Export Control and Research
Armstrong supports the American Association of University Professors’ statement on academic freedom:

Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.

Teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.

The word “teacher” as used in this document is understood to include any faculty member who is attached to an academic institution with or without teaching duties.

American Association of University Professors Statement on Academic Freedom:
http://www.aaup.org/AAUP/pubsres/policydocs/contents/1940statement.htm

However, certain federal regulations may require the University to obtain licenses from the U.S. Departments of State, Commerce, or Treasury before allowing foreign nationals to access research involving specific technologies or before sharing research information with persons who are not citizens of the United States or permanent resident aliens.

Export Control FAQs
What is an export?
An export occurs whenever any item (i.e., any commodity, software, technology, or equipment) or information is sent from the U.S. to a foreign destination or provided to a foreign national here or abroad. The manner in which the transfer or release of the item or information occurs does not matter. Some examples of export activities include: the shipment of items, written or oral communications, hand-carrying items when traveling, providing access to or visual inspection of equipment of facilities, and providing professional services.

Why should I be concerned about an export?
The university campus is open to students and faculty from many different countries. Access to restricted or export controlled technology, commodities, defense articles and defense services by an unauthorized foreign person could result in severe criminal or civil penalties for the university and the university employee making the export. Prosecution of an export violation may result in serious fines and prison sentences.

What is a "deemed" export?
A deemed export refers to the release or transmission of information or technology to any foreign national in the U.S., including students, post-docs, faculty, visiting scientists, or training
fellows. A deemed export is treated as an export to that person’s home country. Deemed exports are a primary area of export control exposure for the university.

Technology is specific information necessary for the development, production, or use of an Export Administration Regulations (EAR) product controlled for export. “Use” is defined as operation, installation (including on-site installation), maintenance (checking), repair, overhaul and refurbishing.

**What are export controls?**
The term “export controls” refers collectively to the body of U.S. laws and regulations that govern the transfer of controlled items or information to foreign nationals or foreign entities. The most important for University purposes are the International Traffic in Arms (ITAR—see 22 CFR §§ 120-130) and the Export Administration Regulations (EAR, see 15 CFR §§700-799).

**How do I know if export controls apply to a grant/contract?**
Export controls apply if the topic of the research appears on either the U.S. Munitions List (ITAR) or the Commerce Control List (EAR). There are exclusions and exceptions to the application of the regulations. Contact the OSP and we will help you make the determination if export controls apply to your project or research.

**What do I do if I think export controls may apply to a grant/contract?**
It is the policy of Armstrong Atlantic State University to make reasonable efforts to maximize the situations in which the University may claim the benefit of the following exclusions to the regulations:

- **Fundamental Research Exclusion:** Both ITAR and EAR include language that excludes the results of "fundamental research" from export requirements for export licenses or other government approvals. The exclusion applies for basic and applied research in science and engineering performed by universities so long as that research is carried out openly and without restrictions on publication, or foreign national access and dissemination restrictions.

- **Educational Information Exclusion:** authorizes the disclosure, without a license, of educational information released by instruction in catalog courses and associated teaching laboratories of academic institutions and are general scientific, mathematical, or engineering principles commonly taught in universities.

- **Publicly Available Information Exclusion:** applies if the information is in the public domain, i.e., if it is publicly available technology and software that is generally accessible to the public through unlimited and unrestricted distribution. Special rules apply to encryption software even if "open source" or publicly available software is being developed.

Please contact the OSP if you are unsure if your research or activity meets the criteria for using an exclusion.

**EAR**

**What is EAR?**
EAR are the Export Administration Regulations (15 CFR 730-774). They are administered by the Bureau of Industry & Security (BIS) under the U.S. Department of Commerce. The EAR
What is an ECCN?
An export control classification number, or ECCN, comes from the Commodity Classification List. An ECCN is a five-character alpha-numeric classification used in the CCL to categorize and identify items for export control purposes.

What is a "dual use" item?
A dual use item is any item that can potentially have a military application as well as a commercial or civilian purpose (e.g., GPS units). The primary focus of the EAR is to control the export of "dual-use" technologies if such export could adversely affect the national interests of the United States.

ITAR
What is ITAR?
"ITAR" stands for International Traffic in Arms Regulations (22 CFR 120-130) that are administered by the U.S. Department of State through the Directorate of Defense Trade Controls (DDTC). ITAR places strict controls on the export of "defense articles" and "defense services." Any defense article, service, or related technical data found to be on the U.S. Munitions List (USML) requires an export license to be exported, i.e., given to a non-US person. Some license exceptions are available under specific circumstances.

What is a defense article or a defense service?
Defense articles include any item or technical data on the U.S. Munitions List (USML). Defense services include the furnishing of assistance or technical data to foreign persons, whether or not in the US, with respect to defense articles.

What is the U.S. Munitions List?
The USML is a list of 21 categories of items, defense articles, and related technology designated as defense or military related. The USML is found in 22 CFR 121.