I.   COMMITMENT TO EXPORT CONTROLS COMPLIANCE

The University of Pittsburgh promotes and conducts research to advance knowledge, enhance student learning experiences, and build its reputation in the scientific community. While the University endorses the principles of freedom of inquiry and open exchange of knowledge, it is the policy of the University to comply with all laws applicable to research including export controls regulations.

The export of certain technologies, software and hardware is regulated and controlled by Federal laws for reasons of national security, foreign policy, prevention of the spread of weapons of mass destruction and for competitive trade reasons. The University and all its employees are required to comply with the laws and implementing regulations issued by the Department of State, through its International Traffic in Arms Regulations (ITAR), the Department of Commerce, through its Export Administration Regulations (EAR) and the Department of the Treasury/Office of Foreign Assets Controls (OFAC) through its Foreign Assets Control Regulations (FACR).

Due to increasing geopolitical pressures and foreign policy concerns, the security needs of the United States have been pushed to the forefront, rising to the highest priority. This means the importance and scrutiny of compliance with export laws and regulations have increased, and export control provisions are now routinely included in sponsored research contracts and other agreements with the University. It is important to emphasize that the export control laws and regulations do not just apply to research—the laws and regulations may apply to many types of activities and relationships that arise in the University setting.

Most research conducted on college and university campuses is classified as fundamental research where the resulting information and software is excluded from the export control regulations. However, university research involving specified technologies controlled under the EAR and/or ITAR, or transactions and exchanges with designated countries, individuals, and entities may require the University to obtain prior approval from the appropriate agency before: allowing foreign nationals to participate in controlled research; collaborating with a foreign company; or, sharing research—verbally or in writing—with individuals who are not United States citizens or permanent residents. The consequences of violating the export control laws and regulations can be quite severe, ranging from loss of research awards and export privileges to monetary penalties and jail time for the individuals who violate these laws and regulations.

In addition to research activities, the export control regulations apply to other different types of activities and relationships as well. For example, the export controls regulations apply to travel and shipping items outside the U.S. Simply traveling to certain sanctioned countries

could require a license from the OFAC. In addition, OFAC issues sanctions which may prohibit transactions and exchange of goods and services in certain countries or with designated persons and entities. Multiple lists of denied individuals and parties are maintained and enforced by federal agencies including the Departments of State, Commerce, and Treasury. Shipping items outside the U.S. as well as taking controlled items on a flight, even if shipping or traveling to conduct research, could require a license from one or more of these agencies.

The University is committed to export controls compliance. The University has established the Office of Research Security & Trade Compliance (ORSTC) to serve as a resource and to support the University community in achieving export compliance. The University Export Controls Officer (UECO) resides in the ORSTC and is supported by multiple dedicated staff members. The UECO and staff are responsible for implementing the procedures laid out within this document. More detailed reference material and resources can be found on the ORSTC website[1] or by contacting the UECO, at 412-624-7415, or e-mailing to researchsecurity@pitt.edu.

II.   UNIVERSITY EXPORT CONTROLS COMMITTEE

The Senior Vice Chancellor for Research (SVCR) appoints members to the University Export Controls Committee (UECC). Membership of the UECC includes representatives from academic units, Office of University Counsel (OUC), Environmental Health and Safety (EH&S), Office of International Services (UCIS), Computing Services and Systems Development (CSSD), the Innovation Institute, the University Center for International Studies (UCIS), Human Resources, the Office of Sponsored Programs (OSP), and related business operations from the Office of the Chief Financial Officer. The SVCR chairs the UECC.

The UECC serves as an advisory committee to the UECO and SVCR. The function of the UECC is to provide input and advice in matters relating to export controls that arise in the course of University research and non-research operations. The UECC may also be asked to advise the UECO and SVCR on policies, procedures and institutional actions that will strengthen institutional compliance with export controls regulations. In addition, the UECC will advise and assist the UECO in the implementation of programs aimed at:

- informing the university community on export controls regulations, sanctions and embargoes;

- implementing a university-wide export controls compliance program;

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[1] www.tradecompliance.pitt.edu

- facilitating communication regarding export controls compliance and implementation of procedures with the various constituencies on campus including, but not limited to: the deans, department chairs, center directors, and other central and school based administrative offices; and

- conveying to constituencies the importance of compliance with the regulations, licenses, and agreed upon procedures, and the penalties for non-compliance.

The UECC members will be expected to meet at times the SVCR or UECO determines is necessary in order to assist the UECO in matters relating to export controls compliance.

