



EXPORT CONTROL POLICY

Policy Number: 3.0.7

Version Number: 001

Classification: Research Compliance

Effective Date: March 10, 2021

Responsible University Office: Export Control and Research Security

1.0 Purpose

The purpose of this Policy is to specify Clemson University's commitment to full compliance with all **Export Control and Trade Sanctions** laws and regulations. In so doing, Clemson commits to making informed resources available to all personnel in furtherance of this Policy.

2.0 Applicability

This Policy applies to all university personnel, employees, students, visitors, courtesy appointments and any other individual conducting research, academic, operational, or business activities on behalf of Clemson University, regardless of whether such activities are conducted physically at Clemson University, physically at another location, or virtually.

3.0 Government Rules and Regulations

Citations:

- Export Administration Regulations (EAR), 15 CFR 730-774
- International Traffic in Arms Regulations (ITAR), 22 CFR 120-130
- Office of Foreign Assets Control (OFAC) U.S. Treasury Department, 31 CFR 500, Subtitle B, et seq.
- Department of Energy: 10 CFR 110 and 810, et seq.

4.0 Definitions

TERM	DEFINITIONS
Export	International transfer of any commodity, software, material or technology (information) including (but not limited to) specifically “controlled” items by any means including (but not limited to) courier/mailed shipment, hand-carried transfer, digital transfer, spoken communication and, depending on the export control level – visual access to certain controlled items and information.
Deemed Export	Access to and/or sharing of export control technology/information with foreign nationals on campus for whom such items are restricted by virtue of that foreign national’s citizenship, subject to agency license approval or license requirement exemption.
Restricted Party Screening (RPS)	On-line accessible, screening procedure using Clemson’s Visual Compliance licensed software tool to determine whether individuals and entities with whom Clemson engages are identified/listed on any of the U.S. Government’s restricted party lists.
Department of Energy (DOE)	Regulations under the Nuclear Regulatory Commission and National Nuclear Security Administration governing nuclear research and related materials and software.
Export Administration Regulations (EAR)	Department of Commerce export control regulations governing and codifying the export and/or deemed export of “dual use” items and technologies (including but not limited those used and/or generated by fundamental research and restricted research activities), for reasons concerning national security, chemical/biologics controls, missile technology, nuclear proliferation, international geo-political stability, anti-terrorism. Includes all export license/license exemption procedures pertaining to destination controls and restricted parties.
Export Control Officer (ECO)	Clemson’s officially designated employee responsible for overseeing and implementing Clemson’s export compliance and trade sanctions program.
International Traffic in Arms Regulations (ITAR)	Department of State export control regulations governing access to and use of defense items and technologies domestically and internationally, a well as delivery of codified defense services to international defense agencies.
Empowered Official (EO)	Pursuant to the Department of State’s ITAR regulations, Clemson’s officially designated employee responsible for all transactions subject to the ITAR (may also be the ECO, when the ECO is also officially designated as the EO).
Office of Foreign Assets Control (OFAC)	Branch of U.S. Treasury Department which exercises oversight over U.S. Government’s trade sanctions and embargo programs.
Trade Sanctions	Specific prohibition under the OFAC regulations governing engagement with OFAC-sanctioned (“blocked”) parties as well as

