

# Northwestern | RESEARCH

EXPORT CONTROLS &  
INTERNATIONAL COMPLIANCE

## EXPORT CONTROLS MANUAL

## Table of Contents

- I. Commitment to Compliance
- II. Scope & Purpose
- III. U.S. Export Control Laws and Regulations
- IV. Northwestern's Approach to Export Controls
- V. Roles and Responsibilities
- VI. Compliance Processes
- VII. Licensing
- VIII. Training
- IX. Record Keeping
- X. Internal Audits & Reviews
- XI. Identifying & Reporting Violations
- XII. Consequences for Violations
- XIII. Definition of Key Terms

## I. COMMITMENT TO COMPLIANCE

Northwestern University is committed to complying with export control regulations.

Northwestern's export control policy confirms that commitment in stating that "Northwestern University ("Northwestern" or "University") must comply with all export control regulations issued by the federal government, which apply to all activities at Northwestern." Please see the Vice President for Research's Management Commitment letter on the [Export Controls & International Compliance's website](#).

## II. SCOPE & PURPOSE

International collaborations are critical to creating breakthrough advances, and Northwestern highly values global partnerships. However, federal export control and other international compliance laws regulate what or how we may share some items (e.g., technical data, technology, equipment, materials, and software) with non-U.S. persons. This export control manual is designed to:

- Provide an overview of the regulations.
- Outline roles and responsibilities.
- Document export control processes.
- Provide information on licensing, auditing, and record-keeping requirements.
- Share methods for reporting concerns and potential consequences for violations.

The purpose of Northwestern's Export Control Compliance Manual is to guide us to comply with the three primary sets of regulations:

1. U.S. Department of Commerce Export Administration Regulations (EAR)
2. U.S. Department of State International Trade in Arms Regulations (ITAR)
3. U.S. Department of Treasury Office of Foreign Assets Control (OFAC)

The export control policy (located on Northwestern's policy website and ECIC website) and the guidance outlined in this manual apply to all members of the Northwestern community, including employees, students, contractors, and visitors.

No member of the Northwestern community may engage in any activity or commit the University to any activity contrary to U.S. export control laws and regulations. If there are any inadvertent inconsistencies between the content of this manual and U.S. export control laws, the applicable law or regulation supersedes this manual.

### III. U.S. EXPORT CONTROL LAWS AND REGULATIONS

The U.S. Department of State's **International Traffic in Arms Regulations (ITAR)**, and the U.S. Department of Commerce's **Export Administration Regulations (EAR)**, govern not only the shipment or transfer of export-controlled items (e.g., technical data, software, materials, and equipment) outside the U.S. but also access to certain controlled items to non-U.S. persons within the U.S. In addition, the U.S. Treasury Department's **Office of Foreign Assets Control (OFAC)** regulations impose sanctions and embargoes on transactions or exchanges with designated countries, entities, and individuals.

#### International Traffic in Arms Regulations (ITAR)

The Department of State's responsibility for controlling the permanent and temporary export and temporary import of defense articles and services is governed primarily by **22 U.S.C. 2778** of the Arms Export Control Act. The **United States Munitions List (USML)** is a list of articles, services, and related technology designated as defense and space-related by the United States federal government.

#### Export Administration Regulations (EAR)

The **Department of Commerce's Bureau of Industry and Security (BIS)** is charged with developing, implementing, and interpreting U.S. export control policy for dual-use commodities, software, and technology. The **Commerce Control List (CCL)** identifies those items regulated by BIS. The list includes commercial and dual use items not subject to ITAR or other federal regulations. Dual use items are those with both commercial and military/security applications.

#### Fundamental Research Exclusion (FRE)

Most Northwestern research activities are excluded from export controls because of a general exception for fundamental research under the ITAR and EAR. Both sets of regulations provide that no licenses are required to disclose technical information if the information is in the public domain. Information is in the public domain if published and generally accessible to the public or "fundamental research in science and engineering at accredited institutions of higher learning in the U.S. where the resulting information is ordinarily published and shared broadly in the scientific community."

