

Export Control Management Plan

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Princeton > Research
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Export Control Policy Statement

As one of the world's premier research universities, Princeton University has a global orientation, and vigorously supports the free dissemination and open publication of research results¹ as well as longstanding policies and principles of inclusion, diversity and nondiscrimination within its research community.

In general, Princeton University research projects qualify for the **fundamental research exclusion** to export control regulations². Although academic research activities at the University qualify for the **fundamental research exclusion** and therefore are not subject to export control regulations, there are certain situations in which the **export** or **deemed export** is either prohibited by law or requires an **export license** or other government approval.

U.S. government export control regulations are designed to protect the national security, economic security and foreign policy interests of the United States. It is important that University faculty, researchers, staff, and students be familiar with the regulations to ensure that the University remains in compliance with the regulations while continuing to succeed in its teaching and research activities.

Penalties for violations of export control regulations vary and may include loss of export privileges, damage to the individual's or University's reputation, criminal and/or civil penalties. In addition, the University may pursue disciplinary action against members of the University community for violations of export control regulations as they relate to University and/or federal policy.

Who Is Affected by This Policy

All Princeton University faculty, researchers, staff, and students must understand their responsibilities regarding these laws and the roles they serve in ensuring export control compliance.

¹ Princeton University's Policies for Sponsored Research states, "The terms of any contract, grant or gift to cover the research should, insofar as possible, permit flexible operation under regular University policies and procedures, permit free publication of results (except where the requirements of national security dictate otherwise), reimburse the indirect expenses as well as the direct costs of the research, conform to the principles of the University Patent Policy, and in general permit the University to exercise administrative control and responsibility for the work." Office of the Dean of the Faculty [policy](#) on Sponsored Research

² Fundamental research is defined in export control regulations at 15 CFR 734.8 and 22 CFR 120.11, as well as set forth in National Security Decision Directive 189 ([NSDD 189](#)).

U.S. Government Export Controls

The Department of State, through the Directorate of Defense Trade Controls (DDTC), and the Department of Commerce, through the Bureau of Industry and Security (BIS), have implemented regulations governing the **export** of certain technologies, information, and software. U.S. export controls also apply to the **re-export** of items, software and **technology** from one foreign country to another. In addition, the Department of Treasury, through its Office of Foreign Assets Control (**OFAC**), maintains targeted economic sanctions programs that restrict or prohibit a wide range of **export** and other transactions, including educational services, involving designated countries, entities, and individuals.

Practically speaking, few **exports** at Princeton require an **export license**. Even in situations where an item or **technology** appears on one of the lists of export-controlled items, there may be an exemption from license requirements, subject to certain documentation requirements. If an **export license** is required, the University will consider a variety of factors before determining whether or not to apply for such a license. It is essential to plan for this possibility where appropriate so that the University's research programs and international activities are not adversely affected.

Princeton University does not accept Classified information³ (e.g., secret, top secret, etc.). Nor does the University accept equipment or **technical data** controlled under the International Traffic in Arms Regulations (**ITAR**), except in rare circumstances and with the approval of senior University leadership. On those occasions, a **Technology Control Plan** is implemented to ensure compliance with **ITAR** regulations.

Princeton University may accept Controlled Unclassified Information (CUI), Covered Defense Information (CDI) or other restricted data sets in certain situations to the extent necessary to conduct and administer fundamental research programs. In the event such data sets are subject to export control regulations, a **Technology Control Plan** may be implemented to ensure compliance with those regulations.

Violations of export control regulations may result in significant civil or criminal liabilities for the University and the individuals involved, as well as damage to national security and to the University's standing as a premier institution of research and learning.

Definitions

Deemed Export: A deemed export occurs when restricted **technology** or software source code is revealed, through visual, oral, written, or other inspection, to a **Foreign Person** within the U.S. Such **exports** are deemed to be an **export** to the home country of the **foreign person** since

³ Office of the Dean of the Faculty [policy on Classified Research](#)

the **foreign person** could return home and recreate the **technology** or software. Such releases of export-controlled **technology** or software in the U.S. may require an **export license**.

Export: As defined in the Export Administration Regulations (EAR, 15 CFR 734.2(b)), an export is an actual shipment or transmission of items subject to the Export Administration Regulations out of the United States, or release of **technology** or software subject to the EAR to a **foreign national** in the United States (also known as a **deemed export**.) This definition includes sending or taking an item out of the United States in any manner, including by shipping or hand-carrying.

Export Control Management Plan: An Export Control Management Plan (ECMP) is a document that lays out the integrated system of controls that an organization has developed to ensure compliance with export control regulations. The ECMP documents the compliance checkpoints throughout an organization to ensure consistent export-related activities (automated to the extent possible) and guiding due diligence and decision-making where necessary.

Export License: An export license is written authorization from the relevant U.S. government agency for an **export** to occur.

