

This newsletter is the 3rd 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 Visitors – Complying with Export Control Regulations

In this issue, we will be focusing on international guests/visitors. People from around the world come to SBU for a variety of reasons (e.g., to study, conduct research, provide services, attend conferences, workshops, athletic or arts events, open-houses, hospital or campus volunteers, graduation, or visit a family member). [P601: Guest/Visitor Policy](#) expresses SBU's commitment to host international visitors/guests while ensuring compliance with U.S. export control regulations.

#### Export compliance review considerations

To be compliant with U.S. export control regulations, inviting/hosting faculty or staff should know: why an international guest/visitor wants to come to SBU, the activities that they will participate in and what information/items they will have access to (“export compliance review”).

### Who should conduct an export compliance review for international visitors/guests?

#### Best Practice

The faculty or staff member hosting the visit should conduct the preliminary export compliance review of any international guests prior to sending invitations or otherwise hosting international guests/visitors.

### What international guests/visitors do NOT require prior export compliance review?

International guest/visitor at the University **solely** for: (1) Sporting event (2) Cultural event at the Staller Center and Wang Center (3) Campus tour or open house event through the Admissions Office (4) Family member of a full time University student visit where access is limited to public areas (5) Medical treatment where access is limited to public areas.



### International guests/visitors entering SBU through SBU's Visa and Immigration Services (VIS)

When international visitors/guests enter the University through VIS in the Office of Global Affairs the request is shared with the SBU Export Compliance Officer. At that point a review will be completed by the SBU Export Compliance Officer. However, in most cases the inviting/hosting faculty or staff has already sent an invitation to the international visitor/guest. A preliminary export compliance review can flag any issues beforehand and prevent delays or denials.

### **Other international guests/visitors**

There are some international guests/visitors that do not enter the University through SBU's Visa and Immigration Services. These international guests/visitors want to come to SBU to participate in activities such as: research, education, laboratory tours, meetings, consulting/collaborator activities, volunteering or lectures. In these situations the inviting/hosting faculty or staff **must** conduct a review or submit an email request to the SBU Export Compliance Officer at [ovpr\\_exports\\_admin@stonybrook.edu](mailto:ovpr_exports_admin@stonybrook.edu) **prior** to the guest/visitor's arrival and/or extending an invitation.

### **Why conduct an export compliance review for international guests/visitors?**

Fines and penalties for violations are costly!

An international guest/visitor may be:

- Allowable without any special conditions
- Allowable with a deemed export license
- Allowable with a Technology Control (or Management) Plan (TCP) or (TMP)
- Not allowable

**Deemed Export:** the release or transfer of export controlled technology, technical data or source code to a foreign person in the U.S.

**Technology Control (or Management) Plan:** a document that describes the security plan in situations where there is export controlled technology, technical data, software or other

For SBU, the vast majority of international guests/visitors will fall into the first bullet category above. Nevertheless, this does **NOT** eliminate the need to properly review international guests/visitors prior to inviting them to SBU. The steps are simple and in most cases do not require a lot of time!

### **What information is needed to conduct a review for international guests/visitors?**

- Why or what is the purpose of their visit; **and**
- Who is the person; **and**
- Who is their employer/home institution; **and**
- What information/items do they have access to

## How to conduct an international guest/visitor review?

### Step One: Why? What is the purpose of the visit?

It is important to know why an international guest/visitor wants to come to SBU.

The “why” or the purpose of the visit should make sense and it also determines what type of review needs to take place.



#### Example 1: Lecture Series

Lecture series are open (generally) to anyone wanting to attend. Lecture series most often contain information that is the result of fundamental research or scholarly works that are not subject to the export regulations. In this example, the international guest/visitor would not have access to a laboratory, proprietary information or export controlled information/items.