The FRE applies to basic and applied research in science if the research is open and without publication restrictions (**EAR 734.8**; **ITAR 120.34 (8)**). Northwestern protects the FRE by not accepting any restrictions on publication or foreign national participation. Under the ITAR, "fundamental research" may occur at "any accredited institution of higher education located in







the United States.” In contrast, under the EAR, such research may occur at facilities other than accredited institutions of higher learning in the United States. In the absence of the FRE, Northwestern would be required to obtain licenses or restrict the involvement of certain Foreign Nationals from research. Thus, protecting the FRE is critical to Northwestern’s ability to conduct research in an open environment consistent with the principle of academic freedom.

Although the FRE provides a safe harbor for institutions, **the FRE can be destroyed if the University: (a) accepts restrictions on publication other than a temporary delay to ensure the appropriate safeguarding of proprietary information and patent rights; or (b) accepts restrictions on the participation of Foreign Nationals.** Additionally, arrangements between a researcher and sponsors contrary to the principles of openness may destroy the FRE.

### Office of Foreign Assets Control (OFAC)

Many university activities—even virtual ones—with [sanctioned countries](#) or individuals in those countries may require U.S. federal authorization (e.g., licenses or exemptions). The **Office of Foreign Assets Control** (OFAC) of the U.S. Department of the Treasury administers economic and trade sanctions based on U.S. foreign policy and national security goals. OFAC issues both civil and criminal penalties for non-compliance.

The **Export Controls & International Compliance Office** provides consultation to members of the University community interested in participating in activities in a sanctioned country or with individuals or entities who are in [sanctioned countries](#), including but not limited to:

	working from a sanctioned country
	collaborating (even virtually with individuals in a sanctioned country)
	allowing students to take <a href="#">remote coursework</a> , including independent studies from a sanctioned country
	sending or receiving <a href="#">shipments</a>
	making financial transactions
	exchanging items (e.g., equipment, technology, software, materials, etc.)

## IV. NORTHWESTERN’S APPROACH TO EXPORT CONTROLS

One of the underlying principles in conducting research at Northwestern is academic freedom. Relative to export control regulations, this means that research activities should be undertaken freely and openly with no restrictions on the dissemination of research results or access to research results by Foreign Nationals. By adhering to this principle, Northwestern is generally able to operate under the FRE, which largely limits the impact of the export control regulations on Northwestern's research activities.

The FRE allows Northwestern to conduct its research without having to obtain licenses before sharing information with Foreign Nationals. This exclusion, however, does not apply in all circumstances. In the absence of this exclusion or any other available exception, exemption or exclusion outlined in this guidance and/or in the export control regulations, Northwestern must obtain the appropriate license or approval, if necessary, before engaging in any exporting.

**Openness in Research:** Northwestern is committed to freedom of access by all interested persons to the underlying data, processes, and results of research through the publication and broad dissemination of those results. Consistent with this approach, Northwestern does not undertake secret or classified research or research whose results may not be published without prior approval by the sponsor. Additionally, unless prohibited by law, no restriction on participation in research may be based on one's country of origin or citizenship.

**Policy on Discrimination and Harassment:** The University's [Policy on Discrimination and Harassment](#) holds that Northwestern does not discriminate or permit discrimination by any member of its community against any individual on the basis of any classification protected by law in matters of the educational programs or activities it operates. Consistent with this policy, Northwestern does not accept any restrictions upon the involvement of Foreign Nationals in its research projects, unless required by law.

**Activities Beyond the Scope of the FRE:** While the FRE provides Northwestern with a safe harbor in which to conduct its research, it does not cover all activities at the University. For instance, the shipment of physical items beyond the borders of the United States is not covered by the FRE. Any item that comes into Northwestern's possession which is protected under a proprietary disclosure of information or non-disclosure agreement, including material transfer agreements, is not covered by the FRE. Also, any activity involving a restricted party or an embargoed country must be reviewed to ensure that it is appropriate under the law. To ensure that any activities falling outside the scope of the FRE are given proper attention, Northwestern faculty and staff should engage the Export Controls & International Compliance (ECIC) to review any issues that may be subject to the export control regulations.