Foreign Person(s): The EAR defines a foreign person as any natural person who is not a lawful permanent resident of the United States, citizen of the United States, or any other protected individual as defined by 8 U.S.C. 1324b(a)(3). It also means any corporation, business association, partnership, trust, society or any other entity or group that is not incorporated in the United States or organized to do business in the United States, as well as international organizations, foreign governments and any agency or subdivision of a foreign government (e.g., diplomatic mission). “Foreign person” is synonymous with “foreign national,” as used in the EAR, and “foreign person” as used in the International Traffic in Arms Regulations (22 CFR 120.16).

Fundamental Research Exclusion: The Fundamental Research Exclusion states that “technology” or “software” that arises during, or results from, fundamental research and is intended to be published is not subject to the EAR. **Fundamental research** means 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 and/or the University have not accepted restrictions for proprietary or national security reasons.

Re-export: An actual shipment or transmission of items subject to export regulations from one foreign country to another foreign country. A re-export also occurs when releasing or otherwise transferring “**technology**” or software source code subject to the EAR to a **foreign person** of a country other than the foreign country where the release or transfer takes place (a deemed re-export). For the purposes of the **EAR**, the export or re-export of items subject to the **EAR** that will transit through 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 and may require an **export license**.

Technology/Technical data: Technology that may require an **export license** is information necessary for the “development,” “production,” or “use,” of an item.

“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” includes operation, installation (including on-site installation), maintenance (checking), repair, overhaul and refurbishing.

United States Export Control Laws and Regulations:

EAR: Export Administration Regulations of the Department of Commerce (15 CFR 700-799). The Commerce Control List (CCL) enumerates items that may require an **export license** from the Department of Commerce’s Bureau of Industry and Security.

ITAR: International Traffic in Arms Regulations of the Department of State (22 CFR 120-130). The U.S. Munitions List (USML) lists items that require an **export license** from the Department of State’s, Directorate of Defense Trade Controls prior to **export**.

OFAC: Office of Foreign Assets Control, Department of Treasury (31 CFR 500-599). The OFAC sanctions and embargo regulations apply to specific countries and may impose restrictions on imports, exports, or financial transactions.

Policy

Princeton University is committed to complying with **U.S. export control laws and regulations**. The University recognizes the importance of these laws and regulations, and each University community member is expected to support this commitment by being responsible for their obligations under this policy. No member of the Princeton University community may engage in any activity, or commit the University to engage in any activity, that is contrary to **U.S. export control laws and regulations**, including the Export Administration Regulations (EAR, 15 CFR 700-799); International Traffic in Arms Regulations (ITAR, 22 CFR 120-130); and Office of Foreign Assets Control (OFAC, 31 CFR 500-599) regulations. Any inconsistency between the content of this manual and **U.S. export control laws and regulations** is unintentional. In all cases the requirements of the applicable law or regulation shall take precedence.

Procedures

Before engaging in activities that involve an **export**, members of the Princeton University community must understand and identify any potential **export** limitations. Most activities at the University will qualify for an exclusion to export control regulations (see [Export Controls and University Activities](#) in this document), such as the public domain exclusion⁴ or the **fundamental research exclusion**. However, there are some situations in which export controls may still apply. Examples of such situations include:

- Where **Foreign Persons** may be exposed to **technical data** related to export-controlled equipment;
- Where Princeton University will interact with agencies of foreign governments;
- Where Princeton University hosts foreign scholars for the purpose of participating in research that is not subject to the fundamental research exclusion;
- Where tangible articles will be **exported** (i.e., shipped or accompany the traveler). For example, equipment, research materials, or other items.
- Where Princeton University provides services to an outside entity relating to the development or production of an item.

Many university activities are eligible for one of the EAR, ITAR, or OFAC exclusions, meaning that no license will be required. However, when a research or educational activity involves an export, Princeton University must document its analysis of export control issues, including the availability of any exclusion or exemption.

The export control analysis should be undertaken with the assistance of the University's Export Controls program in the Office of Research and Project Administration (ORPA), which has been granted authority in this area. It is important to note that if a license will be required, this analysis must be done prior to engaging, or agreeing to engage, in the activity. Furthermore, the process for obtaining a U.S. government **export license** is lengthy, so ample time should be allowed for obtaining an **export license**.

In some cases, Princeton University may decide not to seek an export license, such as when the contemplated activity is inappropriate for the University relative to its commitment to fundamental research, there is insufficient time to obtain a license, or the University is otherwise unable to take appropriate measures to properly protect export-controlled information.

If anyone employed by, acting on behalf of, or associated with the University receives information identified as "export controlled," the information should not be disclosed to any **Foreign Person**, until an export control analysis has been completed to determine licensing requirements, if any, for such information. Even if the information is not identified as being

⁴ Information, technology, or software is not subject to the Export Administration Regulations (15 CFR 734.7) when it has been made available to the public without restrictions upon its further dissemination.

export controlled, it is the obligation of Princeton University and its faculty, researchers, staff, and students, to protect export-controlled information. Thus, it is necessary for all Princeton University personnel to understand export control regulations and how they may impact their activities on and off campus.

