

Policy 100 Forms: Do You Know When They Are a Requirement?

U.S. export control laws govern the transfer of controlled information, items and technologies to foreign countries and foreign persons for national security purposes. The regulations also seek to further U.S. foreign policy through the administration of trade and economic sanctions. Penalties for violating these laws can be severe, both for the individual researcher and the university.

Export Control regulations apply when:

You are traveling internationally
(includes students)

You are hosting an international visitor

You are going to be part of a research agreement that limits publication of results or participation in the design, conduct, or reporting of the research based on citizenship.

You are shipping an item internationally

You are transmitting or accessing export-controlled information or software with a foreign country or foreign person

You are disclosing or transferring export-controlled items (including technology and information) to a foreign entity or individual within the U.S.

You plan to discuss or transfer any information with a foreign person (A U.S. person is a U.S. citizen, "green card" holder, asylee or refugee designations, incorporated to do business in the U.S.) that is outside of the exclusions listed below

This may occur by such means as:

- Tours of laboratories.
- Involvement of foreign persons in the research
- Oral exchanges, emails or visual inspection.
- Hosting a foreign researcher.

EXCLUSIONS:

- Public Domain / Publicly Available Information
- Educational Information
- Fundamental Research

For more Information please contact:

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Policy 100 Forms: Exclusions and Processes

Exclusions Explained

- Public Domain / Publicly Available Information (i.e., materials available in newspapers, libraries, or presented at publicly available conferences and trade shows, publicly available technology or software, websites accessible to the public for free and without the host's knowledge or control of who visits the site, and published patents);
- Educational Information, i.e., "information concerning general scientific, mathematical, or engineering principles commonly taught in schools, colleges, and universities" (see ITAR §120.10(b)), and information by "instruction of a catalog course or associated teaching laboratory of an academic institution" (see EAR §734.3(b)(3)(iii)); and
- Fundamental Research (i.e., basic or applied research in science, mathematics and engineering where the resulting information is ordinarily published and shared broadly within the scientific community, and for which the researchers have not accepted restrictions for proprietary or national security reasons).

What is the process?

- If you are planning to travel internationally, please review University Policy 100, complete the Policy 100 form with approval from your Department, and include your detailed itinerary with your submission for approval.
- For hosting visitors that are non-U.S. citizens, provide the Policy 100 Visitor Form and any additional information about the visit to The Office of Global Engagement (international@wcu.edu)

For any other situations, please contact the Director for Research Compliance & Integrity, Mallory Ball (mball@wcu.edu)