

**Office of Sponsored Research and Programs
Southeastern Louisiana University
Export Control Statement**

As a member of the University of Louisiana System, Southeastern Louisiana University is committed to maintaining an open research, educational and business environment while also complying with federal export control laws which control the conditions under which certain information, technologies, and commodities can be transmitted to anyone overseas, including U.S. citizens, or to a foreign national here in the United States. Failure to comply with these laws exposes the employee and the university to severe criminal and civil penalties such as, fines and prison sentences as well as administrative sanctions which include loss of funding and export privileges.

It is the position of the Office of Sponsored Research and Programs that research conducted by the faculty, staff, and students of Southeastern Louisiana University is in the public domain and considered fundamental research, as that term is defined in export control legislation promulgated by the U.S. Department of Commerce and U.S. Department of State. Most of the institutions' research will therefore be exempt from export control licensing requirements. However, where export control regulations are applicable to our research activities, the Office of Sponsored Research and Programs requires full compliance with the law. Any export control issue related to research being performed at Southeastern must be immediately directed to the Office of Sponsored Research and Programs (OSRP).

Exclusions Relevant To The University Setting:

1. Fundamental Research Exclusion:

Information arising from basic and applied research in science and engineering at an accredited institute of higher learning within the U.S., Export Control Regulations where the resulting information is ordinarily published and shared broadly with the scientific community, is excluded from the scope of the ITAR and EAR.

2. Public Domain/Publicly Available:

ITAR: information which is already published and generally accessible to the public is not subject to ITAR. Information that is available through books, periodicals, patents, open conferences in the United States, websites accessible to the public with no access controls, or other public release authorized by the U.S. government, is considered in the public domain.

EAR: publicly available technology and non-encryption software, such as information that is the subject of an open patent application, published in a book or periodical, released at an open conference anywhere, available on a website accessible by the public with no access controls or information that will be published is not subject to the EAR. This includes submission of manuscripts to journals for consideration with the understanding that the article will be published if favorably received.

3. Educational Instruction:

EAR: information that is released by instruction in catalog courses and associated teaching laboratories is not subject to the EAR.

ITAR: information concerning general scientific, mathematical, or engineering principles commonly taught in schools, colleges and universities is not controlled by ITAR.

4. Bona fide/full time employee:

Disclosure of technical data (as defined by ITAR) in the United States to a university bona fide and full-time regular employee, whose permanent abode is in the U.S., the employee is not a national of an embargoed country, and the university informs the employee in writing that the technical data may not be transferred to other foreign nationals without approval, is excluded from ITAR.

Exclusions That Do Not Apply To All University Activities And Require A Review For Export Compliance:

- Export of tangible items outside the United States
- Working with proprietary, restricted or classified information
- Projects performed abroad by university personnel
- Furnishing defense services to a foreign person within the United States
- Transacting with embargoed or sanctioned countries or parties
- Creating, receiving or working with encryption software
- Providing use technology regarding controlled equipment to a foreign national

Principal Investigators Responsibility:

The PI has the best understanding of his or her research and therefore the best information as to whether the particular technology, data, or information involved in that research is or may be covered by export control regulations. The PI is responsible for doing the following:

- The PI should carefully review the information on export controls provided on this web site. Before beginning any research, the PI should determine whether any export control issues may be presented (see "What kinds of projects raise export controls questions" below.)
- If any such issues are identified, or if any question exists, the PI should contact the Office of Sponsored Research and Programs (OSRP) for help with determining whether any export control restrictions may apply to the research.
- After work on the project has begun, the PI should notify the Office of Sponsored Research and Programs prior to implementing any changes that may give rise to the application of export controls, such as a change in the scope of work or the addition of new staff to the project.
- If any export control issues are identified at the proposal stage by the Office of Sponsored Research and Programs, the PI should cooperate fully with the OSRP to determine the application of export control regulations to the research.

- If it is determined that export controls apply to the project, the PI must adhere strictly to any applicable restrictions and cooperate fully with the University's efforts to monitor compliance.
- The PI should periodically review the applicability of export control regulations which could change based on the direction of the research, changes in the status of controlled information and technology or changes in the law and regulations.

What Kinds Of Projects Raise Export Control Questions?

Basically, any research activity may be subject to export controls if it involves the actual export or "deemed" export of any goods, technology, or related technical data that is either 1) "dual use" (commercial in nature with possible military application) or 2) inherently military in nature.

Work in the following areas is considered high risk:

- Engineering
- Space sciences
- Computer Science
- Biomedical research with lasers
- Research with encrypted software
- Research with controlled chemicals, biological agents, and toxins

NOTE: Some of the information on this page was created by the University of Iowa, Office of Export Control and the University of South Dakota.