



Export Control #2370.010

INITIAL EFFECTIVE DATE:	LAST REVISION DATE:	RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT
June 12, 2006	November 10, 2020	Office of University Compliance and Integrity

POLICY STATEMENT

Florida International University shall comply with all U.S. federal **Export Control** and **Trade Sanction** regulations. These laws govern:

- what research instruments, materials (including biologics), software and technology that we, as a U.S. institution, can export (i.e. transfer) out of the country by any means
- what sensitive items and technology may be shared with and used by foreign national individuals both internationally and within the U.S. when foreign nationals are visa holders; this includes foreign nationals who are studying at FIU, collaborating on FIU research or working at or visiting our facilities
- what research, academic, and business entities we engage with, so as to avoid U.S. government-restricted or prohibited individuals or entities (parties of concern from a national security, export control or embargoed-country perspective).

In addition, FIU shall comply with all U.S. Treasury-mandated trade sanctions applicable to certain countries and listed parties.

FIU shall make informed resources available to all personnel in furtherance of these compliance objectives. In the event of a suspected or actual export compliance violation, FIU shall take all required steps to investigate and remediate the matter accordingly.

SCOPE

All FIU campuses: all University personnel (research, academic, operational, administrative); students; visitors and courtesy faculty appointments conducting any research or academic activity on behalf of FIU or otherwise associated with FIU.

REASON FOR POLICY

For FIU to comply with U.S. government regulations pertaining to export control: in order to protect national security and U.S. interests internationally, U.S. Government agencies strictly enforce export control and trade sanctions regulations through substantial civil and criminal penalties, federal debarment and revocation of export privileges.

- Agencies have full audit and oversight authority.
- Liability for violations is enforceable against an individual FIU employee to whom an intentional violation is attributable, separate from our institutional liability.

Citations:

- Export Administration Regulations (EAR), 15 CFR 730-774
- International Traffic in Arms Regulations (ITAR), 22 CFR 120-130

- Office of Foreign Assets Control (OFAC) U.S. Treasury Department, 31 CFR 500, Subtitle B, et seq.
- Department of Energy: 10 CFR 110 and 810, et seq.

DEFINITIONS	
TERM	DEFINITIONS
Biologic Control Access Plan (BCAP)	Documented BSL-2 access and use plan focusing on BSL-2 security measures.
Deemed Export	Access to and/or sharing of export control technology/information with foreign nationals on campus or elsewhere within the U.S. where such access is restricted by virtue of that foreign national's citizenship, subject to agency license approval or license requirement exemption.
Department of Energy (DOE)	Regulations under the Nuclear Regulatory Commission and National Nuclear Security Administration governing nuclear research and related materials and software.
Empowered Official	Pursuant to the Department of State's ITAR regulations, FIU's officially designated and registered person responsible for compliance oversight of ITAR-governed transactions (acts in coordination with University Compliance's export control function).
Export	International transfer of any commodity, software, material or technology (information) including (but not limited to) specifically "export controlled" items (as defined by Government agencies) by any means including (but not limited to) courier/mailed shipment, hand-carried transfer, digital transfer, spoken communication and, depending on the export control level - visual access to certain controlled items and information.
Export Administration Regulations (EAR)	Department of Commerce export control regulations governing and codifying the export and/or deemed export of "dual use" items and technologies (including but not limited those used and/or generated by fundamental research and restricted research activities), for reasons concerning national security, chemical/biologics controls, missile technology, nuclear proliferation, international geo-political stability, anti-terrorism. Includes all export license/license exemption procedures pertaining to destination controls and restricted parties.
Export License/Authorization	Official written approval by a governing agency to conduct a particular export or deemed export transaction; issued based on FIU's formal written license application process to the agency.
Export Recordkeeping	Federally-required 5 year export-related record retention.
Facility Security Officer (FSO)	FIU-designated employee is responsible for FIU's compliance with the NISPOM regulations (National Industry Security Program Operation Manual) and security matters associated with FIU's Facility Clearance
Foreign Influence	Attempts by international governments and related organizations to gain access to export sensitive research applications or data, or other trade secret intellectual property (IP), either through illegal information

