



Cornell University Policy Office
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Interim Policy 4.22

Export and Import Control Compliance

Responsible Executive: Vice President for Research and Innovation

Responsible Office(s): Office of the Vice President for Research and Innovation

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1. Policy Statement and Requirements

1.1 Policy Statement

The University is committed to complying with U.S. export and import controls. No University faculty, staff, or student may engage in any activity, or commit the University to engage in any activity that violates U.S. export and import control laws and regulations. This Policy governs the activities of all Cornell faculty, staff, and students, including those at Weill Cornell Medical College (WCMC).

This Policy will:

- i. formally document the resources and campus guidance provided by Cornell's Export Control and Compliance Officer (ECCO),
- ii. formalize partnerships between the ECCO and those offices with shared responsibilities for export control support and compliance,
- iii. assist the research community in understanding their export and import control obligations,
- iv. educate Cornell community members, particularly faculty involved in research, of the circumstances in which their activities may implicate export and import control concerns and provide appropriate resources and guidance to address those concerns, and
- v. broadly facilitate timely compliance with applicable U.S. Export and Import Control Laws and Regulations.

Faculty, staff, and students must adhere to the regulatory requirements that are appropriate for their respective roles. It is not expected that Cornell community members will become experts in navigating export and import compliance, but it is necessary for them, and particularly individuals involved in research activities, to be informed sufficiently to know when to raise and elevate questions regarding export/import compliance. All faculty, staff, and students are responsible for reviewing the materials on the University's export controls website (see <https://researchservices.cornell.edu/export-controls>) and consulting the ECCO when questions arise.

1.2 Scope

The University is committed to complying with U.S. export and import controls. No University faculty, staff, or student may engage in any activity, or commit the University to engage in any activity that violates U.S. Export or Import Control Laws and Regulations. Specifically, personnel may not:

- Export commodities, software, or technology subject to the **Export Administration Regulations (EAR)**, except as authorized by the U.S. Department of Commerce;
- Export hardware, technical data, or services subject to the **International Traffic in Arms Regulations (ITAR)**, except as authorized by the U.S. Department of State;
- Engage in transactions subject to the Office Foreign Assets Control (OFAC) Regulations, except as authorized by the U.S. Department of the Treasury; or
- Violate any other U.S. Export or Import Control Law or Regulation.

This policy sets forth Cornell's commitment to compliance with U.S. Export and Import controls, identifies corresponding responsibilities of relevant University personnel, and establishes the policy and administrative foundation for the attainment of University compliance. These steps and information are required to ensure Cornell's compliance with U.S. Export and Import Controls.

The Export and Import Control Policy applies to every Cornell University employee and student, as well as all activities undertaken by or on behalf of the University. The following concepts and regulations are addressed by this Policy:

Export Controls: U.S. Government statutes and regulations that prohibit the unauthorized export of certain commodities, technologies, software, services, money, or information to non-U.S. destinations, persons, and entities (including universities).

Export Administration Regulations (EAR) under the U.S. Department of Commerce: The EAR regulates "dual-use" items which have both civil and military-related applications and applies to both physical shipments as well as to transfers of information or "technology." The EAR is broad in scope and encompasses common items such as cell phones, laptops, software, non-hazardous genetic materials, and related technical information. The EAR applies to transfers out of the U.S., as well as to some transfers made solely within the U.S. The EAR applies to everyone in the U.S. and to U.S. citizens located abroad. In addition, the EAR implements anti-boycott and restrictive trade practice regulations.

International Traffic in Arms Regulations (ITAR) under the U.S. Department of State: The ITAR controls the manufacture, sale, and distribution of defense and space-related articles and services, as defined on the U.S. Munitions List (USML), as well as the associated "technical data." Like the EAR, the ITAR applies to transfers out of the U.S., as well as to transfers made solely within the U.S. The ITAR applies to everyone in the U.S. and to U.S. citizens located abroad. Because of the significant military applications of ITAR controlled services, items, and technology, few exceptions and exclusions apply, and the required security measures are substantial.