In addition, if an anticipated Princeton University research or educational activity involves a country subject to U.S. government sanctions (i.e., **OFAC** regulations), the faculty member or researcher will also need to consult with ORPA before entering into any negotiations or agreements involving, or before traveling to, such countries.

The University is committed to assisting any member of the University community in complying with **U.S. export control laws**, including pursuing **export licenses** as required, and if approved by the Dean for Research. In fulfilling this commitment, the Dean for Research and ORPA rely on proactive and transparent engagement from community members. The primary responsibility to follow the policy and abide by the applicable regulations rests with the University community member, as the individual most informed about the contemplated project.

It is important to note that any **export** from the U.S. is an import to another country. In addition to complying with U.S. laws and regulations, it is the responsibility of the University community member to identify and comply with the applicable import laws and regulations of foreign countries when **exporting** on behalf of the University.

Export Control Management Plan

This **Export Control Management Plan** states the policies, procedures, and resources that the University uses to ensure compliance with U.S. government export control regulations. It is ORPA's responsibility to assist the University community with export control and licensing issues in support of mission-appropriate, authorized Princeton University activities to the extent permitted and allowed by **U.S. export control laws and regulations**.

Export Controls and University Activities

U.S. government export control laws and regulations contain specific exclusions or exemptions for certain types of information and activities related to academic pursuits. Although the specific terminology may vary among the regulations, they generally exclude information that is published, or provided as part of academic catalog courses. In addition, the regulations exclude the results of research projects conducted at academic institutions provided that the University has accepted no blanket restrictions on the publication of the research results, or access and dissemination controls (such as foreign national restrictions). (See definition of "**Fundamental Research**".) Princeton University policy does not allow the University to accept limitations on

the publication of research results, with the exception of sponsor review to ensure that the publication would not compromise patent rights or inadvertently divulge proprietary information provided by the sponsor of the project.⁵

Notwithstanding these exclusions/exemptions, a number of situations may require the University to address export control issues, including the need to obtain **export licenses**. The following examples are not a comprehensive list of situations in which an export license may be required.

- The shipment of equipment, software, or **technology** to a foreign country is an **export** from the U.S. In some cases, such **exports** may require an **export license**. The **ITAR's** USML and the **EAR's** CCL both list items that may require an **export license**. However, as noted above, the University may be able to take advantage of certain license exceptions or exemptions.
- The transfer of export-controlled **technical data** to a **foreign person** in the U.S. is deemed to be an **export** to the home country of the **foreign person** (i.e., a **deemed export**.) This includes the release of non-public source code or information related to the “development”, “production”, or “use” of a CCL-listed item to a **foreign person**, entity or country. Such transfer or release may be made through oral, visual, or other means. **Deemed exports** are particularly relevant to university researchers given the nature of the activities that normally take place at a university. Whenever teaching or research activities involve export-controlled equipment, **technology**, or software, the involvement of foreign students or researchers, the activities may trigger export control compliance issues. While most deemed exports will not require an export license, the following are examples of situations in which an export license may be required:
 - Collaborating on research projects that are not covered by the fundamental research exclusion, including those at universities that accept restrictions on the participation of **foreign persons**;
 - Allowing a **foreign person** to have virtual or physical access to an item that is export controlled;
 - A demonstration, briefing or presentation where export-controlled information will be shared and a **foreign person** is present;
 - A conversation with a **foreign person**, whether in person, virtually through electronic means or by phone in which export-controlled information will be shared with the foreign person;
 - Laboratory visits by **foreign persons** in which they may be exposed to export-controlled technical data on laboratory equipment;
 - Viewing of documents, hardware or technical drawings related to export-controlled equipment by a **foreign person**.

⁵ While many U.S. universities have policies similar to Princeton policy, not all do. Some universities conduct research that is subject to export control regulations and may include publication approval requirements or restrictions on the participation of foreign persons in the research activity.

- The furnishing of assistance on defense articles to a foreign government's military or space organization may qualify as a defense service. Under the **ITAR**, a defense service can be provided using solely information in the public domain.

In these situations, the University may:

- Determine that no **export license** is required;
- Determine that while an **export license** is ordinarily required, an exception to that requirement exists;
- Be required to obtain an **export license** (which may ultimately be approved or denied by the government); or
- Halt work on the project if the University determines it is unwilling or unable to seek an **export license**.

Responsible Parties

Princeton University is committed to compliance with export control regulations and understands the importance of export controls in protecting the national security and foreign policy interests of the United States. The Princeton University Dean for Research is charged with oversight of all aspects of Princeton University's compliance with export controls.