	technology (IT) penetration or through proximity to and absorption of such IP domestically or internationally.
International Traffic in Arms Regulations (ITAR)	Department of State export control regulations governing access to and use of defense items and technologies domestically and internationally, as well as delivery of codified defense services to international defense agencies
Office of Foreign Assets Control (OFAC)	Branch of U.S. Treasury Department which exercises oversight over U.S. Government's trade sanctions and embargo programs.
Restricted Party Screening (RPS)	On-line accessible, screening procedure using FIU's Visual Compliance licensed software tool to determine whether individuals and entities with whom FIU engages are identified/listed on any of the U.S. Government's restricted party lists.
Restrictive Clauses in Federal/Industry Agreements	Clauses contained in agreements which are typically flowed down as citizenship participation restrictions, information dissemination restrictions; or data security requirements.
Self-Inspection Audit (SIA)	Internal compliance assessments conducted within a research department or business unit.
System Security Plan (SSP)	Documented data security plan in compliance with NIST 800-171 federal requirements to protect Controlled Unclassified Information (CUI).
Technology Control Plan (TCP)	Documented, comprehensive security measures applicable to federal and industry-sponsored research and service agreements and contracts where FIU is an award recipient or subcontractor, and agreement/contract mandates, export control restrictions, and/or dissemination restrictions; and/or special engagement; and/or data security restrictions (including but not limited to U.S. Government-governed classified contracts).
Trade Sanctions	Specific prohibition under the OFAC regulations governing engagement with OFAC-sanctioned ("blocked") parties as well as broad country-defined restrictions (e.g. Cuba, Iran, Syria, North Korea).
Voluntary Self-Disclosure	Procedure to timely report export control/trade sanction violations to the appropriate federal agency.

ROLES AND RESPONSIBILITIES

1. Compliance Oversight: Office of University Compliance and Integrity (University Compliance).

- Evaluate proposed international shipments and transfers to determine export license/exemption requirements
- Establish Technology Control Plans (TCPs) and Biologic Control Access Plans (BCAPs) to manage export controlled items and data on campus
- Obtain export authorizations from government agencies
- Coordinate campus-wide Restricted Party Screening (RPS) through FIU's Visual Compliance software tool

- Partner closely with the Office of Research and Economic Development (ORED) to interpret/resolve publication, citizenship and any other export-controlled restrictive clauses in sponsored research grants, contracts and other agreements
- Partner with the FIU Division of Information Technology and ORED to implement system security plans (SSPs) when mandated by federal agencies to protect Controlled Unclassified Information (CUI)
- Advise on export requirements affecting international programs (e.g. exchange programs, research collaborations, inter-institutional agreements)
- Review and approve export control review questionnaires pertaining to foreign national visa candidates
- In coordination with laboratory managers, EH & S, and other units, facilitate identification of export controlled equipment and related technology in research laboratories and engineering fabrication centers
- Review requests to host non-FIU affiliated visitors to export sensitive laboratories
- In coordination with the Office of Technology Management and Commercialization, review invention disclosures and related IP commercialization processes and contracts for export control implications
- Manage required export recordkeeping
- Address academic and research engagements with OFAC-sanctioned countries (e.g. Cuba and Iran)
- Address export control inquiries from FIU personnel
- Provide ongoing export awareness training to all FIU personnel; advise senior leadership on export compliance program and key issues
- Coordinate, as needed, security measures with FIU's Facility Security Officer (FSO) and Insider Threat Program Senior Official
- Coordinate FIU's strategy to address foreign influence and research security during the course of global engagement (See Foreign Influence and Global Risk Task Force below)
- Coordinate FIU's communication with U.S. Government agencies on export control matters
- Facilitate internal export control Self-inspection Audits (SIAs) across university functions

2. FIU's Empowered Officials (EO): oversight for export control matters governed by the U.S. Department of State (ITAR).

- Annual ITAR registration renewals
- In coordination with University Compliance, submission of all ITAR license and authorization applications; proper utilization of ITAR license exemptions
- In the event of suspected compliance violation, the EO may suspend any transaction leading to (or causing) such suspected violation and shall coordinate investigative and remedial efforts.

3. Foreign Influence and Global Risk Task Force: Chaired by the Chief Compliance and Privacy Officer with a direct report to the President and consisting of FIU's senior leadership, this Task Force exercises key advisory oversight over FIU's Foreign Influence and Research Security strategies; subcommittees reporting to Task Force members act in response to Task Force recommendations.

RELATED RESOURCES

How can I get trained quickly on export control and learn more about these requirements?

Additional information about U.S. export control regulations, along with links to key forms and checklists may also be found on FIU's Export Control webpage. This web page also contains training and resource materials. *We strongly recommend* that every FIU employee take advantage of this training and resource materials. A subset of employees identified as having work which is informed and affected by Export Controls may be mandated to complete certain training on a schedule determined by the Office of University Compliance & Integrity.

All Deans, Department Chairs, Center Directors, Operational Managers and Directors are strongly advised to encourage and remind their respective staff and colleagues to take advantage of Export Control training and resource materials and periodically share such materials at departmental meetings and forums.

CONTACTS

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HISTORY

Initial Effective Date: June 12, 2006

Review Dates (*review performed, no updates*): N/A

Revision Dates (*updates made to document*): December 22, 2008; October 4, 2012; [the October 4, 2012 revision was non-substantive in nature: all references to the "Internal Clearance Form" in the policy document were revised to reflect that the form is now known as the "Electronic Proposal Routing Approval Form (ePRAF)"]; November 26, 2012; June 8, 2015; June 24, 2020; November 11, 2020 [procedure added to policy]

Export Control #2370.010a

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PROCEDURE STATEMENT

Consistent with FIU’s Export Control Policy Export Control #2370.010, all University personnel (research, academic, operational, administrative); students; visitors and courtesy faculty appointments conducting any research, academic, operational/administrative or business activity on behalf of FIU shall, respectively, comply with FIU’s Export Compliance and Trade Sanctions procedures.

