



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

University of North Carolina at Chapel Hill

Export Compliance Manual

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I. Introduction

Export control laws are a complex set of federal regulations designed to protect the United States' (U.S.) national security interests without unnecessarily restraining trade or stifling the legitimate international exchange of ideas and technologies. Export control laws govern which tangible items, information, and technologies can be transmitted freely across borders and which require U.S. government permission in the form of a license. Less intuitively, export control laws also regulate what items, information, and technologies foreign nationals are permitted to access when they are physically present in the U.S. In addition, export control laws prohibit exports to “restricted parties”—individuals and entities tied to terrorism, drug trafficking, previous export control violations, or other disqualifying factors.

American individuals and organizations are required to comply with all applicable export control laws, and can be subject to harsh administrative, civil, or even criminal penalties if they violate those laws. The U.S. government does not always mitigate the severity of the penalties it assesses for noncompliance due to ignorance or misinterpretation of the export control laws. While much of the activity at a research university like the University of North Carolina at Chapel Hill (UNC-Chapel Hill) is not regulated by export control laws or falls under an allowable exemption or exclusion, many common activities may be subject to export controls. Risk areas include, but are not limited to, research involving military or “dual-use” technologies, UNC-Chapel Hill faculty and staff traveling abroad, hiring foreign nationals as UNC-Chapel Hill employees, hosting foreign visitors, and international shipping.

The purpose of this Export Compliance Manual is to give the reader a sense of the breadth and scope of the export control laws and to highlight risk areas specific to UNC-Chapel Hill. The reader is not expected to become an overnight expert in the area of export compliance. In fact, UNC-Chapel Hill has a dedicated Export Compliance Office, reachable at exportcontrol@unc.edu, that is always available to help identify export control concerns and respond to export control questions. Rather, this Export Compliance Manual is intended to raise awareness of potential export control issues that may affect members of the UNC-Chapel Hill community and provide resources that can be used to help address those issues.



May 26, 2022

Export Compliance at UNC Chapel Hill

The University of North Carolina at Chapel Hill and its senior leadership are committed to compliance with all United States export control laws and regulations including the Export Administration Regulations (EAR) (15 § CFR 730-744) administered by the Department of Commerce, the International Traffic in Arms Regulations (ITAR) (22 CFR § 120-130) administered by the Department of State, and the Office of Foreign Assets Control Sanctions Programs administered by the Department of Treasury.

UNC's Export Control Program is part of the Division of Institutional Integrity and Risk Management (IIRM). IIRM recognizes that the scope of export compliance is far reaching and will require close relationships across UNC to be effective. Therefore, IIRM is partnering with key programs at UNC to state its commitment to export control compliance and its willingness to implement this program with input and support from a diverse coalition. The signatures on this letter reflect the makeup of that coalition and provide a commitment to the UNC community to the values and ideals espoused in this letter.

UNC is committed to "serve as a center for research, scholarship, and creativity and to teach a diverse community of undergraduate, graduate, and professional students to become the next generation of leaders." UNC's Export Control Program works diligently to ensure that compliance obligations are satisfied with the minimum number of restrictions on sharing data and collaborating with external partners. Only in limited circumstances does UNC accept restrictions on scientific publications for national security reasons.

It is incumbent upon all of us to ensure that taxpayer funds are utilized responsibly and ethically. Export control laws and regulations were primarily developed to curb the proliferation of weapons across the world. It is not always obvious how new technologies and inventions may be used. However, export control officers are constantly reading the applicable regulations, working with government and industry partners, and reviewing new research awards to help identify and control new information or technology that might have the potential to be used nefariously.

I ask each of you to take these matters very seriously and to support me in this effort. Compliance with these policies, laws, and regulations are a group effort with responsibility resting on every member of the UNC community.

If you have any questions concerning the legitimacy of a transaction or potential violations, please contact the Export Control Officer at exportcontrol@unc.edu.

George E. Battle III, J.D.
Vice Chancellor for Institutional Integrity & Risk Management



Quinton Johnson, J.D.
Chief Compliance / Export Control Officer

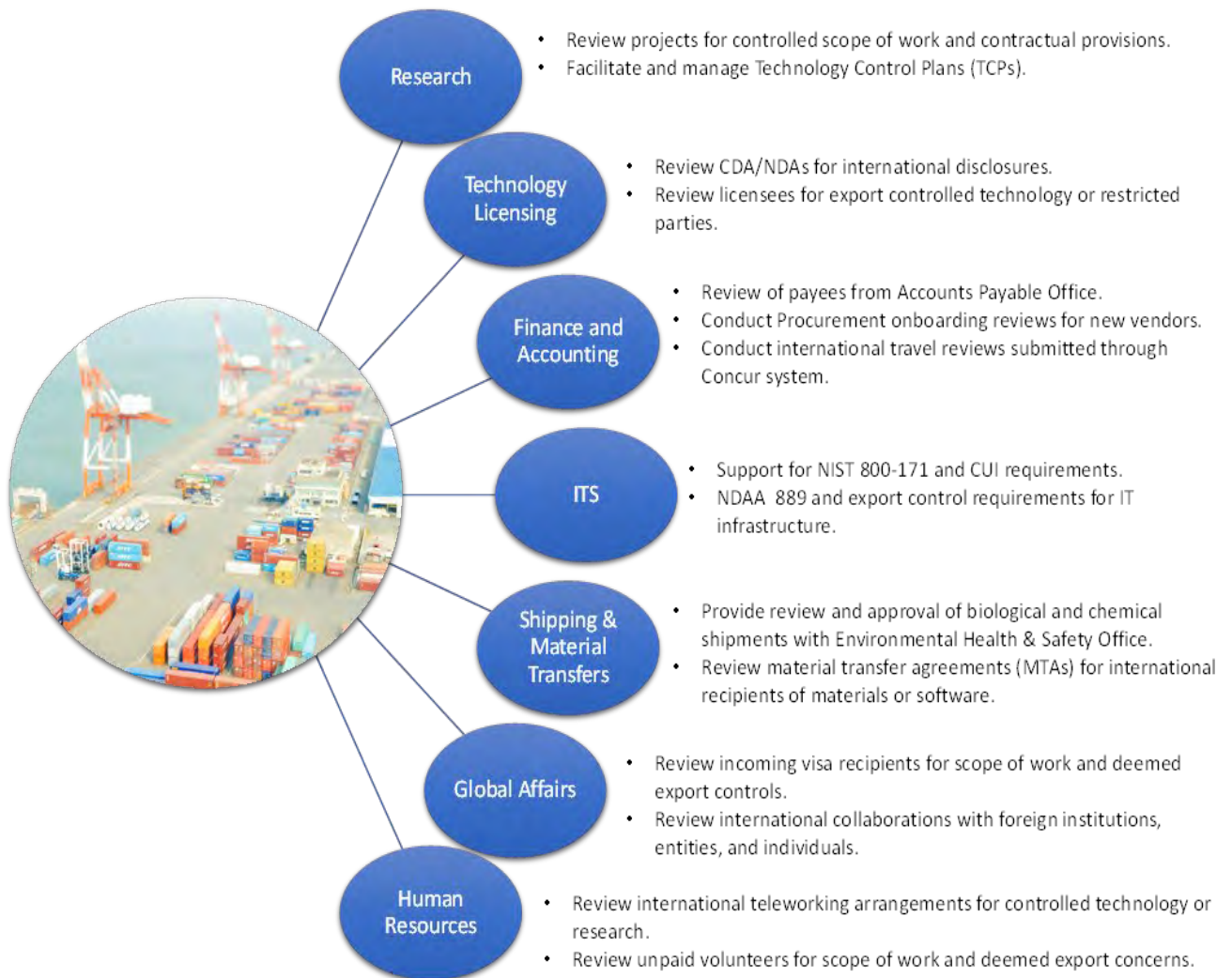


Penny Gordon-Larsen, Ph.D.
Interim Vice Chancellor for Research



J. Michael Barker, Ph.D.
Vice Chancellor for I.T. and Chief Information Officer

B. UNC Chapel Hill Export Compliance Program At A Glance.



II. Export Control Regulations Overview

A. Department of State Regulations

The U.S. Department of State, Directorate of Defense Trade Controls (DDTC), administers and implements the International Traffic in Arms Regulations (ITAR). Under the ITAR, DDTC regulates the export of “defense articles” and “defense services,” military-focused items, technologies, and services further discussed below. The ITAR contains the U.S. Munitions List (USML), a listing of the defense articles controlled under the ITAR.