The Dean for Research has delegated to the Director of the Office of Research and Project Administration the authority to seek DFR approval for **export licenses** from the relevant government agencies in support of Princeton University activities. Furthermore, the Dean for Research has authorized the Assistant Director of Export Controls and Compliance in ORPA to provide administrative support and guidance to the University community for export control compliance.

The Dean for Research, acting under advisement of the Director of ORPA and the Assistant Director of Export Controls, has the authority to halt any activity that may violate U.S. export control regulations. If a violation has occurred, the Dean for Research also has the authority to submit disclosures to the relevant regulatory agencies on behalf of the University, in consultation with the Office of General Counsel.

Princeton's export control personnel are responsible for the following functions:

- Developing procedures and aligning systems to ensure the University's compliance with **U.S. export control regulations**;
- Performing regular risk assessments to evaluate the relative strengths and weaknesses of the University's export compliance programs and providing assessment results to the Director of ORPA;
- Serving as the University's principal point of contact for agencies with regulatory or enforcement authority under the export control regulations;
- Providing assistance and training to University community members regarding the laws, regulations, and University procedures associated with export controls; and

- Preparation of **export license** applications, and submission of applications to the relevant U.S. government agencies, as necessary and as delegated by the Director of ORPA.

Operational Procedures and Guidelines

A. Shipment Review

The export of items (i.e. articles, materials, compounds, goods, etc.) overseas, whether shipped or hand-carried, require review prior to **export**. The shipper ultimately remains responsible for export documentation related to international shipping including filing Electronic Export Information (EEI) documents or other Foreign Trade Requirements. Princeton University has implemented and optimized multiple systems for export control review of international shipments.

1. eShipGlobal:

Princeton University utilizes the eShipGlobal tool for express carrier shipments (i.e., FedEx, UPS, and DHL shipments.) eShipGlobal offers an export control module which electronically routes international shipments for export control review if there is a match against one of the U.S. government's restricted party lists, or if an export license may be required based on the Export Control Classification Number of the item being shipped.

2. International Shipment Form:

International shipments not processed via eShipGlobal are manually reviewed by Export Controls. The sender of the package notifies Export Controls of the need to send a shipment through the use of the International Shipment Form, available on the ORPA website and through export control training classes. After the shipper submits the form via email, the information included on this form permits Export Controls to conduct restricted party screening, **export license**/license exemption determination, and review for proscribed end-uses for the shipment. In situations where additional information is required, Export Controls contacts the sender to request additional information. The sender of the shipment remains responsible for completing the EEI, if required for these shipments.

3. Freight Forwarder/Customs Broker:

Princeton University has established relationships with freight forwarders/customs brokers authorized to act on the University's behalf for international shipments, including submission of export documentation to U.S. Customs. Shipments to be conducted via freight forwarders should be identified through the International Shipment Form. Customs brokers are authorized to file EEI documents with U.S. Customs. In all cases, Princeton University remains responsible for compliance with **U.S. government export control regulations**.

4. Environmental Health and Safety:

Export Controls has partnered with the Office of Environmental Health and Safety (EHS) to conduct reviews of outgoing shipments that require both export control review and EHS review. University shippers typically utilize EHS' online submission form to provide information related to the shipment. Following review by EHS personnel, international shipments are then routed (via the ServiceNow tool) to Export Controls for review and sign-off.

In addition to ensuring that international shipments comply with export control regulations, the export control group advises shippers on the correct tariff classification numbers (Schedule B numbers) for materials being exported by the University and provides guidance on methods to minimize, to the extent possible, duties/tariffs/taxes on both export and import shipments.

The Dean for Research, acting upon the recommendation of the Director of ORPA and the Assistant Director of Export Controls, has authority to halt shipments that do not pass the export control review process.

B. Review of Research Projects and Agreements

Export control staff provide support to ORPA colleagues by reviewing sponsor solicitations, research proposals, award documentation and other research-related agreements to identify situations that may include export control-related risk, such as publication or foreign national restrictions, foreign-sponsored research programs, shipments of equipment overseas, **deemed exports**, etc.

ORPA negotiates a variety of agreements to ensure that research projects at Princeton University qualify for the **fundamental research exclusion** to export control regulations. Any agreements which contain language impacting the export control status of or risk to the project will be referred for evaluation to Export Controls by the ORPA Grant and Contract Administrator.

In addition, other Dean for Research offices, such as the Office of Technology Licensing, may request a review of Material Transfer Agreements, Non-Disclosure Agreements, etc. by export control staff. Export control staff also provide agreement-related support to other units on campus such as International Affairs and Procurement.

C. Sanctioned Countries

Activities involving countries subject to **OFAC** sanctions are identified through various means, including researchers' completion of a questionnaire that is part of routing a proposal to ORPA (See Review of Research Projects above), a review of Princeton's travel registry submissions (see International Travel below), a weekly review of international travel reservations provided by Princeton University's international travel service provider as well as review of international

shipments. To the extent available, individuals working abroad on behalf of the University are also regularly reviewed.

