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DATE: January 3, 2013
TO: Deans, Department Chairs, Directors, Principal Investigators, Faculty and Staff
FROM: John L. Bixby, Ph.D., Vice Provost for Research
SUBJECT: University Policy Regarding U.S. Export Laws and Regulations

The University of Miami (UM) conducts focused research to advance knowledge, enhance student learning experiences, and build its reputation in the scientific and technical communities while providing positive returns on sponsoring partners' investments. While UM applies the principles of freedom of inquiry and open exchange of knowledge, we must also be mindful of the federal laws and regulations governing the exchange of research materials and results that are subject to export controls.

U.S. laws and regulations that govern export or access to certain information, technologies or financial services by foreign persons inside the U.S. have received increased attention and have affected programs at all major research universities. Although federal regulations restricting exports of goods and technologies have existed since the 1940's, these regulations have become more restrictive and their enforcement at universities has become more severe in recent years.

It is the policy of the University of Miami to comply with all U.S. export control laws and regulations, and to develop and maintain an export compliance program to enable UM employees, visiting scientists, postdoctoral fellows, students, and other persons retained by or working at or for UM to conduct their University business in accordance with these laws and regulations. No UM associate may engage in any activity that is prohibited by the U.S. Department of Commerce, the U.S. Department of State, the U.S. Department of Treasury's Office of Foreign Assets Control, or any other government agency with export governance. No University personnel may transfer any controlled item, including technology and technical data, without approved documentation from the appropriate governing agency.

It is unlawful under export control laws and regulations to send or take export controlled information out of the United States or to disclose, orally or visually, or transfer export controlled information to foreign nationals inside or outside the United States territory. The U.S. government defines exports to include not only tangible items such as biological materials, chemicals, and equipment, but also intangible information which may include research data, formulae, engineering designs and ideas. Furthermore, an export is defined not only as an actual physical shipment, but also includes electronic and voice transmissions. Exporting also includes the provision of training or services involving controlled equipment to foreign nationals

in the U.S. or abroad, and engaging in transactions or providing services to entities and individuals who are on embargo or specially designated national lists.

Individuals as well as the University can be held criminally liable for violations of export control laws and regulations. Penalties are costly which can include monetary fines, imprisonment, deportation, loss of privileges, etc. Civil penalties can apply even to accidental or innocent violations.

If it is determined that export controlled items and/or information will be involved in the activities of the University of Miami, a Technology Control Plan (TCP) will be required. The Export Compliance Officer will work with the University department to implement a TCP to manage the receipt, creation, security and transfer of export controlled items.

It is the responsibility of each UM associate to secure their research and technology, chemicals and biological materials that they handle, and proprietary and Government articles or information entrusted against unauthorized use or theft.

Each UM associate is responsible for ensuring foreign persons, foreign entities, visitors, observers, outside service vendors, etc., have all been screened to confirm that the person or entity does not appear on any of the 200+ agency lists of denied / excluded parties. If your department is not set up with privileges to run screenings through the University approved RPS system, please contact the Export Compliance Officer for assistance.

Compliance with export controls must be considered and achieved ***before*** traveling, engaging in science or technology-based research, executing contracts or other agreements, purchasing high-technology devices or software, or engaging in any other activity that may be affected by export controls. In most cases, issues can be resolved quickly. In the few cases where an export license is required, this process can take up to as much as six (6) months or more – therefore it is wise to plan ahead. Contact the Export Compliance Officer as soon as possible.

The Office of Research Compliance under the direction of the Office of the Vice Provost for Research is responsible for helping the University community understand and comply with export control laws and regulations. Every UM associate is encouraged to attend Export Compliance training sessions which are regularly scheduled across all three (3) University campuses. (Gables, Medical, and RSMAS)

For additional information and tools to assist in determining if and how the regulations apply to your activity, as well as contact information for assistance with export control matters, please visit <http://www.miami.edu/exportcompliance>