



UNIVERSITY OF CENTRAL FLORIDA

EXPORT CONTROLS MANAGEMENT PROGRAM

Contents

1.1.1	Forward	3
1.	GENERAL.....	4
1.2	REVISION HISTORY	4
1.3	RESERVED	4
1.4	ACRONYMS	4
1.5	ACKNOWLEDGEMENTS	5
1.6	DISCLAIMER	5
2.	APPLICABLE U.S. LAWS & REGULATIONS.....	5
2.1	INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.....	5
2.1.1	U.S. Munitions List (USML).....	6
2.1.2	Commodity Jurisdiction	8
2.1.3	Definition of Export Under the ITAR	10
2.1.4	Requirements for ITAR Export Authorization	10
2.1.5	Proscribed Countries.....	11
2.2	EXPORT ADMINISTRATION REGULATIONS	11
2.2.1	Commerce Control List (CCL).....	11
2.2.2	Commodity Classification.....	13
2.2.3	Requirements for EAR Export Authorization	14
2.2.4	Definition of Export under the EAR.....	14
2.3	FOREIGN ASSETS CONTROL REGULATIONS (FACR).....	16
2.4	ANTI-BOYCOTT RESTRICTIONS	17
2.5	PENALTIES FOR EXPORT VIOLATIONS	18
2.6	VOLUNTARY SELF-DISCLOSURE OF SUSPECTED VIOLATIONS.....	20
3.	ACTIVITIES NOT SUBJECT TO REGULATION	22
3.1	PUBLIC DOMAIN (ITAR); PUBLICLY AVAILABLE (EAR)	22
3.2	MARKETING INFORMATION (EAR AND ITAR)	23
3.3	EDUCATIONAL INFORMATION (EAR AND ITAR)	23
3.4	PATENT INFORMATION (EAR AND ITAR)	24
3.5	UNIVERSITY RESEARCH	24
3.6	FUNDAMENTAL RESEARCH DISQUALIFIERS	25
3.7	AREAS OF RESEARCH IMPACT	26
3.8	PROPRIETARY OR RESTRICTED INFORMATION PROVIDED BY RESEARCH SPONSORS.....	27
3.9	EXPORTS OF CONTROLLED HARDWARE, SOFTWARE AND RELATED TECHNICAL DATA.....	28
3.10	DoD RESEARCH & DEVELOPMENT FUNDING ACCOUNTS.....	28
3.11	DEFENSE SERVICES	29
4.	MANAGEMENT CONTROL STRUCTURE & POLICY	29
4.1	INSTITUTIONAL COMMITMENT.....	29
4.2	EXPORT CONTROL POLICY.....	30
4.3	EMPOWERED OFFICIALS	31
4.4	ORGANIZATION STRUCTURE.....	31
4.5	UNIVERSITY ROLES & RESPONSIBILITIES FOR EXPORT CONTROL COMPLIANCE	33

4.5.1	<i>Office of Export Controls</i>	33
4.5.2	<i>Designated Department and Units</i>	36
4.5.3	<i>Organizational Structure of Designated Departments and Units</i>	36
4.6	RESEARCH ADMINISTRATION UNITS	37
4.6.1	<i>Office of the Vice President for Research & Commercialization</i>	37
4.6.2	<i>Business Incubation</i>	37
4.6.3	<i>Financial Compliance</i>	38
4.6.4	<i>Research Foundation</i>	38
4.6.5	<i>Sponsored Programs</i>	38
4.6.6	<i>Technology Transfer</i>	38
4.7	CENTRAL UNIVERSITY ADMINISTRATION.....	39
4.7.1	<i>Audit</i>	39
4.7.2	<i>Compliance, Ethics, and Risk</i>	39
4.7.3	<i>Environmental Health & Safety (EHS)</i>	39
4.7.4	<i>Finance & Accounting (F&A)</i>	39
4.7.5	<i>Foundation</i>	40
4.7.6	<i>General Counsel (GC)</i>	40
4.7.7	<i>Human Resources (HR)</i>	40
4.7.8	<i>Internationalization</i>	40
4.7.9	<i>International Service Center (ISC)</i>	40
4.7.10	<i>Information Security</i>	41
4.7.11	<i>Purchasing</i>	41
4.7.12	<i>Property</i>	41
4.8	COLLEGES, RESEARCH CENTERS & INSTITUTES ADMINISTRATION	41
4.8.1	<i>Vice Presidents, Deans, Department Heads & Directors</i>	41
4.8.2	<i>Faculty/Principal Investigators</i>	41
4.8.3	<i>University Personnel</i>	42
5	PROCESSES & PROCEDURES	43
6	TRAINING & EDUCATION	44
7	APPENDICES	45
7.1	APPENDIX 1: UNIVERSITY GUIDELINES FOR COMPLIANCE WITH U.S. EXPORT CONTROL LAWS.....	45
7.2	APPENDIX 2: DESIGNATED DEPARTMENTS & UNITS PRINCIPAL POINTS OF CONTACT	50
7.3	APPENDIX 3: PROCESSES & PROCEDURES.....	68

1.1.1 Forward

The purpose of university research is to develop technologies for the benefit of mankind and share knowledge with the world. There is a dichotomy between conducting university research and the limitations imposed on universities on the sharing of their research techniques and resulting fruits. On the one hand exists the researcher striving to acquire and disseminate knowledge. On the other is the U.S. Government, entrusted with ensuring the prosperity of our nation by “regulating” the dissemination of commodities and knowledge based upon constantly shifting geopolitical factors, such as national security, foreign policy, nonproliferation, and short supply interests.

The government, through various means, executes policy concerning how we, as a nation, are to interact with other countries, steering the best course for the United States as a whole. Of importance to the university researcher are the control measures the government has employed to regulate certain commodities and military technologies, and the sanctions imposed on specific countries. These control measures dictate how, to whom, and to what extent, research, techniques, and the resulting fruits can be shared, and are detailed in numerous export control laws, directives and regulations.

There has been an ongoing debate about whether the fruits and conduct, including information required to perform research qualify for exemption from U.S. export control regulations and sanctions. The sense of the U.S. Senate has been that “the use of technology at an institution of higher education in the United States should not be treated as an export of such technology for purposes of the Export Administration Act”, which are typical only for commercial items on programs without proprietary or national security restrictions.

The arcane world of export controls consist of a variety of federal laws, enacted in multiple regulations, administered by numerous federal agencies, so many in fact that the regulatory structure is a patchwork of often overlapping regulatory regimes that are confusing. While certain agencies have exclusive jurisdiction over specific practices, commodities or activities, other agencies serve in oversight, enforcement or advisory capacities, with sometimes broader jurisdiction.

University operations in general are subject to all of these requirements, just as they apply to all U.S. corporations and entities, including you and me, for example, when we travel in and out of the U.S. UCF is one of the few institutions that self-impose additional security requirements by allowing researchers to accept and perform research subject to proprietary or national security restriction, which by their nature require additional regulatory oversight and compliance on our research activities. It is important to note that many of these regulatory requirements and burdens would apply to UCF regardless of whether we refused research subject to restrictions.

Because we have decided to engage in research that is not otherwise exempt from U.S. regulatory requirements, compliance is required, in particular but not exclusive to research activities, due to the severe civil and criminal fines and penalties associated with willful or knowing violations. These penalties are severe and may include incarceration and the loss of research privileges, or debarment. This is in addition to the routine export control compliance efforts that are separate from research activities, such as international travel or the transfer of certain monies in and out of U.S. territories.

This Export Control Management Plan is an instruction tool to document compliance protocols implemented at UCF for compliance with U.S. export control laws, regulations and sanctions.

1. GENERAL

1.2 Revision History

Revision	Date	Paragraph	Description of changes
1	1/20/2010	Document	Initial
2	3/25/2014	Document	Update with revised ORC processes

1.3 Reserved

1.4 Acronyms

Term	Meaning
AECA	Arms Export Control Act
BIS	Bureau of Industry and Security
CCL	Commerce Control List
CFR	Code of Federal Regulations
CAU	Custody, Access and Use Agreement
DDTC	Directorate of Defense Trade Controls
DoC	U.S. Department of Commerce
DoS	U.S. Department of State
DoT	U.S. Department of the Treasury
EAA	Export Administration Act
EAR	Export Administration Regulations
ECCN	Export Control Classification Number
ECO	Export Control Officer
FACR	Foreign Assets Control Regulations
FSO	Facility Security Officer
ITAR	International Traffic in Arms Regulations
MOU	Memorandum of Understanding
NISPOM	National Industrial Security Program Manual
OFAC	Office of Foreign Assets Control
ORC	Office of Research and Commercialization
PI	Principal Investigator
TCP	Technology Control Plan
UCF	University of Central Florida
USML	U.S. Munitions List

1.5 Acknowledgements

The University of Central Florida (UCF) acknowledges and appreciates Virginia Polytechnic Institute and State University (Virginia Tech) and the University of Florida (UF) for granting UCF permission to alter selected portions of their “Export Control Compliance Program Guidelines” for use in this instruction.

1.6 Disclaimer

The UCF Export Controls Compliance Program, Guidelines, Technology Control Plan, process and other materials are specifically tailored to the UCF research community. This instruction and all other materials therein are not intended to replace any regulatory document of interpretation or to relieve importers or exporters of their statutory responsibility to comply with current laws, regulations, policies and procedures of the U.S. Government. UCF’s export control content may not apply to other specific situations that occur outside of the UCF research community or may be incomplete. UCF’s export control materials do not constitute legal advice. Those outside of the UCF research community should not act or rely on any of this information and should seek the advice of an attorney before taking any actions.

2 APPLICABLE U.S. LAWS & REGULATIONS

As a public institution of higher education, UCF employs foreign nationals and hosts foreign visitors in connection with international exchange programs, international students, international research collaborations, and other business agreements. It is the intent of UCF to employ foreign nationals and host international visitors, both long and short term, in the most welcoming manner possible while also assuring compliance with U.S. laws, regulations and trade sanctions governing the export of certain commodities and technical data.

2.1 International Traffic in Arms Regulations

The Arms Export Control Act (“AECA”), implemented by the International Traffic in Arms Regulations (“ITAR”) and administered by the State Department’s Directorate of Defense Trade Controls prohibits the export, temporary import of defense articles and technical data, the manufacture abroad of defense articles using U.S. technology, the provision of defense services to foreign persons and the brokering of defense articles or services by all U.S. persons unless approved in advance by a DDTC-issued export license, agreement, or by qualification of an ITAR exemption. This includes the export of defense articles and defense services from the United States to any foreign destination or to any foreign person, whether located in the United States or abroad. The ITAR prohibits the export of all defense articles and services unless specifically permitted by the process described in the ITAR. ITAR controls are based on national security/nonproliferation and foreign policy considerations. There is considerable overlap among the policies underlying the ITAR and the Export Administration Regulations administered by the Commerce Department. Nevertheless, the objective of ITAR is to limit access to and use of “munitions” and related services and data— as opposed to dual-use items and technologies—to purposes and end-users that serve

the foreign policy interests of the United States. As a result, the State Department is generally considered much less sensitive to commercial considerations than the Commerce Department.