Export: Any release of export-controlled items, information, Technology, Technical data, or services to anyone (including a U.S. citizen) outside the U.S. “Release” includes shipment as well as oral, written, electronic (fax, e-mail, Internet, etc.), or visual disclosure as well as the export of encryption source code or object code software. Deemed Export are also considered exports.

Deemed Export: The disclosure or transfer of export-controlled software, technology, or technical data to a non-U.S. person located in the U.S. (as distinct from an actual or physical export, in which items leave the U.S.).

Office of Foreign Assets Control Regulations (OFAC) under the U.S. Department of Treasury: The OFAC administers and enforces economic and trade sanctions based on U.S. foreign policy and national security goals. OFAC publishes lists of countries, individuals, and entities with which Cornell University individuals are prohibited from engaging with. OFAC sanctions restrict the exchange of anything of “value” including services and travel. OFAC sanctions make travel to certain destinations illegal without a specific license from the Treasury Department.

U.S. Customs and Boarder Protection (CBP) under the Department of Homeland Security: The CBP is the primary regulatory agency for imports into the U.S. and sets forth requirements for items purchased or sourced from foreign countries. The CBP sets forth extensive filing requirements for certain goods, regardless of value. In addition, import regulations dictate the payment of duties owed based on the type of item and the country of origin.

Other U.S. Government Agencies: Agencies such as the USDA, CDC, USFWS, FDA, etc., also regulate certain goods coming into the U.S. and may impose additional regulatory requirements. Import of the following items are likely regulated by more than one agency: biological strains and materials, chemicals, geological samples, human specimens, and hazardous materials.

Foreign Person (or Non-U.S. Person):

- An individual who is not a U.S. citizen or permanent resident of the U.S., and who has not been granted political asylum or other protected status;
- A corporation, business association, partnership, trust, society, or any other entity or group that is not incorporated or organized to do business in the U.S.; or
- An international organization or foreign government (including agencies or subdivisions).

1.3 Policy Requirements

1.3.1 Authority and Responsibilities:

1.3.1.1 Export Control and Compliance Officer (ECCO): Cornell’s ECCO provides guidance and support to the Cornell community to assist Cornell employees and students in the identification and management of export control questions and compliance, and is empowered with the following authority and responsibilities under this policy:

- Serve as a resource to the Cornell community on export and import control matters.
- Work with institutional partners, officials, and personnel ex. OGC, research compliance, OSP, OSRA. researchers, and deans, directors and chairs to identify

export and import control related questions and resolve related issues proactively and prospectively to minimize or eliminate possible violations.

- Create, update, implement, and maintain the Export Control Compliance Manual (ECCM) for Cornell's Ithaca-based locations, and assist with the ECCM for WCMC. The ECCMs set forth detailed procedures, roles, and responsibilities related to export and import control compliance.
- Publish the ECCM on Cornell's Export Control Website and update the website with other compliance documentation as needed. Assist with the WCMC website.
- Complete, update and maintain appropriate registrations.
- Submit export license applications and, unless otherwise delegated, serve as the primary point of contact with government officials, related to such applications.
- Maintain export licenses and related records.
- Implement international shipping procedures and methods.
- Develop, conduct, and track appropriate training of University personnel.
- Report incidents of non-compliance to the Office of General Counsel (OGC) and make appropriate disclosures.
- Recommend resolution of export control matters in consultation with OGC and the Chief Research Compliance Officers of both Cornell's Ithaca-based locations and WCMC (hereinafter collectively referred to as CRCO).
- Serve as Cornell's Empowered Official¹, and together with the Vice President for Research and Innovation, and the WCMC Senior Associate Dean for Research serve as Cornell's authorized signatory on export and import control documentation, including customs documents and license applications.
- Conduct regular and ad hoc risk assessments and implement corrective actions as needed or as required in consultation with OGC and the CRCO.
- Authorize shipping carriers and freight forwarders to make export and import control filings, if any, on Cornell's behalf.
- Halt exports or imports that violate (or are reasonably suspected of violating) U.S. Export or Import Control Regulations.

