

Section 12 **Export Controls**
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12.1 Introduction

These Guidelines for University-wide U.S. export control compliance are intended to provide the Office of the President, The Board of Trustees and each SIU campus, with the information and means to coordinate export control policy. They establish the administrative foundation for the export controls compliance program by which SIU will comply with U.S. export control laws. These guidelines are drafted in conjunction with the Export Control Policy, which can be found on the SIU Board of Trustees Policies website at <https://siusystem.edu/board-of-trustees/legislation/board-legislation-policies.shtml#7N>.

12.2 Leadership Responsibilities

Leadership, (SIU President, Chancellors of each SIU campus and the Dean of SIU-School of Medicine) are responsible for being aware of export control issues in their area of responsibility. No individual in a leadership position at SIU shall knowingly engage in an activity or commit the University to engage in an activity that violates U.S. export control laws and regulations. Leadership is responsible for ensuring their areas follow appropriate export control regulations. These individuals are responsible for reviewing the materials on SIU's Export Control Website and consulting with the Director of Export Controls when export controls apply. Leadership acknowledges its responsibility to export control compliance in a "Commitment to Compliance" correspondence located on the SIU System Export Controls website at <https://siusystem.edu/academic-affairs/export-controls/pdf/Letter-to-Community.pdf>.

12.3 Employee Responsibilities

University employees are responsible for being aware of export control issues in their departments and research. Any violation of U.S. export control laws must be reported to their supervisor or the Director of Export Controls. All employees are required to participate in export control training every three years. It is the responsibility of the Principal Investigator/Project Director (PI/PD) on any project or contract to be aware of the Export Control Policy and to notify the Director of Export Controls of potential export control issues. No employee of the SIU community may knowingly engage in any activity or commit the University to engage in any activity that violates U.S. export control laws and regulations. Employees are responsible for reviewing the materials on the SIU System Export Control website and consulting with the Director of Export Controls when export controls apply.

12.4 Restricted Party Screening

The U.S. government restricts SIU from exporting any service or product to any party listed in a U.S. government export denial, blocked, or debarred persons lists. The failure to comply with this regulation is a violation of U.S. law and can result in criminal or civil prosecution, as well as sanctioned under the institutions appropriate disciplinary process. All SIU employees shall abide by this regulation and comply with the SIU Restricted Party Screening Procedure, located on the SIU System Export Controls website at <https://siusystem.edu/academic-affairs/export-controls/policies.shtml>; and notify the Director of Export Controls of a possible restricted party.

12.5 Clean Laptop Requirements

The risks associated with carrying electronic devices while traveling abroad can be high. They include but are not limited to exposing private information the university is required to protect (i.e., restricted data) and being compromised by malware while traveling. The likelihood of being compromised by malware is greatest when traveling outside of the US and especially high when governments operate and manage the Internet. International travelers should take extra precautions. Information, technology, software, and equipment you take with you may be subject to U.S. export control laws. One must ensure that all the information and software on a laptop can be safely and legally transported to another country. While traveling to certain high-risk countries, all SIU employees, including administration, staff and faculty, shall abide by the SIU Clean Laptop Procedure, located on the SIU System Export Controls website at <https://siusystem.edu/academic-affairs/export-controls/policies.shtml>. All SIU employees are responsible for reviewing and complying with the procedure before they travel internationally to the high-risk countries of concern.

12.6 Sabbatical Documents

Sabbaticals can be an integral part of Faculty research and may include foreign components or research in foreign countries. In order to properly comply with U.S. export control laws and regulations, the SIU Export Controls Office shall, in conjunction with the Provost's Office on each SIU System campus, review all sabbatical applications that have a foreign component for export control issues. A foreign component is a sabbatical occurring in a foreign country, a sabbatical with foreign co-researcher or a sabbatical sponsored by or involving a foreign business or government. Sabbatical applications shall be provided to the SIU Export Control Office before the Provost(s) approves or denies the sabbatical application. Specific procedures shall be documented in the SIU Export Controls Office's written procedures which can be found on the SIU System Export Controls website at <https://siusystem.edu/academic-affairs/export-controls/policies.shtml>.

12.7 Conflict of Interest Documents

The term "conflict of interest in research" refers to situations in which financial or other personal considerations may compromise, or have the appearance of compromising a researcher's professional judgment in conducting or reporting research. The presence of conflicts of interest poses a problem for professional and public trust in research and the research enterprise. Effective means of identifying and managing conflicts are an important element in successfully achieving the goals of research.

Conflict of interest in research may also include foreign components or research in foreign countries. In order to properly comply with U.S. export control laws and regulations, the SIU Export Controls Office shall, in conjunction with the applicable campus office on each SIU System campus, review all conflict of interest forms that have a foreign component for export control issues. A foreign component is research or an interest that could occur in a foreign country, research or a possible interest with a foreign co-researcher or research sponsored by or involving a foreign business or government. Conflict of interest forms shall be provided to the SIU Export Control Office before the applicable campus office finalizes its review of the conflict of interest form. Specific procedures shall be documented in the SIU Export Controls Office's written procedures which can be found on the SIU System Export Controls website at <https://siusystem.edu/academic-affairs/export-controls/policies.shtml>.