## **Additional Exclusions from the Export Control Regulations**

**Public Information Exception:** The EAR (15 C.F.R. 734.7) and ITAR (22 C.F.R. 120.34) specifically exclude “publicly available technology and software” (EAR) and “information in the public domain” (ITAR) from those export control regulations. These regulatory provisions provide a further safe harbor for activities at Northwestern, related to information that has been published or resides in the public domain.

**Educational Information Exclusion:** The EAR (15 C.F.R. 734.3) and ITAR (22 C.F.R. 120.33) regulations each contain an educational information exclusion, which states that the export control regulations do not apply to: (a) “information and software that are released by instruction in a catalog course or associated teaching laboratory of an academic institution” (EAR) nor to “information concerning general scientific, mathematical, or engineering principles commonly taught in schools, colleges, and universities” (ITAR). These regulatory provisions mitigate concerns about export control violations occurring in the classroom setting. These exclusions provide a safe harbor for Northwestern in instructing its students, both through classroom activities and through research.

**Deemed Exports:** In the University setting, an export can occur on campus when within the United States, under the Deemed Export rule. This rule holds that the release of controlled technology or technical data to Foreign Nationals in the United States is “deemed” to be an export to that Foreign National’s country or countries of nationality. Deemed Exports may be undertaken only within an appropriate exemption, exclusion (including the FRE), or license issued by the federal government.

## **V. ROLES and RESPONSIBILITIES**

**Vice President for Research (VPR):** The VPR for the Office for Research has the overall responsibility for the export controls and international compliance program. The ECIC senior director reports to the senior associate vice president who reports to the VPR. The senior director is empowered with delegated signature authority for export control matters.

**Senior Associate Vice President for Research:** The Senior Associate Vice President (SAVPR) for Research directly oversees various compliance programs, including the export control compliance program. The SAVPR works closely with the ECIC Senior Director to ensure Northwestern complies with all applicable export control laws and institutional policy.

**Senior Director ECIC:** The senior director oversees the activities of the Northwestern Export Control and International Compliance (ECIC) program. The senior director of ECIC has direct day-to-day responsibility for administering all aspects of Northwestern's export control compliance program. The senior director has the delegated authority to apply for export control licenses on behalf of the University and to represent the University to regulatory authorities in all matters pertaining to export control compliance.

**Export Control & International Compliance:** Northwestern's Export Controls & International Compliance (ECIC) exists within the Office for Research and is responsible for implementing policies and procedures in compliance with the regulations governing export controls.

ECIC is responsible for:

- educating the Northwestern community regarding its obligations under the law;
- identifying elevated risk (**conducting a risk assessment**) areas that are impacted by export control regulations;
- monitoring and interpreting developments in the export control regulations field;
- interacting with regulating agencies to maintain an open dialogue regarding the applicability of the export control regulations in the university setting;
- engaging with other University offices, as appropriate, to ensure that often complex regulations are properly reviewed and that perspectives are shared;
- conducting Restricted Party Screenings and assisting the campus community in interpreting the results;
- creating and implementing Technology Control Plans (TCPs), with the assistance of researchers and administrative staff, to ensure compliance with export control regulations;
- applying for export control licenses, when necessary;
- ensuring that appropriate records are kept, and that periodic audits are conducted to monitor export-controlled activities at Northwestern; and
- creating and maintaining an export controls and international compliance website.

ECIC is the primary point of contact for the review of all issues related to export controls at the University, including those raised in agreements with external parties. While ECIC should be engaged whenever there is any question regarding the applicability of export control regulations, various other offices within Northwestern may be affected by or otherwise involved in export controls compliance.

**Deans:** Northwestern's Deans will serve as key leaders in helping Northwestern comply with export controls and international compliance requirements.



**Office of General Counsel (OGC):** In coordination with, and in support of the ECIC, OGC will provide guidance to Northwestern researchers and administrators on the laws, regulations, and university policies related to export controls and international compliance.

**Department Administrators:** Department Administrators will serve as key liaison partners and tripwire for export control and international compliance matters. Research Administrators assist PIs in reviewing agreements to identify export control flags such as publication or foreign person restrictions. Administrators participate in export control in-person training.