1.3.1.2 Units: Each Unit shall, upon request by the ECCO, designate a primary point of contact to serve as the ECCO's liaison on export and import control related matters. The liaison will be responsible for coordinating notifications, trainings, maintaining local records, and ensuring the export and import control related activities are addressed in a timely manner.

1.3.1.3. Chief Research Compliance Officer (CRCO): Provides educational opportunities for the University community; facilitates the research community in attaining compliance with export and import control requirements. The ECCO shall report to the CRCO. The CRCO (or delegate) shall be empowered with the ECCO authority, in instances where the ECCO is unavailable or unable to act.

1.3.1.4. Export Control Committee: The University may, from time to time establish one or more committees charged partially or in whole with addressing export and import control

¹ An empowered official is authorized by a business enterprise to sign and process license applications on behalf of the company. An empowered official understands the provisions of ITAR. This individual has the authority within the university to inquire into any aspect of a proposed export and to verify the legality and accuracy of the information submitted for a transaction. An empowered official also has the authority to refuse to sign any license application without retribution from his/her company since they are liable for ITAR violations.

topics and incidents. The ECCO shall be a required member of all such committees, and OGC designated counsel shall staff and advise such committees. The committee(s) will be responsible for making recommendations and providing guidance. Each Unit shall, upon the request of the ECCO, designate a representative to serve on the committee(s).

1.3.1.5. Environmental Health and Safety (EH&S): EH&S shall be responsible for technical assistance to the ECCO and working with the ECCO on import permits related to hazardous materials, genetic materials, radiation, and chemicals. EH&S shall work closely with the ECCO in identifying licensable international shipments and obtaining the required paperwork.

1.3.1.6. Human Resources: The Division of Human Resources shall be responsible for providing names of new hires to the ECCO for screening against sanctioned parties lists, as appropriate and in compliance with applicable U.S. laws and regulations. Note: WCMC has implemented a separate process for screening new hires, and therefore the foregoing shall not apply to WCMC.

1.3.1.7. Division of Financial Affairs (DFA) and Business Service Centers (BSCs): DFAs and BSCs shall screen all payees against sanctioned parties lists and elevate alerts to the ECCO prior to submitting for payment.

1.3.1.8. Office of the Vice Provost for International Affairs (OVPIA): OVPIA shall be responsible for maintaining and administering the Cornell International Travel Registry, non-sponsored international collaborative agreements, requests for travel to Cuba, and other international support services. OVPIA shall work with the ECCO to provide up-to-date guidance to travelers in accordance with U.S. Export Control Regulations. OVPIA shall refer matters and/or elevate export control related issues to the ECCO, including but not limited to, engagements with sanctioned countries or entities. OVPIA shall provide travelers with resources and advice in accordance with Policy 8.5 Risk Management for International Travel and other institutional policies and procedures.

1.3.1.9. Deans, Department Heads, and Chairs: Responsible for taking offered training in export and import control regulations and for having knowledge of the information on the University's export controls website, as well as knowledge of the export and import controls relating to the area(s) of research that are under their purview.

1.3.1.10. Departmental Administrators: Responsible for knowledge of policies and procedures related to export and import control regulations as may pertain to the administrator's area; consults ECCO and advises faculty as needed.

1.3.1.11. Office of the General Counsel (OGC): In conjunction with the CRCO and ECCO, provide advice to University researchers and administrators regarding the laws, regulations, and University policies related to export and import controls.

1.3.1.12. Center for Technology Licensing (CTL): Negotiates licenses to University intellectual property or material transfer agreements when a principal investigator desires to transfer materials off-campus; notifies and assists the ECCO in reviewing proposed transactions for export control issues.