12.8 Transfer of University Intellectual Property

The transfer of University intellectual property can create an export control risk. SIU's central Office of Technology Management and Industry Relations works with SIU faculty, students, and staff to protect and commercialize intellectual property generated from all system campuses. In order to properly comply with U.S. export control laws and regulations, the SIU Export Control Office shall coordinate with the Office of Technology Management and Industry Relations to review agreements and request forms as detailed in the procedures below, as well as any other similar matters, that have a foreign component or technology that may be export-controlled. A foreign component is a matter in which there is involvement with a foreign entity or individual. Technology may be export-controlled if it is controlled by a U.S. export control law or regulation. The Export Controls office shall provide pre-approved export control language to the Office of Technology Management and Industry Relations that can be used in agreements, requiring each party to comply with all relevant United States laws governing the exports and re-exports of technical data or commodities. The Export Controls office shall review and approve all agreements that do not use the pre-approved export control language. Specific procedures shall be documented in the SIU Export Controls Office's written procedures which can be found on the SIU System Export Controls website at <https://siusystem.edu/academic-affairs/export-controls/policies.shtml>.

12.9 Technology Control Plan

SIU may be in possession of items that are subject to U.S. export control laws and regulations. SIU aims to engage foreign nationals and host international visitors in the most welcoming manner possible, while still maintaining compliance with U.S. laws and regulations governing the export of certain equipment and materials, as well as protecting sensitive data.

Federal laws and regulations, including, but not limited to, the International Traffic in Arms Regulations (ITAR) and the Export Administration Regulations (EAR) regulate the transfers of physical items, technical information, data, products, software, hardware, biological materials, or chemical materials, hereafter referred to as "*export-controlled items and information*", to certain non-U.S. persons and entities. It is unlawful under the EAR or ITAR to send or take *export-controlled items and information* out of the United States without proper authorization. This includes disclosing information orally or visually or transferring *export-controlled items or information* to a foreign person inside or outside the U.S. without proper authorization.

Under the ITAR or the EAR, an export license may be required for foreign nationals to access *export-controlled items and information*. A foreign person is a person who is not a U.S. citizen, a U.S. permanent resident or a person who is protected under the U.S. refugee and asylum status. The law does not make exceptions for foreign graduate students.

In order to follow best practices, SIU shall implement a Technology Control Plan (TCP) whenever a research activity is subject to export controls. The purpose of the TCP is to help ensure compliance with U.S. export control laws and regulations, to appropriately secure the

export-controlled items and information from unauthorized access, and ensure the research teams understand their compliance obligations and responsibilities.

The Exports Control Office shall assist the Principal Investigator (PI) of the project to develop and implement the TCP. Before any individual may have access to *export-controlled items or information*, he or she must be informed of the conditions of the TCP and agree to comply with the security measures outlined in the TCP. SIU personnel subject to a TCP must complete an initial in-person export control training when the TCP is implemented and are required to complete follow up training annually. In addition, the Export Controls Office shall monitor compliance with the TCP and confirm its accuracy on an annual basis with the PI. It is the PI's responsibility to contact the Export Controls Office if any changes need to be made to the TCP during the course of the year.

Specific procedures shall be documented in the SIU Export Controls Office's written procedures which can be found on the SIU System Export Controls website at <https://siusystem.edu/academic-affairs/export-controls/policies.shtml>.

12.10 Handling Export Violations and Taking Corrective Actions

Due to export control laws and regulations, it may sometimes be necessary to restrict certain individuals' ability to conduct, access the results of, or otherwise participate in certain research projects and other University activities. Because violations of export controls, including inadvertent failures to comply, may result in severe criminal and civil penalties both for individual faculty, staff, and students, as well as for Southern Illinois University as an institution, export compliance is the shared responsibility of all members of the University community.

Suspected violations should be reported to the Director of Export Controls, other Export Controls staff, SIU Office of General Counsel (OGC), or the SIU Export Control compliance hotline (618-650-2476). In consultation with OGC, the Director of Export Controls will initiate an investigation in conjunction with the affected administrative or academic units to determine if a violation has occurred and if subsequent self-disclosure to a government agency will be made.


Violations can result not only in significant civil or criminal liabilities for SIU and the individuals involved, up to and including termination of employment, but also in damage to national security and to the University's standing as an institution of research and learning. Early detection, investigation, and resolution, along with voluntary self-disclosure, can aid in lessening penalties and the impact of violations.

Specific procedures shall be documented in the SIU Export Controls Office's written procedures which can be found on the SIU System Export Controls website at <https://siusystem.edu/academic-affairs/export-controls/policies.shtml>.

12.11 Campus Department Coordination

In order to identify activities and assets which may be subject to export controls, as well as to prevent activities with restricted parties, the Export Controls office shall coordinate with campus departments that may be able to assist in export control activities.

Specific procedures for the coordination with each of these departments shall be documented in the SIU Export Controls Office's written procedures which can be found on the SIU System Export Controls website at <https://siusystem.edu/academic-affairs/export-controls/policies.shtml>.



Daniel F. Mahony
President

12/14/2021
Date