



Policy 7.11 Policy on Export Controls

Responsible Official: VP for Research Administration
Administering Division/Department: Research Compliance
Effective Date: November 05, 2003
Last Revision: May 22, 2014

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Overview

Emory University's Policy on Export Controls is to ensure that instruction, research, education activities are carried out openly, without prohibitions on the publication of research results or academic activities, except for certain limited pre-publication review by research sponsors to protect their proprietary interests. The University recognizes that instances may arise in which the University's research involves the dissemination of certain technology, information, materials or equipment that are subject to federal export control regulations. In such instances, it is the University's policy is to fully comply with any such applicable regulations.

Applicability

This documents applies to all faculty, staff and students at Emory University.

Policy Details

Emory University's policy is to ensure that instruction, research, education activities are carried out openly, without prohibitions on the publication of research results or academic activities, except for certain limited pre-publication review by research sponsors to protect their proprietary interests. The University recognizes that instances may arise in which the University's research involves the dissemination of certain technology, information, materials or equipment that are subject to federal export control regulations. In such instances, it is the University's policy is to fully comply with any such applicable regulations.

Empowered Official:

As a part of its compliance efforts, the University has designated the Director of the Office of Research Compliance as its "Empowered Official" for all purposes relating to applicable federal export control regulations. The Empowered Official shall be a United States citizen, corporation or lawful permanent resident. The Empowered Official is hereby designated and empowered by the University to oversee any of the University's export licensing or approval activities and to sign license applications or other documentation relating to such licensing or to export approval. The Empowered Official shall be familiar with the provisions of export licensing and approval controls, including the provisions regarding criminal, civil and administrative penalties for violating such provisions. The University hereby explicitly recognizes that the Empowered Official shall have the independent authority to: (a) inquire into any aspect of a proposed export, temporary import or any other transaction within the scope of export control regulations; (b) verify the legality of the

transaction and the accuracy of the any information to be submitted to a licensing or approval authority; and (c) refuse to sign any license application or other request for approval without prejudice or other adverse recourse being taken by the University.

Duties of Principal Investigators:

All Principal Investigators at Emory University shall have the responsibility to:

- Consult with the Empowered Official prior to commencing any research that may be subject to federal regulatory export licensing controls to determine whether and how their research may be impacted by such controls.
- Re-evaluate any decision that was made regarding the applicability of such controls at any time that the scope of the project or project staff changes.
- Undertake consultation far enough in advance to permit the Empowered Official and all other appropriate University personnel to review and evaluate the research in question and obtain any necessary license or authorization.

Penalties for Non-Compliance:

Failure of any Emory employee to comply with this Policy and/or the requirements of any applicable federal export control regulations may result in the imposition of sanctions by appropriate University officials up to and including termination, as well the possibility of prosecution by the federal government and the imposition of federal civil, criminal and/or administrative penalties or sanctions.

Other Agencies that Have Export Control Responsibilities for Certain Items:

Certain federal agencies other than the Dept. of Commerce or Dept. of State may have jurisdiction with regard to export controls concerning certain items. Some of these federal agencies and the items they regulate are listed below. Their jurisdiction may in some cases be exclusive, and in other cases, jurisdiction may reside in more than one federal agency, in which case both agencies regulatory requirements must be satisfied.

- Drug Enforcement Administration, Int'l Chemical Control UnitType of Items Regulated: drugs, chemicals and precursors.
Pertinent Federal Regulations: 21 CFR Parts 1311 through 1313.
- Drug Enforcement Administration, Int'l Drug UnitType of Items Regulated: controlled substances.
Pertinent Federal Regulations: 21 CFR Parts 1311 through 1313.
- Food & Drug Administration, Import/Export Div.Type of Items Regulated: drugs and biologics.
Pertinent Federal Regulations: 21 U.S.C. Section 301, et. seq.
- Food & Drug Administration, Int'l AffairsType of Items Regulated: investigational drugs.
Pertinent Federal Regulations: 21 CFR Section 312.1106
- Food & Drug Administration, Office of ComplianceType of Items Regulated: medical devices
Pertinent Federal Regulations: 21 U.S.C. Section 301, et. seq.
- Dept. of the Interior, Fish & Wildlife Controls, Chief Office of Mgmt. AuthorityType of Items Regulated: endangered species.
Pertinent Federal Regulations: 50 CFR Sections 17.21 - .22; 17.31 - .32.
- Nuclear Regulatory Commission, Office of Int'l ProgramsType of Items Regulated: nuclear materials and equipment.
Pertinent Federal Regulations: 10 CFR Part 110.
- Dept. of Energy, Office of Arms Control & Non-Proliferation, Export Control Div.Type of Items Regulated: nuclear technology, technical data for nuclear weapons and special nuclear materials.
Pertinent Federal Regulations: 10 CFR Part 810.
- Dept. of Commerce, Patent and Trademark Office, Licensing & ReviewType of Items Regulated: patent filing data sent abroad.
Pertinent Federal Regulations: 37 CFR Part 5.
- Dept. of Treasury, Office of Foreign Assets Control, LicensingType of Items Regulated: foreign assets and transactions control (**including regulation of exports and imports and funds sent to and financial dealings with certain other countries**).
Pertinent Federal Regulations 31 CFR Parts 500 to 590.

Related Links

- Current Version of This Policy: <http://policies.emory.edu/7.11>
- [Additional Export Control Information](http://www.orc.emory.edu/export-control/index.html) (<http://www.orc.emory.edu/export-control/index.html>)

Contact Information

Subject	Contact	Phone	Email
Clarification of this document	Office of Research Compliance	404-727-2398	kwest02@emory.edu

Revision History

- Version Published on: May 02, 2007 (*Updated outdated link on Related Links.*)
- Version Published on: May 02, 2007 (*Original Publication*)

Emory University policies are subject to change at any time. If you are reading this policy in paper or PDF format, you are strongly encouraged to visit policies.emory.edu to ensure that you are relying on the current version.