Definitions important and specific to the ITAR include:

- A “defense item” is defined by the AECA at 22 U.S.C. 2778(j)(1)(4)(a) as follows: “The term “defense items” means defense articles, defense services and related technical data.
- A “defense article” is defined as any item or technical data on the United States Munitions List (“USML”). Pursuant to the AECA at 11 U.S.C. 2794(s), defense articles include: (A) any weapon, weapon system, munition, aircraft, vessel, boat or other implement of war, (B) any property, installation, commodity, material, equipment, supply or goods used for the purpose of making military sales, (C) any machinery, facility, tool, material, supply, or other item necessary for the manufacture, production, processing, repair, servicing, storage, construction, transportation, operation, or use of any article listed in this paragraph, (D) any component or part of any article listed in this paragraph, but does not include merchant vessels, . . . source material, . . . byproduct material, special nuclear material, production facilities, utilization facilities, or atomic weapons or articles involving Restricted Data.
- A “defense service,” is defined as “(1) The furnishing of assistance (including training) to foreign persons, whether in the United States or abroad in the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing or use of defense articles.” (2) The furnishing to foreign persons of any technical data controlled under the ITAR. (3) Military training of foreign units and forces, regular and irregular, including formal or informal instruction of foreign persons in the United States or abroad or by correspondence courses, technical, educational, or information publications and media of all kinds, training aid, orientation, training exercise, and military advice, not defined as “assistance.”
- Technical Data means “(1) Information, other than software which is required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of defense articles. This includes information in the form of blueprints, drawings, photographs, plans, instructions or documentation. (2) Classified information relating to defense articles and defense services; (3) Information covered by an invention secrecy order; (4) Software directly related to defense articles; (5) This definition does not include information concerning general scientific, mathematical or engineering principles commonly taught in schools, colleges and universities or information in the public domain as defined in the ITAR. It also does not include basic marketing information on function or purpose or general system descriptions of defense articles.

2.1.1 *U.S. Munitions List (USML)*

The U.S. Munitions List (“USML”) is enumerated in 22 CFR Part 121 and specifies twenty-one (21) “Categories” of defense articles, with sub-itemization of “Significant Military Equipment” (SME)

articles. SME is defined in 22 CFR § 120.7 as “articles for which special export controls are warranted because of their capacity for substantial military use or capability. An electronic version of the USML is available on the Department of State website at: http://www.pmddtc.state.gov/regulations_laws/documents/official_itar/2013/ITAR_Part_121.pdf

The twenty-one categories found on the USML are as follows:

- Category I:** Firearms, Close Assault Weapons and Combat Shotguns
- Category II:** Guns and Armament
- Category III:** Ammunition / Ordinance
- Category IV:** Launch Vehicles, Guided Missiles, Ballistic Missiles, Rockets, Torpedoes, Bombs and Mines
- Category V:** Explosives and Energetic Materials, Propellants, Incendiary Agents and Their Constituents
- Category VI:** Surface Vessels of War and Special Naval Equipment
- Category VII:** Ground Vehicles
- Category VIII:** Aircraft and Related Articles
- Category IX:** Military Training Equipment and Training
- Category X:** Protective Personnel Equipment and Shelters
- Category XI:** Military Electronics
- Category XII:** Fire Control, Range Finder, Optical and Guidance and Control Equipment
- Category XIII:** Materials and Miscellaneous Articles
- Category XIV:** Toxicological Agents, Including Chemical Agents, Biological Agents, and Associated Equipment
- Category XV:** Spacecraft Systems and Associated Equipment
- Category XVI:** Nuclear Weapons, Design and Testing Related Items
- Category XVII:** Classified Articles, Technical Data and Defense Services Not Otherwise Enumerated
- Category XVIII:** Direct Energy Weapons
- Category XIX:** Gas Turbine Engines and Associated Equipment
- Category XX:** Submersible Vessels and Related Articles
- Category XXI:** Articles, Technical Data and Defense Services Not Otherwise Enumerated

2.1.2 *Commodity Jurisdiction*

The process of determining if an item, article, service or technical data is on the USML and subject to the requirements of the ITAR is known as the “Commodity Jurisdiction” (“CJ”) process. CJ is used by the U.S. Government if doubt exists as to whether an article or service is covered by the USML or some other regulations, such as the Commerce Control List (“CCL”). Designations of defense articles and defense services are made by the Department of State with the concurrence of the Department of Defense.

Proper CJ determination is absolutely essential to avoid violations because export compliance relies upon knowing which regulatory regime governs a particular export or activity (e.g. EAR or ITAR). The ITAR only regulates items, defense articles, services and associated technical data of items specifically identified on the USML as opposed to other U.S. export regulations.

The order of review for CJ is to self-classify items, articles or services to determine if they are subject to the ITAR by being listed on the USML, or if they meet the qualifications of being considered “specially designed.” “Specially designed” is used to determine if an item or service meets the criteria of a defense article or defense service, or provides the equivalent performance capabilities of a defense article on the USML. If an article is not on the USML, or if it is not “specially designed” then it may be on the CCL, or subject to a different regulatory regime. The DDTC has a web-based interactive “Order of Review Decision Tool” to assist with this process: http://www.pmdtc.state.gov/licensing/dt_OrderofReview.htm

CJ is used to determine if an item or service meets the criteria of a defense article or defense service, or provides the equivalent performance capabilities of a defense article on the USML. The effort to determine whether an activity or item is subject to the ITAR, i.e., on the USML, is known as a “Jurisdictional Analysis”, while the review for the EAR is known as “Commodity Classification.” Conducting either of these analyses independent of government guidance is known as “self-classification”.

The Jurisdictional Analysis process begins by reviewing the general characteristics of the item, technology or proposed defense service. The general characteristics must fall within the proscribed requirements of “specially designed” to be subject to the ITAR. Commodities and software are “specially designed” if:

(1) As a result of development, has properties peculiarly responsible for achieving or exceeding the controlled performance levels, characteristics, or functions described in the relevant U.S. Munitions List paragraph; or

(2) Is a part (see § 121.8(d) of this subchapter), component (see § 121.8(b) of this subchapter), accessory (see § 121.8(c) of this subchapter), attachment (see § 121.8(c) of this subchapter), or software for use in or with a defense article.

(b) A part, component, accessory, attachment, or software is not controlled by a U.S. Munitions List “catch-all” or technical data control paragraph if it:

(1) Is subject to the EAR pursuant to a commodity jurisdiction determination;

(2) Is, regardless of form or fit, a fastener (e.g., screws, bolts, nuts, nut plates, studs, inserts, clips, rivets, pins), washer, spacer, insulator, grommet, bushing, spring, wire, or solder;

(3) Has the same function, performance capabilities, and the same or “equivalent” form and fit as a commodity or software used in or with a commodity that:

(i) Is or was in production (i.e., not in development); and

(ii) Is not enumerated on the U.S. Munitions List;

(4) Was or is being developed with knowledge that it is or would be for use in or with both defense articles enumerated on the U.S. Munitions List and also commodities not on the U.S. Munitions List; or

(5) Was or is being developed as a general purpose commodity or software

If the technology meets the definitional requirements of qualifying as “specially designed” and is identified within a USML Category, the characteristics and functions of an article can be matched to a specific entry found on the USML.

DDTC has a web-based interactive “Specially Designed” decision tool to assist with this process: http://www.pmdt.state.gov/licensing/dt_SpeciallyDesigned.htm

Both the Departments of Commerce and State prefer for organizations to attempt to self-classify whenever possible; however, if a concluded jurisdictional determination cannot be made through either the Commodity Classification or Jurisdictional Analysis process, the U.S. Government will provide a definitive written determination in response to the submission of a “Commodity Jurisdiction Request.” Necessary forms and processes are available at the DDTC website: http://www.pmdt.state.gov/commodity_jurisdiction/index.html

2.1.3 Definition of Export Under the ITAR

The ITAR defines the term “export” broadly. The term applies not only to exports of tangible items from the U.S., but also to transfers of intangibles, such as technology or information. The ITAR defines as an “export” the passing of information or technology to foreign nationals even in the United States. The following are examples of exports:

- 1. Exports of articles from the U.S. territory**
 - Shipping or taking a defense article out of the United States.
 - Transferring title or ownership of a defense article to a foreign person, in or outside the United States.

- 2. Extra-territorial transfers**
 - The re-export or re-transfer of defense articles from one foreign person to another, not previously authorized (i.e., transferring an article that has been exported to a foreign country from that country to a third country).
 - Transferring the registration, control, or ownership to a foreign person of any aircraft, vessel, or satellite covered by the USML, whether the transfer occurs in the United States or abroad.

- 3. Export of intangibles**
 - Disclosing technical data to a foreign person, whether in the United States or abroad, through oral, visual, or other means.
 - Performing a defense service for a foreign person, whether in the United States or abroad.

2.1.4 Requirements for ITAR Export Authorization

Any person or entity who engages in the U.S. in the business of manufacturing or exporting or temporarily importing defense articles or furnishing defense services is required to register with the Department of State. Registration is a mandatory prerequisite to process license applications or invoke other approvals for an activity regulated by the ITAR, or invoke the use of an exemption to the license requirement. Once registered, licenses to export defense articles or perform defense services can be processed, including permanent and temporary export and import licenses and technical assistance agreements for complex programs for the provision of defense services. Certain licenses or exemptions or other government approvals are required to employ or allow foreign nationals to participate in activities subject to export requirements (see “deemed exports”). License applications or the invocation of other government approvals and exemptions contain additional certifications / transmittal letters, supporting documentation, and in some cases, non-transfer and use certification from the licensee and / or the foreign government of the licensee.

University research is subject to the ITAR when the research involves defense articles or technical data. Activities that involve defense articles or export-controlled technical data that involve foreign

persons require a license or other government approval before the foreign person is permitted access to the articles or data. Instruction or methods involved in the ITAR-controlled research constitute the provisioning of “defense services”, which is also a licensable activity. A “defense service” is equivalent to a “deemed export” under the EAR.

2.1.5 Proscribed Countries

Pursuant to U.S. policy related to arms embargoes, no ITAR exports, including license requests, exemptions and other government approvals for export may be made to countries proscribed in 22 C.F.R. § 126.1, such as China, Cuba, Iran, North Korea, Sudan, and Syria. Additional restrictions apply to other countries; a complete list of U.S. arms embargoes is available online at: http://www.pmddtc.state.gov/embargoed_countries/index.html

2.2 Export Administration Regulations

The U.S. Department of Commerce’s (“DoC”) Bureau of Industry and Security (“BIS”) regulates all dual-use technologies, materials, items, software, and technology not administered by another agency under the authority of the Export Administration Act of 1969 (“EAA”) as enumerated in the Export Administration Regulations (EAR). The export control provisions of the EAR are intended to serve the national security, foreign policy, nonproliferation and short supply interests of the US, and in some cases, to carry out its international obligations. “Dual-use” items, products, technologies, and software that have both military, or civilian and commercial applications, but were not “specially designed” for military applications are identified on the Commerce Control List (“CCL”). Certain technologies identified on the CCL may parallel those enumerated on the USML; however, the key distinguishing factor is the military application of the items.

All items of U.S.-origin, wherever located, are subject to the EAR. Foreign manufactured goods are generally exempt from the EAR re-export requirements if they contain less than a de minimis level of U.S. content by value. Such de minimis levels are set in the regulations relative to the ultimate destination of the export or re-export.

The EAR requires a license for the exportation of a wide range of items with potential “dual” commercial and military use, or otherwise of strategic value to the United States (but not made to military specifications). However, only items listed on the Commerce Control List (“CCL”) require a license prior to exportation. Items not listed on the CCL are designated as EAR99 items and generally can be exported without a license, unless the export is to an embargoed country, or to a prohibited person or end-use.

2.2.1 Commerce Control List (CCL)

The EAR specifically enumerates controlled technologies on the CCL, including technical thresholds and performance parameters that distinguish various levels of controls. The CCL is divided into ten

broad categories, which is further subdivided into five product groups. This scheme is the framework for a matrix-based system utilized within the EAR to categorize control, licensing and exception requirements. Every commodity on the CCL is categorized according to a “Export Control Classification Number” (“ECCN”), which is an numeric-alpha code that describes the item and indicates licensing requirements. All ECCNs are listed within the CCL.