Regulatory Authority and Scope

The Arms Export Control Act, [22 U.S.C. § 2778](#), grants authority to the President of the United States to designate and control the import and export of defense articles and services. [Executive Order 11958](#) delegates this responsibility to the Secretary of State. DDTC administers this authority through implementation of the ITAR, codified at [22 C.F.R. parts 120-130](#).

The ITAR contains the USML, which lists defense articles and related technical data that are controlled for export purposes. In addition, the USML lists constituent parts and components of defense articles that are controlled under the ITAR as standalone items. For example, military aircraft are listed on the USML, as are their engines, electronic controls, and inertial navigation systems, even though such components may have other applications. If a commodity contains a part or component that is controlled under the ITAR, such as a controlled inertial navigation system, then that commodity is also controlled under the ITAR, regardless of whether or not that commodity has an inherently military purpose. Thus, an autopilot system used in basic robotics research may be controlled under the ITAR.

Many items designed for military use are also used for research completely unrelated to that military use. For example, night vision goggles can be used in a variety of non-military experiments designed to measure variables in low light conditions. Night vision goggles are controlled under the ITAR even when they are not being used for a military application. It is important to understand that the ITAR designation is unrelated to the nature of UNC-Chapel Hill’s use of a controlled item.

Important ITAR Definitions

In order to understand the requirements of the ITAR, it is important to understand terminology specific to the regulation such as “defense article,” “technical data,” and “defense service.” Additionally, it is important to understand how the ITAR defines “fundamental research” and “public domain” information.

Defense Article is defined in [22 C.F.R. § 120.6](#). It means any item or technical data that is specifically designed, developed, configured, adapted, or modified for a controlled use listed on the USML. In addition to the items on the USML, models or other items that reveal technical data related to USML items are also considered to be defense articles. Defense articles do not include basic marketing information on function or purpose or general system descriptions.

Technical Data is defined in [22 C.F.R. § 120.10](#). Technical data includes information required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of defense articles. This information includes blueprints, drawings, photographs, plans,

instructions and documentation. ITAR technical data also includes classified information relating to defense articles and defense services, information covered by an invention secrecy order, and software directly related to defense articles.

Defense Service is defined in [22 C.F.R. § 120.9](#). The definition includes furnishing of assistance, including training, to a foreign person, whether in the United States or abroad, in the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing, or use of defense articles. It also includes providing any foreign person any technical data as defined above.

Public Domain is defined in [22 C.F.R. § 120.11](#). Public domain information is information which is published and which is generally accessible or available to the public. The ITAR describes means by which public domain information might be available, which in addition to libraries, subscriptions, newsstands, and bookstores, include published patents and public release at conferences, meetings, and trade shows in the United States where those venues are generally accessible to the public. Information that meets ITAR’s definition of public domain information is exempt from ITAR’s licensing requirements.

Fundamental Research is defined in [22 C.F.R. § 120.11](#). It is defined as basic and applied research in science and engineering where the resulting information is ordinarily published and shared broadly within the scientific community, as distinguished from research the results of which are restricted for proprietary reasons or specific U.S. Government access and dissemination controls. University 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 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.

The ITAR considers fundamental research in science and engineering at accredited institutions of higher learning in the United States to be in the public domain, and therefore, no export license is needed to export the resulting information abroad or share it with foreign nationals in the United States. However, this exemption does not apply to physical items used to perform, or resulting from, fundamental research. Such items are still subject to ITAR’s licensing requirements if they fall into one of the USML categories.

The USML Categories

The USML defines 21 classes of defense articles. The USML is found at [22 C.F.R. § 121.1](#). In the interest of brevity, only the main headings of the USML categories are listed here. For detailed descriptions of what is included in each category, [the ITAR may be accessed online](#). Note that category XXI is reserved for use by DDTC for controlling new technologies under the ITAR.

Category	
I	Firearms and Related Articles
II	Guns and Armament
III	Ammunition and Ordnance
IV	Launch Vehicles, Guided Missiles, Ballistic Missiles, Rockets, Torpedoes, Bombs, and Mines
V	Explosives and Energetic Materials, Propellants, Incendiary Agents, and Their Constituents
VI	Surface Vessels of War and Special Naval Equipment
VII	Ground Vehicles

VIII	Aircraft and Related Articles
IX	Military Training Equipment and Training
X	Personal Protective Equipment
XI	Military Electronics
XII	Fire Control, Laser, Imaging, and Guidance Equipment
XIII	Materials and Miscellaneous Articles
XIV	Toxicological Agents, Including Chemical Agents, Biological Agents, and Associated Equipment
XV	Spacecraft and Related Articles
XVI	Nuclear Weapons Related Articles
XVII	Classified Articles, Technical Data, and Defense Services Not Otherwise Enumerated
XVIII	Directed Energy Weapons
XIX	Gas Turbine Engines and Associated Equipment
XX	Submersible Vessels and Related Articles
XXI	Articles, Technical Data, and Defense Services Not Otherwise Enumerated

Exporting under the ITAR

An export as defined under the ITAR includes sending or taking a defense article out of the United States, disclosing (including oral or visual disclosure) technical data to a foreign person whether in the U.S. or abroad, or performing a defense service on behalf of a foreign person whether in the U.S. or abroad. (See [22 C.F.R. § 120.17](#) for the ITAR’s complete definition of export.) This definition is extremely broad. It includes taking controlled technical data out of the United States on a laptop computer, regardless of whether or not that information is viewed or accessed while abroad. It also includes allowing a foreign person to view or use a defense article while physically present in the United States. Most exports of defense articles and defense services must be licensed by DDTC. Unauthorized exports of defense articles or defense services can be subject to severe civil, administrative, or criminal penalties.

Generally, a U.S. person that manufactures, brokers, or exports defense articles or services must be registered with DDTC. Registration is required prior to applying for a license or taking advantage of some license exemptions. Registered entities may apply for licenses, or permission, to export defense articles and defense services. DDTC reviews license requests on an individual basis and consults with other agencies, such as the Department of Defense, in consideration of the request. Exports of ITAR-controlled items are prohibited to some countries and individuals. DDTC’s country-specific policies may be found on the [DDTC webpage](#).

Commodity Jurisdiction

The DDTC has the authority to determine if an item or technology falls within the scope of the ITAR or if the item/technology is under the jurisdiction of the Department of Commerce for the purposes of export controls. While it is possible for UNC-Chapel Hill export compliance staff to self-classify an item, DDTC should be consulted if there is significant doubt as to whether an article or service is subject to the ITAR. At UNC-Chapel Hill, the [Export Compliance Office](#) will assist with the submission of commodity jurisdiction requests as well with the determination of any export licensing requirements.

B. Department of Commerce Regulations

The Export Administration Regulations (EAR) are administered by the U.S. Department of Commerce, Bureau of Industry and Security (BIS), which regulates the export of “dual use” items. Dual use items have primarily commercial purposes but may have potential military or space applications. Examples of dual use items include certain chemicals, microorganisms, laboratory equipment, computers, and software.

In general, any physical item made in the United States will be subject to the EAR unless the item qualifies for an exception (as discussed [below](#)), or is regulated under another jurisdiction, such as the ITAR. In addition to physical items, the EAR also controls technical data, such as blueprints, plans, models, tables, designs, and manuals. While almost every item located within the U.S. is controlled under the EAR, most do not require an export license.

Items and technical data that are subject to the EAR are listed on the Commerce Control List (CCL). Controlled items are categorized by an Export Control Classification Number (ECCN) based on 10 categories and 5 product groups. While ITAR items are controlled to all foreign countries and foreign nationals, EAR items are controlled to specific countries and vary depending on the reasons for control. The CCL is found in [Supplement 1 to part 774](#) of the EAR.

