

January 2019 Export and Security Monthly Message

Export controls can be a very complicated matter, but the Office of Global Operations & Security (GOS) is here to help guide you through the process and answer any questions to ensure compliance with the various government agencies who oversee proper exporting of both physical and intellectual property. The Bureau of Industry and Security (BIS), Office of Foreign Assets Control (OFAC), the Export Administration Regulations (EAR), and the International Traffic in Arms Regulations (ITAR) all have differing authorities – and with that, differing terminology and different guidelines.

Understanding export controls better, or simply recognizing when to contact the GOS, not only benefits the University of Kansas as we strive to comply with all mandated regulations; but additionally can prevent any fines or sanctions being levied upon you individually. The sanctions from the government range anywhere from fines, total loss of export privileges (essentially shutting down all foreign collaboration), all the way to time in prison. Good news! These risks can be properly mitigated through education, risk compliance, and good practices – such as obtaining correct licenses, creating good standard operating procedures (SOPs), security plans, or other good internal practices. GOS has been successful in assisting faculty and staff on very complex export and security issues ensuring research and other collaborative efforts are accomplished. Please engage us early and often.

When dealing with export controls, ask yourself:



WHO

- Who are you shipping to?
- Is this individual or entity (business, university, etc.) on any restricted party list(s) (RPL)?



WHERE

- Where are you shipping to?
- Is this country under any U.S. sanctions or control measures?



WHAT

- What is being shipped?
- Does the item have any Export Control Classification Number (ECCN) or dual-use restrictions?
- What is the value of the item(s)?



WHY

- What is the end-use of the item?
- Is the end-use permissible without a license?

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After asking yourself these questions – should you not be sure of the answer, or your answers potentially have any restrictions – contact our office, gos@ku.edu, to assist you through the next steps.

While physical shipments and export seem to make sense, the issue is complicated when you yourself may become an export. If you are an expert in your field and possess technical “knowhow” on items subject to export controls, collaboration, conferences, research, etc. may require additional measures to ensure export compliance.

For example, if you are an expert in your field speaking at a conference or doing foreign collaboration (even if you never leave U.S., or even the KU campus) – you might face restrictions depending on who you are talking to, where you will be talking, what you will be talking about, items you may be bringing, or a plethora of other reasons. Typically, these types of exchanges are referred to as being **deemed exports**. We will send out a future email regarding **deemed exports**, but in the mean-time if you are traveling to a conference to speak, or traveling internationally, make contacting our office part of your pre-travel checklist.

Occasionally, depending on the entity or country you are travelling/collaborating with, a restricted party screening (RPS) **MUST** be done in order to ensure good standing with the government. Our office can help teach you or your department how to conduct these searches, or you can utilize the new gos.ku.edu website and submit a request for our office to perform an RPS on your behalf.

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If this is all confusing, don't worry, as we mentioned export controls can become very complicated matters. However, the government does not view a lack of understanding, or even good intentions, as valid excuses for non-compliance.

So if you have questions about deemed exports, international shipment, foreign collaboration, creating good internal SOPs, security plans, or simply want to educate yourself more on export controls – contact goss@ku.edu and request training or send any questions/concerns you may have. The earlier you involve us, the better we can serve you by getting ahead of obstacles that could delay your research or activities.

Before you travel, ask yourself these questions:

1. Are you travelling internationally with KU items (commodities, software, technology or defense articles including KU computers)? If no, skip to 4.
2. Will the item(s) remain in country for more than 12 months or be out of your effective control (hotel safe, locked facility, etc.) at any time overseas?
3. Does the value of the item(s) exceed \$2500?
4. Will you travel internationally with proprietary data or any other items (commodities, software, technology or defense articles) data that may be subject to the International Traffic and Arms Regulation (ITAR) or the Export Administration Regulations (EAR)?
5. Are you traveling to a country, institution, or entity subject to current U.S. sanctions or restrictions?

If you answered yes, or you are unsure, please contact goss@ku.edu

GOS was able to recently host a comprehensive export compliance training at the Lawrence Campus, but if you were busy or are located at one of the other campuses – we have additional trainings coming up:

KU Medical Center: January 22-24 from 0830-1630
3901 Rainbow Blvd
Kansas City, KS
2001 Murphy – Office of the General Counsel

KUMC Research Institute: January 29-31 from 0830-1630
4330 Shawnee Mission Pkwy
Fairway, Kansas 66205
First floor – Conference Room 1050

University of Kansas Edwards Campus: February 5-7 from 0830-1630
12600 Quivira Rd,
Overland Park, KS 66213

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Room - TBD

Plenty of spaces are still available, just send an email with your preferred session and we will get you on the list. Additionally, someone from our office can come present individually if you have a group of individuals who would like to attend but are unable to make any of the aforementioned dates.