III.   UNIVERSITY EMPLOYEES RESPONSIBLE FOR EXPORT CONTROL COMPLIANCE

A.   EMPOWERED OFFICIALS

The current Director of the Office of Research Security & Trade Compliance is the UECO and will function as the University's primary Empowered Official for export controls matters. In addition, the SVCR, Chief Legal Officer (CLO), and Assistant Director of Research Security & Trade Compliance may also function as Empowered Officials for export controls matters should the UECO be unavailable. The Empowered Officials have the authority to resolve export controls matters within their area of operation and represent the University before the export controls regulators in matters related to registration, licensing, commodity jurisdiction requests, or voluntary self-disclosures. While certain oversight functions may be delegated further by Empowered Officials to other staff, only the Empowered Officials have the power to sign and bind the University in any proceeding before the Directorate of Defense Trade Controls (DDTC), the Bureau of Industry and Security (BIS), OFAC, or any other government agency with export controls responsibilities. Although Empowered Official is defined only in the ITAR, is it used synonymously in this Export Controls Management Plan (ECMP) to describe University positions that carry high level primary or secondary export controls responsibility.

B.   UNIVERSITY EXPORT CONTROLS OFFICER (UECO)

The UECO reports to the SVCR. The UECO has the authority and the responsibility for the implementation of the procedures set forth in the University's ECMP.

The UECO works closely with the SVCR and other members of the UECC and the ORSTC staff in performing his or her responsibilities. The UECO:

1. identifies areas at the University relative to research and other business functions that are impacted by export controls regulations;

2. conducts on-going risk assessment monitoring;

3. develops procedures in collaboration with other University departments and areas to ensure the university complies with export control laws and regulations;

4. develops activity and lab specific desk procedures for locations or activities that are more prone to export control risks or concerns;

5. creates and conducts educational programs for the University community to include inventors, principal investigators, centers, academic units, and business units relating to export control compliance and University export control procedures;

6. monitors and interprets export controls laws and regulations with advice and counsel as necessary from appropriate federal agencies and the OUC;

7. populates and maintains a University export controls website containing all relevant guidance documents, FAQs, and links to federal regulations;

8. assists investigators, researchers and offices within the University in determining whether research equipment or results are subject to export controls and assists in drafting Technology Control Plans (TCPs) to properly manage the equipment and/or research activities;

9. assesses and determines export controls jurisdiction and classifications for University technology and equipment;

10. completes export controls license applications, commodity jurisdiction requests, and commodity classification requests on behalf of the University for items or situations under the jurisdiction of government agencies including but not limited to the Department of Commerce, Department of State, or Department of Treasury.

C. OFFICE OF RESEARCH SECURITY & TRADE COMPLIANCE (ORSTC)

The ORSTC staff will work collaboratively with other University members involved in the export controls process to provide assistance and expertise to the University community. The ORSTC staff will:

1. provide assistance to University central offices including OSP, Purchasing Services, Pitt-IT, and UCIS, in their review of grant proposals, program announcements, contracts and other agreement types for assessment and negotiation of export controls language;

2. assist University offices and individuals when performing restricted party screenings;

3. evaluate and perform mandatory I-129 deemed export reviews for University sponsored H1B, H1B1, L, and O type visas processed through the OIS;

4. conduct export control reviews for schools and departments for non-student and graduate student visitors;

5. provide advice and support to University faculty and staff when traveling internationally;

6. review and provide advice for University shipments, especially those which are international;

7. provide both broad and direct advice on United States sanctions, embargoes, and other government regulations including executive orders which relate to export controls;

8. assist faculty when evaluating items or technology for export and deemed export purposes;

9. maintain and populate the MyEC electronic recordkeeping system and support other supplementary systems as necessary in order to comply with government export controls recordkeeping requirements;

10. create, maintain and conduct export controls training to the University community in collaboration with the UECO.

D.   KEY UNIVERSITY MANAGERS

Academic deans, department chairs, and directors share the responsibility of overseeing export controls compliance in their respective schools, departments, centers, or institutes. They

will also support the UECO in implementing procedures as deemed necessary by the UECO for export controls compliance in their respective departments, centers, or schools.

In addition, the directors of other University offices share the responsibility of overseeing export controls compliance in their offices and supporting the UECO in implementing procedures as deemed necessary by the UECO for export controls compliance, including, but not limited to: Chief Financial Officer areas (Sponsored Projects Accounting, Purchasing Services, Payment Processing and Compliance, and Shipping & Receiving), the OIS, UCIS, Pitt-IT, Human Resources, the Innovation Institute, and EH&S. The export controls staff will work with these offices to establish review procedures to manage export controls risk.