Regulatory Authority and Scope

The EAR controls the export of “dual-use” items, which are items that have civilian uses but that may also have military or other strategic applications. Common, real-life examples from UNC-Chapel Hill include certain chemicals, microorganisms, vectors, and toxins; laboratory equipment such as centrifuges, analyzers, and mass spectrometers; and fabrication equipment, such as milling machines and etching equipment for electronics. These items are classified on the CCL. The EAR also controls the export of purely commercial commodities not listed on the CCL. Purely commercial items are classified as “EAR99,” meaning that they are subject to the EAR but are not individually listed on the CCL and are thus subject to minimal export restrictions.

Many items and activities are not subject to the EAR. Activities subject to the exclusive authority of another agency (*e.g.*, the export of a defense article that is controlled under the ITAR) are not subject to the EAR. In addition, the EAR lists several exclusions from its jurisdiction. These include published information, information resulting from fundamental research, educational information, and the export or reexport of items with less than de minimis U.S. content (where applicable). It is important to understand the definitions and limitations of each of these exclusions in order to correctly evaluate their applicability to specific activities.

Important EAR Definitions and Concepts

Export is defined in [15 C.F.R. § 734.13](#) as an actual shipment or transmission of items subject to the EAR out of the United States as well as the release of technology or software subject to the EAR in a foreign country or to a foreign national either in the United States or abroad.

Deemed Export is defined in [15 C.F.R. §§ 734.13\(a\)\(2\) and 734.13\(b\)](#). A deemed export is any release of technology or source code subject to the EAR to a foreign national, regardless of location. The release is deemed to be an export to the home country or countries of the foreign national. For the purposes of the EAR, legal U.S. permanent residents, naturalized citizens, and individuals protected

under the Immigration and Naturalization Act ([8 U.S.C. § 1324b\(a\)\(3\)](#)) are not considered to be foreign nationals.

Reexport is defined in [15 C.F.R. § 734.14](#) as an actual shipment or transmission of items subject to the EAR from one foreign country to another foreign country. It also includes a deemed reexport, or the release of technology or software subject to the EAR to a foreign national outside the United States or their home country.

De Minimis U.S. Content is the amount of U.S. content, as determined by percentage of value of the U.S. content in the end item, required to make a foreign-produced item subject to the EAR. For some items, there is no de minimis content threshold, meaning that any U.S. content will subject the foreign-produced item to the EAR's requirements. For other items, the de minimis U.S. content threshold for foreign-produced items may be 10% or 25% of the total value. See [15 C.F.R. § 734.4](#) for a complete discussion of the de minimis U.S. content rules.

Published is defined in [15 C.F.R. § 734.7](#). Information is published when it is accessible to the interested public in any form. Publications may take the form of periodicals, books, print, electronic, public web sites, or any other media available for general distribution. General distribution may be defined as available to an interested community, such as a technical journal available to scientists in a relevant field, so long as the price charged for the publication does not exceed the cost of reproduction and distribution. Articles submitted to journals for consideration for publication are considered to be published, regardless of whether or not they are accepted. Published information also includes information readily available in libraries (including university libraries), as well as patents and published patent applications. Finally, release of information at a conference open to the participation of all technically qualified persons is considered to be publication of that information. Software is considered published when it is available for general distribution either free or at the cost of distribution. However, strong encryption software remains controlled, regardless of general availability. Published information is not subject to the EAR.

Information and software that are released by instruction in a catalog course or associated teaching laboratory of an academic institution are not subject to the EAR ([15 C.F.R. § 734.3\(b\)\(3\)\(iii\)](#)). Educational Information is information released as part of a course listed in the university's course catalog, and through instruction in the classroom or teaching laboratory. Participation in the course should be open to any qualified student enrolled at the academic institution. Educational information is not subject to the EAR, even if the faculty member is teaching the class at an institution outside the United States.

Fundamental Research is defined in [15 C.F.R. § 734.8\(c\)](#) as research in science, engineering, or mathematics, the results of which ordinarily are published and shared broadly within the research community, and for which the researchers have not accepted restrictions for proprietary or national security reasons. The complete definition and discussion of fundamental research, including university-based research is found at [15 C.F.R. § 734.8](#). Fundamental research is not subject to the EAR. University research is considered to be fundamental to the extent that researchers do not accept restrictions on the publication of scientific and technical information resulting from the research. Temporary delays in publication for the protection of sponsor proprietary information do not remove research from the fundamental domain. However, if that sponsor's proprietary information is subject to the EAR, then that information remains subject to the EAR in the conduct of the research.

The Commerce Control List

The CCL is found at [Supplement 1 to 15 C.F.R. § 774](#). Items included on the CCL are assigned an export control classification number (ECCN) based on a category and product group. There are 10 categories, numbered 0-9, and five product groups, labeled A-E, within each category. The category and product group generally describe the item being classified, and the remaining three digits of the ECCN relate to the item specifications. An ECCN follows the nomenclature of “#α###”, where the first “#” is the category, “α” is the product group, and “###” identifies the reasons for control. As an example, a plasmid with certain genetic characteristics has an ECCN of 1C353. In general, “###”, with lower numbers are controlled to more destinations than those with higher numbers. The categories and product groups are as follows:

Commerce Control List Categories	
0	Nuclear Materials, Facilities, and Equipment [and Miscellaneous Items]
1	Special Materials and Related Equipment, Chemicals, “Microorganisms,” and “Toxins”
2	Materials Processing
3	Electronics
4	Computers
5 (Part 1)	Telecommunications
5 (Part 2)	Information Security
6	Sensors and Lasers
7	Navigation and Avionics
8	Marine
9	Aerospace and Propulsion

Commerce Control Lists Product Groups	
A	End Items, Equipment, Accessories, Parts, Components, and Systems
B	Test, Inspection and Production Equipment (manufacturing equipment)
C	Materials
D	Software
E	Technology

The EAR export licensing regime is much more flexible than that of the ITAR. Under the EAR, licensing requirements for export activities depend on what is being exported, the export destination, who will be using it, and what it will be used for. ECCN entries include a listing of the reasons for control that can be used in determining if an export license is necessary. While the most common controls are for anti-terrorism and national security, many other potential controls exist. The complete list of controls is found in [15 C.F.R. Part 742](#). The control list can be matched to the country chart to determine whether an export is subject to a license requirement and if an applicable license exception is available.

License Exceptions

While the CCL is much more extensive than the USML, many fewer licenses are required for items controlled under the EAR than under the ITAR. This is due to the many license exceptions available for EAR-controlled exports. It is important to understand that there are limitations on the use of license exceptions (see [15 C.F.R. § 740.2](#)), and that the use of a license exception may have an associated recordkeeping and notification requirement. More than one license exception may be available for a proposed activity. In such cases, the use of the exception with the fewest restrictions on use and least notification and recordkeeping requirements minimizes compliance burden. Members of the UNC-Chapel Hill community are encouraged to consult with the [Export Compliance Office](#) when making decisions as to the applicability of EAR license exceptions for proposed export activities.

A complete listing of EAR license exceptions may be found in [15 C.F.R. Part 740](#). Exceptions commonly applicable to members of the UNC-Chapel Hill community traveling abroad include exception BAG, which applies to personally owned items taken abroad for personal use while abroad, and exception TMP, which applies to the temporary export of UNC-Chapel Hill-owned equipment, including laptop computers and other equipment listed on the CCL, for work-related activities, including professional presentations, teaching, and field research. It is important to note that there are limitations on the use of the TMP license exception; items must be returned to the United States within 1 year of export, or if not returned, documentation of disposal is required. Items exported using the TMP license exception must be kept under the effective control of the traveler while abroad. Additionally, TMP is not applicable to some restricted locations, such as Cuba.

Commodity Classification

BIS encourages exporters to use the detailed descriptions in the CCL to self-classify items to be exported. However, in the event of an incorrect classification, the exporter is liable for any resulting violations of the EAR and may be subject to civil and administrative penalties. Self-classification can be particularly difficult in the university environment where cutting edge-research pushes the boundaries of existing technologies, and in fact may not precisely meet the technical specifications as described in the existing CCL listings. When unsure about a self-classification, the exporter may submit the item/technology to BIS for a formal classification. Members of the UNC-Chapel Hill community who need assistance with classifying items should contact the [Export Compliance Office](#).

