

Export Control Compliance

Version 3

 Print

Policy	REG01.15.10
Title	Export Control Compliance
Category	Governance and Administration
Sub-category	Governance - General
Authority	Chancellor
History	December 3, 2007; revised September 2014; revised and approved for placement in University Policy Manual January 2016. Revised and approved by Chancellor Executive Council (as interim) April 8, 2019; Posted to manual April 29, 2019. Approved by Chancellor's Executive Council July 15, 2019; posted to manual July 25, 2019.
Contact	Office of Export Controls and Customs (252) 744-2395
Related Policies	
Additional References	<p>Customs Duties (CBP, ITC, ITA, ICE): 19 CFR 0-599 (https://gov.ecfr.io/cgi-bin/text-idx?SID=fced09a183b745e860a81b66f955d438&mc=true&tpl=/ecfrbrowse/Title19/19tab_02.tpl)</p> <p>Export Administration Regulations (EAR): 15 CFR 730-774 (https://www.ecfr.gov/cgi-bin/text-idx?gp=&SID=02b534f76f96c9c5f13a1d1be8edf8d4&mc=true&tpl=/ecfrbrowse/Title15/15CVIsubchapC.tpl)</p> <p>Foreign Trade Regulations (Census): 15 CFR 30 (https://gov.ecfr.io/cgi-bin/text-idx?SID=80d24ab1f445d89ab0b25ea2ea1e7b86&mc=true&node=pt15.1.30&rgn=div5)</p> <p>International Traffic in Arms Regulations (ITAR): 22 CFR 120-130 (https://gov.ecfr.io/cgi-bin/text-idx?SID=aabc14da8a57ed6a796e8ec1fa6d3f6e&mc=true&tpl=/ecfrbrowse/Title22/22CISubchapM.tpl)</p> <p>Office of Foreign Assets Control Regulations (OFAC): 31 CFR 501-599 (https://gov.ecfr.io/cgi-bin/text-idx?SID=28c1feb82e5bebc2596c2d7aead5e59b&mc=true&tpl=/ecfrbrowse/Title31/31cfrv3_02.tpl#0)</p> <p>ECU Office of Export Controls and Customs – ECU Policy-Related Standard Operating Procedures (https://rede.ecu.edu/oecc/regulatory-resources/)</p>

U.S. export control laws and regulations govern the shipment, transmission and transfer of certain items, technology, software and services from the United States (U.S.) to foreign persons and entities located outside the U.S., and also govern releases of technology and software source code to foreign nationals located in the U.S., known as “deemed exports.” Providing services to, facilitating transactions for, traveling to, and conducting activities with certain countries, entities, and individuals are also subject to these federal requirements. The laws and their associated regulations exist to support U.S. national security, foreign policy, and economic policy goals. Additionally, the importation of tangible items into the customs territory of the United States is subject to U.S. import procedures, including, but not limited to, accurate and timely declaration to regulatory authorities.

While certain published information and the results of “fundamental research,” as defined within the export control regulations, are not subject to export controls, many activities that individuals associated with the University undertake regularly at, or on behalf of, the University are subject to export control and import-related regulations. Examples include, but are not limited to; a sponsor’s or collaborator’s release of unpublished technology (information) or software to conduct research; including release to conduct “fundamental research”; the hiring of foreign faculty, staff, or students on campus in research laboratories; providing student instruction in U.S.-sanctioned countries or providing instruction via distance education to individuals ordinarily resident in U.S.-sanctioned countries, wherever located at the time of provision of services; entering into contractual agreements with non-U.S. entities; traveling internationally; collaborating with foreign entities or persons subject to U.S. sanctions or otherwise determined as restricted or prohibited; mailing documents other than basic admissions or contract-related documents internationally; shipping items; purchasing items or services; or transferring money internationally.

Failure to comply with applicable laws exposes both individuals and the University to severe criminal and civil penalties that include fines and imprisonment, as well as administrative sanctions, such as loss of research funding, and denial of export or import privileges.