E.   PRINCIPAL INVESTIGATOR ("PI")

Principal Investigators (PI) possess the detailed knowledge of the type of information and technology involved in a university research project or other university activity. Accordingly, PIs are expected to work collaboratively with the UECO and ORSTC staff to identify and resolve export controls issues which arise in the course of their university research. Beyond research activities, PIs must be sensitive to possible export-controlled activities and exposure of these activities to foreign nationals which can occur in the course of presenting at conferences, and discussing research findings in class with fellow researchers or collaborators.

To meet his or her obligations under the export controls regulations, each PI is encouraged to take export controls training offered by the ORSTC. University export controls training can also be found online through the CITI training modules, through the ORSTC website, and by request. When export controls issues do arise, PIs are vital in assisting the ORSTC to correctly evaluate an item or technology for licensing purposes. If government licenses or internal management plans are required for the situation, PIs must assist the ORSTC in completing and submitting a license application or creating an appropriate internal management plan for the situation.

IV.   ACKNOWLEDGEMENTS AND TECHNOLOGY CONTROL PLANS (TCPS)

A.   DEVELOPMENT

If the UECO determines a certain item, technology, visit, or specific project is export controlled, the UECO and export control staff will work with the PI to develop and implement a Technology Control Plan (TCP) to secure the controlled technology from access by unlicensed non-U.S. citizens or permanent residents. The UECO may instead issue a streamlined or simplified TCP, known as an Acknowledgement Form, depending on the nature of the applicable

controls. The Acknowledgement Form will be sent to the PI and list the controlled nature of the piece and other guidance so that the PI and his/her staff do not violate any export controls regulations.

B.   APPROPRIATE SECURITY MEASURES

The TCP will include physical and informational security measures appropriate to the export controls categories involved in the project. Examples of security measures include, but are not limited to:

- Laboratory Compartmentalization**.** Project operation may be limited to secured laboratory areas physically shielded from access or observation by unauthorized individuals.

- Time Blocking. Project operation may be restricted to secure time blocks when unauthorized individuals cannot observe or access.

- Marking. Export-controlled information must be clearly identified and marked as export-controlled.

- Personnel Identification. Individuals participating in the project may be required to wear a badge, special card, or other similar device indicating their access to designated project areas. Physical movement into and out of a designated project area may be logged. As may be necessary, the project may require electronically controlled card-access.

- Locked Storage. Tangible items such as equipment, associated operating manuals, and schematic diagrams should be stored in rooms with key-controlled access or other means of secure access control, such as proximity badges. Soft and hardcopy data, lab notebooks, reports, and other research materials should be stored in locked cabinets.

- Electronic Security. Project computers, networks, and electronic transmissions should be secured and monitored through User Ids, password controls, 128-bit Secure Sockets Layer encryption or other federally approved encryption technology.

- <u>Confidential Communications.</u> Discussions about the project must be limited to the identified and authorized project participants, and only in areas where unauthorized individuals are not present.

C. TRAINING & CERTIFICATION

Before any individual may observe or access controlled items or technology, he or she must be briefed on the procedures authorized under the TCP, certify his or her agreement to comply with all security measures outlined in the TCP, and have his or her certification authorized by the UECO or other authorized export controls individual. Export controls staff will complete the TCP in conjunction with the PI and at the PI's discretion, his/her co-investigators and/or staff so that there is total transparency.

V. LICENSING

If an export license is needed for either an export or deemed export for University sponsored operations, the UECO shall have primary responsibility for preparing and submitting such license requests to the appropriate government agency for consideration. The ORSTC shall assist the UECO in preparing and submitting license applications. Other Empowered Officials may also facilitate license requests if necessary.

VI. LICENSE EXCEPTIONS AND EXEMPTIONS RELATED TO TRAVEL OUTSIDE THE U.S.

Travel or transmissions to destinations outside the U.S. can also implicate export controls regulations. A license may be required depending on which items are taken, which countries are visited, and what activities are planned. However, a license exception or exemption from license requirements may exist. The ORSTC is the office that advises the University community on the availability and applicability of all export license exceptions. University travelers should only use a license exception in consultation with the ORSTC. Moreover, the ORSTC will provide specific guidance related to foreign travel and export controls upon request and also place broad guidance on the export controls webpage.

Any individual intending to travel with or transmit controlled data outside the U.S. must consult with the UECO prior to traveling with or transmitting the data. The UECO will work with the individual to determine appropriate export controls treatment. For audit purposes, all license exceptions shall be documented and a record maintained by the UECO, as well as by the department/school, for at least five years after the termination of the project or the travel return date.

VII.   TRAINING PROGRAMS

Training is the foundation of a successful export compliance program. Well-informed faculty and staff minimize the likelihood that inadvertent violations of the law will occur. One of the greatest risk of non-compliance of export laws and regulations occurs during casual conversations in person, on the telephone, or via e-mail. An effective way to prevent these types of violations is through awareness and training.