The following are the primary ten broad categories:

- Category 0:** Nuclear Materials, Facilities and Equipment & Miscellaneous
- Category 1:** Materials, Chemicals, Microorganisms and Toxins
- Category 2:** Material Processing
- Category 3:** Electronics
- Category 4:** Computers
- Category 5:** Telecommunications and Information Security
- Category 6:** Sensors and Lasers
- Category 7:** Navigation and Avionics
- Category 8:** Marine
- Category 9:** Propulsion Systems, Space Vehicles and Related Equipment

The following are the five product groups controlled under the EAR:

- **Commodities, Equipment, Assemblies and Components.** Finished or unfinished goods ranging from high-end microprocessors to airplanes, to ball bearings.
- **Test, Inspection, Production and Manufacturing Equipment.** This includes equipment specifically for manufacturing or testing controlled commodities, as well as certain generic machines, such as computer numerically controlled (“CNC”) manufacturing and test equipment.
- **Materials.** This includes certain alloys and chemical compounds.
- **Software.** This includes software specifically associated with particular commodities or manufacturing equipment, as well as any software containing encryption and the applicable source code.
- **Technology.** Specific information necessary for the “development”, “production”, or “use” of a product. The information takes the form of “technical data” or “technical assistance”.. Unlike the ITAR, there is generally no distinction between the two. However, the EAR may apply different standards to technology for “use” of a product than for the technology for the “design” or “manufacture” of the product.

2.2.2 Commodity Classification

As previously reviewed, the State Department's CJ process is the primary means to determine which regulatory requirements are subject to an export activity. The State Department has jurisdiction to decide whether an item is ITAR- or EAR-controlled. DDTC encourages exporters to self-classify the product. If doubt exists, a CJ request may be submitted to DDTC to determine whether an item is ITAR- or EAR- controlled. Proper CJ determination is absolutely essential to avoid violations because export compliance relies upon knowing which regulatory regime governs the technology..

Once it is determined that an item is EAR-controlled, the exporter must determine its Export Control Classification Number ("ECCN"). The first digit identifies the general category within which the entry falls (e.g., 3A001). The letter immediately following this first digit identifies under which of the five groups the item is listed (e.g., 3 A001). The second digit differentiates individual entries by identifying the type of controls associated with the items contained in the entry (e.g., 3A001). Listed below are the Reasons for Control associated with this second digit.

Once the ECCN is determined all associated regulatory control requirements can be looked up using the Reasons for Control and Commerce Country Chart.

Reasons for Control	
AT	Anti-Terrorism
CB	Chemical & Biological Weapons
CC	Crime Control
CW	Chemical Weapons Convention
EI	Encryption Items
FC	Firearms Convention
MT	Missile Technology
NS	National Security
NP	Nuclear Nonproliferation
RS	Regional Stability
SS	Short Supply
UN	United Nations Embargo
SI	Significant Items
SL	Surreptitious Listening

The reason for controls identified on the ECCN are cross indexed to the "Commerce Country Chart" found in Supplement No. 1 to Part 738. The chart is available at:
http://www.bis.doc.gov/index.php/forms-documents/doc_download/14-commerce-country-chart

The "Country Chart" header identifies, for each applicable Reason for Control, a column name and number (e.g., CB Column 1). These column identifiers are used to direct you from the CCL to the appropriate column identifying the countries requiring a license. A license or other export authorization is required if the Chart and Reason for Control are marked with an X.

2.2.3 Requirements for EAR Export Authorization

Once determined that a license is required, an exporter can apply for export authorization from BIS. The EAR contains a number of exceptions. Determining whether a particular exception applies requires review of the specific application as detailed in 15 C.F.R. § 740, as well as review of the notes on applicable license exceptions following the ECCN entry on the CCL. These exceptions include:

EAR License Exceptions	
LVS	Items of limited value (value is set under each ECCN).
GBS	Items controlled for national security reasons to Group B countries.
CIV	Items controlled for national security reasons to particular countries where end-user is civilian.
TSR	Certain technology and software to certain countries.
APP	Computer exports to certain countries.
TMP	Certain temporary exports, re-exports, or imports, including items moving through the U.S. in transit.
RPL	Certain repair and replacement parts for items already exported.
GOV	Exports to certain government entities.
GFT	Certain gifts and humanitarian donations.
TSU	Certain mass-market technology and software.
BAG	Baggage exception.
AVS	Aircraft and vessels stopping in the U.S. and most exports of spare parts associated with aircraft and vessels.
APR	Allows re-export from certain countries.
ENC	Certain encryption devices and software.
AGR	Agricultural commodities.
CCD	Consumer communication devices
STA	Strategic Trade Authorization

2.2.4 Definition of Export under the EAR

The definition of export under the EAR is very broad, just as in the ITAR, and covers a broad range of products and activities. Definitions that are important and specific to the EAR include:

- **Export.** “Export” means an actual shipment or transmission of items subject to the EAR out of the United States, or release of technology or software subject to the EAR to a foreign national in the United States.
- **Export of Technology or Software (“Deemed Export”).** (i) Any release of technology or software subject to the EAR in a foreign country; or (ii) Any release of technology or source code subject to the EAR to a foreign national. Such release is deemed to be an export to the home country or countries of the foreign national. Deemed exports may occur through such means as a demonstration, oral briefing, or plant visit, as well as the electronic transmission of non-public data that will be received abroad.
- **Release of Technology or Software:** Technology or software is “released” for export through: (i) Visual inspection by foreign nationals of U.S.-origin equipment and facilities; (ii) Oral exchanges of information in the United States or abroad; or (iii) The application to situations abroad of personal knowledge or technical experience acquired in the United States.
- **Re-export.** “Re-export” means an actual shipment or transmission of items subject to the EAR from one foreign country to another foreign country; or release of technology or software subject to the EAR to a foreign national outside the United States, i.e., the shipment or transfer to a third country of goods or technology originally exported from the United States.
- **Re-export of Technology or Software (Deemed Re-export).** Any release of technology or source code subject to the EAR to a foreign national of another country is a deemed re-export to the home country or countries of the foreign national. Re-export includes the export or re-export of items subject to the EAR that will transit through a country or countries or be transshipped in a country or countries to a new country or are intended for re-export to the new country, are deemed to be exports to the new country.

The release of technology or software source code to a foreign national in the United States is regulated, as is visual inspection by foreign nationals at U.S. facilities. This concept, as defined above, is considered a “Deemed export.” The Deemed export relies upon the transmission in the US of technology as follows:

- **Technology.** Specific information necessary for the “development”, “production”, or “use” of a product. The information takes the form of “technical data” or “technical assistance”. Unlike the ITAR, there is generally no distinction between the two. However, the EAR may apply different standards to technology for “use” of a product than for the technology for the “design” or “manufacture” of the product.
- **Required Information for the Development, Production, or Use of Items on the CCL:**
 - **Required.** As applied to “technology” or “software”, refers to only that portion of “technology” or “software” which is peculiarly responsible for achieving or

exceeding the controlled performance levels, characteristics or functions. Such “required” “technology” or “software” may be shared by different products.

- **Development.** “Development” is related to all stages prior to serial production, such as: design, design research, design analyses, design concepts, assembly and testing of prototypes, pilot production schemes, design data, process of transforming design data into a product, configuration design, integration design, layouts.
- **Production.** Means all production stages, such as: product engineering, manufacture, integration, assembly (mounting), inspection, testing, quality assurance.
- **Use.** Operation, installation (including on-site installation), maintenance (checking), repair, overhaul and refurbishing.
- **Technical Assistance.** Technical assistance—May take forms such as instruction, skills training, working knowledge, consulting services. “Technical assistance” may involve transfer of “technical data”.
- **Technical Data.** May take forms such as blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape, read-only memory.

2.3 Foreign Assets Control Regulations (FACR)

In addition to ITAR and EAR export restrictions, The Office of Foreign Assets Control (“OFAC”) in the Treasury Department administers and enforces economic and trade sanctions against targeted:

Foreign governments (e.g. Iran, Sudan, Cuba)

Individuals (e.g. terrorists, narcotics traffickers)

Entities (e.g. drug front companies, charities linked to terrorist groups)

Practices (e.g. trade in rough diamonds, proliferation of WMDs)

There are three types of sanctions programs:

Comprehensive Sanctions

- Counter Narcotics Trafficking
- Non-proliferation (WMD)
- Anti-terrorism
- Sudan
- Cuba
- Iran

Regime-Based Programs

- Former Liberian Regime of Charles Taylor
- Democratic Republic of the Congo
- Zimbabwe
- Cot D’Ivoire
- Balkans
- Belarus

Limited Program

- Burma (Myanmar)
- Diamond Trading
- North Korea
- Syria

Numerous publications and legislation encompass the spectrum of sanctions, embargoes, and financial regulations. Sanctions typically regulate:

- Transactions involving designated foreign countries or their nationals;
- Transactions with respect to securities registered or inscribed in the name of a designated national;
- Importation of and dealings in certain merchandise; and
- Holding certain types of blocked property in interest-bearing accounts.
- Transactions with specific entities or individuals known as “specially designated nationals,” found in the Specially Designated Nationals List ("SDNL").

In many cases a general or specific license from OFAC is required in order to travel to sanctioned countries, or have transactions with sanctioned countries, entities, or individuals. University personnel will not engage in international collaborations with sanctioned countries, entities, or individuals without first consulting with ORC to determine if an OFAC license is required.

2.4 Anti-boycott Restrictions

U.S. Anti-boycott policies proscribe certain actions regarding the Arab League’s boycott of Israel and require reporting to the Department of Commerce or the Internal Revenue Service for certain boycott related communications or identification of participation in an international boycott. U.S. anti-boycott laws require US firms and persons to refuse to participate in foreign boycotts that the U.S. government does not sanction. Any interaction, contracts, or agreements with foreign companies, entities and Governmental agencies of identified participating boycott countries may require scrutiny to ensure there are no reportable boycott issues.

Prohibited conduct includes:

- Agreements to refuse or actual refusal to do business with or in Israel or with blacklisted companies.
- Agreements to discriminate or actual discrimination against other persons based on race, religion, sex, national origin or nationality.
- Agreements to furnish or actual furnishing of information about business relationships with or in Israel or with blacklisted companies.
- Agreements to furnish or actual furnishing of information about the race, religion, sex, or national origin of another person.
- Implementing letters of credit containing prohibited boycott terms or conditions.

Examples Include:

- **Prohibited Boycott Condition in a Purchase Order:**

"In the case of overseas suppliers, this order is placed subject to the suppliers being not on the Israel boycott list published by the central Arab League."

- **Reportable boycott condition in an importer's purchase order:**

"Goods of Israeli origin not acceptable."

- **Prohibited Condition in a Contract**

"The Contractor shall comply in all respects with the requirements of the laws of the State of Bahrain relating to the boycott of Israel. Goods manufactured by companies blacklisted by the Arab Boycott of Israel Office may not be imported into the State of Bahrain and must not be supplied against this Contract."

- **Prohibited Boycott Condition in a Questionnaire**

"1. Do you have or ever have had a branch or main company, factory or assembly plant in Israel or have sold to an Israeli?"

"2. Do you have or ever have had general agencies or offices in Israel for your Middle Eastern or international operations?"

- **Prohibited Condition in a Trademark Application**

"Requirement for the registration of pharmaceutical companies: Certification letter regarding the boycott of Israel (i.e., do not comprise any parts, raw materials, labor or capital of Israeli origin)."

Arab League Members

Algeria
Bahrain
Djibouti
Egypt
Iraq
Jordan
Kuwait
Lebanon
Libya
Mauritania
Morocco
Oman
Qatar
Saudi Arabia
Sudan
Syria
Tunisia
United Arab Emirates
Yemen

2.5 Penalties for Export Violations

Penalties for export violations can apply to individuals and the university.

