RCR Summer Seminar Series 2022

Michelle Leonard | Assistant Director, Education & Training Programs | UF Research
Bob Kolb | Assistant Director, Clinical Research | UF CTSI
Cassandra Farley | Research Integrity Officer | UF Research
Terry Selfe | Translational Research & Impact Librarian | UF Health Science Center Libraries

UF|Research

2022 RCR Summer Seminar Series	Rigors of Peer Review
Mentor/Mentee Relationships	Data Ethics
Collaborative Research	Reproducibility & Replicability
Research Misconduct	Export Control
Avoiding Plagiarism	Safe Research Environments
Ethics of Authorship	RCR Action Plan
The Lab	NIH Data Management Policy
Research Conflicts of Interest	The Research Clinic

Export Control

Marsha Pesch
Associate Director & ECO

UF Research Integrity, Security and Compliance (RISC)
exportcontrol@research.ufl.edu

UF|Research

UF Research Integrity, Security and Compliance

Research Integrity (Includes RM and QRP)	International Engagements and Collaboration	Research Conflict of Interest
Export Control	Facility Security	Other UF Research Services: IRB, IACUC, Animal Care

UF|Research

Export Controls At A Glance

- United States Export Controls are a complex set of regulations in place to ensure national security, economic stability, prevent the proliferation of weapons of mass destruction, and further U.S. foreign policy.

- U.S. Export Control laws govern the transfer of commodities, software, and technical data (information) overseas or to a foreign national within the United States.

- Export controls primarily include three sets of regulations:
  - International Traffic in Arms Regulations (ITAR)
  - Export Administration Regulations (EAR)
  - Economic and Trade Sanctions governed by the Office of Foreign Assets Control (OFAC)

UF|Research

Why Do I Need To Know About Export Controls?

- Conduct Research involving subjects or technologies listed on U.S. government controlled lists

- Research will involve exports outside of the U.S.

- Research sponsor indicates your project is controlled

- Collaborate with foreign researcher, student or entity, wherever located

- Research involves travel, imports, providing something of value, or financial transactions with sanctioned entities or countries

UF|Research

EVERYONE !!!

All Faculty Members, Personnel, and Students play an important roll in ensuring compliance with U.S. Export Controls at UF.

UF|Research

Export Controls at the University of Florida

It is the policy of the University of Florida to comply with all federal and state laws pertaining to export controls. All UF projects and programs must adhere to the UF Policy on Export Control Compliance and all applicable laws.

The Export Control Officer within UF RISC serves as the institutional expert on export control laws and regulations. UF RISC is here to provide guidance to faculty, staff and students.

Contact us anytime: 352-392-9174

exportcontrol@research.ufl.edu

UF|Research

Who Regulates Export Controls?

- **U.S. Department of Commerce, Bureau of Industry and Security (BIS)**
  - Export Administration Regulations (EAR) Controls commercial, dual-use, and less sensitive military items
    - Controlled items are either described on the Commerce Control List (CCL) or designated "EAR99"
- **U.S. Department of State, Directorate of Defense Trade Controls (DDTC)**
  - International Traffic in Arms Regulations (ITAR) Controls military items
    - Controlled items are described on the U.S. Munitions List (USML)
- **U.S. Department of the Treasury Office of Foreign Assets Control (OFAC)**
  - Administers and enforces economic and trade sanctions
  - Comprehensively Sanctioned: Cuba, Iran, North Korea, Syria, and the Crimea, Luhansk, and Donetsk Regions of Ukraine
- *Note: Other agencies also have a role in limited circumstances, e.g., NRC and DOE.*
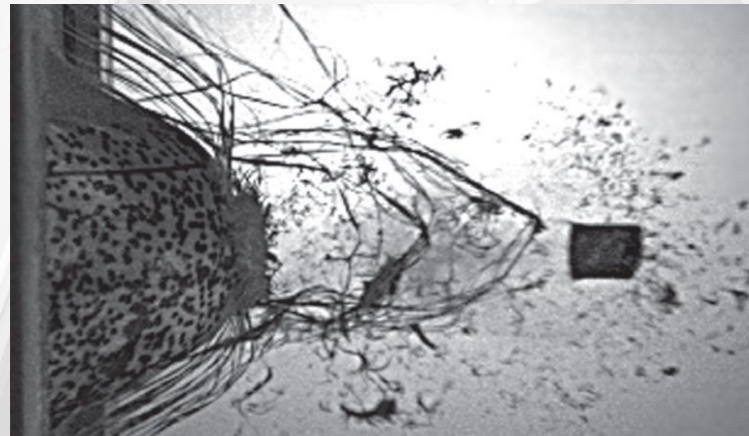
UF|Research

Key Definitions

- Export – Shipment or Transmission of controlled items, technology, software or assistance to a foreign person either outside or inside of the United States.