1.3.1.13. Principal Investigator (PI): Works with OSP/OSRA and the ECCO to determine if the PI's research is in a field that might be subject to export controls; works with

sponsors to design a scope of work that remains within the fundamental research exemption (FRE). For research projects with potential export control issues, works with the ECCO, OGC, and sponsor to resolve all issues.

1.3.1.14. Office of Sponsored Programs/Office of Sponsored Research

Administration: Identifies potential export and import control terms in requests for proposals and related documents—including proposed restrictions on publication of research results and the proposed use of sponsor export-controlled technical information—communicates these to the ECCO and takes other steps to identify export control issues or questions, and keep the PI informed about the status of the process.

1.3.1.15. Office of Sponsored Programs/Office of Sponsored Research

Administration and Unfunded Research Agreements: Negotiate material transfer agreements (MTAs), data use agreements (DUAs) and confidentiality agreements when a PI desires to receive materials, data, or confidential information that others desire to transfer to campus; reviews proposed transactions for export and import control issues and communicates these to the ECCO.

1.3.1.16. Travel Services Generally: Support compliance with export controls by referring international travelers to applicable travel resources and the Cornell International Travel Registry (as applicable) for mandatory travel registration, and providing appropriate links in its information related to export control policies.

1.3.1.17. Vice President for Research & Innovation (VPRI)/ WCMC Senior Associate Dean for Research: Makes the final determinations in consultation with ECCO, CRCO, and OGC on acceptance of any exceptions to an award with export control restrictions.

1.3.2. Basic Principles

1.3.2.1. Fundamental Research: Cornell University conducts only research that qualifies as Fundamental Research. Research projects that do not permit the free and open publication of results are not accepted at Cornell. In particular, research which is confidential to the sponsoring entity or which is classified for security purposes is not permitted. It is the responsibility of all Cornell personnel to ensure that any contract signed adheres to this principle, and that no actions are taken that would circumvent or compromise this foundational research and scholarship tenet.

1.3.2.2. International Shipments: All international shipments must be assessed for export or import control concerns, related to both the item(s) being shipped, and the end user/end use of the item(s). It is the responsibility of all parties involved to ensure that the international shipment complies with regulatory and legal requirements. All shipments being sent from or on behalf of Cornell to an international location must be reviewed by the ECCO or cleared through a process established by the ECCO.

1.3.2.3. Controlled Information: The use, storage, or receipt of Technology or Technical Data controlled under U.S. Export Control Regulations is prohibited at Cornell University, unless expressly authorized by the ECCO.

1.3.2.4. International Travel: Travel to certain sanctioned countries is prohibited without a general or specific license (*at the time of policy publication: Iran, Syria, North Korea,*

Cuba, and the Crimea Region of the Ukraine. Travelers should refer to the Export Control Website for up-to-date information at the time of travel). All international travel made on behalf of Cornell must be registered in the Cornell Travel Registry. Registration is required pursuant to [University Policy 8.5](#), and timely registration ensures compliance with current sanctions. In addition, all travelers should be aware that items hand carried abroad are considered exports, including laptops and information contained on laptops. Travelers are strongly encouraged to use loaner devices and may be required by the ECCO to do so, in certain situations. All items and information hand carried abroad should be reviewed against the travel information on the Export Control Website to determine compliance, and any questions directed to the ECCO.

1.4 Collection and Retention of Information

Under U.S. Export Control Regulations, and U.S. Import Regulations, records must be retained for five years after the completion of the activity and made available to the regulating authority upon request. Records that must be retained include all memoranda, notes, correspondence (including email), financial records, shipping documentation, as well as any other information related to the export activities. Additionally, when a license exception (EAR) or license exemption (ITAR) is used, or if a record is requested from a regulatory authority, additional records documenting the applicability of the exception/exemption may be required and, in some cases, there may be additional reporting requirements.

