

## Export Control Compliance

### POLICY CONTENTS

- Scope
- Policy Statement
- Reason for Policy
- Procedures
- Definitions
- Additional Contacts
- Related Information
- History

### Scope

This policy applies to all University of Nebraska at Omaha (UNO) Personnel, irrespective of appointment, compensation, or the location of the activity.

### Policy Statement

All UNO Personnel must comply with all applicable United States laws and regulations while teaching, conducting research, providing care, traveling internationally, or participating in other activities at or on behalf of UNO. As such, UNO Personnel are required to comply with the laws, regulations, and University of Nebraska policies governing the transfer of items, information, technology, software, and funds to destinations and persons outside of the United States, as well as to Non-U.S. Persons in the United States, including UNO personnel.

UNO Personnel will not engage in any export transaction unless all required licenses or other approvals are in place.

There are no exceptions to this policy.

## **Reason for Policy**

UNO is committed to excellence in teaching, research, and public service. To fulfill this mission, UNO encourages partnerships and collaborations with the best and brightest individuals and institutions locally and throughout the world. While the majority of research and global engagement may proceed without restrictions, the United States government imposes controls on certain exports to protect the spread of strategically important technology, services, and information to foreign countries and Non-U.S. Persons. The University recognizes the importance of these regulations and requires compliance with these export controls from every member of the UNO community.

## **Procedures**

To begin the export control process, UNO Personnel will contact the Export Control Office within the Office of Research and Creative Activity during the planning phase of your research project, international travel, international communications, and international collaborations or when receiving restricted or proprietary information to help guide you through the export control regulations.

### **Responsible Parties**

Empowered Official for ITAR

Pursuant to 22 C.F.R. 120.25, the University of Nebraska's Senior Empowered Official may appoint one or more individuals to serve as Empowered Official for ITAR for UNO. The Empowered Official for ITAR has independent authority to oversee UNO's compliance with the International Traffic in Arms regulations, including the following authorities and responsibilities:

1. Serving as UNO's sole signatory authority on applications for export licenses and other requests for approval under the International Traffic in Arms Regulations;
2. Inquiring into any aspect of a proposed export or temporary import;
3. Verifying the legality of all export and temporary import transactions and the accuracy of the information to be submitted to the relevant government agencies;
4. Refusing to sign any license application or other request for approval without prejudice or other adverse recourse;
5. Taking appropriate measures to enforce this policy, including without limitation halting or suspending activities and exports; and 6. Any other authorities and responsibilities enumerated at 22 C.F.R. 120.25.

### **Export Control Office**

The director, officers, managers, and coordinators of the Export Control Office are responsible for developing, maintaining, and enforcing UNO's export policies and procedures.

Specifically, the responsibilities of the Export Control Office include:

1. Serving as the primary point of contact for UNO Personnel regarding this policy and export controls generally;
2. Advising UNO and UNO Personnel on transactions and other relationships with Restricted Parties;
3. Providing guidance to UNO Personnel regarding international travel and export transactions;
4. Assisting UNO Personnel in developing and maintaining compliance protocols for export-controlled activities;

5. Providing training and other educational resources related to export compliance to UNO Personnel;
6. Working with other UNO offices as appropriate to support compliance with federal law and University of Nebraska policy, including assisting in reviewing agreements governing international transactions and/or export-controlled activities, reviewing international shipments, and reviewing disclosures of foreign support;
7. Serving as UNO's sole signatory authority for export license applications related to any activities subject to the Export Administration Regulations, the Foreign Assets Control Regulations, and other regulations governing exports;
8. Supporting the Empowered Official for ITAR;
9. Performing periodic and ad hoc audits of UNO activities subject to export controls to verify compliance with this policy and federal export laws and regulations; and
10. Investigating reported or suspected violations of this policy or federal export laws or regulations.

