Policy on Export Control

I. Purpose and Scope

This policy applies to all members of the university community in the conduct of university business.

Under federal law and regulation, the export of certain goods, information, technology and services is restricted for reasons relating to U.S. national security, the prevention of weapons of mass destruction and foreign policy goals. The term “export” refers to both a physical shipment of a controlled item as well as a “deemed export” of that item. The terms “export” and “deemed export” are defined below.

Failure to comply with export control laws and regulations may result in severe criminal and civil penalties (incarceration and fines) for the affected employees and students as well as administrative sanctions (loss of research funding and/or export privileges) for the university.

II. Definitions

For purposes of this policy, the following terms shall have the following meanings:

**EAR** means the Export Administration Regulations written and promulgated by the Bureau of Industry and Security.

**ITAR** means the International Traffic in Arms Regulations written and promulgated by the Directorate of Defense Trade Controls.

**Export** means both (i) the actual shipment or transmittal by or on behalf of the university of a controlled item such as equipment or technology to persons and entities outside of the U.S. and/or (ii) any disclosure (whether oral, written, electronic or visual) of a controlled item such as information or software to a foreign person in the U.S. by or on behalf of the university. Such disclosures constitute a “Deemed Export” under U.S. export control laws and regulations.
**Foreign person** means both (i) any foreign entity or group not incorporated or organized to do business in the U.S., and/or (ii) any person who is not a (a) U.S. citizen, (b) permanent resident of the U.S. (i.e., a “green card” holder) or (c) political asylee or refugee status holder.

### III. Policy

The university is committed to complying with applicable U.S. export control laws and regulations.

In accordance with university procedures:

(a) A faculty, researcher or other member of the university community engaged in research and/or other activity of the university involving an export by the university must document his or her analysis of the applicability of export control laws and regulations, including the applicability of any exclusion or exemption, prior to the export; and

(b) A faculty member, researcher or other member of the university community who anticipates any research or other activity involving a country, entity or person subject to BIS, ITAR or OFAC sanctions, must document his or her analysis of the applicability of such sanctions to such research or other activity prior to traveling to such country or entering into any negotiations or agreements with such country, entity or person.

While the university, through a variety of measures including its Export Control Committee, will assist any member of the university in complying with U.S. export control laws and regulations, primary responsibility for compliance with such laws and regulations rests with the faculty, researcher and/or other member of the university community as that individual is both the most informed about, and a participant in, the project.

### IV. Additional Information

Although various restrictions have been in place since the 1940s, currently they are implemented by three (3) federal agencies:

(i) The Department of Commerce through the Bureau of Industry and Security (BIS) for civil and so called “dual-use” goods, information and technology;

(ii) The Department of State through the Directorate of Defense Trade Controls (DDTC) for military technologies and services; and

(iii) The Department of the Treasury through the Office of Foreign Asset Controls (OFAC) for economic and political sanctions.

Members of the university community are responsible for documenting their analysis(es) of the applicability of U.S. export control laws and regulations in accordance with the written
instructions and procedures of the university. The Export Control Committee will assist in this analysis is made up of university professionals from various backgrounds including, compliance, research administration and finance, procurement, information security, environmental health and safety, the OGC as well as representation from the faculty. In addition, the following resources are available to help you understand export controls: Export Control License Inquiry and Office of Research Administration and Finance-Export Control.

V. Contact Information

Office of Research Administration and Finance (617) 373-5600
Senior Vice Provost for Research and Graduate Education or designee (617) 373-4160
Compliance Department (617) 373-5893