**Principal Investigators (PIs):** Although Northwestern does not generally accept export-controlled work, occasionally it does accept projects with some restrictive reporting requirements (e.g., foreign person notification to the federal government). PIs are responsible for:

1. Assisting ECIC in the identification of activities that may intersect with export control regulations;
2. Maintaining a current export control training certification if involved in controlled work;
3. Confirming with ECIC that all project personnel have completed necessary training and are cleared to access export-controlled items;
4. Notifying ECIC of potential violations.

ECIC requires University employees on a Technology Control Plan (TCP) to complete export control training prior to working on a project and/or accessing export-controlled items or data. Sponsored agreements that result in TCPs will not be processed by Sponsored Research, and ECIC will not sign off on TCPs until training is confirmed as current.

**Sponsored Research (SR):** SR will identify agreements for sponsored research projects that need export control review including but not limited to agreements with: (1) publication restrictions; (2) foreign person restrictions or requirements; (3) IT (information technology) security controls; (4) references to sensitive information such as controlled unclassified information (CUI); (5) export-controlled end-user agreements; (6) international collaborations with sanctioned countries. In addition, SR will conduct Restricted Party Screenings for sponsored research project activity.

**Procurement & Payment Services (PPS):** PPS will conduct Restricted Party Screenings on all vendors and notify export control of any potential matches to ensure Northwestern does not conduct business with a denied entity. PPS will notify ECIC of purchases (e.g., equipment, software, materials, substances, etc.) involving end-user export control requirements.

**Research Safety:** Research Safety coordinates international shipments of hazardous chemicals with ECIC. Research Safety trains biological shippers to contact the ECIC as a required step while shipping any biological material internationally.

## VI. COMPLIANCE PROCESSES

Northwestern generally does not accept any export-controlled information without having first been informed and having granted written authorization. The acceptance of export-controlled information necessitates obtaining licenses (when applicable) and implementing other practices and procedures to ensure that such information is appropriately protected. In addition to determining whether such information can be shared with a Foreign National, Northwestern would be required to safeguard the information to prevent any inadvertent disclosures. By requiring notice and written agreement, Northwestern is engaging in due diligence to maintain compliance with the export control regulations.

**Agreement Reviews and Red Flags:** The schools/department, in collaboration with Sponsored Research (SR) and other relevant departments, will review sponsored research agreements for potential export control issues (red flags). SR and other departments will consult the ECIC before acceptance of agreements with any of the following red flags:

- Publication, access, and dissemination restrictions in the agreement;
- Foreign party restrictions stated in the agreement;
- International travel to countries subject to U.S. embargoes and sanctions;
- Sponsor is providing export-controlled technology, technical data, or equipment;
- Non-U.S. students or visiting scholars participating in a restricted project;
- Project is military, space-related, or has other implications to national security;
- Project will be conducted abroad or with a foreign sponsor or collaborator;
- Sponsor /research/collaborator is in a comprehensively sanctioned country;
- Any international shipment of goods, services, information, or technology abroad.

**Technology Control Plan (TCP):** A TCP is an internal written document that provides for the policies and procedures to be used to protect potentially controlled, sensitive, or proprietary information at Northwestern. When it is necessary to accept export-controlled information, ECIC will implement a TCP to ensure compliance with the export control regulations.

The TCP will demonstrate a commitment to export controls compliance, will identify applicable export-controlled items or technologies subject to the export controls, and will outline the security measures to be taken to ensure compliance. These measures may include laboratory compartmentalization, written marking of export-controlled items, secure areas, use of encryption; password-protected information, and confidential communications, or other appropriate measures. The TCP will also identify by nationality each participant in the research

who will potentially have access to the export-controlled item or information and will provide appropriate screening of all such participants.

Under these unique circumstances, ECIC's Senior Director will be engaged and will work with the requesting party to implement a TCP that must be signed by the responsible Principal Investigator, the appropriate Dean for Research, and the Department Chair. Any individual having access to items or information under a TCP must be informed of the TCP requirements and must acknowledge acceptance of and compliance with those terms in writing.