Core Operational and Business Functions

Export compliance procedures and processes apply to all institutional functions. Pertinent Forms, Checklists, Guidance and Training documents are available through the Export Control Website that pertain to many institutional functions, including the following core areas:

- Office of Research & Economic Development (including FIU’s Facility Security Officer; Technology Management and Commercialization)
- Office of the Provost (including Academic Affairs)
- Global Affairs (including international Agreements; International Student Scholar Services; International Travel; Study Abroad Programs)
- Environmental Health & Safety (EH & S) including Institutional Biosafety Committee (IBC)
- Division of Information Technology
- Office of Finance & Administration (including Office of the Controller; Procurement Services; Facilities Management; Division of Human Resources)
- FIU Foundation, Inc.
- Office of Distance Education

Common Research and Academic Activities with Associated Export Control Requirements

Required procedures are accessible through the following links:

- Research Proposals and pre-award activity: When developing a proposal for sponsored research, confer with your research administrator about potential export compliance requirements as well as international activities requiring disclosure in the proposal. See: [Resources for Sponsored Research Administration](#).
- International Shipments: When shipping *internationally*, utilize FIU’s digital [International Shipping Request Form](#), which is routed to the Export Control Office for review, so that an export license determination can promptly occur; where needed, an export license can be obtained. See: [Resources for International Shipping](#)

- Technology Sharing: Certain items used in fundamental research including instruments, software, materials, and technical data may be export controlled, even if the research itself is fundamental research (i.e. not otherwise publication or citizenship-restricted). Sharing export controlled technology pertaining to such items with foreign nationals may, depending on the person's citizenship, constitute a "Deemed Export" requiring specific U.S. Government authorization *prior to* sharing the technology. If such requirements are not already specified in a Technology Control Plan (TCP) covering your item or activity or you are not sure about whether such requirements apply, seek guidance from the Export Control Office on [Controlled Information](#).
- International MOUs and MOAs: These types of institutional agreements with international partners must be screened for Restricted Party Screening compliance and Foreign Influence evaluation, as coordinated through various units including Global Affairs and the Export Control Office. For more information on engaging with an international entity, click [here](#).
- Visa Petitions: When planning to host new visa candidates or individuals with existing visas within, you may be required complete the [Deemed Export Questionnaire](#) that helps determine whether there are deemed export issues associated with the foreign national's research work or potential access.
- Hosting International Visitors: When planning to host a visiting foreign national or international delegation to an FIU research laboratory, contact the Export Control Office well in advance of such visit, so that such individual or parties can be cleared through restricted party screening. ORED's Technology Management and Commercialization will also coordinate whatever IP Agreement protections are needed. More information on hosting foreign visitors is available [here](#).
- International Travel: all proposed international travel must be coordinated through the [Travel Authorization Request \(TAR\)](#) which contains several key export inquiries; Global Affairs and the Export Control Office will proactively coordinate any special export control measures pertaining to the planned travel. Information on [international travel](#) is also available on the Export Control website.
- Engagement with U.S. Treasury Department Trade-sanctioned Countries: When planning travel to or engaging with any person or entity located in one of the broadly [sanctioned countries](#) (e.g., Iran, Cuba, Syria, Venezuela, North Korea), proactively contact the Export Control Office at least 60 days in advance of such travel or engagement to determine whether Treasury Department authorization is required.

Export Compliance Training

Training modules and resources are available from the Export Control Office. Topics include

- General Export Control Training
- Health Science Export Control Training
- Foreign Influence Task Force Presentation

Related Areas Potentially Involving Export Compliance:

- [Registering a BSL-2 contained biologic](#): When planning to conduct research using an export controlled biologic that requires Biosafety Level 2 containment measures, EHS will coordinate with the Export Control Office export compliance measures as needed.
- [Conflict of Interest/Conflict of Commitment Reporting](#): FIU's conflicts disclosure requirements are designed, in part, to identify export compliance requirements with respect to disclosed international activity.
- [Foreign Influence and Global Risk](#): FIU's proactive approach to identify foreign influence and related global risk factors is integral to research security; further information is found on FIU's Foreign Influence webpage.
- [Insider Threat Detection Program](#): As part of its Facility Clearance requirements, FIU implements measures to ensure that its classified work meets all DCSA/NISPOM requirements.
- [Data Security](#): The Division of Information Technology implements cyber protection and NIST required security measures across FIU's IT systems and research capabilities.
- [Technology Licensing to International Parties](#): the technology licensing division within ORED partners closely with the Export Control Office to perform technology and licensee reviews as needed.
- [International Donors and Gifts](#): The Export Control Office partners with FIU Advancement to identify and review gift transactions with international donors.