Anti-Boycott Restrictions

The EAR contains “anti-boycott” provisions designed and implemented to disallow American exporters from participating in foreign governments’ boycotts of countries friendly to the United States. The provisions were originally implemented in response to the Arab League boycott of Israel. Currently, several countries including Iraq, Kuwait, Lebanon, Libya, Qatar, Saudi Arabia, Syria, the United Arab Emirates, and Yemen may attempt to influence foreign individuals and organizations conducting business within their borders to agree to boycott specified governments, businesses, people, or products.

The EAR’s anti-boycott provisions are found in [15 C.F.R. part 760](#). The provisions apply to any person or entity in the United States as well as to U.S. persons or entities abroad. For example, UNC-Chapel Hill counts as a “U.S. person” for anti-boycott purposes because its main campus is located in the U.S. and it

is organized under U.S. law. The anti-boycott provisions specifically prohibit U.S. persons and entities from participating in the following activities:

- Agreeing to refuse or actually refusing to do business with a boycotted country or a blacklisted person.
- Agreeing to discriminate or actually discriminating against persons based on race, religion, sex, national origin, or nationality (for example, agreeing to refuse to hire Israeli nationals).
- Providing a third party with information about the race, religion, sex, or national origin of another person.
- Furnishing a third party with information about an organization or individual's business relationships with boycotted countries or blacklisted persons (for example, providing information about a company's current or previous business in Israel).
- Furnishing a third party with information about an organization or individual's membership in or associations with charitable and fraternal organizations.
- Paying or otherwise implementing letters of credit containing prohibited conditions or requirements.

Exceptions to these prohibitions exist but are limited. Additionally, U.S. persons asked to engage in prohibited boycott activities are required to report the request to BIS. If you encounter boycott language in the course of your UNC-Chapel Hill duties, please contact the [Export Compliance Office](#) for assistance in determining whether an exception is applicable and if reporting to BIS is required.

C. Department of Treasury Regulations

The Office of Foreign Assets Control (OFAC) is within the U.S. Department of Treasury. OFAC is responsible for maintaining and enforcing U.S. economic and trade sanctions. OFAC maintains trade sanction programs against targeted foreign 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 United States. The severity of the restrictions imposed by an existing sanction program can vary greatly, and may be influenced by foreign relations and national security concerns.

Regulatory Authority and Scope

OFAC administers and enforces economic and trade sanctions based on U.S. foreign policy and national security interests. Many of the sanctions are based on United Nations and other international mandates. Sanctions are country/program specific and are subject to frequent change based on the changing geopolitical landscape. In addition to foreign countries and regimes, OFAC imposes sanctions on individuals, such as people the U.S. government deems to be terrorists and narcotics traffickers. The implementing regulations for the OFAC sanctions are found in [31 C.F.R. parts 500-599](#), the Foreign Asset Control Regulations.

The OFAC sanctions broadly prohibit most transactions between a U.S. person and persons or entities in an embargoed country or those who have been declared specially designated nationals (SDNs). The prohibition generally applies to importation and exportation of goods and services as well as related financial transactions or engaging in business activities with SDNs. Currently, OFAC sanctioned

countries include the Balkans, Belarus, Burma, Burundi, Central African Republic, Cuba, the Democratic Republic of Congo, Iran, Iraq, Lebanon, Libya, Mali, Nicaragua, North Korea, Russia, Somalia, Sudan, Syria, Ukraine, Venezuela, Yemen, and Zimbabwe. Additional activity-based sanctions programs include Counter Narcotics Trafficking, Counter Terrorism, Non-Proliferation, and Transnational Criminal Organizations sanctions, among others. The activity-based sanctions programs are implemented through the designation of individuals engaging in the banned activities as SDNs. The OFAC sanctions program can change rapidly, so it is important to check for updates periodically.

OFAC Licensing for Country Based Programs

It is important to review the specific sanctions program before conducting activities with an OFAC-sanctioned entity or person, or in an OFAC-sanctioned country. The individual sanctions specifically describe what activities are exempt from the embargo (*e.g.*, personal communications, exchange of informational materials, etc.) as well as what activities may be permitted under an applicable license. Activities that are permitted under a general license do not require specific permission from OFAC prior to engaging in the activity; however, the conditions of a general license must be carefully reviewed and the use of the general license documented. Activities that do not fall under an available general license may be eligible for a specific license from OFAC. Specific license requests must be submitted and approved by OFAC prior to engaging in the sanctioned activity. Activities conducted under both general and specific licenses are subject to OFAC audit, and records must be maintained for five years after the conclusion of the activity. Please contact the [Export Compliance Office](#) when considering any proposed OFAC-sanctioned activities.

D. Additional Considerations

Records/Record Retention

The ITAR, EAR, and OFAC regulations all stipulate recordkeeping requirements for regulated export activities. Under each of these sets of regulations, exporters must retain records for 5 years after the completion of an export activity and must make those records available to the regulating authority upon request. Exporters are required to retain all memoranda, notes, correspondence (including email), financial records, shipping documentation, and any other information related to the export activities. Additionally, when an exporter applies a license exception (EAR) or license exemption (ITAR), additional records documenting the applicability of the exception/exemption may be required and, in some cases, there may be additional reporting requirements.

Shipment of items controlled under the ITAR or EAR should be clearly marked as controlled with the appropriate regulatory control cited. Any licensed export, as well as exports with a dollar value greater than \$2,500, or are destined for Russia, China, or Venezuela, must be entered into the Department of Census Automated Commercial Environment (ACE) prior to the export of the item or information. While commercial freight forwarders will usually handle the ACE entry, the [Export Compliance Office](#) is able to assist the UNC-Chapel Hill community with the export of items being hand-carried or technical data being mailed or electronically transmitted.

For institutional guidance on records and records retention, see the [University of North Carolina at Chapel Hill Policy on Records Management](#).

Penalties for Export Violations

Violation of the export control laws can result in both civil and criminal penalties, including fines and imprisonment. Although there is a maximum amount for a civil or criminal penalty, the actual penalty is often multiplied. For instance, if multiple unauthorized shipments of the same item to the same end user were completed, each individual shipment could potentially incur the maximum penalty. Even a single unauthorized export may result in multiple violations (*e.g.*, export without a license, false representation on shipping documents, acting with knowledge of a violation, etc.). Maximum penalties for violations under the OFAC, ITAR, and EAR are up to \$1,000,000 or more and criminal prison sentences can be up to 20 years for individuals engaging in the violations. Violation of the export control laws may result in the loss of future export privileges (EAR) or even from debarment from participation in future federal contracts (ITAR).

In assessing penalties, DDTC, BIS, and OFAC will consider mitigating factors. Mitigating factors include whether the disclosure of the violation was made voluntarily, whether the violation is an isolated incident or part of a pattern of continuing behavior, whether the organization had a compliance program in place at the time of the violations, whether steps were taken to improve the compliance program after the discovery of the violation and whether the violation was due to inadvertence, mistake of fact, or a good faith misinterpretation of the laws.

Violations of export control laws discovered at UNC-Chapel Hill should be reported to the [Export Compliance Office](#). If there is a question as to whether an activity would be a violation of the export control laws, it is important to consult with the Export Compliance Office prior to engaging in the activity.

III. UNC-Chapel Hill Export Compliance Resources and Procedures

A. *Export Compliance at UNC-Chapel Hill*

It is the policy of UNC-Chapel Hill that all individuals or entities acting on behalf of the University must comply with all export control laws and regulations. The vast majority of teaching and research activity at UNC-Chapel Hill falls within one or more of several exemptions and exclusions from licensing requirements. However, it is important to understand how the laws apply to activities at UNC-Chapel Hill as well as the corresponding compliance obligations, which may extend to documenting the applicable licensing exception(s).

The U.S. government defines exports to include not only tangible or “physical” items, such as biological materials, chemicals, and equipment, but also intangible information, which may include research data, formulae, engineering designs, and ideas. Furthermore, an export is defined not only as an actual physical shipment, but also includes electronic and voice transmissions out of the United States (*e.g.*, email or a phone call to a colleague at a foreign institution or remotely accessing controlled documents while traveling internationally). Exports also include the release of technology to foreign nationals within the United States, the provision of training or services involving controlled equipment to foreign nationals in the United States or abroad and engaging in transactions or providing services to entities and individuals who are on embargo or specially designated nationals lists.