### **I-129 Certification Process**

The federal government, through the Department of Homeland Security, requires that certain petitions filed by employers on behalf of Foreign Nationals must be accompanied by a certification indicating that: (a) an export license is not required from either the U.S. Department of Commerce and/or the U.S. Department of State to release any technology or technical data to the Foreign National; or (b) a license is required from the U.S. Department of Commerce and/or the U.S. Department of State to release such technology or technical data to the Foreign National and the petitioner will prevent access to the controlled technology or technical data by the Foreign National unless and until the employer has received the required license or other authorization to release the technology or technical data.

Typically, Northwestern can certify Foreign Nationals will not receive access to any controlled items (technology, data, software, materials, substances, etc.) because of one of the following three reasons:

1. An appropriate exclusion removed such technology or technical information from the export control regulations (such as the FRE).
2. Northwestern has appropriately vetted all such technology - determining it is not export-controlled.
3. Northwestern has ensured, through contract or otherwise, that no such controlled technology or data is present at Northwestern.

To the extent that any controlled technology or data may come to exist at Northwestern, the appropriate party must engage ECIC for an export control consultation.

### **Restricted Party Screenings**

It is essential to screen research collaborators to ensure they are not a denied or barred party to follow export control laws and other federal regulations. The U.S. federal government maintains

lists of restricted parties (i.e., denied or barred parties). Northwestern subscribes to a third-party tool (Visual Compliance) to conduct restricted party screenings like many other universities.

Northwestern should not conduct business with any person or entity that is identified as a match against these lists until ECIC is informed. Once ECIC is informed, the appropriate due diligence will be undertaken to ensure that Northwestern will remain in compliance with the regulations. Additionally, there are restrictions upon activities involving certain countries subject to embargoes enforced by the U.S. Department of the Treasury.

The Office of Research conducts Restricted Party Screenings on international visitors. The results are shared with the Departments who are responsible for reviewing and approving the appointments.

When appropriate, employees, students, and other members of the community as well as entities with whom Northwestern conducts business (e.g., vendors, sponsors, and subcontractors) may be screened against various Restricted Party Screening lists to ensure that conducting business with such individuals and/or entities is appropriate and within the law.

## International Shipments & Material Transfer Agreements

International shipments are subject to numerous export and import regulations. Many items require prior federal government authorization (e.g., export control license) and specific documentation. A research project may also need a Material Transfer Agreement (MTA) to share and protect the materials with collaborators or other researchers outside Northwestern. An MTA is a written contract used to govern the transfer of research material between organizations. University personnel who engage in international shipping are responsible for complying with U.S. export control laws and regulations.

- **Material Transfer Agreements:** Sponsored Research manages the MTA process for Northwestern and maintains a [guidance website and a resource at mta@northwestern.edu](#).
- **International Shipping Resources:** [Procurement & Payment Services](#) provides general guidance about shipping. [Export Controls & International Compliance](#) provides guidance regarding international shipping (exporting) and importing questions.
- **Hazardous Materials:** [Research Safety](#) provides assistance and training to help University faculty, staff, and students comply with regulations pertaining to shipment of biologicals, chemicals, and radiological materials.

## Procurement

There may be export control considerations when purchasing and using certain items (i.e., equipment, materials, etc.). Non-U.S. persons are allowed, under federal law, to use or operate most EAR-controlled items. However, there may be restrictions related to the technology, manufacturing, and production or the "know-how" of the item. ITAR equipment is restricted to U.S. persons and needs a license or exemption for a foreign person to use it. Procurement flags indicating authorization may be required to include end-use or export control statements or agreements from the seller or manufacturer.

- Purchase order with strong export control language.
- ITAR-controlled markings.
- Vendor notes shipping or foreign person restrictions.

## VII. LICENSING

As circumstances warrant, Northwestern's ECIC will work with the appropriate federal agency to secure licenses for export controls compliance. Most commonly, a license might be required for the physical shipment of items overseas. The requesting party should notify ECIC of the need to ship potentially controlled items overseas and work with ECIC to properly identify those items and determine whether a license is required.

Federal licenses may also be required for an employee or student to collaborate with a sanctioned country (even virtually from the United States). It is also expected that parties working with comprehensively sanctioned countries will contact ECIC for assistance with obtaining federal authorization.

