



This newsletter is the 4th issue in a series intended to assist the campus community in understanding and complying with Export Control regulations, which apply to all members of the University community.

International Activities and Collaboration Complying with Export Control Regulations

In this issue, we will be focusing on international collaborations and export regulations – what to review, possible red flags, when to request help and best practices for complying with export regulations.

While the subject of this newsletter is on export controls, we draw your attention to the recent guidance provided by the Office of the Vice-President for Research titled “[Important Information for Investigators with International Collaborations](#)”, which focused on current guidance from federal funding agencies regarding foreign influences in research and best practices for complying with this guidance.

Why should you review your international activities and collaborations?

[Fines and penalties](#) are costly! Non-compliance with export control regulations can result in fines to the individual and/or the university. In some instances, non-compliance can result in jail time.

What should you review?

International collaborations are complex! They usually involve different activities (e.g., travel, shipments, visitors, intellectual property), which require consideration for export control compliance.



1. Restricted Party Screening (RPS) for collaborators

Conduct a RPS for the collaborator and the collaborator's institution (or company). The federal agencies maintain lists of "[restricted parties](#)" (aka denied or prohibited parties) that are either prohibited or restricted in some manner from receiving non-public information and/or items.

The procedure for conducting a RPS takes only a few minutes using [Visual Compliance](#) software. Directions on how to register for Visual Compliance software and how to screen can be found [here](#).

Best practice – screen before establishing a collaboration.

If a potential collaborator or their institution appears on a restricted party list – **STOP** – further review by SBU Export Compliance Officer is required. In these cases, there may be restrictions on all or some of the activities.

If a request to collaborate raises any concerns or suspicions – **STOP** – contact the SBU Export Compliance Officer before proceeding.

The federal agencies expect that faculty/staff and the institution know with whom they are doing business. Faculty may receive requests to collaborate from persons that are unknown to them. If you receive one of these requests, you should request any additional information needed to conduct a due diligence review before offering any non-public information or advice.

2. U.S. Embargo and Sanctions

International collaborations with persons/institutions (or any other type of entity) in an [embargoed or sanctioned country](#) may require a general or specific license from the Office of Foreign Asset Controls. Each embargo and sanction program is different – some programs are targeted at specific individuals and/or regimes (e.g., Venezuela and Belarus), while others are more comprehensive (e.g., Iran, Cuba and North Korea).

Best practice - If you want to establish a collaboration with a colleague in an embargoed or sanctioned country contact the SBU Export Compliance Officer before proceeding with the collaboration.

General License: Authorizes a particular type of transaction for a class of persons without the need to apply for a license.

Specific License: Authorizes a particular transaction in response to a written license application.

3. Restrictions on Research

It is important to understand the difference between fundamental research and proprietary research when working with international collaborators.

Fundamental research is basic and applied research in science and engineering where the resulting information is ordinarily published and shared broadly within the scientific community.

Proprietary research is research where the resulting information is restricted for proprietary reasons or specific U.S. Government access and dissemination controls.

Remember: Research is not considered fundamental research if:

- The University or its researchers accept other restrictions on publication of scientific and technical information resulting from the project or activity, or
- The research is funded by the U.S. Government and specific access and dissemination controls protecting information resulting from the research are applicable.

Why is the distinction between fundamental research and proprietary research important?

- Information resulting from fundamental research is not subject to the export regulations
- Information resulting from proprietary research is subject to the export regulations. If you want to conduct proprietary research with an international collaborator – **STOP** – contact the SBU Export Compliance Officer before proceeding.

SUNY policies prohibit the acceptance (written or verbal) of publication or foreign national restrictions. Requests for exceptions to these policies must be submitted to the SBU Export Compliance Officer.

Does the location where fundamental research is conducted matter?

Yes! Location does matter!

The International Traffic in Arms Regulations (ITAR) only recognizes fundamental research if the research is being conducted at accredited institutions of higher learning in the U.S.

Therefore - information resulting from research being conducted by an entity other than an accredited institution of higher learning in the U.S. is subject to the ITAR.

Best practice - if the research is in the area of military technology, has a primary defense or national security application, is to solve a particular military issue, or has a foreign government collaborator –STOP – contact the SBU Export Compliance Officer before proceeding.

The Export Administration Regulations (EAR) do not have the same location limitation for fundamental research. **CAUTION** - if at any time during the collaboration the parties decide that research results will not be publicly available, the information resulting from the research becomes subject to the export regulations and an export license may be required!

Are the physical items (e.g. materials, software, prototypes) created under fundamental research subject to the export regulations?

Yes! The fundamental research exclusion only applies to information resulting from fundamental research.

It is important to understand how the export regulations apply to the area of research. An authorization (license or documented license exception) from the federal government may be required to send physical items created during fundamental research to foreign locations.

4. Foreign Corrupt Practices Act and Anti-Boycott Laws

A collaboration may include some type of oral or written agreement. Regardless of the type of agreement, U.S. law prohibits certain activities in regards to international relationships.

Foreign Corrupt Practices Act. (FCPA)

Anti-bribery provisions of the FCPA make it unlawful to bribe a foreign official for the purposes of obtaining or retaining business.

Anti-Boycott Laws

U.S. federal regulations prohibit the University or its personnel from taking actions in support of unsanctioned foreign boycotts, including the Arab League's boycott of Israel. They also prevent the University from conducting business under terms that would restrict a person's ability to do business with other countries under a boycott not recognized by the U.S.

Best practice – agreements should be reviewed and signed by the appropriate University office. Individual faculty and staff are not permitted to complete or sign any agreement with an international collaborator.

5. Travel

A collaboration may include traveling to the collaborating institution or research site. See Newsletter Issue #1 about [International Travel Considerations, Traveling with Items and Accepting Foreign National and/or Publication Restrictions in Sponsored Research](#)

6. Shipments

A collaboration may include shipments between the parties (i.e., research materials, equipment, or software code). See Newsletter Issue #2 about [International Shipping](#)

7. International Visitors

A collaboration may include the exchange of researchers, post-docs or students. See Newsletter Issue #3 about [International Visitors](#)

About Export Compliance at Stony Brook University

Stony Brook University's [Export Control Policy P212](#) requires compliance with federal export control laws. These regulations can impact activities such as shipping, hosting visitors, international travel, purchasing items, hiring foreign nationals, international collaborations, proprietary research, international conference participation, sharing controlled information with foreign nationals (even while in the U.S.) and/or international research and apply to you regardless of your citizenship status.



For more information about export control laws, best practices or training resources please visit [SBU's export compliance website](#) or contact Susan Gasparo, SBU Export Compliance Officer, at 2-1954 or via email at Susan.Gasparo@stonybrook.edu.

Additional Resources

[Stony Brook University Export Compliance Website](#), which includes links to:
[Training Resources](#)
[Government Resources](#)