As addressed [above](#), exports are regulated by multiple federal agencies. Each agency has its own procedures for enforcement, but violations of any of these regulations can result in significant institutional and personal penalties including fines of up to or exceeding \$1,000,000 per violation, incarceration for up to 20 years, and the loss of future exporting privileges.

UNC-Chapel Hill is committed to the preservation of academic freedom. However, the University recognizes its obligation to comply with the U.S. export control regulations. Fortunately, most, but not all, research activities on campus fall under the “fundamental research exemption,” which, provides that basic and applied research activities, not subject to publication or access restrictions, will not be subject to export controls. Other exemptions apply to information shared in the context of teaching activities on campus in the United States, as well as to information that is already publicly available. The export regulations are complex and continually changing, so it is important to consider each activity on an individual basis.

The UNC-Chapel Hill Export Compliance Office is responsible for helping the community understand and comply with the export control laws, as well as apply for an export license when necessary. Please see [the Export Controls website](#) for additional information including analytical tools to assist you in determining if and how the regulations apply to an activity, as well as points of contact for assistance with export control matters. Please see [UNC-Chapel Hill's Policy on Export Controls](#) for further information on how the Export Control Office works. Questions regarding export control laws or procedures for compliance at UNC-Chapel Hill may be addressed to [the Export Compliance Office](#).

B. Roles and Responsibilities

Export Compliance Office

The Export Compliance Office is housed in the Division of Institutional Integrity and Risk Management (IIRM) led by the Vice Chancellor for Institutional Integrity and Risk Management, and consists of the Export Control Officer. The Export Control Office reports directly to the Vice Chancellor for Institutional Integrity and Risk Management. For more information on the structure of the Export Compliance Office, please refer to [Appendix 1](#). The Export Compliance Office is responsible for:

- Identifying areas at UNC-Chapel Hill that are impacted by export control laws.
- Developing export control procedures and guidance to assure UNC-Chapel Hill complies fully with all applicable export control laws.
- Educating the UNC-Chapel Hill community about export control laws and procedures.
- Responding to the UNC-Chapel Hill community's export-related inquiries.
- Monitoring and interpreting export control legislation.
- Assisting investigators, researchers, departments, and offices at UNC-Chapel Hill when research involves export-controlled equipment or information.
- Assisting principal investigators in developing technology control plans for research involving export-controlled items or information.
- Verifying that international parties involved in research at UNC-Chapel Hill are not restricted parties or specially designated nationals.
- In conjunction with the Empowered Official, applying for export licenses and requesting commodity jurisdictions and commodity classifications where appropriate.
- Advising and assisting with recordkeeping of export-controlled activities at UNC-Chapel Hill
- Maintaining UNC-Chapel Hill's [export control website](#).

Empowered Official

The UNC-Chapel Hill Vice Chancellor for Institutional Integrity and Risk Management is vested with the authority to designate an empowered official to oversee compliance with and enforcement of the [Policy on Export Controls](#). The Export Control Officer (see [Appendix 1](#)) serves as UNC-Chapel Hill's Empowered Official for export compliance purposes. In the context of export control laws, an Empowered Official has the authority to represent the university before the export control regulators in matters related to registration, licensing, commodity jurisdiction and classification requests, and voluntary or directed disclosures. While certain oversight functions may be delegated, only an Empowered Official may sign paperwork and bind the university in any proceeding before DDTC, BIS, OFAC, or any other government agency with export control responsibilities ([Code of Federal Regulations, title 22, section 120.25\(a\)\(4\)](#)).

Science and Security

Science and security at UNC-Chapel Hill is housed in both the UNC Office of Research, as well as the UNC Office of Institutional Integrity and Risk Management. In collaboration with both the UNC-Chapel Hill Director of Science and Security, as well as the Institutional Science and Security Officer (see [Appendix 1](#)), the Export Compliance Office commonly works with both offices to identify institutional risks for access to sensitive information and research by non-U.S. Persons.

Office of Sponsored Programs

UNC-Chapel Hill's Office of Sponsored Programs (OSP) is the University's central office authorized to submit extramural proposals to and accept awards from all funding sources on behalf of the University. OSP is the official contact for the University on administrative award-related matters.

The Office of Sponsored Programs works closely with the Export Compliance Office to identify and address export control issues related to the research performed at UNC-Chapel Hill. OSP is responsible for:

- Reviewing terms of sponsored program agreements and other non-monetary agreements to identify restrictions on publication and dissemination of research results and negotiate out such restrictions.
- Aiding Principal Investigators in identifying potential export control issues in sponsored program agreements.
- Communicating identified potential export control issues to the Export Compliance Office and affected Principal Investigators.
- Informing the Export Compliance Office about changes in awards or project scope that necessitate additional export compliance reviews.

Campus Safety Office

UNC-Chapel Hill Campus Safety is housed in the Division of Institutional Integrity and Risk Management (IIRM) led by the Vice Chancellor for Institutional Integrity and Risk Management. The Office of Campus Safety works collaboratively with the UNC-Chapel Hill Export Compliance Office to ensure that UNC-Chapel Hill is a safe workplace that meets or exceeds all applicable regulatory standards. In the context of export control, Campus Safety consists of pertinent subunits (see [Appendix 1](#)), including environmental health and safety, which, is responsible for training UNC-Chapel Hill faculty and staff on shipping best practices and lab safety. Campus Safety provides dangerous goods shipping training and assists UNC-Chapel Hill faculty and staff with international shipping questions and concerns.

Office of Technology Commercialization

The Office of Technology Commercialization (OTC), housed in Innovate Carolina, facilitates all licensing agreements involved with the transfer of proprietary or confidential information relating to UNC-Chapel Hill intellectual property. In the context of export controls, OTC is responsible for the management and negotiation of agreements for both material transfer (MTA) and confidential disclosure (CDA) of UNC-Chapel Hill intellectual property. OTC works closely with the Export Compliance Office to identify risks posed by the international transfer or disclosure of information, data, technology, and software. See the [OTC webpage](#) for more information about sharing and requesting research materials and confidential information.

Principal Investigators

Principal Investigators have expert knowledge of the type of information and technology involved in a research project or other university activity, such as presenting at conferences and discussing research findings with fellow researchers or collaborators. Without prior authorization, Principal Investigators must ensure that they do not disclose controlled information (e.g. information

that has been provided to them under a corporate non-disclosure agreement) or transfer controlled articles or services to a foreign national. See the Office of Sponsored Research's [Principal Investigator Responsibilities](#) for further guidance on institutional policy. Each Principal Investigator is responsible for:

- Understanding his/her obligations under the export control laws.
- Assisting the Export Compliance Office in correctly classifying items and technology that are subject to export control laws.
- Assisting in the development and maintenance of the conditions of a technology control plan for any activity, data, or equipment where the need for such a plan is identified.
- Ensuring that research staff and students have been trained on any applicable export control regulations or technology control plan requirements.
- Periodically re-assessing export control risks associated with his/her research projects (see [Appendix 13](#)).

UNC-Chapel Hill Faculty and Staff

UNC-Chapel Hill's faculty and staff are amongst the institution's most valuable assets. The faculty and staff provide the labor and expertise that make UNC-Chapel Hill one of the premier research universities in North Carolina. Faculty and staff play a vitally important role in the export compliance process. In the context of export compliance, each faculty and staff member is responsible for:

- Understanding his/her obligations under the export control laws.
- Adhering to the requirements of [UNC-Chapel Hill's institutional policy regarding international travel](#) when traveling abroad.
- Submitting any requested information to UNC-Chapel Hill's Export Compliance Office to allow for a visa review if designated as a UNC-Chapel Hill sponsor of an employee or visiting scholar who is not a United States citizen or green card holder.
- Completing [dangerous goods shipping training](#) and submitting [UNC-Chapel Hill's Export Control Review Form for International Shipments](#) before shipping items abroad (see [Appendix 4](#)).
- Directing all export-related questions to the [Export Compliance Office](#).