- Export Examples –
  - Shipping items to other countries
  - Visual inspection of ITAR-controlled equipment or data
  - Emails of technical data
  - Visits
  - Phone calls or in-person conversations
  - Placing controlled information in public domain
  - Presenting at conferences
  - Hand-carrying controlled items during international travel
  - Webinar/shared screen with technical data

- "Deemed Export" – Release of "technology" or source code to a foreign person is a deemed export to the foreign person's country of citizenship or permanent residence.

UF|Research

What Do Universities Export?

- Controlled technical data and information are the most common items university researchers export.

- Activities which may indicate additional controls are necessary:
  - International travel to sensitive countries especially when bringing any UF-owned item or data.
  - Transfer/disclosure of controlled items to a foreign national.
  - International research collaborations.
  - Participation by a foreign person on a controlled research project.
 - International shipments or temporary export of equipment, items or software.

UF|Research

Dual-Use

Dual-Use – BIS is responsible for regulating the export of most commercial items, often referred to as "dual-use" items, which are those having both commercial and military or proliferation applications.

Dual-Use

- Electronics
- Computers
- Aeronautic Systems
- Energy Systems
- Software
- Optics
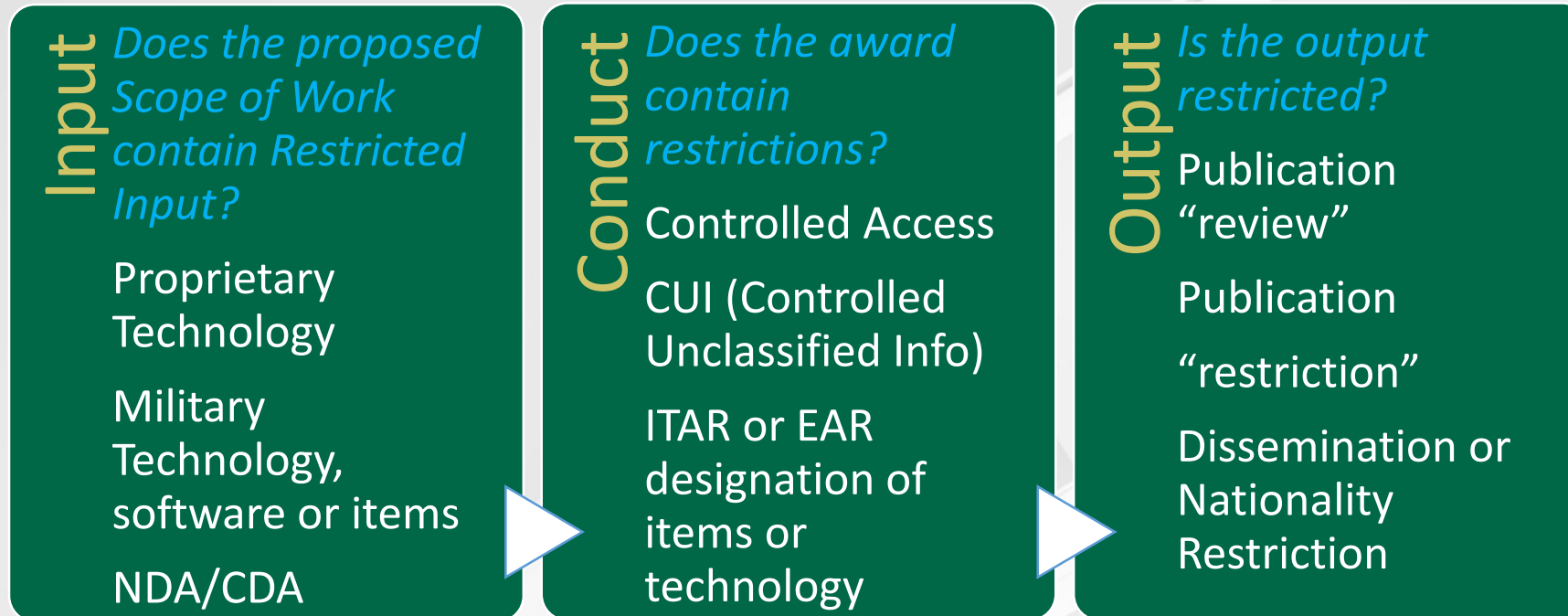- Space
- Marine
- Materials
- Radar
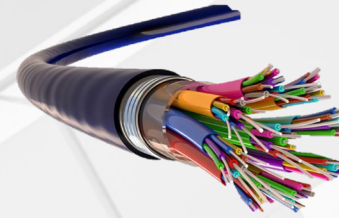
Important Exclusions

Fundamental Research Exclusion

- Basic and applied research, AND

- At an accredited institution of higher learning in the U.S., AND

- Research results are ordinarily published and shared broadly within the scientific community

- As long as these conditions are met, the <u>results</u> of the research are not subject to the ITAR or EAR.

