B. **Deemed Export**: Providing, transferring or disclosing export controlled items to a foreign national within the U.S. (See 15 CFR 734.2(b)(2)(ii).) The following are examples of how a deemed export can be transmitted: face-to-face discussions, tours of labs, training sessions, computer access, fax, telephone conversations, email communications or social media.

C. **Exclusions**: Activities that are specifically described as excluded from export control in the federal _____. There are three exclusions from the EAR:

   1. **Educational Information**: Information concerning general scientific, mathematical or engineering principles commonly taught in schools, colleges and universities; or information in the public domain. This includes information released o
   in its catalog, or in teaching labs associated with those courses. Limits of this exclusion are reviewed on page 9-10.

   2. **Fundamental Research**: Basic or applied research in science or engineering at an accredited institution of higher learning in the U.S., where the information is ordinarily published and shared openly in the scientific community or is about to be published. Limits of this exclusion are reviewed on page 9.

   3. **Public Domain**: Information that is published and generally available to the public, as well as publicly available technology and software,
   The scope of this exclusion is reviewed on pages 10-11.

D. **Export**: Any oral, written, electronic or visual disclosure, shipment, transfer or transmission outside the United States to anyone, including a U.S. citizen, of any commodity, technology (information, technical data or assistance) or software/codes. Transfers can be by: actual shipment outside the U.S.; electronic or digital transmission; v

3.

M. Specially Designated Nationals (SDN) List: OFAC publishes a list of individuals and companies owned or controlled by, or acting for or on behalf of, targeted countries. It also lists individuals, groups and entities, such as terrorists and narcotics traffickers designated under programs that are not country-specific. Their assets are blocked and U.S. persons are generally prohibited from dealing with them.

N. Technology: <u>Information</u> related to the development, use or production of an item. Examples of technology include operating manuals, data, drawings and specifications.

O. Technology Control Plan (TCP): A plan to manage security on export controlled items and activities. A TCP is required whenever an export or activity requires a license. It is a significant tool in institutional and personal compliance with the export control laws.

P. United States Munitions List (USML): A list published by the Department of Defense featuring twenty-one categories of defense articles and services that are controlled by the International Traffic in Arms Regulations (ITAR). The list is available at the [State Department website](#).

III. General Requirements

A. International Travel or Transmission/Shipment

In general, the majority of international exchanges among faculty and students can go forward without the requirement of an export license, provided they do not concern detailed information regarding controlled items or technologies. When an individual is traveling outside of the United States, taking encrypted software and/or research equipment, or even a laptop computer, smart phone, or data storage device, s/he might require an export license, or certification and documentation of a license exception. A laptop computer

PASSHE Export Control Officer. Details on license exceptions are included in Supplemental Information.

B. Functional Responsibilities

    1. Export Control Officer: The Chancellor shall designate an Export Control Officer for the following export control duties:

> Assist University Designated Officials, administrators, faculty and staff in compliance with the Export Control restrictions;
> Provide resources to enable compliance with the Export Control regulations, such as   mation, consultations, screening checklists, model documents and training material;
> Conduct high-level risk assessments and prepare a system-wide risk management plan;
> Submit license requests for restricted or controlled activities to federal agencies;
> Determine eligibility for license exception;
> Approve Technology Control Plans for activities and projects;
> Conduct inquiries into export activities;
> Act as liaison to federal agencies;
> Provide for central record keeping and retention;
> W

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4. Academic Deans: Academic deans shall cooperate with Human Resources when hiring an H1-B visa holder and provide information on an H1-B visa

HR officers,

both at the time of hiring the H1-B visa holder and at any time thereafter during the life of the H1-

access, research focus and other items subject to export control must be forwarded promptly to the Human Resources office for follow-up.

Academic deans have an important role in developing and implementing a TCP, particularly in designing security measures that involve export-controlled equipment and research projects that are housed within the department or college. A dean might have to ensure the appropriate project director creates, secures approvav/MCID 13>BDC BT1d /MCID 6>BDC BT30r73 31 26

and encryption that protects any PASSHE network log-in. Utilizing laptop greatly reduces the risk of loss, theft or inadvertent disclosure of protected information.

In many cases, CIOs have an important role in developing and implementing a TCP. CIOs shall be prepared to adopt extra network security measures when members of the university community need to store

C. Exclusions from Export Control Laws

There are several exclusions provided for in the export control legislation, making them outside the scope of the law. These exclusions cover many of the activities that occur in PASSHE and help preserve freedom to do basic research, teach and publish without restriction.

1. Fundamental Research Exclusion: Fundamental research includes basic or applied research in science or engineering at an accredited institution of higher learning in the U.S. where the information is ordinarily published and