International Traffic in-Arms Regulations (ITAR)

- Maximum \$1,000,000 per violation or imprisonment of up to twenty years, or both pursuant to 22 U.S.C. 2778(c)

Export Administration Regulations (EAR)

- Criminal: Maximum \$1,000,000 per violation or imprisonment of up to twenty years, or both

- Administrative: Maximum \$11,000 per violation or \$120,000 per violation for items involving national security
- Pursuant to the International Emergency Economic Powers (IEEPA) Enhancement Act:
 - Criminal: Maximum \$100,000 per violation or imprisonment of up to twenty years, or both
 - Administrative: Maximum of greater of \$250,000 per violation or twice the amount of the transaction

Office of Foreign Assets Control (OFAC)

Pursuant to the Trading with the Enemy Act (TEWA) of 1917, 50 USCS Sec 5

- Criminal (Willful Violation): Maximum \$1,000,000 per violation, and up to \$100,000 in individual fines, per violation or imprisonment of up to ten years, or both
- Criminal (Knowing Violation): Maximum \$100,000 or up to ten years in prison, or both, per violation
- Civil: Maximum of \$65,000 per violation

Pursuant to the International Emergency Economic Powers (IEEPA) Act, 20 USCS Sec 1701

- Criminal: Maximum \$1,000,000 per violation or imprisonment of up to twenty years, or both
- Civil: Maximum \$250,000 per violation, or twice the amount of the transaction

Administrative Penalties

- **Warning Letter**: are administrative determinations that a violation has occurred, but that a “good faith effort” (mitigating factor) to comply with the law and to cooperate with an investigation has been shown with no aggravating factors.
- **Denial Order / Interim Suspension**: deny the sanctioned party any U.S. export privileges and any access to U.S.-origin goods and technology, from any source, for a specified period of time or indefinitely and may be narrow in scope, such as a restriction on the export of specific items or to specific destinations.
- **Seizure & Forfeiture**: Commodities or technical data which have been, are being, or are intended to be exported or shipped from or taken out of the U.S. in violation of the Export Administration Act (EAA) or International Traffic in Arms Regulations (ITAR) are subject to being seized and forfeited including, the vehicles carrying such commodities or technical data.
- **Debarment**: includes the exclusion from practice or the denial of export privileges, including the revocation of contracts, loss of funding, debarment from government contracts or implementation of additional compliance measures.

2.6 Voluntary Self-Disclosure of Suspected Violations

Because of the complexity of the ITAR, EAR and FACR, accidental or inadvertent violations of export control regulations are possible. In research, a university may presumably discover that a researcher or collaborator has violated the ITAR. DDTC, BIS and OFAC all have voluntary disclosure programs and procedures whereby a potential export violation may be self-disclosed. Specifically, Section 127.13 of the ITAR states that the DDTC:

Strongly encourages the disclosure of information...by persons, firms or any organization that believes they may have violated any export control provision of the Arms Export Control Act, or any regulations, order, license, or other authorization issued under the authority of the Arms Export Control Act.

The cognizant export administration agency may consider a voluntary disclosure as a mitigating factor in determining whether to impose any penalties (including monetary penalties) or seek other enforcement action. A failure to submit a Voluntary Self-Disclosure (“VSD”) may be considered as an aggravating factor, likely increasing the penalties levied upon an organization.

UCF will report all potential violations of the ITAR, EAR and FACR immediately upon discovery. A comprehensive report must be provided to the cognizant federal agency within 60 calendar days of the initial notification. A formal request for extension will be lodged with the appropriate agency if 60 days is insufficient. The procedure for detecting, investigating, reporting, and correcting suspected export violations are as follows:

The investigation of suspected export violations will be expedited. An investigation is a pre-requisite to properly evaluate whether to submit a voluntary self-disclosure. All investigations will be carried out by an Empowered Official and reported to upper management. An investigation will examine the full scope of any potential violations, to include:

- Potential violation, causes, important facts, aggravating or mitigating circumstances.
- Parties involved, dates, places, locations, methods, export jurisdictions, means by which the violation was detected, type of export violation (physical, visual, oral, electronic);
- Short term corrective actions / stops implemented upon violation discovery, including parties involved in the corrective actions.

Investigation will consist of three phases:

1. Data preservation

- a. Notify necessary parties of the investigation
- b. Require parties to preserve all materials related to the subject matter
- c. Categorize and review the types of information and documents relevant to the investigation
- d. Demand strict compliance with data preservation
- e. Inform parties of how information should be preserved

f. Designate a Point of Contact

2. Data collection and review

- a. Document preservation and collection interviews
- b. Collection and review of paper and electronic data

3. Interviews of relevant employees / participants

- a. Following collection, review and organization of data, interviews with all relevant parties will be conducted.
- b. A formal memo and summary of all interviews will be prepared

Upon conclusion of data collection, interviews and evaluation, a formal report will be prepared. Facts developed during the course of the investigation are important for VSD purposes in addition to university decision-making. Contents of the report will include:

- 1. Description of the subject and scope of the investigation
- 2. Description of each phase of the investigation, including all efforts
- 3. A chronology of the facts developed via the investigation
- 4. A description of remedial measures undertaken
- 5. A description of proposed corrective/preventative actions

VSD's will be drafted pursuant to Section 127.12(c)(2) of the ITAR, as a baseline, which include:

- (i) A precise description of the nature and extent of the violation (e.g., an unauthorized shipment, doing business with a party denied U.S. export privileges, etc.);
- (ii) The exact circumstances surrounding the violation (a thorough explanation of why, when, where, and how the violation occurred);
- (iii) The complete identities and addresses of all persons known or suspected to be involved in the activities giving rise to the violation (including mailing, shipping, and e-mail addresses; telephone and fax/facsimile numbers; and any other known identifying information);
- (iv) Department of State license numbers, exemption citation, or description of any other authorization, if applicable;
- (v) U.S. Munitions List category and subcategory, product description, quantity, and characteristics or technological capability of the hardware, technical data or defense service involved;
- (vi) A description of corrective actions already undertaken that clearly identifies the new compliance initiatives implemented to address the causes of the violations set forth in the voluntary disclosure and any internal disciplinary action taken; and how these corrective actions are designed to deter those particular violations from occurring again;
- (vii) The name and address of the person making the disclosure and a point of contact, if different, should further information be needed.

3 ACTIVITIES NOT SUBJECT TO REGULATION

The EAR, ITAR and FACR only regulate certain transactions that involve controlled items, technology, defense articles or services. Articles or services not listed on the USML or CCL, or specifically excluded from the regulations are not subject to export controls, regardless of the context of university research or educational activities. Common to all regulations, although worded sufficiently different to make equivalent comparison impossible, are the concepts of general “publicly available” and “public domain” information that is not subject to regulations, as follows:

- Information in the Public Domain or Publicly Available, e.g. published information and software
- University Research that is neither classified, nor contains “technical data
- Marketing Information
- Educational information released in official catalogue courses and associated teaching labs of U.S. institutions of higher education
- Patent applications

A discussion of each of these generally excluded publicly available items follows.

3.1 Public Domain (ITAR); Publicly Available (EAR)

- The EAR excludes publicly available technology if it is already published or will be published. Information is published when it becomes generally accessible to the interested public in any form, including:
 - publication in periodicals, books, print, etc., available for general distribution free or at cost;
 - readily available at libraries open to the public or university libraries;
 - patents and open patent applications available at any patent office; or
 - release at an open conference, meeting, seminar, trade show, or other gathering open to the public
- The ITAR does not regulate information in the “Public Domain” nor is such information subject to licensing requirements. The ITAR has a very narrow scope of what is included within “public domain”:

(a) *Public domain* means information which is published and which is generally accessible or available to the public:

- (1) Through sales at newsstands and bookstores;
- (2) Through subscriptions which are available without restriction to any individual who desires to obtain or purchase the published information;
- (3) Through second class mailing privileges granted by the U.S. Government;
- (4) At libraries open to the public or from which the public can obtain documents;
- (5) Through patents available at any patent office;
- (6) Through unlimited distribution at a conference, meeting, seminar, trade show or exhibition, generally accessible to the public, in the United States;
- (7) Through public release (*i.e.*, unlimited distribution) in any form (e.g., not necessarily in published form) after approval by the cognizant U.S. government department or agency (see also § 125.4(b)(13) of this subchapter);
- (8) Through fundamental research in science and engineering at accredited institutions of higher learning in the U.S. where the resulting information is ordinarily published and shared broadly in the scientific community. Fundamental research is defined to mean basic and applied research in science and engineering where the resulting information is ordinarily published and shared broadly within the scientific community, as distinguished from research the results of which are restricted for proprietary reasons or specific U.S. Government access and dissemination controls. University research will not be considered fundamental research if:
 - (i) The University or its researchers accept other restrictions on publication of scientific and technical information resulting from the project or activity, or
 - (ii) The research is funded by the U.S. Government and specific access and dissemination controls protecting information resulting from the research are applicable.

3.2 Marketing Information (EAR and ITAR)

- The EAR (734.7) would include marketing information as qualifying for public release as being generally accessible and distributed to the interested public.
- The ITAR (120.10(5)) states that technical data “does not include basic marketing information on function or purpose or general system descriptions of defense articles.”

3.3 Educational Information (EAR and ITAR)

Both the ITAR and the EAR address the issue of general educational information that is typically taught in schools and universities. Such information, even if it relates to items included on the USML or the CCL, does not fall under the application of export controls.

- The EAR (734.9) states that educational information is not subject to the EAR if it is “released by instruction in a catalogue course and associated teaching lab of academic institutions” (with the exception of certain encryption software and object code).
- The ITAR (120.10(5)) states that technical data “does not include information concerning general scientific, mathematical, or engineering principles commonly taught in schools, colleges, and universities or information in the public domain...”

3.4 Patent Information (EAR and ITAR)

- The EAR (734.10) excludes “information contained in a patent application.”
- The ITAR (120.11(5)) excludes “patents available at any patent office.”

3.5 University Research

While some of UCF’s projects involve applied research and may result in defense articles or technical data, UCF generally only undertakes projects that have the potential to make some contribution to the advancement of fundamental knowledge, primarily through publishable results. UCF operates under the presumption that its research activities constitute “Fundamental Research” (as defined below) and that the results of such research may be generally published freely or shared within the academic community, except to the extent that (i) UCF explicitly agrees to publication or access restrictions requested in advance by the research sponsor; or (ii) some aspect of a particular research project is otherwise inconsistent with Fundamental Research.

The EAR (734.8(a)) defines Fundamental Research to mean:

[B]asic and applied research in science and engineering, where the resulting information is ordinarily published and shared broadly within the scientific community. Such research can be distinguished from proprietary research and from industrial development, design, production and product utilization, the results of which are restricted for proprietary reasons or specific national security reasons as defined § 734.11(b) of [the EAR].

Section 734.8(b) of the EAR explicitly states that “[r]esearch conducted by scientists, engineers or students at a university normally will be considered fundamental research,” provided that the university does not accept certain types of “prepublication review” requirements or “other restrictions on publication of scientific and technical information resulting from the research.” Even where the university accepts prepublication review requirements or publication restrictions with respect to information provided by the sponsor (i.e., restrictions on “input” information from the sponsor), this section provides that the university still may treat information resulting from the

research (i.e., the “output” information resulting from the university’s research) as “Fundamental Research.”

The ITAR, Section 120.11, provides an exclusion from export control restrictions for information and technology already in the public domain, including technology resulting from “Fundamental Research” at universities and other institutions of higher learning. Under Section 120.11 of the ITAR, Fundamental Research is defined to mean:

[B]asic and applied research in science and engineering [at accredited institutions of higher learning in the U.S.] where the resulting information is ordinarily published and shared broadly within the scientific community, as distinguished from research the results of which are restricted for proprietary reasons or specific U.S. Government access and dissemination controls. University research will not be considered fundamental research if:

- (i) The University or its researchers accept other restrictions on publication of scientific and technical information resulting from the project or activity, or
- (ii) The research is funded by the U.S. Government and specific access and dissemination controls protecting information resulting from the research are applicable.

Both the ITAR and the EAR provide that information published and generally accessible to the public through fundamental research is not subject to export controls. However, there are certain restrictions.

3.6 Fundamental Research Disqualifiers

- Information results must be produced as part of basic and applied research in science and engineering and must be broadly shared within the scientific community (i.e., no restrictions on publication / dissemination of the research results);
- Information generated from the research is separate and distinguishable from the conduct that occurs in performance of the research;
- Even when the results of research are not subject to export controls, government approval may be required if the performance of the research requires foreign national access to export controlled technology. This may take the form of:
 - Proprietary/restricted information released to a foreign national. Provided by a research sponsor, partner institution, or from a previous research project;
 - Operation or use of export-controlled equipment in a manner that exceeds the deemed export threshold
 - Mere access to a defense article.