## VIII. TRAINING

ECIC offers both in-person and online export control training. Requests for in-person training are made to [exportcontrols@northwestern.edu](mailto:exportcontrols@northwestern.edu); online training is available on the [ECIC website](#).

## IX. RECORD KEEPING

Northwestern is required to maintain records related to exports for five years (unless otherwise specified by the ECIC) after the license or other approval has expired. ECIC maintains records related to all exceptions and exemptions, applications, and licenses for five years after the licenses or other approvals have expired. **Note:** 762.6 of the EAR requires records are to be kept for five years from the latest date of export, reexport, or transshipment.

## X. AUDITS

As a critical component to Northwestern's ongoing compliance monitoring, self-evaluation is an internal assessment process to review procedures. The importance of self-reporting potential issues is emphasized during training sessions and during the TCP onboarding. ECIC annually conducts a TCP review and may periodically evaluate and recommend or require training to maintain compliance with TCP procedures. The purpose of the reviews is to identify violations and deficiencies in training, procedures, personnel, handling of data, etc. The goal of the audit is to identify and correct any issues and self-report any violations should that be necessary.

## XI. IDENTIFYING & REPORTING VIOLATIONS

To ensure compliance, and to provide the Northwestern community with the opportunity to report any suspected incidents, ECIC suggests that any concerns be communicated by either e-mail [exports@northwestern.edu](mailto:exports@northwestern.edu) or telephone 847-467-0090. Anonymous reports can also be made to EthicsPoint (866-294-3545 or via the [Ethics Point website](#)).

It is the responsibility of the ECIC to determine if a University activity has resulted in an export control violation and implement corrective actions. If unauthorized access to certain export-controlled data, information, materials, software, or equipment has been given to non-U.S. persons; or services, equipment, data, or other items have been provided to a "denied entity" then ECIC must investigate and as required, report to appropriate the government.

1. If the ECIC receives notification that a suspected violation has occurred, or the ECIC discovers a suspected violation during a TCP audit, the activity must cease immediately. ECIC will notify the Senior Associate Vice President for Research, the Vice President for Research and as appropriate the Office of General Counsel (OGC) and Risk & Compliance if a suspected violation has occurred.
2. The ECIC will investigate the purported violation per the requirements of the applicable government agency.
3. Individuals involved with the alleged violation will be interviewed and documentation regarding the suspected export violation collected per the requirements of the applicable government agency.
4. If the ECIC determines a suspected export violation occurred, the suspected violation will be reported to the appropriate government agency by either the ECIC or the OGC. The ECIC will work with the impacted units to take corrective action and update any policies and procedures to prevent future issues.
5. The activity can be reinstated only after being deemed as not an export violation by the University investigation, or the appropriate government agency has determined the activity to not be an export control violation, or a government authorization (license) has been obtained for the activity.



## **XII. Consequences of Violations of Export Control Regulations**

Failure to comply with the various export control regulations can result in both individual criminal and civil penalties. Under the EAR regulations, criminal penalties can involve imprisonment and significant monetary penalties up to \$1 million per violation, while civil penalties are also substantial. Additionally, the loss of exporting privileges – including the FRE – may result. In addition, in recognition of the seriousness of non-compliance with export controls, Northwestern will address non-compliance in accordance with university policy.

In assessing penalties, DDTC, BIS, and OFAC will consider a number of factors, both aggravating and mitigating. Mitigating factors include (1) whether the disclosure was made voluntarily; (2) whether this was a first offense; (3) whether the company had compliance procedures; (4) whether steps were taken to improve compliance after discovery of violations; and (5) whether the incident was due to inadvertence, mistake of fact, or good faith misapplication of the laws. Aggravating factors include: (1) willful or intentional violations; (2) failure to take remedial action after discovery; (3) lack of a compliance program; and (4) deliberate efforts to hide or conceal a violation.

### XIII. DEFINITION OF KEY TERMS

**CCL (Commerce Control List):** a list of “dual use” items under the specific jurisdiction of the Department of Commerce, subject to regulation under the EAR and is used to help determine if an export license is needed for U.S. exports.

**Commodity:** Any article, material, or supply except technology and software.

**Deemed Export:** the release of technology or source code controlled under the EAR to a Foreign National within the United States.