As the unit of the University with primary responsibility for Princeton's compliance with OFAC sanctions regulations, the export control group ensures that shipments, travel, contracts/agreements, visa applications and University appointments and work arrangements abroad comply with OFAC sanctions. Partnerships with other University offices/departments with responsibility for execution of those functions are outlined elsewhere in this document.

In addition, regularly-provided export control training sessions include information related to **OFAC** sanctions, and as a result faculty and staff are made aware of the need contact Export Controls if activities involve these countries.

D. Restricted Party Screening

Restricted Party Screening is an essential component of complying with government regulations concerning persons debarred or excluded from participation in certain activities. Restricted Party Screening seeks to identify parties that may be prohibited from receiving some or all items subject to export control regulations unless the exporter secures a license. Excluded parties may present a greater risk of diversion of University resources for weapons of mass destruction (WMD) programs, terrorism, or other activities contrary to U.S. national security and/or foreign policy interests. The U.S. government publishes many different "excluded party" lists each of which has different a different purpose. Depending on the purpose of the exclusion, a match may indicate one of the following: a strict export prohibition; a specific license requirement; or the presence of a "red flag" to be followed up on with additional due diligence, risk assessment and decision-making.

Princeton University contracts with a third-party vendor, Visual Compliance, which compiles multiple U.S. government excluded party and debarment lists into one searchable database. In addition, some offices at Princeton University utilize other vendors, such as HireRight, to perform Restricted Party Screening.

Restricted Party Screening is conducted by multiple offices according to their roles in the academic enterprise.

- 1) Human Resources uses HireRight's Global Sanctions and Enforcement Check and Widescreen Plus to screen employees at the time of hire.
- 2) Dean for Research:
 - a. ORPA uses Visual Compliance to screen foreign entities and individuals referenced in research proposals, awards, subawards and agreements. In addition to supporting all Visual Compliance users at the University, including verification/validation of possible matches, the export control group at Princeton conducts screenings (either manually or via an automated process) of:
 - i. Dean of Faculty appointees (see #3 below)
 - ii. Visa applicants (see #6 below)

- iii. Research Computing account holders (e.g., Departmental Computer User, Research Computer User, and others)
 - iv. Recipients of international shipments
 - v. Activities related to Princeton's Research Security efforts
 - vi. Select entities and individuals providing gifts/donations to the University in conjunction with Princeton's Department of Education Section 117 reporting requirements
 - vii. Other entities and individuals as requested by faculty, staff or central office personnel
- b. The Office of Corporate and Foundation Relations uses Visual Compliance to screen donors of gifts made to the University.
 - c. The Office of Technology Licensing uses Visual Compliance to screen entities and individuals listed on Non-Disclosure Agreements and Material Transfer Agreements.
- 3) Individuals receiving visiting appointments through the Dean of Faculty at Princeton are screened as part of the DOF appointment process.
 - 4) Recipients of outgoing international shipments are screened, as referenced in the Shipment Review section above.
 - 5) Procurement Services screens all vendors at the time of onboarding.
 - 6) The Office of Advancement conducts limited background checks of specific categories of international donors.
 - 7) The Davis International Center processes visa applications for visitors to Princeton as well as students and employees. The U.S. Department of Homeland Security's Immigration and Customs Enforcement requires that visa sponsors such as Princeton University certify whether an **export license** is required for individuals entering the U.S. under certain categories of visa (H-1B, H-1B1, L-1, and O-1A). A process has been developed to ensure that Princeton University is conducting this review and certifying correctly. Debarred party screening is a required component of this process. (See Visa Review, below, for additional information.)

E. Visa Review

The U.S. Department of Homeland Security's Immigration and Customs Enforcement requires that a visa sponsor conduct an initial export control review and certify whether the **foreign person** requires an **export license** to conduct activities at the sponsor organization. This policy applies only to H-1, O-1 and L-1 visa applicants. Export Controls conducts this review and notifies the Davis International Center of the determination.

I-129 Certification:

Many visa applications can be approved by Export Controls based upon a review of the notification provided by the Davis International Center. The notification includes the following information: department sponsoring the individual, the supervisor of the individual, country of citizenship, etc.

In some cases, Export Controls sends a one-page questionnaire ([Appendix](#)) to the supervisor requesting additional information about research projects that the **foreign person** may be involved in, access to export-controlled equipment, etc. Based upon the responses to the questionnaire, Export Controls may notify the Davis International Center that no **export license** is required, seek an **export license** for the individual to have access to export-controlled equipment/data, or put in place a **Technology Control Plan** (see next section) for a specific research project.