- Performance location is limited to accredited U.S. institutions of higher learning in the United States. EAR allows fundamental research to occur at facilities other than accredited institutions of higher learning in the United States; however this type of research is considered “Corporate Research” and not fundamental research pursuant to 734.8(e).
- Research performed in the US at accredited institutions will not qualify as fundamental if the university (or the primary investigator) has accepted publication or other dissemination restrictions:
 - ITAR specifically identifies restrictions for proprietary reasons, or specific U.S. Government access and dissemination controls.
 - EAR specifies that fundamental research is distinguished from proprietary research and from industrial development, design, production, and product utilization, the results of which ordinarily are restricted for proprietary reasons or specific national security reasons. University-based research is not considered fundamental research if the university or its researchers accept restrictions (other than review to ensure no release of sponsor-provided proprietary or patent information) on publication of scientific and technical information resulting from the project.
 - National security controls include:
 - Prepublication review and approval by the Government, with right to withhold permission for publication;
 - Restriction on prepublication dissemination of information to non-U.S. citizens or other categories of persons;
 - Restrictions on participation of non-U.S. citizens or other categories of persons in the research

3.7 Areas of Research Impact

The availability of the Fundamental Research exemptions under the ITAR and the EAR has significant implications for universities and how they operate. Most importantly, the Fundamental Research exemptions enable universities to maintain open environments that encourage the free exchange of ideas, without having to segregate or discriminate among students and faculty on the basis of nationality or citizenship. Where the Fundamental Research exemptions are not available, universities are required to determine the export classification of the technology involved or resulting from their research activities and to comply with all applicable export licensing requirements. In instances where the research involves technologies that are controlled under the ITAR or the EAR, the “deemed export” provisions of these regulations would require universities to establish access controls to ensure that foreign national students, faculty members and visitors do not participate in or have access to the controlled research. Transfers or release of export controlled information in the university research environment may occur as a result of:

- Allowing virtual or physical access
- A demonstration, briefing or presentation
- A conversation (in-person or telephone)
- Laboratory or plant visit
- Film crew
- Faxes or letters
- Hand-carry of documents, hardware or drawings
- Design reviews
- Posting non-public data on the internet
- The exchange of electronic data or communication
- Surreptitious attempts, such as unsolicited inquiries
- Carrying a laptop or other electronic device with controlled technical information or software out of the country
- Collaborating with other universities or foreign collaborators

Because the acceptance of publication or access restrictions generally would render a university's research activities ineligible for the Fundamental Research exemptions, universities engaged in sponsored research are very cautious to determine whether the sponsor seeks to impose access or restrictions on the research results. Application of "fundamental research" to university research activities must be consistent with the UCF Policy on Export Controls. Compliance reviews are conducted by the Office of Sponsored Programs and Office of Export Controls. The final determination of whether a program qualifies for the fundamental research exclusion can only be authorized by the Office of Export Controls. This is almost exclusively done in writing to comply with federal record requirements.

It is the UCF position that "fundamental research" constitutes only the information resulting from research and not any informational inputs provided to the research or conduct performed during research. As such, the UCF approach for fundamental research is to separate out activities pursuant to Input, Conduct and Output.

3.8 Proprietary or Restricted Information Provided by Research Sponsors

The EAR and the ITAR provide that information received from government or corporate sponsors (i.e., "input" information) remains subject to the export control regulations when it is identified as proprietary or otherwise subject to access or publication restrictions. Information received from DoD that is designated as "For Official Use Only," "Sensitive But Unclassified" or otherwise restricted constitutes export controlled information and may not be released to foreign nationals, except as authorized under the ITAR or the EAR. Similarly, proprietary technical data and software applications received from corporate research sponsors or partners also would be subject to export controls.

The receipt of such controlled information, however, would not necessarily eliminate the availability of the Fundamental Research exemptions for the University's research results (i.e., "output"

information). Where the university is able to conduct the research and publish the research results without disclosing the restricted input data to unauthorized persons, the research activities and results generally remain exempt from export controls under the Fundamental Research exemptions. In contrast, where it is not possible to publish research results without disclosing restricted input data or software, such research results would be subject to applicable export controls.

3.9 Exports of Controlled Hardware, Software and Related Technical Data

The Fundamental Research exemptions under the ITAR and EAR apply only to the information and technology developed through the research (i.e., “output” information). Hardware and software items produced in the course of research still may be subject to export controls when physically exported from the United States. Certain technical data relating to the design, development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of such controlled applications also may be subject to export controls. (At the same time, “basic marketing information” or “general system descriptions” relating to the function or purpose of defense articles are exempt from controls pursuant to the Section 120.10 of the ITAR, unless specific contractual provisions state otherwise.)

In this regard, certain technologies may initially be researched for academic or commercial applications and regularly draw upon pre-contractual, UCF-developed technologies and software tools. These underlying technologies and software tools have broad research-related and commercial applications, and UCF regularly publishes its research findings in these areas. Where such underlying technologies and software tools are used or incorporated into a particular military application that is deemed to be ITAR-controlled, such usage should not subject those underlying technologies and software tools to the same ITAR controls. Thus, while UCF recognizes that it would need to restrict access to a specific military application in some cases (including the application itself and any application-specific source code and related technology), it would continue to treat its research relating to the underlying technology and software tools as Fundamental Research where appropriate.

UCF will, where appropriate, restrict access to specific military applications. Presentations, publications, facility tours and other types of disclosures do not include or otherwise result in the release of ITAR-controlled technical data.

3.10 DoD Research & Development Funding Accounts

Research funds received from Department of Defense (“DoD”) agencies generally originate from one of seven accounts specified within the DoD’s research and development budget for funding particular types of activities, as follows:

- | | |
|-----|---|
| 6.1 | “Basic Research” |
| 6.2 | “Applied Research” |
| 6.3 | “Advanced Technology Development” |
| 6.4 | “Advanced Component Development and Prototypes” |
| 6.5 | “System Development and Demonstration” |
| 6.6 | “Management and Support” |
| 6.7 | “Operational Systems and Development” |

While the account used to fund a particular research program may be indicative of the purpose and objectives of the research, the allocation of funding is an internal agency matter and the originating account is not necessarily determinative of the eligibility of the research for the Fundamental Research exemptions under the ITAR and the EAR. The decision as to whether the research would be subject to export controls is more properly based on the particular subject matter and research activities to be performed. UCF would expect any restrictions applicable to the research program or the research results to be identified in the contract documents.

3.11 Defense Services

Finally, the Fundamental Research exemptions generally apply only to basic and applied research conducted in the United States. Pursuant to the ITAR’s restrictions on “defense services,” research involving the provision of military or defense-related technical assistance (i.e., “conduct”) to foreign persons may require authorization under the ITAR, even where there are no contractual access or publication restrictions applicable to the research. Accordingly, UCF will apply for and obtain ITAR approvals for mere access to defense articles or technical data for foreign persons.

4 MANAGEMENT CONTROL STRUCTURE & POLICY

4.1 Institutional Commitment

As a leading academic institution on the forefront of technological development and academic research, the University of Central Florida will strive to educate and conduct research in harmony with the export control laws, regulations, and sanctions of the United States. A preponderance of activities taking place at UCF are educational in nature, consisting of basic and applied research, the fruits of which are intended for learning and open distribution among scientific and technical communities. While the University recognizes that education is based primarily on the free and open exchange of information and ideas, it consciously chooses to accept research and conduct activities subject to proprietary or national security restriction that nullify free and open exchange and subject such efforts to limitations on access and distribution. To fulfill its commitment, the

University has established the Office of Export Compliance to collaborate with various academic departments and research units engaging in activities subject to export controls to:

- Support UCF's commitment to comply with U.S. export control policies, laws, regulations, and sanctions;
- Provide direction and solutions to researchers, faculty, staff, and employees in complying with export controls;
- Prevent inadvertent transfers of export controlled technologies;
- Educate, train, and foster compliance.

Most research and activities conducted on-campus are excluded from U.S. export control laws, including the Export Administration Regulations (EAR), the International Traffic in Arms Regulations (ITAR), and U.S. Department of the Treasury, Office of Foreign Assets Control (OFAC) sanction regulations. However, certain research involving specified technologies controlled under the EAR or the ITAR, or transactions and exchanges with designated countries or sanctioned entities may require that the University of Central Florida obtain an export license or other government approval prior to providing controlled technologies to certain foreign national employees, professors, students, researchers or other foreign national collaborators. However, information generated during the course of “Fundamental Research”, as defined under such laws, is exempt from export licensing requirements.

The University will fully comply with U.S. export control laws while ensuring that, to the extent possible, university instruction and research is conducted openly and without restriction on participation or publication. To this end, the University will ensure that, unless unavoidable, information generated during the performance of any university research, including sponsored contract activities, qualifies for the Fundamental Research provisions of applicable export control laws. The civil and criminal penalties associated with violating export control regulations can be severe, ranging from administrative sanctions including loss of research funding to monetary penalties to imprisonment for individuals.

The University is committed to educating its employees, professors, students, researchers or other collaborators on U.S. export control laws and regulations and their particular application within a university research setting. As part of the University's ongoing commitment to export control compliance and education, the University has established a website at: <http://www.research.ucf.edu/ExportControl/> that contains university export control policies, forms, training modules and reference materials.

4.2 Export Control Policy

The University of Central Florida initially implemented export control guidelines on January 17, 2006. These guidelines were applied to all university operations when the University formally applied for registration with the DDTC on April 19, 2010. The policies were revised by the

University Office of Compliance and Ethics on August 19, 2011. The policy establishes roles, responsibilities, standards of conduct and procedures, including the creation of this Export Control Management Plan (“ECMP”). A copy of the current policy is included in the Appendix of this ECMP, and is available on the export compliance website at:

<http://www.research.ucf.edu/ExportControl/>

4.3 Empowered Officials

The Provost and Executive Vice President designated the following university officers as empowered officials pursuant to 22 CFR 120.25:

- Dr. Thomas O’Neal, Associate Vice President for Research and Commercialization
- Douglas Backman, Director of Research Compliance, Office of Research and Commercialization
- Michael Miller, Assistant Director, Office of Research Compliance (Export Control Officer)

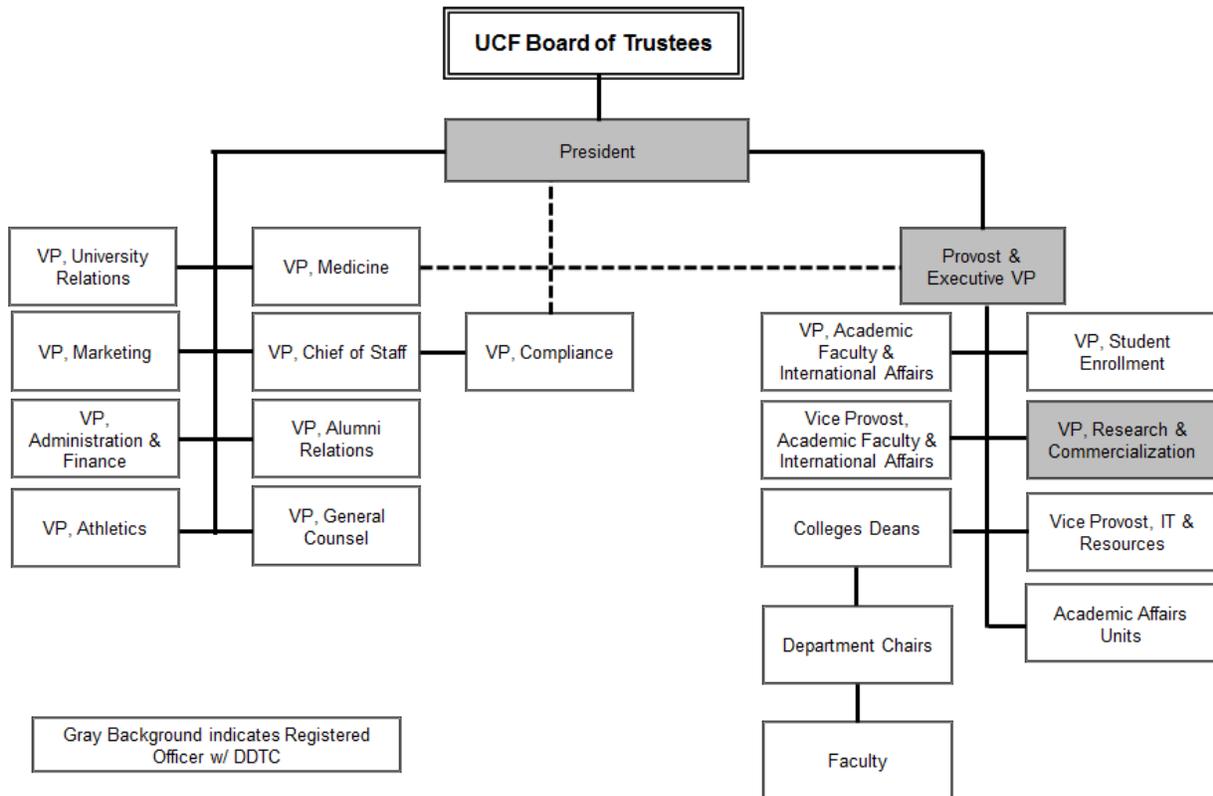
In this capacity, designated Empowered Officials:

