



**THE OHIO STATE UNIVERSITY**

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# Research Compliance Update

*for the Office of Grants and Contracts*

Presented by Laurel C. Dean

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## **General Rule:**

It is unlawful for any U.S. person to export to a foreign person or entity without an appropriate export authorization.



# What Constitutes an Export?

An export occurs whenever an:

- item
- commodity
- **technology**
- software

that is subject to export controls  
is transmitted to a foreign person.

If the item being exported is controlled, then an Export License or authorization may be required before the transfer can legally occur.



## Who is a Foreign National?

Foreign Nationals are persons who:

- Are not U.S. citizens
- Are not permanent resident aliens of the U.S. (i.e. they do not have a green card)
- Are not in the U.S. as a refugee or with asylum status

## When Does An Export Occur?

### Actual Export

When an item, technology, or software is sent or transmitted outside of the United States.

### Deemed Export

In addition to the physical transfer of items out of the country, the U.S. Government also actively regulates the release or transmission of controlled technology or information to Foreign Nationals within the U.S (e.g., a foreign national graduate student at OSU).



## Overview of Export Controls

In addition to activities involving military items or weapons, it is critical to note that many normal, everyday University activities are subject to Export Controls, including:

- Traveling overseas on University business (e.g., conferences, conducting field work, international symposia)
- Traveling with some types of equipment including laptops, web-enabled cellphones, or other items
- Traveling with unpublished, proprietary information or restricted information
- Research collaborations with foreign nationals (in the U.S. or abroad)
- Student exchanges & visiting scholar exchanges
- Student internships
- Visits or tours of research facilities by foreign nationals
- Purchase and usage of equipment to conduct research
- Sponsoring research (e.g., via a subcontract) or providing any financial assistance to an embargoed or sanctioned person/ country
- Providing financial assistance to any one that is considered a blocked or sanctioned party or a specially designated national
- Providing professional services to problematic end-users or sanctioned countries

### **TAKE HOME MESSAGE:**

**Export controls apply to more than military items.  
They impact university work in a variety of ways!**



## Export Controls & University Research

Research information is exempt from export controls when any one of three exclusions apply:

1. Public Information
2. Educational Information
3. Fundamental Research

Although research may be exempt from export controls under these exclusions, the University must demonstrate that the appropriate export control reviews were performed.

**The Fundamental Research Exclusion applies to any basic or applied research in science or engineering where the resulting information is ordinarily published and broadly shared in the scientific community.**

Research performed as Fundamental Research is not subject to Export Controls and no licenses are required to release or transfer information to a foreign national in the U.S. or abroad.

It is important to note that the fundamental research exclusion only covers the “**results**” of research. It does not cover actual materials, items or technologies involved in or resulting from the research. Export Controls may still apply to these items.



## Information Security Controls

- DFARS 252.204-7012: requires individual project systems to comply with IT security controls when the project includes controlled information. This is a mandatory clause in all DOD contracts.
- Institutional security standards: apply to handling of controlled information. Standards are being rolled out over a 5-year period.
- Compliance with these standards will require extra time, effort, communication, and money

## Who To Contact

- Laurel Dean, Export Compliance Officer (614) 688-1596 [dean.1045@osu.edu](mailto:dean.1045@osu.edu)
- [ExportControl@osu.edu](mailto:ExportControl@osu.edu) Export Compliance Website
- Office of Research Compliance- Director, Jenifer Yucel [yucel.4@osu.edu](mailto:yucel.4@osu.edu)