The UECO will be responsible for training materials to be given to employees or students engaged in an export-controlled project receive the appropriate briefing. The UECO will also maintain records of training or briefings provided. General export controls information and presentations will be available for the university community online at the ORSTC website[2].

Academic deans, directors, or department chairs will assist the UECO in implementing the export controls training sessions or briefings relative to their respective schools, departments, centers, or institutes. In addition, the directors of other offices or units on campus including, but not limited to: Chief Financial Officer areas (Sponsored Projects Accounting, Purchasing Services, Payment Processing and Compliance, and Shipping & Receiving), the OIS, UCIS, Pitt-IT, Human Resources, the Innovation Institute, and EH&S will assist the UECO in implementing the export controls training sessions or briefings relative to their units as necessary. Specific training aimed at faculty and staff will be developed and made available through different venues and in different formats.

VIII.   RECORDKEEPING

Unless otherwise provided for, all records indicated herein shall be maintained consistent with the University's record retention policy, and shall be retained no less than five years after the project's TCP termination date or license termination date, whichever is later.

Note that information which meets the criteria of being in the public domain, being educational information, or resulting from fundamental research is not subject to export controls under the EAR or the ITAR. Therefore, the special requirement for recordkeeping when using a valid exclusion will not apply.

BIS has specific record-keeping requirements.[3] Under the EAR, records are required to be kept for a period of five years from the project's termination date. However, if BIS or any other government agency makes a request for such records following a voluntary self-disclosure,

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[2] www.tradecompliance.pitt.edu
[3] *See* 15 C.F.R. § 762.6.

the records must be maintained until the agency concerned provides written authorization otherwise. Recordkeeping is important and is currently being done in multiple University systems through a combination of hard copy and electronic files.

IX. MONITORING AND AUDITING

In order to maintain the University's export compliance program and to ensure consistent adherence to U.S. export laws and regulations, the UECO may conduct internal reviews of certain processes and records. The purpose of the reviews is: (i) to identify possible violations; or (ii) to identify deficiencies in training and procedures that will be further addressed by the UECC or any Empowered Official. Export controls staff will conduct regular follow-up queries for each TCP and acknowledgement on file. If deficiencies are noted during the audit, prompt action will be taken to correct the situation.

X. DETECTING AND REPORTING VIOLATIONS

In recent years, government agencies have dramatically increased the investigation in and successful prosecution of export regulation violations. The penalties for these violations can be very severe, including personal liability, monetary fines, and imprisonment. However, government agencies assign great weight to voluntary self-disclosures as a mitigating factor. All confirmed violations will be documented and handled in accordance with University policy.

1. Any individual who suspects a violation has occurred must immediately notify an Empowered Official. The Empowered Official (if not the UECO) shall then immediately notify the UECO, who will then conduct an internal review of the suspected violation with the advice, assistance, and counsel from the OUC, and/or Empowered Officials. Once the review is complete, the UECO will present the findings to the SVCR for review. If self-disclosure is chosen, the UECO or University assigned counsel will prepare the self-disclosure notification by following the applicable federal agency guidance on such disclosures.

XI. COMPLIANCE WITH POLICY

In recognition of the seriousness of non-compliance with export controls, the University may address non-compliance with employee discipline including termination of employment in accordance with existing University policies and procedures. Additionally, fines and penalties (including jail time) from government agencies may be applied on an institutional basis, individual basis, or both depending on the nature of the violation. A separate section entitled

"Penalties for Export Violations" contains more specific information about agencies and their positions on violations.

DOCUMENT HISTORY AND VERSION CONTROLS		
Subject	THE UNIVERSITY OF PITTSBURGH EXPORT CONTROLS PROCEDURES	
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	February 2019	Version 2.2
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List of Abbreviations

BIS	Bureau of Industry and Security (US Department of Commerce)
CLO	Chief Legal Officer
DDTC	Department of State Directorate of Defense Trade Controls (US Department of State)
ECMP	Export Controls Management Plan
EAR	Export Administration Regulations
EH&S	Environmental Health & Safety
ITAR	International Traffic in Arms Regulations
ORSTC	Office of Research Security & Trade Compliance
OFAC	Office of Foreign Assets Controls (US Department of Treasury)
OUC	Office of University Counsel
OIS	Office of International Services
OSP	Office of Sponsored Programs
Pitt-IT	Pitt Information Technology
PI	Principal Investigator
SVCR	Senior Vice Chancellor for Research
TCP	Technology Control Plan
UCIS	University Center for International Studies
UECC	University Export Controls Committee
UECO	University Export Controls Officer