C. Risk Mitigation Procedures

Export Control Analysis

As addressed [above](#), the Export Compliance Office is responsible for analyzing UNC-Chapel Hill faculty and staff's proposed actions to determine whether they are subject to export control laws, and if so, whether they are subject to licensing requirements. While the in-depth portions of the analysis are usually performed by the Export Compliance Office, export control analysis is a collaborative process and requires buy-in from the entire UNC-Chapel Hill community to function properly. The general stages of the analysis process are as follows:

Identification of potential export control issues. The Export Compliance Office relies upon UNC-Chapel Hill's faculty and staff to assist in the identification of potential export control issues. International shipping, the hiring of international faculty and staff members, and the hosting of international visitors are all areas that present potential export control issues. In addition, some

research projects can include aspects that may require export control analysis. For instance, projects where the research agreement restricts publication, restricts international participation, or prohibits deliverables from being disclosed or delivered to foreign countries or persons present potential export control issues. When a member of the UNC-Chapel Hill community identifies a potential export control issue, that person should refer the issue to the [Export Compliance Office](#). For further information on this topic, please see [Appendix 2](#) and visit the Export Compliance Office's "[Application of Export Controls](#)" webpage.

Analysis of whether export laws apply. Once a potential export control issue has been referred to the Export Compliance Office, export compliance personnel will perform an in-depth review of the issue to determine whether the action or item at issue is export controlled. Each review is unique, but this process will commonly include:

- Self-classification of items and technologies.
- Item-specific research on manufacturers' websites.
- Review of contracts for terms that may negate the fundamental research exemption/exclusion.
- Review of relevant statutes and regulations.
- Communications with Principal Investigators, the Office of Sponsored Research, and other relevant subject matter experts.
- Use of specialized export compliance software.

If the review results in the finding that the proposed action at issue is not export controlled, the Export Compliance Office will promptly inform the referring party. If the review indicates that the action is export controlled, the Export Compliance Office will move on to determining whether a license is required.

Determination of whether a license is required. Once a proposed action has been determined to be export controlled, the Export Compliance Office will review all potentially applicable licensing exemptions and exclusions. If an exemption or exclusion applies, the Export Compliance Office will inform the referring party, and will explain any limitations or recordkeeping requirements relevant to the applicable exemption or exclusion. If no exemption or exclusion applies, the Export Compliance Office will engage the referring party and UNC-Chapel Hill's Empowered Official and, where appropriate, assist in the process of acquiring a license from the relevant government agency. See below for further information regarding [Recordkeeping](#) and [Licensing](#).

Technology Control Plans

When export-controlled equipment, data, or technology is identified for a project, the Export Compliance Office will work with the Principal Investigator to develop and implement a Technology Control Plan (TCP) to appropriately secure the equipment, data, or technology from access by unlicensed non-U.S. persons (see [Appendix 7](#) for UNC-Chapel Hill's Technology Control Plan template). The TCP will include:

- A statement affirming UNC-Chapel Hill's commitment to export control compliance.
- An identification of the applicable export controls.
- An identification of the items or technologies subject to the controls.

- A description of the agreed upon security measures to control the items or technologies at issue, including as appropriate:
 - Laboratory compartmentalization;
 - Time blocking;
 - Marking;
 - Locked storage;
 - Electronic security;
 - Confidential communications;
- The name and nationality of each individual who will have access to the controlled item or technology.
- A description of the personnel screening measures to be used for granting access to the controlled item/technology.
- A description of the appropriate security measures for disposal of the item/technology when use is complete.

Before any individual may have access to export-controlled items or technology, he or she must be informed of the conditions of the Technology Control Plan and agree to comply with the security measures outlined in the Technology Control Plan.

Training

Training is the foundation of a successful export compliance program. Well-informed employees minimize the likelihood that inadvertent violations of the law will occur. Non-compliance with export control laws can occur in many unexpected settings, such as during casual conversations in person, on the telephone, or via e-mail. The way to prevent these types of violations is through awareness and training.

Each Principal Investigator is responsible for completing export control training provided by the Export Control Office applicable to the Technology Control Plan and general export control compliance before being assigned to a research protocol. In addition, the Export Compliance Office will prepare updated training materials and will ensure that employees or students engaged in export-controlled activities receive the appropriate briefing. The office will also maintain records of training or briefings provided.

Export compliance trainings include dangerous goods shipping training, Office of Sponsored Research training for new administrators, training for restricted party screenings (RPS), and numerous other trainings on campus. Senior Leadership, including the Provost and relevant Vice Chancellors, are trained in export compliance and sign a letter of commitment similar to the letter included earlier in this Manual.

International Shipping

International shipping is subject to numerous export controls and regulations. Failure to comply with applicable international shipping controls can lead to fines, confiscation, or incarceration. Standard carriers (USPS, UPS, FedEx, etc.) require completed paperwork prior to accepting a package for shipment internationally. UNC-Chapel Hill is the shipper of record — not the shipping agent or the customs broker — no matter who fills out the forms.

It is important to understand that everything that crosses the United States' border is an export, even if the item is abroad only temporarily or if it will be used for research.

Most hardware, and some software and information, are export-controlled to some degree. Some entities, people, and uses are restricted. Thus, shipping tangible items outside of the United States may require an export license. Shippers should submit the UNC-Chapel Hill [Export Control Review Form for International Shipments](#) and receive appropriate export license review from the UNC-Chapel Hill Export Control Office. Shippers should also contact UNC-Chapel Hill's Environment, Health and Safety Office with details of their shipment before completing any shipping related transactions. See [UNC-Chapel Hill's international shipping checklist](#) and the [Shipment Review Process for Export Compliance](#) for more information on the export compliance international shipping review process.

Agreements with Foreign Institutions or Persons

UNC-Chapel Hill has embraced its role as an international center for scholarship, and the Export Compliance Office enthusiastically supports UNC-Chapel Hill's efforts to be inclusive of diverse scholarly viewpoints. While there are many benefits to international academic collaborations, the agreements that outline those collaborations must comply with U.S. Government regulations.

The U.S. Government has created a list of individuals and entities that have been designated as conducting activities that are contrary to U.S. national security and foreign policy. The Export Compliance Office provides support in determining if any potential business partners or collaborators are on that list and will identify the specific restrictions associated with those entities.

The University is also prohibited from supporting unsanctioned boycotts of other countries. UNC-Chapel Hill faculty and staff should submit any international agreements to the Export Compliance Office or the Office of Sponsored Programs to review for compliance with the U.S. Anti-boycott regulations.

To aid University personnel in identifying and conducting these reviews, the Export Compliance Office has created an ["International Agreements Pre-Screening Form"](#) to be completed by the individuals negotiating these agreements. This form asks for biographical information on the parties to the agreement and some information on the type of relationship being formed under the agreement. This information will greatly aid in a quick and accurate determination by the Export Compliance Office. For further information, please visit [International Collaboration and Engagement webpage](#).

International Travel

The Export Compliance Office tracks and provides advice for international travel in several ways:

High Risk Travel: For international travel to certain countries deemed "high risk" by the U.S. Government, the Export Compliance Office has established an automated review checkpoint in the Concur system for any pre-approvals entered for travel to those countries. The Export Compliance Office will reach out to the individual traveling and ask for additional information including, but not limited to:

- A brief description of the purpose for traveling abroad.
- Any related research projects.
- Any foreign collaborators working with or hosting the traveler.
- Information, technology, software, or materials taken with the traveler out of the United States.

The Export Compliance Office does this to conduct background screenings on entities UNC-Chapel Hill plans to work with and to provide the traveler with export compliance guidance that fits their specific needs. **If you plan to travel to Cuba, Iran, Syria, North Korea, Russia, Belarus, or Ukraine, contact the [Export Compliance Office](#) in advance of your travel.**

Other International Travel: The Export Compliance Office tracks all other international travel through the Concur system and highly recommends that individuals use Concur for all travel including travel that is not reimbursed by the University.

If you plan to travel to any destination with research data or technology other than a standard UNC-Chapel Hill laptop, contact the [Export Compliance Office](#) in advance of your travel. For further information regarding international travel, please visit the [International Travel and Teleworking webpage](#).