Records associated with this policy shall be maintained by the individual or Unit engaging in the activity. Records shall be retained or disposed of in accordance with [University Policy 4.7, Retention of University Records](#).

1.5 Compliance

Cornell faculty, staff, and students are expected to inquire and elevate questions surrounding possible export and import control concerns to the ECCO prior to the transfer, release, access, or provision of assistance that may compromise export or import control compliance. Researchers must be sufficiently familiar with the scope of export and import control issues to raise questions *prior* to the incidence of export or import control violations.

Controlled ‘technology’ includes: (1) all items in the United States, including in a U.S. Foreign Trade Zones, or moving in transit through the United States from one foreign country to another; (2) all U.S. origin items wherever located; and (3) foreign-made commodities that incorporate *de minimis* controlled U.S.-origin commodities, or foreign-made commodities that are ‘bundled’ with controlled U.S.-origin software, foreign-made software, commingled with controlled U.S.-origin software, or foreign-made technology that is commingled with controlled U.S.-origin technology. Additionally, “technology” is released under the EAR or ITAR through visual or other inspection by a foreign person that reveal “technology” or source code subject to the EAR or ITAR to a foreign person; or oral or written exchanges with a foreign person of “technology” of source code in the United States or abroad.

This scope encompasses a significant breadth of ‘technology’, information, data or items across many disciplines.

To exempt technology, data, information, or technical assistance (collectively “information”) from the U.S. Export Control Regulations, the information must be fully published (*made available to the public without restrictions upon further dissemination*); arise from fundamental research (*results are published and shared broadly within the research community and for which the researchers have not accepted restrictions for proprietary or national security reasons*); or involve ‘technology’ included in patents under qualifying circumstances (15 CFR §734.10). Researchers must also be cognizant that *each piece* of ‘information’ contemplated for release or transfer must be evaluated to determine whether it is or is not subject to U.S. Export Control Regulations – blanket or general determinations are inherently erroneous.

The ECCO must be consulted to determine whether exemptions apply.

The University Compliance Office, University Audit, Export Control Office, and others may audit or investigate to assess compliance with this policy. Non-compliance with university policies is addressed in accordance with applicable policies and procedures and is subject to progressive disciplinary action up to and including termination.

1.6 Resources

Description	URL
Cornell’s Export Control Website	https://researchservices.cornell.edu/export-controls
Weill Export Control Resources	https://research.weill.cornell.edu/export-controls
Foreign Collaborations and Support Information	https://researchservices.cornell.edu/process/foreign-collaborations-and-support
Cornell’s Statement on Sensitive and Proprietary Research	https://research.cornell.edu/sites/default/files/Sensitive_and_Proprietary_Research.pdf
Cornell’s Statement on Openness in Research	https://research.cornell.edu/sites/default/files/Openness_in_Research.pdf
University Compliance	https://compliance.cornell.edu/
Cornell Travel Registry	https://travelregistry.cornell.edu/
Risk Management and International Travel Policy	https://www.dfa.cornell.edu/policy/policies/risk-management-international-travel
Office of the Vice Provost for International Affairs	https://global.cornell.edu/
High Risk Travel Loaner Program	https://it.cornell.edu/highrisktravel
Environmental Health and Safety Policy	https://www.dfa.cornell.edu/tools-library/policies/environment-health-and-safety
Environmental Health and Safety	https://ehs.cornell.edu/

Record Retention Policy	https://www.dfa.cornell.edu/policy/policies/retention-university-records
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2. To Whom This Policy Applies

2.1 For Cornell community based out of:

Ithaca-based locations (covers all locations except Weill Cornell Medicine)

Weill Cornell Medicine – New York City

2.2 Who should read this policy:

All members of the university community including faculty, staff, and students.