Fundamental Research does not apply to agreements or awards containing publication, dissemination, or nationality restrictions.

UF|Research

Fundamental Research

Input

Does the proposed Scope of Work contain Restricted Input?

Proprietary Technology

Military Technology, software or items

NDA/CDA

Conduct

Does the award contain restrictions?

Controlled Access

CUI (Controlled Unclassified Info)

ITAR or EAR designation of items or technology

Output

Is the output restricted?

Publication "review"

Publication "restriction"

Dissemination or Nationality Restriction

Unrestricted Input + **Unrestricted Conduct** + **Unrestricted Output** = **Fundamental Research**

Other Important Exclusions

- Public Domain Exclusion –
  - Information which is published and generally accessible to the public
  - Examples include:
    - published papers
    - Through unlimited distribution at a conference generally accessible to the public in the United States
    - information found at libraries

- Educational Information Exclusion –
  - Educational information is defined as information released through catalog classes or labs at institutions of higher learning. Educational Information is not subject to the U.S. Export Regulations.

Export Control Indicators

Listed Technology USML or CCL	Foreign Travel, Collaboration, or Sponsor	Associated Agreements NDA or MTA
Military, Space-related sponsors NASA, DoD, DoE	Contractual Issues Publication Restrictions	Contractual Issues FN/Citizenship Restrictions
Shipping or Physical Exports	Cuba, Iran, Syria, North Korea, Crimea, LNR or DNR Regions, China, Russia, Venezuela	High-Risk Sponsors

UF|Research

Prohibited Activities

- Export of controlled goods, technology, or software/source code without a license or other authorization to prohibited destinations, end-users, or end-use

- Certain activities with, or some travel to, sensitive and sanctioned countries (Belarus, Burma, China, Cuba, Iran, North Korea, Russia, Syria, Crimea, Luhansk, and Donetsk Regions of Ukraine, Venezuela,)**

- Import from, travel to and engagement with comprehensively sanctioned countries must be approved via either general or specific license.

*** regulations change frequently, call UF RISC for additional information.*

UF|Research

Restricted Parties

Each U.S. Government agency with oversight for export controls administers various lists of restricted (or denied) parties. The lists include individuals, organizations, or companies that the federal agency has identified as a party the U.S. may not be able to conduct certain transactions with, such as exporting, investments, or, in some cases, all engagements.

Per the UF Policy on Export Control Compliance:

The University will not enter into contracts or other agreements, do business with, or engage in any activity with entities on a U.S. government restricted party list without the prior written approval of the Export Control Officer.

For assistance with Restricted Party Screening, please visit:

https://uf.tfaforms.net/f/risc-contact

UF|Research

International Collaborations and Partners

- Two main concerns: (1) access to ITAR or EAR information and (2) working with restricted parties or Military End-Users

- Valid Visa holders requiring access to controlled equipment and information must have a license or exemption

- Denied Party? Request restricted party screening from UF RISC

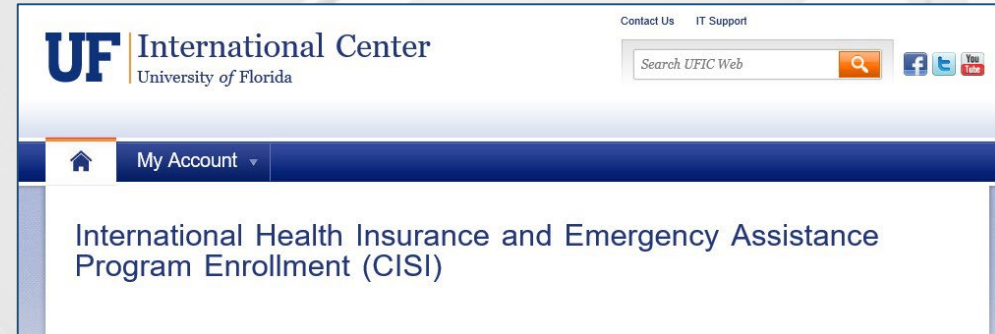- Physical shipments of commodities, research samples, or equipment