	broad country-defined restrictions (e.g. Cuba, Iran, Syria, North Korea).
Export License/Authorization	Official approval by a governing agency to conduct a particular export or deemed export transaction; issued based on Clemson’s formal license application process to the agency.
Restrictive Clauses in Federal/Industry Agreements	Typically flowed down as citizenship participation restrictions, information dissemination restrictions; data security requirements.
Technology Control Plan (TCP)	Documented, comprehensive security measures applicable to federal and industry-sponsored research and service agreements and contracts where Clemson is a prime or subcontractor, and agreement/contract mandates export control restrictions, and/or dissemination restrictions; and/or special engagement; and/or data security restrictions (including but not limited to U.S. Government-governed classified contracts).
Cyber Security Model Certification (CMMC)	Documented data security plan in compliance with NIST 800-171 federal requirements to protect Controlled Unclassified Information (CUI); may be accomplished through a scored “self-assessment” or third-party certification (also referred to as a System Security Plan or SSP).
Biologic Control Access Plan (BCAP)	Documented BSL-2 access and use plan focusing on BSL-2 security measures.
Self-Inspection Audit (SIA)	Internal compliance assessments conducted within a research department or business unit.
Export Recordkeeping	Federally-required 5 year export-related record retention, as required under the EAR and the ITAR .
Foreign Influence	Attempts by international governments and related organizations to gain access to export sensitive research applications or data, or other trade secret IP, either through illegal IT penetration or through proximity to and absorption of such IP domestically or internationally.
Voluntary Self-Disclosure	Procedure to timely report export control/trade sanction violations to the appropriate federal agency.

5.0 Policy

Clemson University shall comply with all U.S. federal **Export Control** and **Trade Sanction** regulations. These laws govern:

- what research instruments, materials (including biologics), software and technology that we, as a U.S. institution, can export (i.e. transfer) out of the country by any means
- what sensitive items and technology may be shared with and used by foreign national individuals (visa holders) studying, researching, working in, or visiting our facilities
- what research, academic, and business partners we engage with, so as to avoid prohibited transactions with U.S. government-restricted or prohibited individuals or entities (parties of concern from a national security, export control or embargoed-country perspective)

- transactions with certain countries and listed parties subject to U.S. Treasury-mandated embargoes and trade sanctions.

In furtherance of this compliance objective, Clemson shall implement an export compliance/trade sanction program with all necessary processes and procedures. In the event of a suspected or actual export compliance violation, Clemson University shall take all required steps to investigate and remediate the matter accordingly.

6.0 Responsibilities

Compliance Oversight: Office of the Vice President for Research – Export Control Officer (ECO)/ Empowered Official (EO)

- Coordinating Restricted Party (RPS): screening across responsible units; resolving related issues
- Federally sponsored grant and contract review: restrictive clauses/export control review
- Industry Contract review: restrictive provisions
- International shipping review: classification, license determination, exemption documentation
- U.S. Customs import compliance: entry requirements and customs broker interface
- Export recordkeeping: retention consistent with EAR and ITAR requirements
- Deemed Exports: visa, procurement, and NDA/MTA reviews
- International Travel: review for export control risks
- OFAC compliance: processes to comply with restrictions and licensing requirements
- Commercialization and IP licensing reviews
- Advisory: responding to export control questions as they arise
- Global and strategic development: informing international Memoranda of Understanding (MOU)
- Foreign Influence and research security: coordinating strategies with stakeholders
- Coordination controls with EHS/Biosafety pertaining to controlled biologics and related research
- High Performance Computing (HPC): complying with deemed export rules; system administration
- Training: systematic university-wide approach and senior leadership briefings
- Website: comprehensive web reference tools
- Monitoring and self-assessment: Technology Control Plans (TCPs) and critical measures
- Regulatory requirements: informing Clemson as necessary
- Suspension of transactions with suspected or actual violations
- Preparations for Voluntary Disclosure when required.

7.0 Sanctions for Non-Compliance

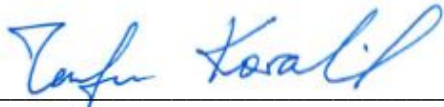
In order to protect national security and U.S. interests internationally, U.S. Government agencies strictly enforce export control and trade sanctions regulations through substantial civil and criminal penalties, federal debarment and revocation of export privileges. Agencies have full audit and oversight authority.

Liability for violations is enforceable against an individual Clemson employee to whom an intentional violation is attributable and/or Clemson institutionally, depending on circumstances.

Clemson University reserves the right to take punitive and/or personnel actions against individuals who violate this policy.

8.0 Approval Signatures

This policy has been approved by:



Tanju Karanfil
Vice President for Research

3.11.2021
Date

REVISION HISTORY		
EFFECTIVE DATE	REVISION NUMBER	MODIFICATION