## **UNO Personnel**

All UNO Personnel are responsible for:

1. Disclosing international research, service, clinical activity, and travel to the Export Control Office;
2. Complying with the terms of awards or service agreements subject to export controls, including, as necessary, developing Technology Control Plans in coordination with the Export Control Office;
3. Monitoring compliance with any Technology Control Plan(s) for themselves and any other UNO Personnel under their supervision;
4. Reporting any violations, or suspected violations, of this policy or export control laws or regulations to the Export Control Office or anonymously using the Report of University Concern form;
5. Completing export compliance training as assigned by the Export Control Office; and
6. Taking any other steps or compliance actions as directed by the Export Control Office.

## **Violations**

Failure to comply with this policy will result in corrective or disciplinary action, including termination, dismissal, or exclusion from participation in federally funded activities.

Failure to comply with US export law may result in significant criminal and civil penalties for both the individual in violation and UNO.

## **Definitions**

**Export:** Any item that is taken, transferred, or sent from the United States to a foreign destination is an export, including, but not limited to, commodities, software, technology, instrumentation, chemicals, biological materials, circuit boards, blueprints, design plans, retail software packages and technical information.

The following activities constitute exports:

1. International shipments;
2. Checking items into luggage for international travel;
3. Hand-carrying items for international travel;
4. Transfers by any means of information, data, or software to recipients outside the United States (including transfers to U.S. Persons); and

5. Providing services to Non-U.S. Persons.

**Deemed Export:** A transfer by any means of information, data, software, or services to a Non-U.S. Person in the United States is deemed an export to all countries of nationality of the Non-U.S. Person.

**U.S. Person:** A U.S. Person is a natural or legal person in any of the following categories:

1. Citizens of the United States;
2. Lawful permanent residents of the United States;
3. Refugees, asylees, and other individuals protected under 8 U.S.C. 1324b(a)(3);
4. The government of the United States or of any state or territory; or
5. Corporations, business associations, and other organizations incorporated or otherwise authorized to do business in the United States.

**Non-U.S. Person:** A Non-U.S. Person is any natural or legal person who is not a U.S. Person. This includes UNO Personnel international organizations, foreign corporations, foreign governments (including diplomatic missions), and foreign universities.

**Restricted Parties:** Restricted Parties are entities and individuals subject to export sanctions under federal law. U.S. Persons are prohibited from exporting some or all items to Restricted Parties without an export license or other federal approval.

**Technology Control Plan:** A Technology Control Plan is a security protocol required for UNO activities that involve export-controlled components. Technology Control Plans are used to manage physical and information security requirements, individual access controls to equipment and data, and project closeout procedures.

**UNO Personnel:** UNO Personnel includes, for the purposes of this policy:

1. Faculty;
2. Staff;
3. Students;
4. Volunteers;
5. Visitors; and
6. Any other individuals who participate in any activity on behalf of UNO, irrespective of appointment, compensation, or the location of the activity.

**Additional Contacts**

Subject	Contact	Phone & Email	Additional Contact Information
	UNO Export Control Office	<a href="tel:402.554.2286">402.554.2286</a> <a href="mailto:exportcontrol@unomaha.edu">exportcontrol@unomaha.edu</a>	

**Related Information**

Statutes, regulations, and policies related to export controls include, but are not limited to:

- The Arms Export Control Act, 22 U.S.C. § 2751 et seq.
- The Export Controls Act, 50 U.S.C. § 4801 et seq.
- Assistance to Foreign Atomic Energy Activities, 10 C.F.R. § 810
- The Export Administration Regulations (EAR), 15 C.F.R. §§ 730-774
- The International Traffic in Arms Regulations (ITAR), 22 C.F.R. §§ 120-130
- The Foreign Assets Control Regulations, 31 C.F.R. §§ 500-599
- University of Nebraska Travel Policy TO-01

See also, [NU's Export Control information page](#).

## History

Policy approved by Chancellor's Cabinet on 01/03/2018. Policy revised to align with other NU campus policies - approved by the Chancellor's Chancellor's Cabinet on 06/02/2021.

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The University of Nebraska does not discriminate based on race, color, ethnicity, national origin, sex, pregnancy, sexual orientation, gender identity, religion, disability, age, genetic information, veteran status, marital status, and/or political affiliation in its programs, activities, or employment.