International Visitors

Federal regulations require UNC-Chapel Hill to monitor international individuals on campus to ensure that their presence does not lead to any export control violations. Export control laws limit foreign persons' access to export-controlled articles and related information. Such access may require a license or license exemption or exclusion. All international employees and visitors must be processed through [UNC Global's International Student and Scholar Services \(ISSS\)](#). In collaboration with the Research Office of Science and Security, the Export Compliance Office, and ISSS, all J-1, H-1B, H-1B1, or O-1, visa recipients at UNC-Chapel Hill are required to fill out the Export Compliance and Science and Security Form (see [Appendix 9](#)). For additional information on the visa review process, please see the Export Compliance Visa Review Process (see [Appendix 10](#)).

International visiting nonemployee scholars are required to complete and submit the [Visiting Nonemployee Scholar Agreement](#). For further information on international visitors, please visit [Hosting International Visitors webpage](#). See the University of North Carolina at Chapel Hill [Policy on Unpaid Volunteers, Interns, and Visiting Scholars](#) for institutional procedures and requirements.

Internal Reviews and Risk Assessments

In order to ensure maximum compliance with export control laws, the Export Compliance Office routinely conducts internal reviews and risk assessments. Internal reviews focus on inherently risky areas such as adherence to technology control plans, recordkeeping compliance, and unreported international travel. The purpose of the reviews is to identify and address any areas of non-compliance as well as to identify opportunities for improving export compliance procedures. Risk assessments involve identifying all items and activities at UNC-Chapel Hill that present a potential export compliance risk, and identifying all mitigating measures that can and should be taken in response. The Export Compliance Office shapes its ongoing policies and procedures based on information obtained through internal reviews and risk assessments.

D. Licensing

While most activities at UNC-Chapel Hill are not export controlled, or fall under an applicable exemption or exclusion, some activities may be subject to licensing requirements. For example, international university activities in embargoed countries may be prohibited without a license. In addition, licenses

from the Department of State or the Department of Commerce may be required for the physical export of UNC-Chapel Hill-owned items or in order for foreign nationals to access controlled items or technology at UNC-Chapel Hill. As addressed [above](#), UNC-Chapel Hill's Empowered Official is the individual at UNC-Chapel Hill authorized to apply for licenses from DDTC, BIS, and OFAC. In the event that a license is required, the Empowered Official will consult with the Export Compliance Office and Export Review Advisory Committee (ERAC). This committee will consist of the administrators below, each responsible for representing the associated review criterion:

- Provost (cost/benefit)
- Vice Chancellor for Research (research risk/reward)
- Chief Global Officer (global opportunity cost)
- Vice Chancellor or Institutional Integrity and Risk Management (institutional risk)
- Legal representative (legal matters)

The export control officer will request a meeting of the committee by email and provide the necessary background information one week in advance of the meeting. The export control officer will attend the meeting to answer questions. The meeting will be scheduled, if possible, within two weeks of the request, and will be attended by the committee members, the legal representative chosen by VC IIRM (see [Appendix 1](#)), and the export control officer. The output of the meeting will be a recommendation to the chancellor, a vote tally if there was a difference of opinion on the committee, and a summary of the reasons for the recommendation. The provost will make the final decision and communicate it to the export control officer within a week of the ERAC meeting. Export Compliance Office will be responsible for maintaining records associated with ERAC meetings and license requests.

UNC-Chapel Hill personnel who have questions or concerns about whether an activity requires an export license should consult with the [Export Compliance Office](#) prior to engaging in the activity. See [Appendix 3](#) for further details.

E. Recordkeeping

UNC-Chapel Hill is committed to maintaining export-related records in the fashion and for the time period required by all applicable export control regulations. Unless otherwise provided for or instructed by the Office of University Counsel, all records shall be maintained consistent with the University of North Carolina at Chapel Hill [Policy on Records Management](#) and shall be retained no less than five years after the technology control plan termination date or license termination date, whichever is later.

If ITAR-controlled technical data is exported under an exemption, certain records of the transaction must be kept beyond the 5-year retention period. Those records include:

- A description of the unclassified technical data
- The name of the recipient/end-user
- The date/time of export
- The method of transmission (*e.g.*, email, fax, telephone, FedEx, etc.)
- The exemption under which the export took place

Note that information that meets the criteria of being in the public domain, being educational information, or resulting from Fundamental Research is not subject to export controls under the ITAR.

Therefore, the special requirement for recordkeeping when using an exclusion, exception, or exemption may not apply. However, it is a good practice to provide such description for each export to establish a record of compliance.

BIS has specific record-keeping requirements. Generally, records required to be kept by the EAR must be kept for a period of 5 years from the last export date. However, if BIS or any other government agency makes a request for such records following a voluntary self-disclosure, the records must be maintained until the agency concerned provides written authorization otherwise.

F. Incident Reporting

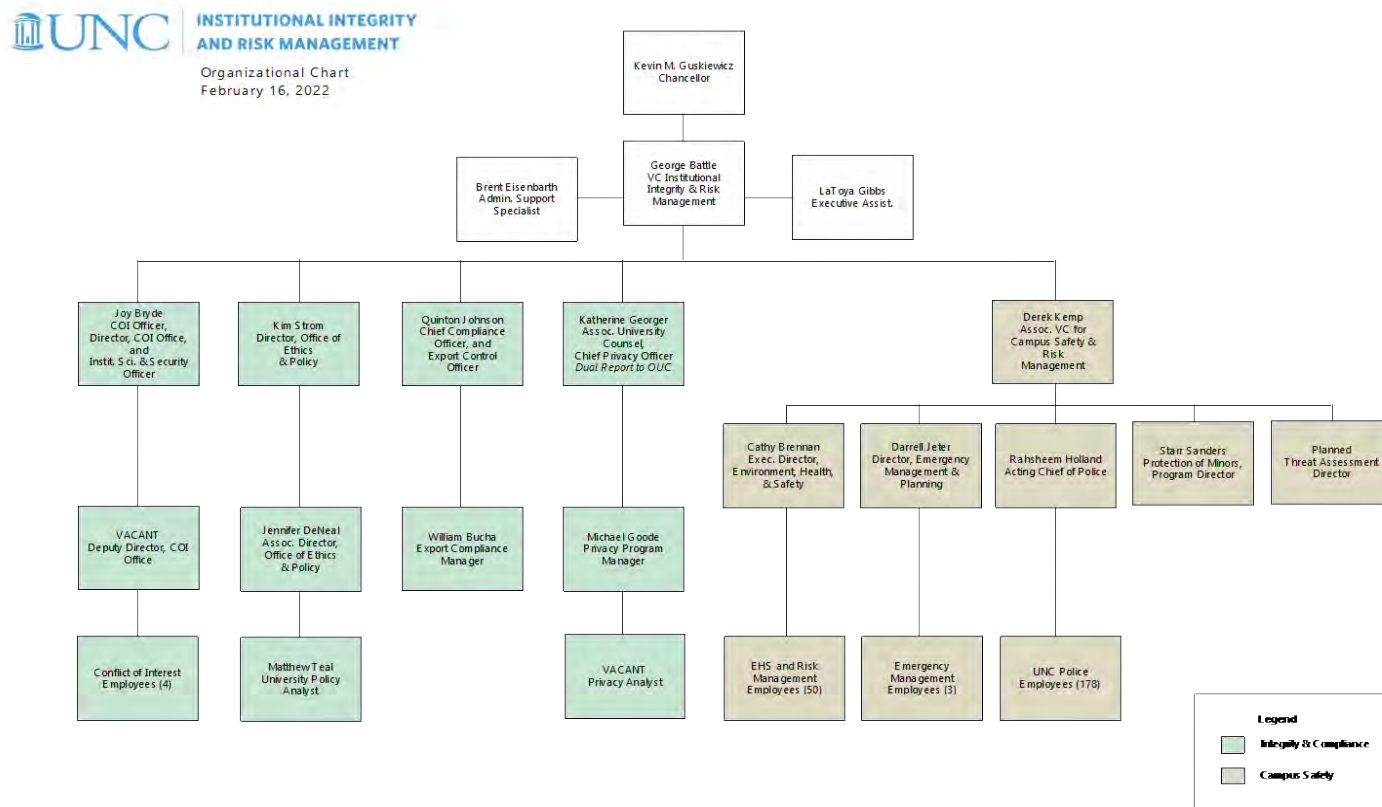
Any individual who suspects a violation has occurred must immediately take steps to prevent any further violations and notify the Export Compliance Office (exportcontrol@unc.edu or 1-804-514-3175) or the Carolina Ethics Line (1-866-294-8688 or [the Carolina Ethics Line website](#)). The Export Compliance Office will determine the appropriate follow-up to the notification, which may include a voluntary self-disclosure to the government. UNC-Chapel Hill's empowered official may send an initial notification about the suspected violation to the appropriate government agency. The Export Compliance Office will conduct an internal review of the suspected violation by gathering information about the circumstances, personnel, items, and communications involved. Once the review is complete, the Export Control Officer may provide the government agency with a supplementary letter with a thorough narrative account of:

- The project's description and background
- A description of the suspected violation(s)
- Which items and controlled categories were involved
- Dates on which the violation(s) occurred
- Which countries were involved
- Who was involved and their citizenships
- An explanation of why the alleged violation(s) occurred
- Any corrective actions taken
- UNC-Chapel Hill's commitment to export controls compliance

Once the initial notification and supplementary letter have been sent, UNC-Chapel Hill will follow the government agency's instructions.