- (1) Are directly employed by UCF in a position having authority for policy or management; and
- (2) Are legally empowered in writing by the applicant to sign license applications or other requests for approval on behalf of UCF with the U.S. State Department; and
- (3) Understand the provisions and requirements of the various export control statutes and regulations, and the criminal liability, civil liability and administrative penalties for violating the Arms Export Control Act and the International Traffic in Arms Regulations; and
- (4) Have the independent authority to:
 - (i) Enquire into any aspect of a proposed export or temporary import by UCF, and
 - (ii) Verify the legality of the transaction and the accuracy of the information to be submitted; and
 - (iii) Refuse to sign any license application or other request for approval without prejudice or other adverse recourse.

4.4 Organization Structure

The UCF export control program is a distributed compliance program with certain critical functions spread across key departments and units located throughout the University. Many of these units are embedded within administrative functions located in central administration and the business offices

University Senior Management



Defense Trade Senior Management Information

As specified in the DS-2032, UCF has designated the following Senior Officers as primary administrators of the defense trade program:

Dr. John C. Hitt, President

Dr. Diane Z. Chase, Interim Provost and Vice President for Academic Affairs

Dr. Marion J. Soileau, Jr., Vice President of Research and Commercialization

Dr. Thomas P. O'Neal, Associate Vice President of Research and Commercialization

4.5 University Roles & Responsibilities for Export Control Compliance

4.5.1 Office of Export Controls

The functional administrative unit at the University of Central Florida charged with the responsibility for oversight of compliance and recordkeeping of all applicable exports and regulated transactions with sanctioned individuals, entities, and countries is the Office of Research and

Commercialization, Office of Compliance, a unit under the Vice President for Research and Commercialization.

The Assistant Director of Export Controls is the principal point of contact for all export control and related activities throughout the university responsible for institutional-wide development, implementation, maintenance, management and improvement of the Office of Export Controls to ensure overall university compliance with export control laws and regulations related to international trade and technology transfer. The Assistant Director for Export Controls is the designated Empowered Official charged to oversee, administer, and coordinate all export compliance functions in concert with other departments and units as necessary, including:

- Direct the day-to-day operational, administrative, communication, database and record-keeping functions of the Office of Export Controls and all export control and related activities throughout the university, including all staff assigned to the Office.
- Manage the support functions the Office of Export Controls provides to other University departments and units, including: performing agreement reviews and analysis; conducting export assessments of international shipping, transfers and travel; prepare, review, approve and submit license applications for international exports and deemed-exports, and other requests for government agency export approval; determine the application of licensing exceptions or licensing requirements and exception/exemption certificates as applicable; and research, prepare, approve and submit advisory opinion requests or other government guidance requests.
- Lead, manage and approve the overall university approach to implementing institutional-wide export control policies, procedures and protocol by working directly with university administration, management and technical personnel. The export control standard operating procedures, policies and protocols will be enumerated in the University Export Compliance Management Plan (ECMP) to provide consistency and compliance for all departments and units involved in exports and travel matters, such as: screening end users, end use and countries for exported technology; subcontractors and visitors to controlled facilities; determining International travel requirements including those for embargoed and sanctioned countries.
- Provide subject matter expertise on University policy and procedures related to export controls. Areas of functional oversight for the Office of Export Controls include: Office of Research & Commercialization-specific and broader university-at-large.
- Perform advanced regulatory/legal research on issues related to export controls and work with functional and legal experts to represent university compliance.
- Develop and maintain the university security approach for controlling technology. Such measures include: Technology Control Plan (TCP)/ Sensitive But Unclassified plans, and other security protocols that document controls for: the secure handling, use, storage, and transmission of sensitive information; physical security controls for sensitive work and

material storage areas; research activities subject to export control and activities with contractual security requirements. Provide institutional oversight of TCP implementation and monitor compliance with such plans.

- Maintain and update institutional registrations with necessary federal agencies.
- Develop and deliver export control education and awareness to the broad University community: Provide strategic consultation and guidance to faculty, staff and administration on decisions that have import/export regulatory impact. Provide training and guidance to staff in all export control-related matters. Conduct and manage initial and refresher export compliance education and awareness. Develop content and delivery methods; develop and conduct training programs on export control, including, ITAR, EAR, OFAC, DEAR, FAR, international travel and related issues, including embargoed and sanctioned countries.
- Identify project-specific sensitive material concerns. Collaborate with Principal Investigators and technical research staff to identify sensitive information and equipment. Using information from a variety of internal and external sources, determine commodity jurisdiction and self-classify equipment and technologies pursuant to ECCN or USML classifications and implement and maintain automated self-classification decision tools (Visual Compliance).
- Identify, implement and maintain an information management system for tracking and managing export controlled hardware, software, information and deliverables in accordance with Federal and State statutes and policies as well as University policies; Develop and implement automated tools for the screening of research project personnel and external recipients to determine federal export control status (Visual Compliance).
- Make immigration related export certifications and conduct technology alert investigations, as required by the U.S. Consulate. Review H-1B and other foreign national beneficiary information as it relates to deemed export and licensing needs. Work with other campus units as needed to acquire and review associated agreements and technology/data or software associated with foreign national activity at the University. Review and approve deemed export control attestations on behalf of the University. Manage federal background investigations, personnel security clearances and visit authorizations for employees, consultants, and cleared visitors.
- Liaison with federal regulatory and investigatory agencies (Commerce, State, Treasury, Energy, Defense, DSS, FBI) regarding export control matters to counteract illegal foreign intelligence gathering methods, identifying breaches/spillages, and providing intelligence for ongoing investigations. Assist federal agencies in the identification and neutralization of foreign interdiction of sensitive U.S. technology, articles, and data identified as export controlled and act as liaison and coordinator for export-related and travel matters between the various research and regulatory offices within UCF.

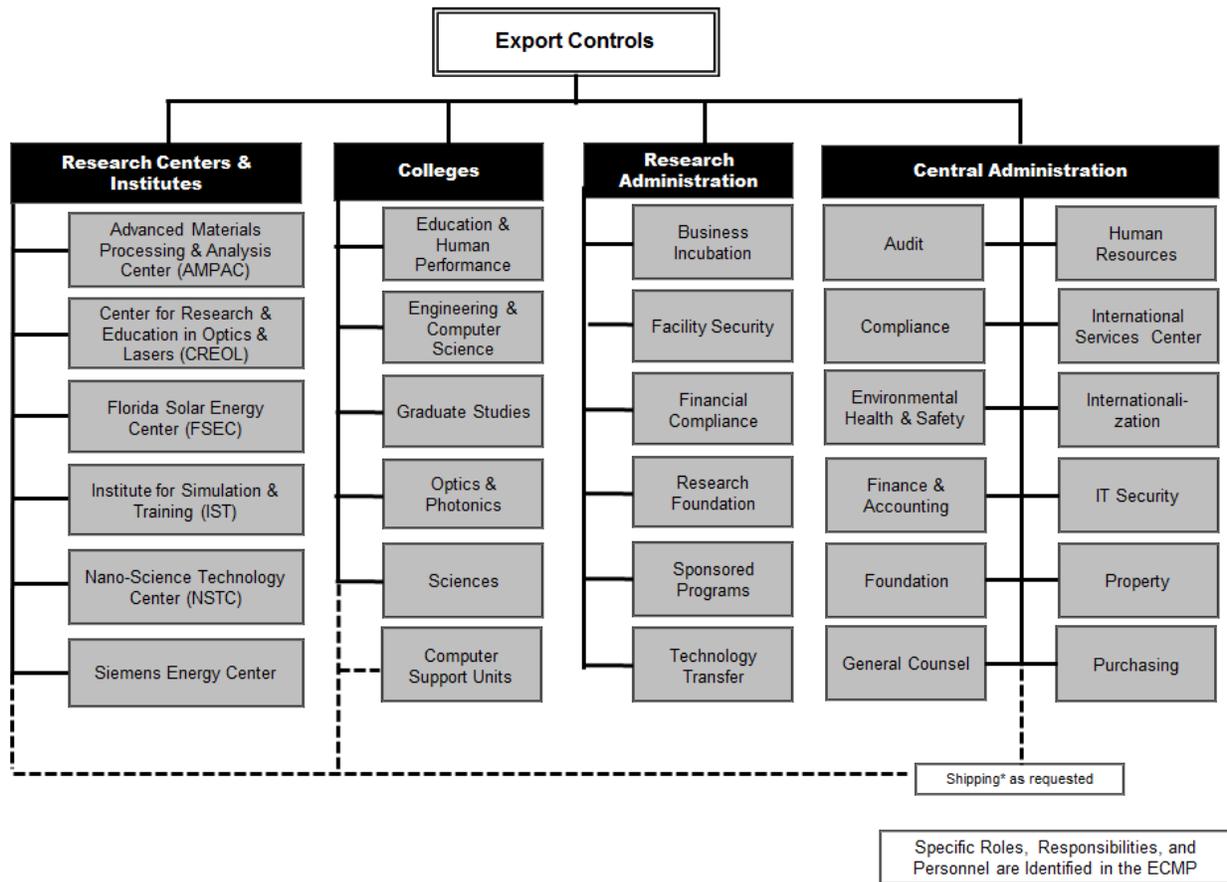
4.5.2 *Designated Department and Units*

There are four categories of departments and units with an export compliance role and responsibility:

- Research Administration: Administrative units and personnel specific to research functions, such as Sponsored Programs (Proposals, Contracts & Grants) and Technology Transfer.
- Central University Administration: Administrative units and departments that service the general university, such as General Counsel, Human Resources, Purchasing and International Student Services.
- College Administration: Technical college administration such as college deans and department chairs, faculty and associated administrative staff. Researchers are assigned to work within departments and units that report to college administration.
- Research Centers & Institutes Administration: Administration of high technology research centers that are embedded within colleges and employ department faculty and staff, such as the Siemens Energy Center and Advanced Materials Processing Center.

4.5.3 *Organizational Structure of Designated Departments and Units*

The organizational structure for the implementation of these policies is centered in the Office of Export Controls, and includes the following administrative, advisory, and auxiliary relationships



4.6 Research Administration Units

4.6.1 Office of the Vice President for Research & Commercialization

The Vice President for Research and Commercialization and the Associate Vice President for Research and Commercialization are the university officials with final responsibility for compliance with export and sanction related regulations. The Vice President for Research assists the University President in maintaining continuing relationships with federal agencies.