Persons from Sanctioned Countries:

In addition to the above visa applications, Export Controls is also responsible for reviewing all visa applications, regardless of the type of visa, for **foreign persons** from countries subject to comprehensive sanctions. As of the date of this document, the countries include Cuba, Iran, North Korea, Syria, and the Crimea region of the Ukraine. In most cases, Export Controls meets with the supervisor or host of the individual to discuss the impact of the sanctions regulations on the individual's activities at Princeton University. It is expected that the majority of cases will not require an **export license** for the individual to study/work at Princeton University. However, it may be necessary to seek a license in some situations.

F. Technology Control Plans

In those rare situations where specific materials or data that the University agrees to accept is subject to export control regulations and therefore may not be shared with **foreign persons**, a **Technology Control Plan** may be put in place. In general, a **Technology Control Plan** is not required for Princeton University research projects because Princeton University normally conducts only projects that qualify for the **fundamental research exclusion**.

If the project or activity involves inputs that are export-controlled, but the research results remain eligible for the **fundamental research exclusion**⁶, the Principal Investigator will be primarily responsible for implementing and maintaining appropriate access controls so that a **Foreign Person** who is a part of the project team does not have access to information that the foreign person is not authorized to receive. The faculty member/researcher may be required to attest to implementation of such controls by completing a **Technology Control Plan** and participating in any regular monitoring of the TCP.

A **Technology Control Plan** is drafted by Export Controls, based on research agreement language (as applicable), and is approved by the Dean for Research. **Technology Control Plans** address the nature of the restriction (e.g., foreign national restriction) and the steps required to be taken by the research team in order to ensure compliance with any contract terms and export control regulations. The **Technology Control Plan** may address physical access, access to IT resources, and/or training requirements for the research group. In all cases, the faculty

⁶ As previously stated, Princeton University does not typically conduct research projects that are not eligible for the fundamental research exclusion.

member/researcher remains responsible for ensuring compliance with the provisions of the **Technology Control Plan**.

G. Submission of Sensitive Personnel-Related Information to the Government

In situations where Princeton University is required to submit sensitive personnel-related information to the federal government in relation to sponsored research activities, such as those requiring compliance with Department of Energy Order 142.3B, the export control function works closely with the ORPA Grant and Contract Administrator for the project(s) to collect and submit the required information to the government. Such information may include Personally Identifiable Information for students, faculty or staff. The information is typically sent to the export control group via SecureSend or other secure transmission method. The information is then reviewed for completeness and provided to the government agency by export control personnel. Such submissions may involve uploading to a government-provided secure site or other method as designated by the government agency.

H. Research Security and Inappropriate Foreign Influence

In partnership with ORPA and Information Security staff, export control staff support Princeton's Research Security efforts. Export-controlled information is one of a number of research data types to which specific data security requirements may apply. Export control staff participate in the Controlled Unclassified Information (CUI) Working Group and provide support/training for Princeton's secure research data system, Citadel. These activities may include identifying projects with specific security requirements, advising researchers on options available to meet security requirements, attending Research Security working group meetings, etc.

The export control group supports the University's efforts to address inappropriate foreign influence through the development and deployment of training materials, briefings to faculty and staff, and the review of proposal, award or agreement-related materials and/or agency guidance.

I. International Travel

Effective 2021, Princeton University faculty, staff and students traveling internationally on University-sponsored activities are required to register the travel in the University's Enroll My Trip tool. Export controls is notified via email when a traveler completes a registration. The registration process requires the traveler to complete a series of export control-related questions. Travel registrations are reviewed by export controls for compliance with US government export control regulations.

J. Obtaining Export Licenses

If a University community member determines, with the assistance of Export Controls, that a particular project or activity is subject to export controls and no exemption is available, the University community member is responsible for securing the items, software or **technology** against disclosure or transfer to any **Foreign Person**, within or outside the United States, until a license or other authorization is obtained.

Securing the appropriate license is a complex process and may take a significant amount of time. When an **export license** is required, it is the responsibility of the University community member to work with Export Controls to prepare the required license application. All license applications must be submitted through ORPA.

K. Standard Operating Procedures

Standard Operating Procedures (SOPs) related to Export Control procedures are documented and stored on the ORPA 'shared drive' maintained by the Office of Information Technology. These procedures are reviewed on a regular basis and updated accordingly.

Training and Awareness

Export Controls conducts export control training sessions for faculty, researchers, students, departmental staff, and central administration staff. Multiple "levels" of export control training may be offered, depending upon the job responsibilities of the audience and their areas of expertise. For example, while departmental business managers, faculty assistants, and others may attend multi-hour training sessions covering a wide array of export control-related issues (e.g. **ITAR**-controlled equipment, biological pathogens, controlled lab equipment, etc.), presentations made during faculty outreach sessions are much more focused, and may emphasize the technologies associated with the researchers' particular field(s).