*Action – perform a Restricted Party Screening – see Step Two below*

#### Example 2: Laboratory Tour

Laboratories are not generally open to anyone. Sometimes laboratory tours are offered to groups such as: international delegations, the press, potential commercial partners, vendors and/or employees. In this example, the international guest/visitor will access a laboratory and **may** have access to proprietary information or export controlled information/items.

*Ask – Does the background of the tour guests match the research/business area of the laboratory?*

*Action – perform a Restricted Party Screening – see Step Two below.*

*Action – Review the laboratory for any potential proprietary or export controlled information/items – see Step Three below.*

### Step Two: Who - the international guest/visitor and their employer/home institution

The federal agencies maintain lists of "restricted parties".

**Restricted Parties** (aka denied or prohibited parties) are persons or entities (i.e. companies, universities, nonprofits, non U.S. government agencies) that are either prohibited or restricted in some manner from receiving non-public information and/or items.



Screening international guests/visitors and their employer/home institution against these

restricted parties lists using Visual Compliance software (see link below) takes only a few minutes.

### How to screen for a restricted party?

If an international guest/visitor and/or their employer/home institution appears on a restricted party list - **STOP** - a further review by SBU Export Compliance Officer is required. In these cases, there may be restrictions on all or some of the activities that they can participate in on campus.

The **federal agencies expect** that inviting/hosting faculty/staff and the institution know with whom they are doing business. Faculty may receive requests to visit SBU from persons that are unknown to them. If you receive one of these requests – you should request a CV and any additional information to conduct a due diligence review before offering an invitation. The inviting/hosting faculty should determine that any guests/visitors have the appropriate background for the anticipated SBU activities.

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

### **Remember to:**

Screen before inviting

Request and review a CV

### **Step Three: What - access to export controlled technology and equipment**

Most international guests/visitors come to SBU to participate in fundamental research or educational activities that are not subject to the export regulations – **HOWEVER** - they may still have access to export controlled technology, technical data or source code.



### Consider the following examples that may require a deemed export license.

#### **Technology, technical data or source code received from an external party:**

- Sponsor/collaborator (confidential information)
- Vendor (i.e., specs, manuals, blueprints)
- Other third parties (i.e., non-disclosure, software, material transfer)

**Proprietary research.** Research results that are not intended for publication or require sponsor approval prior to publication are NOT fundamental research and are subject to the regulations

**Access to export controlled items.** In some cases, a person will receive export controlled technology or technical data (deemed export) through access to an export controlled item.

### *Actions*

If you have, or are given, export controlled items, technology, technical data or source code you should consult with the SBU Export Compliance Officer to determine if a Technology Control Plan (TCP) is needed.

If you have any proprietary or export controlled technology, technical data or source code in your laboratory or office **and** an international guest/visitor will have access - **STOP** - a further review by SBU Export Compliance Officer is required. In these cases, there may be restrictions on what they can access or a deemed export license may be required.

### **Best Practices**

- Ask the party providing you with technology, technical data or source code if it is export controlled.
- Do not accept restrictions on foreign person participation or publications.
- If you have export controlled items in your laboratory make sure that you know which regulations control the items (and their associated technology or technical data) and their classification.

### **Summary**

Remember, inviting/hosting faculty or staff should know: why an international guest/visitor wants to come to SBU, the activities that they will participate in and what information/items they will have access to so that any export compliance issues can be identified.

### **Guidance**

[SBU International Visitors Guidance](#)

[Restricted Party Screening Categories and Campus Person Responsibility](#)

### **Other SBU Offices and Policies**

#### SBU Offices

- [Visa and Immigration Services \(VIS\)](#)

#### SBU Policies

- P601: Guest/Visitors Policy

- P609R: Environmental, Health & Safety and all applicable Department policies, procedures and required trainings
- P616: Minors Working with Hazardous Materials in Research Laboratories
- P205: Tours of the Division of Laboratory Animal Resources (DLAR)
- 211: Responsible Conduct of Research and Scholarship (RCRS)

### 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](mailto:Susan.Gasparo@stonybrook.edu).

### Additional Resources

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