UF|Research

Travel and Conferences

- Travel to most countries and bringing typical items with you will not require a license (e.g., standard laptop, cell phone, personal items)
- Caution: Sanctioned Countries (Crimea, LNR or DNR Regions of Ukraine, Cuba, Iran, North Korea, Syria)
- Caution: Countries of Concern (Burma, Belarus, China, Russia, Venezuela)
- Caution: Hand-Carry or Shipping Special Equipment (e.g., valued >$2500, infrared camera)
- Caution: Do not present or discuss any export controlled information without approval, even at a domestic conference

UF|Research

Travel Reminders

- Travel Authorizations
  - myUFL
- UFIC Registration
  - https://internationalcenter.ufl.edu/travel/online-travel-registration
- Asset Management Registration
  - https://myassets.fa.ufl.edu

UF|Research

International Shipping

WHAT
- What is being shipped?
- What is its Export Control Classification Number?
- What is the value of the item(s)?

WHERE
- Where are you shipping to?
- Is the destination permissible for receipt of this item and its end use?
- Is a license required?
- Are there Import restrictions at the destination?

WHO
- Who are you shipping to?
- Are they the ultimate end user?
- Have the individuals and their organization(s) been screened against lists for excluded parties?

WHY
- What is the end use of the item and is the end use permissible without a License?

UF|Research

Export Control Scenarios to Consider

Before collaboration begins, consider the following:

- Are my collaborators on the U.S. denied entity/persons lists?
  - Contact UF RISC for a restricted party screening (RPS).

- Will I travel to, import from or interact with a comprehensively sanctioned country or a country of concern?
  - Severe restrictions will apply and a license may be required in advance.

- Will foreign persons come work with me at UF or in foreign countries?
  - Contact UF RISC for a RPS and license, if needed.

- Will I present my research results at domestic or international conferences?
  - Ok as long as controlled information is not presented and not in a comprehensively embargoed country.

- Does my funding contract or grant place restrictions on publications or participation by foreign persons?
  - If yes, will nullify certain exemptions to export control laws.

- Will I ship or hand-carry anything, including data or software?
  - If controlled or $2500 or more, may require license and Customs filing.

UF|Research

What if My Project Is Export Controlled?

- Technology Control Plan (TCP) – An internal UF plan ensuring protection of export controlled articles, software, and technical data.
    - Commitment to Compliance
    - Identifies Controlled Articles and Technical Data (CATD)
    - Categorizes CATD on the USML or CCL
    - Contractual Terms
    - Defines Physical Security Requirements
    - Defines Information Technology Requirements
    - Certifications

UF|Research

Why are Export Controls Important?

Export control violations can result in penalties and fines which may apply to an individual, the institution or both.

- Loss of Export Privileges

- Suspension/Debarment from Government Contracting

- Monetary Fines in excess of $1 million per violation

- Jail time up to 20 years per violation

UF|Research

Case Study

Professor Xavier receives a project from the National Science Foundation to work in the Canary Islands studying volcanoes. There are no publication or dissemination restrictions contained within the research grant. However, Professor Xavier would like to take scientific equipment abroad during his travels to facilitate his research. During this two month trip, Professor Xavier will partner with the University of Barcelona in Spain for analysis of the data.

UF|Research

How Does Export Control Apply to RCR

- Export Control regulations are an important to all aspects of research.

- Shipping internationally may have requirements, no matter what your field of expertise.

- Sanctions apply to all individuals on campus who may engage with or travel to countries of concern.

- Export Controls does not only affect military research.

- While UF RISC manages the export control program, it may have implications to many aspects of UF business.

UF | Research

Federal Regulations

U.S. Department of Commerce Bureau of Industry and Security (BIS) Export Administration Regulations (EAR)	https://www.bis.doc.gov/index.php/regulations/export-administration-regulations-ear
U.S. Department of State Directorate of Defense Trade Controls International Traffic in Arms Regulations (ITAR)	https://www.pmddtc.state.gov/ddtc_public?id=ddtc_kb_article_page&sys_id=24d528fddbfc930044f9ff621f961987
U.S. Department of the Treasury Office of Foreign Assets Control (OFAC)	https://home.treasury.gov/policy-issues/office-of-foreign-assets-control-sanctions-programs-and-information

UF|Research

University of Florida Online Resources

UF Export Control	https://research.ufl.edu/compliance/export-controls.html
UF Export Control Manual	https://research.ufl.edu/compliance/export-controls-2/export-control-manual.html
MyAssets	https://myassets.fa.ufl.edu
UFIRST	https://grants.research.ufl.edu

UF|Research

We value your input! Your feedback helps us improve the RCR Series!

Survey:
series
bit.ly/rcr2022

|

|

30-day post seminar

interviews

If You Suspect Research Misconduct...