4.6.2 Business Incubation

The Business Incubation program serves as an export control outreach conduit with local small businesses affiliated with the University. The University will provide guidance and instruction to local small businesses to ensure they are aware of U.S. export control laws and regulations. The Office of Export Compliance will provide information, guidance and training as requested to ensure small businesses affiliated with UCF are compliant. Facility Security

The Office of Export Controls collaborates with the Facility Security program to ensure there is a common approach to national security issues common to export controlled and classified programs. Suspicious contacts and other reportable events related to classified programs are forwarded to the Facility Security Officer for disposition. Exports of classified information or articles are coordinated with the Facility Security Officer pursuant to NISPOM requirements. Joint training seminars are coordinated as appropriate.

4.6.3 Financial Compliance

The Office of Financial Compliance performs Restricted Party Screening on research participants (graduate and undergraduate students, temporary workers, faculty, and other A&P personnel) who are paid from research programs. This does not include volunteers.

4.6.4 Research Foundation

The Research Foundation identifies and ensures trade sanction compliance involving international donations and international travel.

4.6.5 Sponsored Programs

In close daily coordination with the Office of Export Control, Sponsored Programs ensures that all sponsored activities are managed in accordance with the UCF Export Control Policy and ECMP. Sponsored programs personnel are trained to assess potential export control issues associated with UCF programs and route all assessments to the Export Control Officer for final disposition.

4.6.6 Technology Transfer

In coordination with the Office of Export Control, the Office of Technology Transfer ensures that all Patent applications are secured until such time as they are filed and become “publically available.” Fundamental research generated technology and information contained in the patent application is not public domain until the patent is processed, typically 18 months after submission. Information about the invention that is not publically disseminated via the patent application, journal articles, or other public venues is not public domain. Information left out of the patent, patent application and other publically available documents such as know-how is not public domain. The Office coordinates with Export Controls to implement the necessary security protocols for all patent applications subject to a secrecy order.

4.7 Central University Administration

4.7.1 *Audit*

University Audit provides feedback to the Office of Export Controls on compliance with export controls requirements during routine scheduled departmental and college audits. Export information necessary for these audits is shared with University Audit so that a thorough examination can be conducted. On a case-by-case basis, University Audit conducts targeted research and data collection in close coordination with the Office of Export Controls for official investigations. University Audit maintains TLO subscription used by the Office of Export Controls for certain background checks.

4.7.2 *Compliance, Ethics, and Risk*

University Compliance facilitates the reach of the export control program across campus by coordinating university-wide compliance activities including training, monitoring and awareness efforts. University Compliance provides additional investigation and outreach support.

4.7.3 *Environmental Health & Safety (EHS)*

Ensures institutional compliance with biological agents, chemicals, and other hazardous materials and maintains a register of all agents, chemicals, and other hazardous materials that are controlled both on the CCL and the USML. EHS reviews domestic and international shipping requests and ensures that all documentation and U.S. laws are followed. In this capacity, EHS coordinates international shipping with the Office of Export Controls to obtain necessary government approvals.

4.7.4 *Finance & Accounting (F&A)*

Finance and Accounting performs restricted party screening on international financial transactions for compliance with applicable OFAC regulations, and tracks purchase, custody, and disposal of ITAR-restricted defense articles, and other export regulated items as determined necessary by the Office of the Controller and the Office of Export Compliance. The Travel Department located within F&A reviews travel to destinations on the State Department Travel Warning List and executes approval requirements pursuant to UCF Policy 2-903 "Travel to Restricted Destinations" and ensures that all necessary reviews were conducted, and approvals obtained.

4.7.5 *Foundation*

In coordination with the Office of Export Compliance, develop policies and procedures to (i) screen international financial transactions for compliance with applicable OFAC regulations and entity lists, and (ii) ensure that all Foundation-funded activities are in compliance with export and sanction laws.

4.7.6 *General Counsel (GC)*

The General Counsel's Office employs multiple attorneys, with two of the attorneys being physically located in the Office of Research & Commercialization, who work jointly with the Office of Export Controls on legal issues associated with compliance. The General Counsel's Office prepares standardized contractual language, reviews agreements for export control issues; and forwards documents that were identified as containing possible export control issues to the Office of Export Controls for ECCN or USML jurisdictional classification.

4.7.7 *Human Resources (HR)*

Human Resources provide citizenship information to the Office of Export Controls to ensure international employees and foreign exchanges are in compliance with export and sanction laws.

4.7.8 *Internationalization*

The UCF Internationalization Office provides university-wide services related to international studies, Memoranda of Understanding ("MOU") between UCF and foreign institutions, study-abroad programs, international travel to restricted destinations, coordinating international partnerships and managing the International Services Center ("ISC") as well as the Center for Multilingual Multicultural Studies ("CMMS"). CMMS provides intensive English language courses for potential students to meet the minimum standard to successfully study at UCF. The Office of Internationalization coordinates travel approvals and international partnership arrangements between UCF and foreign educational institutions with the Office of Export Controls.

4.7.9 *International Service Center (ISC)*

The International Services Center processes all visa requests on behalf of the University. ISC reviews visa requests and submits all J1 DS-2019 applications related to activities taking place in technical colleges to the Office of Export Controls for compliance assessment. Sponsoring units are required to submit a Visiting Scholar Questionnaire for assessment. ISC relies upon the Office of Export Controls for I-129 (Petition for Nonimmigrant Worker) attestations. Sponsoring units are required to complete a Foreign National Employee Questionnaire. ISC coordinates with Export Controls to review employee, visiting scholar and business visitors activity for compliance with

export controls. The International Taxation unit within ISC works jointly with Export Controls to review certain international collaborations and exchanges for OFAC and export compliance. ISC ensures that all international collaborations and foreign exchanges are in compliance with export and sanction laws pursuant to UCF Policy 2-901 “UCF Policy for All Foreign Nationals”.

4.7.10 Information Security

The Information Security Office reviews and approves remote access requests for foreign persons requiring access to UCF IT resources. Access requests are routed to the Office of Export Control for assessment to ensure permissions are limited only to public domain information. The Information Security Office coordinates all IT security protocols between the Office of Export Control and university IT staff embedded within operational unity across campus. The Office is instrumental in data security associated with Technology Control Plans and provides incident tracking and reporting of data breaches involving unclassified data, including export controlled data. The Office conducts university-wide training concerning threats, methods to counter-threats and other data security methods.

4.7.11 Purchasing

Purchasing assists the Export Control program by conducting Restricted Party Screens on all vendors. Purchasing ensures that the procurement of items on the CCL and/or USML are identified and assigned an ECCN number as appropriate, and the proper disposal of controlled assets. If requested, assign an administrator/responsible person to coordinate development and implementation of export compliance procedures with the Office of Export Control.

4.7.12 Property

Reserved

4.8 Colleges, Research Centers & Institutes Administration

4.8.1 Vice Presidents, Deans, Department Heads & Directors

Academic Deans, Directors and department heads share the responsibility of overseeing export compliance in their respective departments, centers and institutes and work with the Export Control Officer to implement effective processes and controls to ensure export control compliance.

4.8.2 Faculty/Principal Investigators

Principal Investigators and department heads are responsible for ensuring that employees in their activities are properly instructed in the handling of export-controlled, or proprietary information and that they have signed the required briefing document, prior to involvement in the project, attended

mandatory Export Control Training, and are cognizant of their obligations and responsibilities under the Technology Control Plan. Because faculty members have expert knowledge of the type of information involved in a research activity, their participation in the export control process is critical.

The Office of Export Controls will consult and provide assistance to faculty and Principal Investigators:

- To understand their obligations to comply with export control regulations by providing information and training
- To determine if technology involved in their research is specified in the USML or the CCL
- To review award agreements, terms and conditions for possible export control indicators
- Assist in preventing unauthorized distribution of export controlled technology
- Assist in the development Technology Control Plans (TCP) and implement research security measures, if required
- Ensure staff (students, post docs, visiting scholars) are appropriate to work on restricted programs, including when there is a change in scope of an export controlled project
- Ensure foreign nationals are excluded from access to export controlled technology or data until the availability of an exclusion has been determined, or an export license has been obtained.

4.8.3 University Personnel

Personnel, including Administrative and Professional (“A&P”), students, post docs, visiting scholars and other support staff provide critical support to export controls by:

- Identifying potentially problematic export control issues and forwarding those issues for assessment, including:
 - Deemed exports
 - Shipping
 - Import of goods
 - Reporting of suspicious incidents

5 PROCESSES & PROCEDURES

Detailed processes and procedures utilized to identify and manage export controlled activities are outlined below and are contained in Appendix 3 to this ECMP.

Export Control Protocols

Document No.	Protocol
ECO-1	Preliminary Assessment
ECO-2	Comprehensive Assessment
ECO-3	Findings & Notification
ECO-4	Technology Control and Security Compliance
ECO-5	Government Approval
ECO-6	Restricted Party Screening
ECO-7	Denied Entities
ECO-8	Deemed Export Attestation
ECO-9	Restricted Dissertations
ECO-10	International Travel
ECO-11	(Reserved) International Collaborations & Memorandums of Understanding
ECO-12	Records

Instructions

ECO.INST-1	Instructions to Completing the Preliminary Export Control Assessment Form
ECO.INST-2	Proposals and Awards Requiring Preliminary Export Control Review
ECO.INST-3	Processing Department of State Licenses
ECO.INST-4	Processing Department of Commerce Licenses

Forms

Form ECO-1.1	Preliminary Export Control Assessment Form
Form ECO-4.1	Technology Control Plan
Form ECO-4.2	Custody, Access & Use Agreement
Form ECO-5.1	125.4(b)(10) Bona Fide Employee Exemption Certificate
Form ECO-5.2	Initial Export Notification
Form ECO-5.3	License Return Notification
Form ECO-8.1	Visiting Scholar Questionnaire
Form ECO-8.2	Deemed Export Attestation Questionnaire
Form ECO-8.3	Attestation Email Language
Form ECO-8.4	Attestation Memo Language
Form ECO-10.1	Travel Preliminary Approval Form
Form ECO-12.1	TCP Closeout Checklist
Form ECO-12.2	TCP Participant Certification

6 TRAINING & EDUCATION

ORC provides periodic general awareness and special export and trade sanctions training to all Principal Investigators (“PI”) for any international collaboration that meets the criteria of fundamental research, or does not involve technology transfer.

Academic departments will be responsible for appropriate orientation of all new employees, graduate, and undergraduate students, including foreign nationals employed by their departments for projects that fall within this TCP. When appropriate, foreign nationals will be briefed and/or informed concerning those areas of export control and export licensing actions that are pertinent to their activities. ORC will make available export awareness training to university personnel.

The Office of Export Controls will consult with appropriate university administrative and academic units to assure provision of instructional resources considered necessary to the understanding and implementation of policy. These resources will include written and web-based material, formal and informal course offerings, and individualized consultation.

The Office of Export Controls provides targeted training for all participants in restricted research, and periodic awareness training tailored to specific college, department, center, and administrative unit needs. When notified of international travel plans, the Office of Export Controls provides travel advisories to faculty, staff, and students on potential export and sanction issues related to that travel.

7 APPENDICES

7.1 Appendix 1: University Guidelines for Compliance with U.S. Export Control Laws

SUBJECT: University Guidelines for Compliance with U.S. Export Control Laws Office of Research & Commercialization	Effective Date: 01/17/2006	Policy Number: EC-001	
	Supersedes:	Page 1	Of 5
	Responsible Authority: Vice President for Research		

PREAMBLE:

U.S. export control laws regulate certain transfers of technology to foreign nationals as well as the physical export of hardware and software. This policy establishes guidelines to ensure the University of Central Florida's compliance with these laws.

GENERAL POLICY:

It is the policy of the University of Central Florida that all employees, professors, students, researchers and collaborators comply with U.S. export control laws while ensuring that, to the extent possible, university instruction and research is conducted openly and without restriction on participation or publication.

APPLICABILITY:

These guidelines are applicable to all members of the university community engaged in university research.