**Dual Use Items:** are controlled under the EAR and used in military and civilian applications.

**EAR (Export Administration Regulations):** policies and regulations issued by the U.S. Department of Commerce’s Bureau of Industry and Security, which govern “dual use” items.

**Export:** the transfer of export-controlled data, items, equipment, materials, and software or providing a defense service to a non-U.S. Person or entity. An export can occur in a number of ways, such as; a physical shipment, hand-carrying an item out of the U.S., email transmission of data, presentations, discussions, or visually accessing export-controlled data.

**Foreign National:** an individual who is not a United States citizen, permanent resident alien of the United States (*i.e.*, “green card holders”), lawfully admitted temporary resident alien or refugee, or other protected individual as defined by 8 U.S.C. 1324b(a)(3).

**Fundamental Research (under the EAR):** research in science, engineering, or mathematics, the results are ordinarily published and shared broadly within the research community, and the researchers have not accepted restrictions for proprietary or national security reasons.

**Fundamental Research (under the ITAR):** research in science and engineering at accredited institutions of higher learning in the U.S., where the resulting information is ordinarily published and shared broadly in the scientific community, as distinguished from results restricted for proprietary reasons or specific U.S. government access and dissemination controls. Research will not be considered fundamental research if: (i) the university or its researchers accept other restrictions on publication of scientific and technical information resulting from the project or activity, or (ii) the research is funded by the U.S. government and specific access and dissemination controls protecting information resulting from the research are applicable.

**Fundamental Research Exclusion (FRE):** policy established under National Security Decision Directive 189, issued in 1985, which states that the products of Fundamental Research are excluded from the export control regulations.

**ITAR (International Traffic in Arms Regulations):** regulations issued by the U.S. Department of State's Directorate of Defense Trade Controls, which control the export and import of defense articles and defense services.

**Item:** Item means "commodities, software, and technology." When the EAR intends to refer specifically to commodities, software, or technology, the text will use the specific reference.

**OFAC (Office of Foreign Assets Control):** a division of the U.S. Department of Treasury, which administers and enforces economic and trade sanctions based on U.S. foreign policy and national security goals against targeted countries and regimes, terrorists, international narcotics traffickers, those engaged in activities related to the proliferation of weapons of mass destruction, and other threats to the national security, foreign policy or economy of the U.S.

**Restricted Party Lists:** a series of lists published by the U.S. Departments of Commerce, Treasury, and State as well as the General Services Administration, which identify the names of companies and individuals to whom there exists restrictions upon the ability to export controlled items. These lists include the Denied Persons List, the Unverified List, the Entity List, the Specially Designated Nationals List, the Debarred List, and the Excluded Parties List.

**Software:** A collection of one or more "programs" or "microprograms" fixed in any tangible medium of expression.

**Technology:** Technology means: Information necessary for the "development," "production," "use," operation, installation, maintenance, repair, overhaul, or refurbishing (or other terms specified in ECCNs on the CCL that control "technology") of an item.

**Technology Control Plan (TCP):** an internal document outlining the procedures to be used to protect potentially controlled, sensitive, or proprietary information at Northwestern.

**USML (United States Munitions List):** a list of articles, technical data, and defense services designated as defense- and space-related by the U.S. government subject to the ITAR.

## Related Information

[Department of Commerce Bureau of Industry and Security website](#)

[Export Administration Regulations \(EAR\), 15 C.F.R. 730-774](#)

[State Department Directorate of Defense Trade Controls website](#)

[International Traffic in Arms Regulations \(ITAR\), 22 C.F.R. 120-130](#)

[Office of Foreign Assets Control \(OFAC\) website](#)

[U.S. departments and agencies with export control responsibilities](#)

[Deemed Export Certification](#) – I-129 certification required by law as of October 2022

EthicsPoint website - <https://secure.ethicspoint.com>.

[Northwestern Policy on Discrimination and Harassment](#)

## Contacts

[Northwestern Office for Export Controls Compliance \(ECIC\) website](#)

Amy Weber, Senior Director Export Controls & International Compliance.  
[amy.weber@northwestern.edu](mailto:amy.weber@northwestern.edu)