Purpose

Review research agreements to identify export control issues as early as possible in the process and avoid terms that restrict the publication of research results or the participation of foreign nationals in the research.

Applicability

These procedures apply to all agreements, whether processed by the Office of Sponsored Research (including Government & Business Contracts and the Industry Contracts Division), Office of Technology Management, Gifts Administration, or Departments (such as Global Health Sciences).

Procedures

I. Identify Export Control Issues and Escalate to the Export Control Officer (ECO)
   a. Review the agreement, including the Scope of Work, and email ExportControl@ucsf.edu if the agreement:
      ▪ Involves a foreign sponsor
      ▪ Involves a foreign institution, entity or individual (including foreign students/scholars visiting UCSF)
      ▪ Includes any restrictions based on citizenship of participants (e.g., no foreign national participation; participation limited to U.S. citizens only) and UCSF is unable to negotiate its removal with the sponsor or Prime Awardee
      ▪ Includes any publication restrictions by the sponsor, including prepublication review longer than 90 days, or approval and right to withhold permission for publication, and UCSF is unable to negotiate its removal with the sponsor or Prime Awardee
         ○ UCSF must retain the right to publish research results.
         ○ Before contacting the ECO, confirm with the faculty/researcher that the work involves fundamental research with the intent to publish in accordance with academic standards
      ▪ Contains potential publication restrictions such as DFARS 252.204.7000 (Disclosure of Information) or FAR 52.227-17 (Rights in Data – Special Works) clauses, references the Department of Homeland Security (DHS) or mandates an IT Security Plan
         ○ Before contacting the ECO, confirm with the sponsor/prime awardee that UCSF’s work involves fundamental research only
      ▪ Describes activity that will take place in any of the sanctioned countries, including but not limited to Cuba, Iran, North Korea, and Syria
         ○ China is not a sanctioned country but is a specific area of concern for intellectual property (IP) infringement, academic espionage, and potential for government/military end-use. Therefore, escalate agreements involving China to the ECO.
      ▪ Refers to financial transfers outside the U.S. to comprehensively sanctioned countries and destinations such as Cuba, Iran, North Korea, Syria, Sudan, and the Crimea Region of Ukraine
      ▪ If the agreement is with a high-risk sponsor, such as:
Export Control Procedures – Agreements Review

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- Military (US or foreign defense agency or defense contractor)
- Space Agency (NASA, Jet Propulsion Laboratory (JPL)); or
- Nuclear agency (National Energy Technology Laboratory (NETL), National Nuclear Security Administration (NNSA))
  - Involves the use of non-commercial encryption or information security software
  - Refers to international shipments, including Material Transfer Agreements (MTAs)
  - Refers to the transfer of Controlled Technical Information or technology to destinations outside the U.S., or involves classified material, controlled equipment; or “sensitive but unclassified” (SBU); or “controlled unclassified information” (CUI).
  - Refers to plans to route project payments or resources through third parties or third countries in order to avoid sanctions
  - Makes reference to project affiliates within foreign defense ministries or foreign defense contractors
  - Includes any references to U.S. export control regulations, such as markings indicating “Export Controlled” or “ITAR” (International Traffic in Arms Regulations) or “ECCN” (Export Control Classification Number), including the receipt of ITAR or ECCN items or information.
  - You may also see references to regulations such as the ITAR regulations at 15 CFR 120-130 or the Export Administration Regulations (EAR) at 22 CFR 730-744

2. Foreign Travel
   If the Agreement refers to international travel, follow procedures outlined in “UCSF Export Control Procedures – International Travel.”

II. Perform Restricted Party Screening (RPS) of international sponsors and collaborators

1. Personnel involved in project vetting and/or agreement vetting such as contracts and grants, Material Transfer Agreements (MTAs), and other agreements are responsible for conducting restricted party screening of foreign entities, including but not limited to collaborators, hosts, sponsors, entities entering into transactions with UCSF, or receiving material transfers.
2. This screening must be conducted PRIOR to commencement of an activity or transaction.
3. Refer to the documents “UCSF Export Control Procedures – International Stakeholders” and “UCSF Export Control Procedures – Restricted Party Screening” for step-by-step guides to screening personnel and escalation of the results to the Export Control Officer.
4. If you require additional assistance, contact the Export Control Officer at ExportControl@ucsf.edu

III. Training and Resources

1. Departments shall all be required to either designate individuals to be able to carry out the procedures in this SOP, such as an Export Control Liaison, or provide training to all personnel as applicable.
2. Comprehensive Export Control Liaison training is available for persons serving as Liaisons for their departments. Additional training is available on demand from the Export Control unit within the Office of Ethics and Compliance.