2. Policy Statement

2.1. East Carolina University requires that all individuals affiliated with the University, including, but not limited to, faculty, staff, contractors, Clinical Support Services (CSS) employees, post-doctoral scholars, students, volunteers, visiting scholars or other persons or entities using university facilities or funds, comply with this regulation, the University’s associated U.S. Export Controls and Customs Standard Operating Procedures (the “Export Controls and Customs SOPs”) adopted by the Empowered Official (see 4.1, 4.2 below) as well as the applicable U.S. laws and regulations listed in Table 1 – Applicable U.S. Export Control and Import Laws & Regulations (<https://cdn.ecu.edu/docs/prr-uploaded-docs/2.1 - Table 1 - Applicable U.S. Export Control and Import Laws and Regulations.docx>).

2.2. Each individual shall review the “Export Controls and Customs SOPs” posted on the Office of Export Controls and Customs’ website and in cases where the individual’s role is identified in the “Relevant Audience” or where activities in which the individual participates are identified in the “Relevant Activities” as listed within the section titled, “Scope” of the SOPs;

2.2.1. Individuals shall exercise reasonable care to follow the SOPs, shall disclose activities when and if solicited by the Office of Export Controls and Customs (the “OECC”) or other responsible institutional areas, and shall make reasonable efforts to comply with the SOPs.

2.2.2. Individuals shall take any required training as assigned by OECC, shall not willfully or negligently ignore the SOPs, and shall not knowingly take any action that violates export control or import laws and their associated regulations, this Policy, or the ECU Export Controls and Customs SOPs.

2.2.3. If individuals are uncertain about export control or import requirements, individuals shall submit inquiries to the OECC.

3. Enforcement and Administrative Actions

- 3.1. Violation of export control or import laws and their associated regulations, this Policy, or the Export Controls and Customs SOPs may result in disciplinary action, up to and including, the imposition of serious University-determined sanctions that may restrict an individual's activities, or result in dismissal from employment, or expulsion from the University in accordance with applicable University policies regarding the same.
- 3.2. Government-imposed civil and criminal penalties resulting from violations are separate and distinct from University administrative actions and may include monetary fines and imprisonment applicable to individuals, to University leaders, and to the University.
- 3.3. Reporting Violations: Individuals who have reason to suspect violations of this Policy shall contact the individual's immediate supervisor in accordance with ECU Policy and applicable law. Individuals may contact the Director of Export Controls and Customs in lieu of, or in addition to, contacting an immediate supervisor.

4. Implementation

- 4.1. Empowered Official: The Director of the Office of Export Controls and Customs ("Director") will serve as the Empowered Official, as defined in the International Traffic and Arms Regulations, 22 CFR 120.25, and is empowered to sign export license applications or other requests for approval on behalf of ECU, and correspond with relevant authorities, as the Director deems appropriate. The Director shall understand the provisions and requirements of the various export control statutes and regulations, and the criminal liability, civil liability and administrative penalties for violation of these statutes and regulations, including the Arms Export Control Act and the International Traffic in Arms Regulations, and has independent authority to:
- 4.1.1. Inquire into any aspect of a proposed export or temporary import by the University; and
 - 4.1.2. Verify the legality of the transaction and the accuracy of the information to be submitted; and
 - 4.1.3. Refuse to sign any license application or other request for approval without prejudice or other adverse recourse by the University.
- 4.2. Export Controls and Customs SOPs: The Director of the Office of Export Controls and Customs has overall responsibility for the University's export and import compliance program. As such, the Director shall develop Export Controls and Customs SOPs required to establish and administer the University's export and import compliance program in accordance with the applicable and related laws and regulations.
- 4.3. Awareness and Training: The Director of Export Controls and Customs shall promote this Policy and topic awareness to audiences the Director deems appropriate and shall make training available to relevant audiences.
- 4.4. Annual Report: The Director of Export Controls and Customs shall report annually to the Director's immediate administrative leader by July 31 of each year on the state of the export and import compliance program at the University. This report may include, among other information, planned modifications to this Policy, the Export Controls and Customs SOPs, resource needs, and updates concerning material changes in the export control and import-related laws and their associated regulations, as well as their potential impact upon the University.

East Carolina University

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