

	Office of Export Controls and Customs	SOP Number:	COL001.0
	Standard Operating Procedure for:	Implementation Date:	JAN-22-2019
	International Collaborations	Last Revision Date:	JAN-22-2019
		Related Policy Number:	REG01.15.08
	Related Policy Name	Export Controls and Customs Compliance	

## PURPOSE

Describe the process for International Collaborations in the context of export controls.

This Standard Operating Procedure (SOP) establishes the export control-related responsibilities of faculty and staff involved in collaborations involving foreign institutions or entities, or foreign persons. Collaborations include program or research collaborations that result in formal Memorandums of Understanding (MOU) or Memorandums of Agreement (MOA), as well as those that result in Material Transfer Agreements (MTA), Data Use Agreements, or Confidential Disclosure Agreements. This SOP also includes informal collaborations, such as miscellaneous conversations with international researchers regarding a faculty or staff member's research.

## SCOPE

### RELEVANT ACTIVITIES

### RELEVANT AUDIENCE

Formal Collaborations	Faculty, Staff, Global Affairs, Office of Technology Transfer
-MOU's and Agreements	Faculty, Staff, Global Affairs
-Material Transfer Agreements, Data Use Agreements, Confidential Disclosure Agreements	Faculty, Staff, Office of Innovation and New Ventures (formerly Office of Technology Transfer)
Informal Collaborations*,**	Faculty, Staff

### OUT OF SCOPE:

**Sponsored Research** (See OECC's Standard Operating Procedure titled "Sponsored Research Collaborations." [SOP Number SPR001.x](#).)

**Open Conferences** (See OECC's Standard Operating Procedure titled "International Travel." [SOP Number TRA001.x](#).)

- Attending conferences in Cuba has specific export control requirements
- Attending conferences in Iran always requires a license issued by OFAC
- Attending conferences in North Korea or Syria are strictly prohibited)

\*Miscellaneous conversations about Fundamental Research and that occur at **open conferences** where any member of the interested public may attend, including where registration fees are required, are perfectly okay from an export controls perspective. However, engaging in research, even Fundamental Research, with an officially-sanctioned Restricted Party (person or institution) may not be allowed. See Definitions/Acronyms section for the definition of

Fundamental Research and Restricted Party. It's important to understand that some research entities, including universities, are named Restricted Parties. It's also important to understand that individuals and entities may appear on Restricted Party lists regardless of country.

\*\*If a faculty or staff member is conducting Fundamental Research and has informal, miscellaneous conversations with researchers from foreign countries, a best practice is to ask OECC to screen any collaborators who are known to be from the most highly-sanctioned countries (Cuba, Iran, North Korea, Syria). Working with researchers from foreign countries outside of those listed above on Fundamental Research topics is typically low risk from an export controls perspective. However, if you wish for OECC to screen a collaborator, simply email the request to [ECUExportControls@ecu.edu](mailto:ECUExportControls@ecu.edu).

## RESPONSIBILITIES

TASK	RESPONSIBLE PARTY	WHEN
Notify OECC of collaborations involving an international entity or institution where a MOU or Agreement is contemplated	Office of Global Affairs (OGA)	As soon as possible when formal international collaboration is proposed
Notify OECC when Material Transfer Agreement, Data Use Agreement, or Confidential Disclosure Agreement, is contemplated between ECU and international entity or institution	Office of Innovation and New Ventures (I&NV), formerly Office of Technology Transfer (OTT)	As soon as possible when international Agreement is anticipated
Notify OECC of repetitive informal collaborations with individuals or institutions outside the U.S.	Faculty, Staff	Use best judgement, but especially prior to engaging in collaborative research or discussing research unintended for publication
Perform restricted party screening on international person, entity or institution	OECC	Generally, within 3 business days of notification from Faculty, Staff, Global Affairs, or Innovation and New Ventures

## DEFINITIONS/ACRONYMS

ACRONYMN or TERM	DEFINITION
Agreement	Within this document, refers to formal agreements and similar contracts entered into between ECU and a foreign entity or institution.
Confidential Disclosure Agreement	Agreement between ECU and an external entity or institution governing handling of proprietary information
Data Use Agreement	Agreement between ECU and an external entity or institution governing exchanges of data between the Agreement's parties

ACRONYM or TERM	DEFINITION
Export Control	Regulates the shipment or transfer, by whatever means, of certain items, technology, software, and services out of the United States.
Foreign Entity	A company or institution not incorporated in the U.S.
Foreign National	A person who is not a U.S. citizen or legal permanent resident alien.
Fundamental Research	Research in science, engineering, or mathematics, the results of which ordinarily are published and shared broadly within the research community, and for which the researchers have not accepted restrictions for proprietary or national security reasons.
License Exception	A general authorization that allows for exports that may otherwise require a specific license to take place without obtaining a license if certain stated conditions are met and upheld.
MOU	Memorandum of Understanding; same as Agreement within this document.
MTA	Material Transfer Agreement; typically a contract that governs responsibilities between ECU and an external party over the transfer of research materials.
OECC	Office of Export Controls & Customs. Responsible for facilitating compliance with import and export regulations for the ECU community.
OFAC	U.S. Treasury Department's Office of Foreign Assets Control; OFAC administers U.S. sanctions programs
Restricted Party	An individual or entity included on any government sanctions list, such as the Entity List, Denied Persons List, or Specially Designated Nationals List, among others. Inclusion on a sanctions list may restrict or prohibit engaging with the named individual or entity.

## PROCEDURES

Sequence	RESPONSIBLE PARTY	DESCRIPTION
1a	Global Affairs	ECU's Office of Global Affairs notifies OECC of a new proposed collaboration with information on the international parties involved.
1b	Innovation and New Ventures	ECU's Office of Technology Transfer notifies OECC of a new proposed MTA with information on the international parties involved.
1c	Faculty, Staff	Sends email to <a href="mailto:ECUExportControls@ecu.edu">ECUExportControls@ecu.edu</a> with collaborator's name, institution's name, institution's country, collaboration topic and whether or not research is Fundamental Research as defined.
2	OECC	OECC screens all parties involved with the proposed collaboration to ensure that none are included on a restricted parties list.

Sequence	RESPONSIBLE PARTY	DESCRIPTION
3	OECC	OECC notifies requestor of the results of the screening, including any known Export Control concerns.

## OECC SERVICE LEVEL TARGET

SERVICE PERFORMED	TRIGGER EVENT	TARGET Turn-Around-Time
Perform restricted party screening and analysis on all collaborations that include international entities or institutions to determine any export control implications that may apply	New collaboration with international entity or institution, or individual	Within 3 business days of notification from the faculty or staff member/office.

## REFERENCES

REFERENCE DESCRIPTION	LOCATION
ECU Export Control Policy	<a href="http://www.ecu.edu/prr/01/15/08">http://www.ecu.edu/prr/01/15/08</a>
OECC International Travel Procedure	<a href="https://rede.ecu.edu/oecc/regulatory-resources/">https://rede.ecu.edu/oecc/regulatory-resources/</a>
OECC Sponsored Research Collaborations Procedure	<a href="https://rede.ecu.edu/oecc/regulatory-resources/">https://rede.ecu.edu/oecc/regulatory-resources/</a>

## CREATION/REVISION/APPROVAL HISTORY

Create Date	Owner	Approver	Comments
Jan-22-2019	Daniel Gregory	Tony Rowe	First Release
Revision Date	Owner	Approver	Significant Revisions
Not Applicable	Not Applicable	Not Applicable	Not Applicable

END OF PROCEDURE