Other types of training sessions may also be conducted in order to focus on particular topics of concern to the University community. For example, topics such as how to correctly use the eShipGlobal tool to send packages internationally, what international travelers need to know, etc., are conducted periodically by Export Controls, or in conjunction with other departments.

Attendee lists for the training sessions are retained by Export Controls.

Recordkeeping

This **Export Control Management Plan**, as well as forms and documents related to export control compliance, is maintained by Export Controls. The documents are stored electronically on computers maintained by ORPA, or on the ORPA 'shared drive' maintained by the Office of

Information Technology. Documents such as the International Shipment Form are made available to the Princeton University community via the ORPA website.

Records related to export shipments are to be maintained by the sender of the package, or the traveler in cases where the item(s) is hand-carried.

All documents related to **export licenses** and **Technology Control Plans** are retained and stored by Export Controls. The records are typically retained electronically, and may be reproduced in hardcopy.

In accordance with export control regulations, records related to export control compliance are retained for a minimum of five years. In situations where records are related to a multi-year project, records are retained for a minimum of five years after the conclusion of the research project.

Risk Assessment

Export Control will conduct biennial risk assessments to highlight where risks exist within the export control arena. The Risk Assessment will serve to:

- 1) Identify risk areas
- 2) Assess the severity of a given risk
- 3) Assess the likelihood of occurrence for a particular issue
- 4) Prioritize risk areas
- 5) Develop mitigation strategies for risk areas

Monitoring and Auditing

Internal Audits

Princeton University's Office of Audit and Compliance has authority to conduct reviews and audits of the export compliance program. The reviews and audits may include a review of Princeton University's export procedures, as well as selected export transactions and how University departments handled these transactions in relation to the compliance procedures.

The following areas may be reviewed in an audit:

- a. Screening practices
- b. International shipments
- c. Use of **export licenses** and license exemptions
- d. Corrective action procedures
- e. **Deemed exports** and release of **technical data**
- f. Compliance with the terms of TCPs

- g. Recordkeeping
- h. Others, at the discretion of the Office of Audit and Compliance.

External Audits

In addition to audits performed by its Office of Audit and Compliance, Princeton University may choose to periodically have an audit conducted by an outside auditor. Audits may also be conducted or directed by the federal government.

Reporting of Audit Results

Final audit reports will be provided to the affected departments/operational areas or as otherwise determined by the Office of Audit and Compliance. Reports may include recommendations or revisions to procedures, and may include specific timetables for implementation of the corrective actions.

Reporting of Problems and Violations

Internal Reporting

Princeton community members working with export controlled equipment or **technical data** assume responsibility for conducting their activities in compliance with **U.S. export control laws and regulations**, as well as Princeton University policies.

Concerns related to violation of export control regulations must be reported to the institution for review and investigation. They may be reported in one or more of the following ways:

- 1) Raise the concern with a supervisor. Supervisors, managers, or a department chair can provide guidance regarding the concern.
- 2) Raise the concern with Export Controls. Export Controls has responsibility to review and investigate all non-compliant activities related to export control regulations. The University community may submit a concern directly to the Assistant Director by phone (609-258-3919), email (exports@princeton.edu), or by mail to Assistant Director, Export Controls, 619 Alexander Road - Suite 102, Princeton, NJ 08540-6000.
- 3) Submit a report to the Princeton University Hotline. Members of the University community may submit an anonymous report via EthicsPoint (<http://www.princetonuniversity.ethicspoint.com/>) or by phone (1-866-478-9804.)

Investigation of Potential Export Control Violations

In the event of an investigation of a possible export control violation, the following steps will occur:

1. Inform the Princeton University Office of the General Counsel
In the event than an export control violation is suspected, the Office of the General Counsel must be notified.
2. Cease activities
In the event that it is determined that an export control violation has occurred, or is about to occur, the activities related to the violation must be ceased immediately. Continuing to carry-out the activity after it has been identified creates the opportunity for continued violation of export control regulations, and commensurate penalties.
3. Conduct investigation
Export Controls, the Office of the General Counsel, and other University personnel may be involved in investigating the possible violation. These personnel will determine the scope of the investigation and identify the “who, what, where, when and how” of the possible violation. The investigatory team will prepare a report on the investigation for submission to the relevant University administrators and/or departments, including any corrective actions that have already been implemented, as well as additional recommended corrective actions.
4. Inform stakeholders of possible violation
Princeton University personnel involved in the possible violation must be notified that an investigation of the possible violation has been launched and their assistance may be required during the course of the inquiry, unless doing so may impede the investigation. In addition to the Office of the General Counsel, University personnel to be notified may include: ORPA, Procurement, Davis International Center (if possible violation involves exchange visitors), RIA, and others.
5. Disciplinary Action
Members of the Princeton University community who engage in illegal activity are subject to disciplinary action, up to and including termination of employment or student status, in addition to possible criminal prosecution.

