. The EAR and the ITAR govern the shipment or transfer (directly or indirectly) of export -controlled technical data, information, materials and equipment to destinations outside the United States, as well as the provision of services and access to certain export controlled technical data, information, materials or equipment to debarred persons or entities and to non-U.S. persons within or outside the United States. In addition, the OFAC regulations impose sanctions and embargoes on transactions or exchanges with designated countries, entities and individuals, which in turn restricts University's ability to conduct certain activities with those subject to the sanctions.
- 1.3. The University recognizes that these regulations support critical national-security, economic, and foreign policy interests of the United States.

2. Definitions

- 2.1. Definitions related to export controls are codified in the Export Administration Regulations (EAR) at 15 CFR § 772, the International Traffic in Arms Regulations (ITAR) at 22 CFR § 120, and the Office of Foreign Assets Control (OFAC) regulations at 31 CFR Part 501.
- 2.2. Activity(ies): include, but are not limited to: research; research training; provision of services; payment for services; instruction of students; hosting visiting scholars and other official guests; foreign travel; attendance at conferences and meetings, and presentations made at such; procurement; approval or payment of invoices; shipping and mailing; and, international collaborations, whether formally sponsored or not.

2.3. Empowered Official: The person appointed by the University Provost who ensures personnel training and compliance with guidelines, procedures, and related policies pertaining to federal export control regulations.

2.4. U.S. Person: means any U.S. citizen, lawful permanent resident (a/k/a “green card” holder) of the U.S., or an individual who has been granted asylum or refugee status in the U.S. This definition also includes any corporation, society, or other entity or group that is incorporated or organized to do business in the U.S., and any federal, state, or local government entity in the U.S.

3. Statement of the Policy

3.1. All individuals affiliated with the University who work with, or have access to, export-controlled technical data, information, materials and equipment or who engage in Activities are required to be familiar with and fulfill the requirements of the U.S. export controls laws and regulations by following applicable University guidelines, procedures, and related policies, and consulting with the University’s Empowered Official (see **section 5.2**) as needed.

4. Applicability:

4.1. This policy is applicable to any Activity involving the use of export-controlled technical data, information, materials and equipment, or involving a non-U.S. Person, that is:

- i. Conducted by or under the direction of any employee, student, or agent of the University in connection with his or her individual University responsibilities;
- ii. Conducted by or under the direction of any employee, student, or agent of the University involving the use of any University equipment, property or facility;
- iii. Involving any collaborating, sub-granting, or subcontracting individual or institution working with the University; whether such activity is unsponsored, or is sponsored by University or extramural funding from any source

5. Administration of Policy

5.1. The Provost is responsible for the administration of this policy and applicable University guidelines and procedures.

5.2. The Provost will designate an Empowered Official in the Office of Research Administration to facilitate compliance and assist the University community with training, guidance, and administration of applicable regulations.

6. Enforcement

6.1. The University’s workforce members are expected to follow federal and state laws and regulations, as well as the University’s policies and procedures regarding information security and export controls and regulations.

6.2. Besides the possibility of incurring significant reputational damage, civil and criminal penalties for violations of export control regulations are substantial, including significant fines, debarment from participation in federal contracting, loss of export privileges, and in some cases imprisonment. Such penalties can be imposed upon the individual(s) involved, as well as the institution.