Policy *722* Version 1 *10/21/16*

**Policy Change Cover Sheet**

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| **This form must be attached to each policy presented. All areas in red, including the header, must be completed; if not, it will be sent back to you for completion.** |
|  | *I****f the changes you are requesting include housekeeping, please submit those changes to*** ***ndsu.policy.manual@ndsu.edu*** ***first so that a clean policy can be presented to the committees.*** |
| **SECTION**:  | 722 Export Control |
| 1. **Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).**
 |
| * Is this a federal or state mandate? [x]  Yes [ ]  No
* Describe change:

The current version of NDSU policy 722 export control is very brief and does not meet the Department of Commerce Bureau of Industry and Security’s minimum guidelines for demonstrating management commitment to export controls. Also, the current policy does not provide sufficient information for employees to understand when export controls might apply to their activities and the consequences for violating export controls. The revisions are intended to address the current limitations in the policy in a manner that is reasonable for the NDSU environment. For more information about the guidelines, please see the following documents:  BIS. (2011). *Compliance guidelines: How to develop an effective export management and compliance program* *and manual.* Retrieved from http://www.bis.doc.gov/index.php/forms-documents/doc\_view/7-compliance -guidelinesBIS. (2011). *Export management & compliance program: Audit module: Self-assessment tool.* Retrieved  from: http://www.bis.doc.gov/index.php/forms-documents/doc\_view/10-emcp-audit-module-self- assessment-tool |
| 1. **This policy change was originated by (individual, office or committee/organization):**
 |
| * Research and Creative Activity
* Caroline Miner, Director, Research Integrity and Compliance
* Clint Osowski, Ph.D., Export Control Administrator
* Clint.Osowski@ndsu.edu
* 701-231-6455
 |
| ***This portion will be completed by Mary Asheim.***Note: Items routed as information by SCC will have date that policy was routed listed below. |
| 1. **This policy has been reviewed/passed by the following (include dates of official action):**
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| **Senate Coordinating Committee:** | 11/7/16 |
| **Faculty Senate:** |  |
| **Staff Senate:** |  |
| **Student Government:** |  |
| **President’s Cabinet:** |  |

The formatting of this policy will be updated on the website once the **content** has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to ndsu.policy.manual@ndsu.edu. All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!

**North Dakota State University
Policy Manual
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**SECTION 722
EXPORT CONTROL**

SOURCE: NDSU President

1. General Principles

1.1 The United States government strictly regulates all exports of U.S. products, technology, software, and the movements of U.S. origin commodities to foreign persons. Export controls are used to regulate the export of “dual-use” materials that have both a civilian and military application. These controls are in place to prevent the distribution of products, services, software, and technical data that could compromise national security or result in the proliferation of weapons of mass destruction, rockets, and unmanned aerial vehicles.

1.2 North Dakota State University is committed to acting in accordance with all applicable U.S. Government export regulations. NDSU requires ALL faculty, staff, students, and other University personnel to be aware of, and comply with, U.S. export control laws and regulations, and NDSU’s policy and procedures

1. Roles and Responsibilities for Export Controls
	1. Although export controls apply to everyone, the following activities and research areas will be more likely to trigger export control issues:
2. Sciences;
3. Technology;
4. Engineering;
5. Sponsored and Non-Sponsored Research;
6. Contracts;
7. Agreements;
8. International Purchasing;
9. International Shipping;
10. Technology Transfer;
11. International Travel;
12. Hiring Foreign Nationals;
13. Hand-Carrying University Property Internationally:
14. Releasing Technical Information to Foreign Nationals; and
15. Collaborations with Foreign Citizens.
	1. The United States government requires the university maintain export control documents for 5 years from the date of the export. The export control documents required to be maintained include: 1) export license; 2) documents submitted in support of an export license application; 3) Automated Export System (AES) documentation; 3) bill of lading and other customs clearance documents; 4) restrictive trade practice or boycott documents; 5) customs manifests; and 6) any notifications issued by a U.S. government agency. The University is also required to maintain memoranda, notes, correspondence, contracts, invitations to bid, books of accounting, and financial records related to an export.
		1. Please note that the required retention period may be different than the standard NDSU record retention schedule. These records should be clearly marked in order to ensure they are maintained for the correct period of time.
	2. All employees must attend and comply with annual export control training.
	3. NDSU’s Export Management and Compliance Program (EMCP) manual can be found in the Export Control section of the NDSU Research Integrity and Compliance website.
	4. The Export Control Administrator will educate employees through the export control website, handing out pamphlets, and offering training throughout the year.
16. Consequences of Noncompliance
	1. In the event of noncompliance, an employee and/or NDSU may be subject to criminal and administrative sanctions imposed by the United States Government. The penalties associated with noncompliance may be mitigated if the violation is voluntarily disclosed.
	2. NDSU may also impose penalties consistent with applicable policies including, but not limited to: 326, 220,335, 350.3, or 601.
	3. The Export Control Administrator should be contacted with any questions regarding export compliance or questions concerning any transaction. Potential violations should be immediately forwarded the Export Control Administrator at ndsu.exportcontrols@ndsu.edu or 701-231-6455.

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HISTORY:

New July 25, 2016

Prior November 30, 2015