External Reporting (to Government Authorities)

1. Initial Disclosure (Voluntary Self Disclosure)
When a noncompliant event is determined to have occurred, Princeton University’s Dean for Research will determine whether a disclosure of the event to the relevant government authority is warranted. Such disclosures are considered a mitigating factor in any export enforcement administrative action.
2. Penalties
The penalties for these export control violations can be severe, including personal liability, monetary fines, the denial of export privileges, and imprisonment. Penalties for the institution may include fines and debarment.

Corrective Action for Non-Compliance

Following the investigation, the Assistant Director of Export Controls and the Office of the General Counsel will recommend a course of action to the Dean for Research. The Dean for Research may take action according to the nature, severity, and scope of the offense. In accordance with Princeton University's "[Reporting Potentially Illegal Activity](#)" policy, members of the University community who engage in illegal activity are subject to disciplinary action, up to and including termination of employment or student status, in addition to possible criminal prosecution.

Update History

REV #	REVISION DATE	REVISION DESCRIPTION
	04/06/2018	Final version approved by Dean for Research
1	03/01/2021	Changes to the 'Shipment Review', 'Restricted Party Screening', and 'Internal Audits' sections. An updated Visa Questionnaire was included and minor grammatical edits were made.
2	02/26/2022	Changes to the Operational Procedures and Guidelines section, including Restricted Party Screening, OFAC Compliance, etc. Addition of Standard Operating Procedures, Research Security, and Submission of Information to the Federal Government sections. An updated Visa Questionnaire was appended. Other administrative and grammatical edits were incorporated.

Appendix:

VISA APPLICATION – EXPORT CONTROLS ATTESTATION TO BE COMPLETED BY THE VISA APPLICANT'S SUPERVISOR

Name of Visa Applicant _____
 Supervisor _____
 Department Contact _____
 Requesting Department _____
 PUID# _____

Effective February 20, 2011, the United States Customs and Immigration Service requires petitioners to certify whether an export license is required for foreign national applicants seeking a H-1B, H-1B1, L-1, and O-1A visas. US export laws prohibit the disclosure (including oral or visual disclosure) or transfer of controlled technical data to a foreign person, whether in the United States or abroad. Please complete the following checklist. If it's determined that an export license is required, the Office of Research and Project Administration will file the license application. **Please return this checklist to Export Controls at exports@princeton.edu.**

The respondent should complete this checklist based on current/anticipated activities to be conducted by the visa applicant. However, should changes to the applicant's responsibilities or work environment (to include use of export-controlled equipment) take place following submission of this Attestation, the respondent agrees to contact Export Controls so further evaluation can be conducted.

If you have questions regarding the checklist or the types of technologies that are export controlled, Export Controls can provide assistance. Please complete the form to the best of your ability and indicate that you require assistance and a meeting will be scheduled.

If the person will work on a known sponsored project, please enter the PeopleSoft Award #, Funding Proposal number, or the Sponsor and P.I.'s name here: <i>NOTE: It is important to list ALL sponsored projects on which the individual is expected to work.</i>	Award # _____
Will the person participate in any research, testing or characterization service that is <u>not</u> intended for public dissemination or that may be subject to sponsor publication restrictions or work on a project that is subject to a Technology Control Plan?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Will any unpublished information or data (e.g., proprietary data provided by a research sponsor or collaborator), unpublished software source code, or any other information subject to an NDA be disclosed to this person?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Will the person be exposed to equipment (or its components), technology, or materials (whether acquired for research purposes or developed internally) that were specifically designed or developed for military or space applications (e.g., night vision cameras, radar, spacecraft, ruggedized devices/materials, UAV systems, military micro circuit technology, military cryptographic systems, chemical or nuclear detection, toxins/pathogens , etc.)?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I don't know – I need assistance
Will the person have routine access to Federally-controlled facilities and/or Federally-controlled information systems?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Will the person be exposed to encryption software source code , or otherwise involved in the design, development, compilation, or production of encryption software?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Will the person be affiliated with any public or private organizations in other countries (e.g. as a student, employee, or advisor to such international organizations) during the visa validity period in any matter that pertains to the individual's job responsibilities at Princeton?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Will the person need to understand how laboratory equipment, laboratory components, or High Performance Computing (HPC) equipment is designed, manufactured, installed, refurbished OR repaired in the course of the research or service? If the person will require design, manufacture, installation, refurbishment OR repair information for such equipment and/or any proprietary vendor data that is marked as "Export Controlled", please provide the manufacturer name and model number under Comments.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I don't know – I need assistance
If you checked "Yes" or "I don't know" to any of the above, please provide additional information below:	
Specific questions or comments:	

By signing the attached form, I certify that I have completed the form to the best of my ability and that I will contact Export Controls if any of the above information changes.

Signature _____

Printed Name _____

Date

(not required if form emailed from visa applicant's Supervisor)



Office of the Dean for Research

Princeton University

research.princeton.edu

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