Export Control Notes
Dean’s Council 12/5/12

- Export control policies for system began development about 2 years ago, along with tech transfer, maximum compensation, conflict of interest and financial disclosure policies
- This is an effort in the part of system to make sure that the universities are in compliance with federal law
- There are two broad categories of controlled exports
  - EAR (export admin regulations) covers export of "dual use technologies" i.e. that have both commercial and military purposes.
  - ITAR (international traffic in arms regulations) i.e. defense related technologies and weapons.
- Various categories of items may be subject to export control laws. These include:
  - nuclear materials, space propulsion systems, avionics, lasers and sensors
  - defense related information and classified articles
  - other technologies that may not have much of presence at this campus.

However, it does cover electronics, computers and telecommunications equipment

- The university probably faces the most risk with regards to travel by faculty who are carrying laptops or other electronics. For example,
  - The hardware MAY be subject to import control if it been modified especially if the modifications involve technologies that can be considered dual use and are otherwise restricted.
  - If the computers contain software that is encrypted or contains software for encrypting data, it is subject to export controls.
  - If the computer contains sensitive information (e.g. military information, proprietary industrial information).

- There are several cases in which faculty or other university employees may be exempt from export control laws. In general these exemptions can be given if the travel, work performed, data share can be considered:
  1. Fundamental research,
  2. Educational information exchange, or
  3. Information available in the public domain

- Exclusions on export control can be granted if the travel or tech being taken abroad meets the criteria defining these exclusions. These criteria are listed more specifically in the materials supplied by PASSHE.

The system has provided guideline to University research offices for use in determining whether faculty or staff travel falls under one of these exemptions. The presumption is that all technology being taken out of the country is prohibited from export unless it meets specific
**criteria for exemption.** Faculty and staff need to check to determine if the technologies (and information) they are taking abroad are exempt, not whether it is prohibited.

Faculty/staff traveling abroad with university-owned technology are subject to these policies as well as faculty/staff on university sponsored travel who are traveling with laptops, smartphones, etc. regardless of ownership.

- Foreign national employed by the universities may be subject to slightly different regulation of exports. For example in tenure track positions and not from an embargoed country can qualify for exceptions of ITAR items (munitions)

Also there are specific rules that apply to the access given foreign nationals attending or visiting Millersville. Foreign nationals enrolled at Millersville are exempt from most regulation under the education information exchange and public domain exemptions. Visiting foreign national who wish to tour facilities may not be allowed to visit some laboratories is some import restricted technologies are used in that lab.