


Provost and Vice Chancellor
for Academic Affairs
One University Drive
P.O. Box 1510
Pembroke, NC. 28372-1510
(910) 521-6211

TO: Deans, Department Chairs, and Faculty

FROM:  Charles F. Harrington, Ph.D.
Provost and Vice Chancellor of Academic Affairs

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SUBJECT: Export Control Laws and Regulations

Export control laws are federal laws that restrict the export (transfer) of certain information and materials for reasons of national security or protection of trade. Regulations for export controls have been promulgated by the U.S. Department of Commerce, U.S. Department of State, and the U.S. Department of Treasury and have been in existence for two decades. However, since September 11, regulatory oversight has increased and (since information and technology are integral to the academic enterprise) extended to institutions of higher education and their employees. UNCP faculty and other researchers and administrators need to be aware of our obligations and responsibilities, especially in view of consequences for noncompliance (criminal sanctions including monetary fines or imprisonment of individuals).

In reality, academic institutions are exempt from most of the regulations or situations involving export controls through a 'fundamental research' exclusion which applies to basic and applied research in science and engineering so long as that research is carried out openly and without proprietary restrictions on publication or access to or dissemination of the research results. Additionally, a 'public domain' exclusion applies if the information is in the public domain -- e.g., published and generally accessible to the public. Finally, a 'teaching' exclusion permits the disclosure of educational information released through the instructional process.

To ensure our compliance, UNCP has developed a policy and procedures that are similar to those of other universities across the U.S. and the UNC system for managing export control issues.

The export control laws and regulations are complex and difficult to interpret and they apply to more than sponsored research activities. Also, the technologies that fall under these regulations and the restricted countries change with some frequency. These laws apply to all active grants, agreements, contracts, and subcontracts. In the coming months you will have the opportunity to learn, first hand, about UNCP's policy, the domain of export controls, what you must be aware of, and where you can find assistance.