**Contact the UF Research Integrity Officer (RIO):
Cassandra Farley | <u>rio@research.ufl.edu</u> | 352-273-3052**

Research Misconduct means **fabrication**, **falsification**, or **plagiarism** in proposing, performing, or reviewing research, or in reporting research results.

Questionable Research Practices are reports of **careless**, **irregular**, or **contentious research practices**, as well as authorship disputes, may not meet the standard for research misconduct but may be a research integrity violation.

Make a **confidential report** to the UF Research Integrity Officer (RIO).

You may also report anonymously UF Compliance Hotline: 877-556-5356

Check out the UF RIO video!
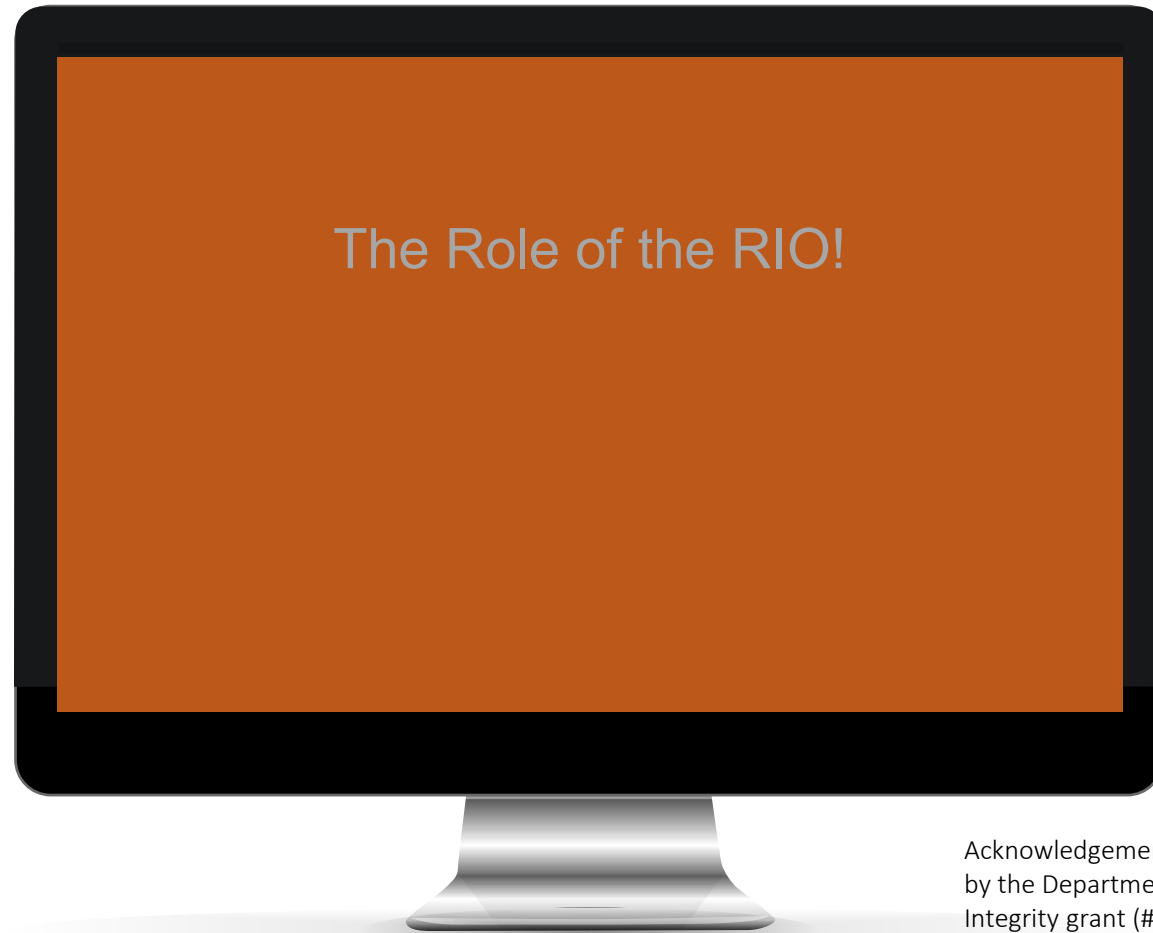
The Role of the RIO!

A podcast devoted to creating a culture of responsible conduct of research and research integrity at the University of Florida.

Produced by UF Creative Works, and a team of people across the UF Campus including UF Research, CTSI, the Center for Undergraduate Research, and a group of UF Research Ambassadors.

https://research.ufl.edu/research-roundtable-podcast.html