3. Definitions

Term	Definition
Controlled Information	Technology under the EAR or Technical Data under the ITAR
EAR	Export Administration Regulations – Department of Commerce Bureau of Industries and Security (BIS) regulations [15 CFR Parts 730-774] implementing the Export Administration Act of 1979, as amended, and the International Emergency Economic Powers Act, as amended.
Export	Any release of export-controlled items, information, Technology, Technical data, or services to anyone (including a U.S. citizen) outside the U.S.. “Release” includes shipment as well as oral, written, electronic (fax, e-mail, Internet, etc.), or visual disclosure as well as the export of encryption source code or object code software. Deemed Export are also considered exports.
Deemed Export	The release of any Technology, Technical Data, source code, or service subject to export controls to any foreign national in the United States or abroad. Deemed exports may occur through such means as a demonstration, email, computer access, oral exchanges, or visual inspection of equipment and facilities, as well as the electronic transmission of controlled information or technology. This exchange is “deemed” to be an export to the country of the foreign national.
Fundamental Research	Basic or applied research, the results of which ordinarily are published and shared broadly, and for which the researchers and/or the University have not accepted restrictions for proprietary or national security reasons.

	For ITAR purposes, Fundamental Research must be conducted at an accredited institute of higher learning in the U.S.
ITAR	International Traffic in Arms Regulations – Department of State Directorate of Defense Trade Controls regulations [22 CFR 120-130] implementing the Arms Export Control Act [22 USC 2778] and Executive Order 11958, as amended.
OGC	A representative from Cornell’s Office of General Counsel.
OFAC	Office of Foreign Assets Control– The office at the Department of the Treasury responsible for blocking assets of foreign countries subject to economic sanctions; controlling participation by U.S. persons, including foreign subsidiaries, in transactions with specific countries or nationals of such countries; and administering embargoes on certain countries or areas of countries. [31 CFR 500 -599]
Travel Registry	A system for recording international Cornell travel found at https://travelregistry.cornell.edu/
Technology	Information necessary for the “development,” “production,” “use,” operation, installation, maintenance, repair, overhaul, or refurbishing of a controlled item. Technology may be in any tangible or intangible form, such as written or oral communications, blueprints, drawings, photographs, plans, diagrams, models, formulae, tables, engineering designs and specifications, computer-aided design files, manuals or documentation, electronic media or information revealed through visual inspection.
Technical Data	Information regarded as required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance, or modification of defense articles. Technical Data includes information in the form of blueprints, drawings, photographs, plans, instructions, or documentation. It further includes classified information, information covered by an invention secrecy order and software directly related to defense articles.
U.S. Export Control Regulations	Comprised of the EAR, ITAR, and OFAC regulations. Control the release of certain items, technology, information, services, and software both in the U.S. and abroad. Also include sanctions and embargoes against specific entities, individuals and countries, as well as anti-boycott laws.
U.S. Import Control Regulations	Laws and regulations that dictate how and if certain items can enter the U.S. and impose duties as applicable. Regulator agencies include the CBP, USDA, CDC, USFWS, FDA, etc.
Unit	A college, department, program, research center, institute, business center, or other operating unit.

4. Policy Administration

Policy Clarification and Interpretation	Contact	Phone	Email/Web Address
Ithaca-based locations	Export Control Compliance Officer	(607) 255-5284	exportcontrols@cornell.edu ; https://researchservices.cornell.edu/export-controls
Weill Cornell Medicine – New York City	Export Control Compliance Officer	(607) 255-5284	exportcontrols@cornell.edu ; https://researchservices.cornell.edu/export-controls

5. Appendix

5.1 Additional Appendix If Needed

6. Revision History

Instructions: Provide high-level bullet points describing the substantial changes made to the policy. Can leave this section blank and the Policy Office will complete.

Date	Summary of Revisions
[Month Day, Year]	<ul style="list-style-type: none">• Added/clarified/updated/etc. [high-level description].• Added/clarified/updated/etc. [high-level description].• Added/clarified/updated/etc. [high-level description].