POLICY STATEMENT:

U.S. export control laws, including the Export Administration Regulations (EAR), the International Traffic in Arms Regulations (ITAR), and U.S. Department of the Treasury, Office of Foreign Assets Control (OFAC) sanction regulations, require that the University of Central Florida obtain an export license prior to providing controlled technologies to certain foreign national employees, professors, students, researchers or other foreign national collaborators. However, information generated during the course of "Fundamental Research", as defined under such laws, is exempt from export licensing requirements.

The University will fully comply with U.S. export control laws while ensuring that, to the extent possible, university instruction and research is conducted openly and without restriction on participation or publication. To this end, the University will ensure that, unless unavoidable, information generated during the performance of any university research, including sponsored contract activities, qualifies for the Fundamental Research provisions of applicable export control laws.

University Guidelines for Compliance with U.S. Export Control Laws

The civil and criminal penalties associated with violating export control regulations can be severe, ranging from administrative sanctions including loss of research funding to monetary penalties to imprisonment for individuals.

The University is committed to educating its employees, professors, students, researchers or other collaborators on U.S. export control laws and regulations and their particular application within a university research setting. As part of the University's ongoing commitment to export control compliance and education, the University has established a website at <http://research.ucf.edu/compliance/export> control that contains university export control policies, forms, training modules and reference materials.

DEFINITIONS:

Foreign National. Any person who is not a:

- a. U.S. Citizen or national;
- b. U.S. Lawful Permanent Resident;
- c. Person granted asylum;
- d. Person granted refugee status; or
- e. Temporary resident (does not include persons who hold status such as F-1, J-1, H-1, L-1 etc. as well as those in or outside the U.S. without status).

Fundamental Research. For the purposes of this policy, Fundamental Research means, as defined by the EAR and ITAR, basic or applied research in science and engineering performed or conducted at an accredited institution of higher learning in the United States where the resulting information is ordinarily published and shared broadly in the scientific community. Fundamental research is distinguished from research that results in information that is restricted for proprietary reasons or national security reasons or pursuant to specific U.S. government access and dissemination controls.

Hardware. Any article, material, or supply except technology and software.

Software. A collection on one or more programs or microprograms fixed in any tangible medium of expression.

Technology. Specific information necessary for the development, production, or use of a product.

PROCEDURES:

A. Responsibilities

- (1) The Export Compliance Officer shall:
 - a) Ensure implementation of University export control policy and related guidelines and serve as the primary contact for the University on export

University Guidelines for Compliance with U.S. Export Control Laws

control matters. The Associate Director, Office of Research & Commercialization, shall serve as the ECO.

- b) In coordination with Contract Managers, conduct export licensing determinations and prepare, file, and monitor compliance with export licenses, as necessary.
 - c) In conjunction with Contract Manager, brief Principal Investigators ("PIs"), as necessary, on applicable U.S. export control law requirements.
 - d) Consult the Office of General Counsel, as necessary, for export control regulatory guidance and interpretation.
 - e) Provide export control training to University staff, students, researchers and other collaborators, as necessary.
 - f) Report instances of possible export control law non-compliance to the Office of General Counsel.
- (2) Contract Managers shall:
- a) Assist the ECO in implementation of University export control policy and related guidelines.
 - b) Complete the Export Control Review Form (Attachment 1) as provided in Section III.
 - c) In conjunction with the ECO, brief PIs, as necessary, on applicable U.S. export control laws.
- (3) Principal Investigator (PI) shall:
- a) Assist the ECO and Contract Manager, as necessary, in determining applicable export control requirements for hardware, software and/or technology subject to U.S. export control laws.
 - b) Execute the Export Control Review Form as provided in Section III, as applicable.
 - c) Implement export control guidelines provided by the ECO and Contract Manager.
 - d) Identify hardware, software and technology to be exported to a foreign destination and, in advance of export, report the same to the ECO for an export licensing determination.
 - e) Report instances of possible export control law non-compliance to the ECO.
- (4) Office of General Counsel shall:
- a) Upon request, provide regulatory guidance to the ECO, Contract Manager, and PI on export control matters.
 - b) Assist the Contract Manager with contract negotiations, as provided in Section III.
 - c) Investigate potential export control non-compliance issues.

University Guidelines for Compliance with U.S. Export Control Laws

B. Export Control Review

- (1) The Contract Manager will review University contracts to determine whether the Fundamental Research exemption will apply to contract activity. With the assistance of the Office of General Counsel, as necessary, the Contract Manager shall revise, modify or negotiate problematic contract provisions with the Sponsor with the goal of preserving the Fundamental Research exemption. The Contract Manager shall document the end-results of this review using the Export Control Review Form.
- (2) Where the Contract Manager determines the Fundamental Research exemption is inapplicable to contract activity, the following actions shall occur:
 - a) The Contract Manager provides the Export Control Review Form to the ECO.
 - b) The ECO, in coordination with the Contract Manager and PI, determines applicable U.S. export control law requirements. The ECO documents applicable U.S. export controls on the Export Control Review Form.
 - c) The ECO briefs the PI on applicable U.S. export control restrictions, with the PI and ECO executing acknowledgement of such briefing on the Export Control Review Form.
 - d) The ECO coordinates with the Contract Manager and PI to perform export control screening for persons participating in contract activity. To do so, the ECO circulates the Export Control Compliance Questionnaire (Attachment 2) to all University employees, professors, students, researchers or other collaborators participating in contract activity.
 - e) The ECO reviews the completed Export Control Compliance Questionnaire and determines whether the University requires an export license to transfer contract related technology or technical data to any persons participating in contract activity.
 - f) The ECO prepares and submits export licenses, as appropriate. If granted, the ECO implements the export license and any conditions thereto.
- (3) University employees, professors, students, researchers or other collaborators desiring to export hardware, software and/or technology shall notify the ECO of the intended export. The ECO will determine applicable export licensing requirements, if any, and prepare/submit export license applications as required.

RELATED DOCUMENTS:

- (1) Export Administration Regulations, 15 C.F.R. Parts 730-774.
- (2) International Traffic in Arms Regulations, 22 C.F.R. Parts 120-130.
- (3) U.S. Department of Treasury, Office of Foreign Assets Control Sanctions Program and Country Summaries (<http://www.treas.gov/offices/enforcement/ofac/sanctions/>).

University Guidelines for Compliance with U.S. Export Control Laws

FORMS:

- (1) Export Control Review Form
- (2) Export Control Compliance Questionnaire

RELATED INFORMATION:

- (1) Association of American Universities (AAU)/Council on Government Relations (COGR) Report, Restrictions on Research Awards: Troublesome Clauses (<http://aaun.edu/research/Rpt4.8.04.pdf>).
- (2) COGR Report, Export Controls and Universities: Information and Case Studies (<http://206.151.87.67/docs/Export%20Controls.pdf>).
- (3) National Security Directive 189 (<http://www.fas.org/irp/offdocs/nsdd/nsdd-189.htm>).

INITIATING AUTHORITY: Office of Research & Commercialization

7.2 APPENDIX 2: Designated Departments & Units Principal Points of Contact

Central Administration

Audit

Kathy Mitchell, Associate Director
4364 Andromeda Loop, North
Room 431
Orlando, FL 32816-0080

Phone: 407-823-2889
Fax: 407-823-6330
Email: Kathryn.Mitchell@ucf.edu

Computer Support

Adiaak Gavarrete, Technology Manager
Phone: 407-823-0546
Email: adiaak@ucf.edu

Paul Turner, Systems Administrator
Phone: 407-823-4084
Email: pturner@ucf.edu

Compliance

Rhonda Bishop, Chief Compliance and Ethics Officer
4364 Andromeda Loop, North
Room 431
Orlando, FL 32816-0080

Phone: 407-823-6263
Fax: 407-823-6265
Email: Rhonda.Bishop@ucf.edu

Computer Support

Adiaak Gavarrete, Technology Manager
Phone: 407-823-0546
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Paul Turner, Systems Administrator
Phone: 407-823-4084
Email: pturner@ucf.edu

Environmental Health & Safety

Thomas Briggs, Director
3528 N. Perseus Loop
Orlando, FL 32816-3500

Phone: 407-823-1183

Email: Thomas.Briggs@ucf.edu

Renea Carver, Assistant Director
3528 N. Perseus Loop
Orlando, FL 32816-3500

Phone: 407-823-0071

Email: Renea.Carver@ucf.edu

Computer Support

Andrew O'Mara, IT Manager

Phone: 407-882-0183

Email: Andrew.O'Mara@ucf.edu

Finance & Accounting

Finance

Tracy Clark, Associate VP for Finance and Controller
Research Pavilion, Suite 300
12424 Research Parkway
Orlando, FL 32826-3249

Phone: 407-882-1006

Email: Tracy.Clark@ucf.edu

International Student Tuition

Glen Carlson, Senior Associate Controller
Research Pavilion, Suite 300
12424 Research Parkway
Orlando, FL 32826-3249

Phone: 407-882-1064

Email: Glen.Carlson@ucf.edu

Travel:

Justine Mercado
Research Pavilion, Suite 300
12424 Research Parkway

Orlando, Florida 32826-3249

Phone: 407-882-1081

Email: Lita.Mercado@ucf.edu

Property & Inventory Control

Tereasa Clarkson, Accountant

Research Pavilion, Suite 300

12424 Research Parkway

Orlando, Florida 32826-3249

Phone: 407-823-1953

Email: Tereasa.Clarkson@ucf.edu

Computer Support

Carlos Chardon, Department IT Manager

Phone: 407-882-1048

Email: Carlos.Chardon@ucf.edu

UCF Foundation

Albert J. "Bert" Francis II, Chief Financial Officer

12424 Research Parkway, Suite 250

Orlando, FL 32826

Phone: 407-882-2272

Email: Albert.Francis2@ucf.edu

Computer Support

Mohammed Dasser, Director

Phone: 407-882-1574

Email: Mohammed.Dasser@ucf.edu

General Counsel:

Scott Cole, Vice President & General Counsel

Associate General Counsel

4364 Andromeda Loop, North

Suite 360

Orlando, FL 32816-0015

Phone: 407-823-2482

Email: Scott.Cole@ucf.edu

Procurement Issues:

Natasha Hellerich, Associate General Counsel
4364 Andromeda Loop, North
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Orlando, FL 32816-0015

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Email: Natasha.Hellerich@ucf.edu

Research:

Sandra Sovinski, Associate General Counsel
12201 Research Parkway, Suite 501
Orlando, FL 32826

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Paul Turner, Systems Administrator

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7.3 APPENDIX 3: PROCESSES & PROCEDURES

Export Control Protocols

Document No.	Protocol
ECO-1	Preliminary Assessment
ECO-2	Comprehensive Assessment
ECO-3	Findings & Notification
ECO-4	Technology Control and Security Compliance
ECO-5	Government Approval
ECO-6	Restricted Party Screening
ECO-7	Denied Entities
ECO-8	Deemed Export Attestation
ECO-9	Restricted Dissertations
ECO-10	International Travel
ECO-11	International Collaborations & Memorandums of Understanding
ECO-12	Records
Instructions	
ECO.INST-1	Instructions to Completing the Preliminary Export Control Assessment Form
ECO.INST-2	Proposals and Awards Requiring Preliminary Export Control Review
ECO.INST-3	Processing Department of State Licenses
ECO.INST-4	Processing Department of Commerce Licenses
Forms	
Form ECO-1.1	Preliminary Export Control Assessment Form
Form ECO-3.1	Export Compliance Terms & Conditions
Form ECO-3.2	Findings Assessment Notification Memo
Form ECO-4.1	Technology Control Plan
Form ECO-4.2	Custody, Access & Use Agreement
Form ECO-5.1	125.4(b)(10) Bona Fide Employee Exemption Certificate
Form ECO-5.2	Initial Export Notification
Form ECO-5.3	License Return Notification
Form ECO-8.1	Visiting Scholar Questionnaire
Form ECO-8.2	Deemed Export Attestation Questionnaire
Form ECO-8.3	Attestation Email Language
Form ECO-8.4	Attestation Memo Language
Form ECO-10.1	Travel Preliminary Approval Form
Form ECO-12.1	TCP Closeout Checklist
Form ECO-12.2	TCP Participant Certification