November 5, 2014

Dear Members of the UNH Community,

This message serves to reiterate UNH’s official position regarding export control compliance and to advise you of additional efforts my office will be undertaking to improve export control and embargoes compliance both in research and non-research activities.

The U.S. Government controls exports of sensitive equipment, software, and technology to promote our national security and international policy agendas. UNH intends to comply fully and completely with all United States export control laws and regulations, including those implemented by the U.S. Department of Commerce through its Export Administration Regulations and the U.S. Department of State through its International Traffic in Arms Regulations, as well as those embargo regulations imposed by the U.S. Treasury Department through its Office of Foreign Assets Control.

In order to ensure compliance with export controls, it is critically important for university personnel to identify when their activities may trigger export controls. When export controls apply, individuals must take appropriate steps to obtain any required government licenses, monitor and control access to restricted information and safeguard all controlled materials.

WHAT KINDS OF ACTIVITIES MIGHT TRIGGER EXPORT CONTROL ISSUES?

1) Research in export restricted science and engineering areas

   • Military or Defense Articles and Services
   • High Performance Computing
   • Dual Use Technologies (technologies with both a military and commercial application)
   • Encryption Technology
   • Missiles & Missile Technology
   • Chemical/Biological Weapons
   • Nuclear Technology
   • Select Agents & Toxins
   • Space Technology & Satellites
   • Medical Lasers

2) Traveling overseas with high tech equipment, confidential, unpublished, or proprietary information or data:

   • Advanced GPS units, scientific equipment, or with controlled, proprietary or unpublished data in any format may require an export license depending on your travel destination.
3) Traveling with laptop computers, web-enabled cell phones and other personal equipment

- Laptop computers, web-enabled cell phones, and other electronics containing encryption hardware or software and/or proprietary software can require an export license to certain destinations. In general, an export license will be required to take any items to or through any U.S. sanctioned country (e.g., Iran, Syria, Cuba, Sudan, and North Korea).

4) Use of 3rd Party Export Controlled Technology or Information

- University activities involving the use of export controlled information, items, or technology received from outside the university are not protected under the Fundamental Research Exclusion (FRE) and all research involving the use of export restricted technology is subject to all export controls.

5) Sponsored research containing contractual restrictions on publication or dissemination

- The vast majority of research done at the university is shielded from export controls under the Fundamental Research Exclusion. However, this protection is lost whenever the university or the researcher agrees to allow any restrictions on the publication, dissemination, or access to the research by foreign nationals.

6) Shipping or Taking Items Overseas

- University activities that involve the transfer of project information, equipment, materials, or technology out of the U.S. by whatever means will be subject to export controls and may require export license(s) depending on the item, destination, recipient, and end-use.

7) International Collaborations & Presentations

- University activities that involve foreign national faculty, students, staff, visiting foreign scientists or collaborator(s), or other foreign entities (e.g., non-U.S. company, university or other organization) or research that will include travel to international conferences to present unpublished results may be subject to export controls especially if any of the foreign nationals are from embargoed or sanctioned countries.

8) International Field Work

- Research projects where any part of the research will take place outside the U.S. (e.g., field work outside the U.S.) may not qualify under the Fundamental Research Exclusion and may be subject to export controls.
9) International Consulting

- Providing professional consulting services overseas, especially to embargoed or sanctioned countries (e.g., Iran, Syria, Cuba, Sudan and North Korea) is, in most cases, strictly prohibited.

10) Visits and assignments by foreign nationals

- A Foreign National is an individual who is not a United States citizen, a permanent resident alien of the United States, a lawfully admitted temporary resident alien or refugee, or other protected individual as defined by 8 U.S.C. 1324b(a)(3). For purposes of Export Controls, individuals on a student visa or H1 visa (including foreign visiting faculty) are considered Foreign Nationals. UNH must screen all individuals considered foreign nationals prior to coming to campus.

Please refer to our existing policies on Classified Work and Openness, Access, and Participation in Research and Scholarly Activities. UNH will continue to refuse contract language that inhibits the free and open exchange of ideas and will aggressively affirm that work performed here is fundamental research.

In non-research areas, we have been considering the risk associated with different types of internationalization activities and are evaluating additional services that need to be in place. These include more thoughtful consideration of the international community (students and visiting scholars) that we invite onto campus, as well as the services we offer to researchers traveling abroad.

It is important that faculty, post-docs, students and other researchers understand their obligations under the regulations and follow them. The consequences of violating the regulations can be severe, and include loss of research funding, fines, and/or prison time.

If you have any questions or concerns about export control compliance, please contact Victor Sosa (Victor.Sosa@unh.edu) in Sponsored Research Administration or Melissa McGee (Melissa.McGee@unh.edu) in the Office of Research Integrity.

Sincerely,

[Signature]

Jan Nisbet
Senior Vice Provost for Research