IV. Appendices

A. Appendix 1 – Organizational Charts

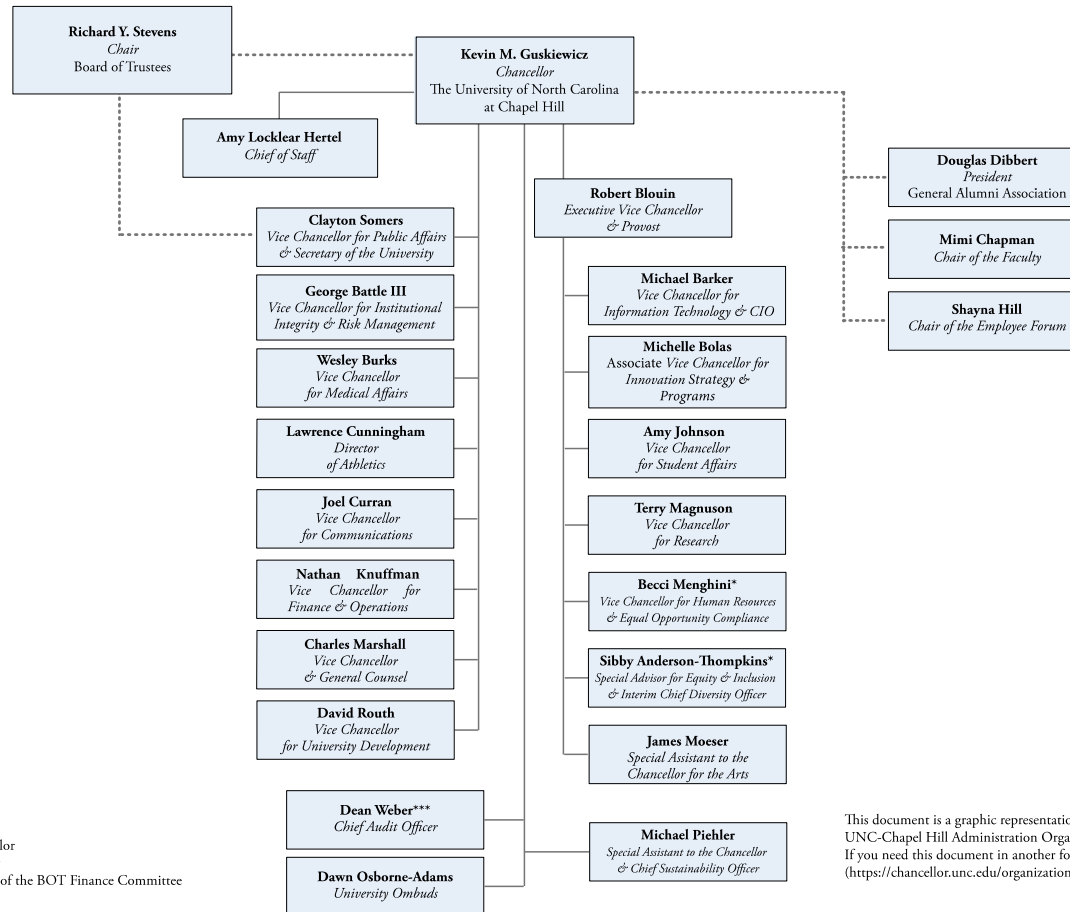


* [A web version of the IIRM organizational chart is available online](#)

OFFICE OF THE CHANCELLOR

Organizational Chart

May 2021

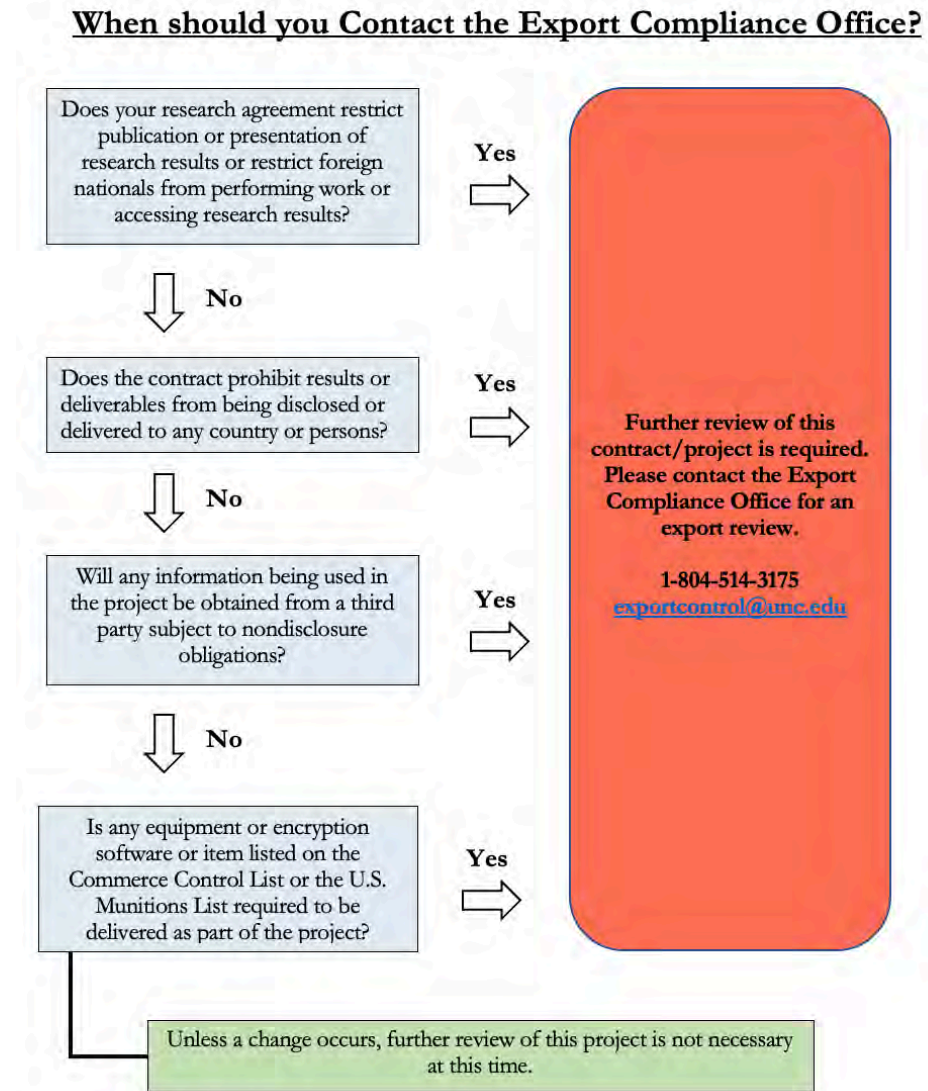


*Dual report to the Chancellor
 **Dual report to the Provost
 ***Dual report to the Chair of the BOT Finance Committee

This document is a graphic representation of the UNC-Chapel Hill Administration Organizational Chart. If you need this document in another format, please visit (<https://chancellor.unc.edu/organizational-chart/>).

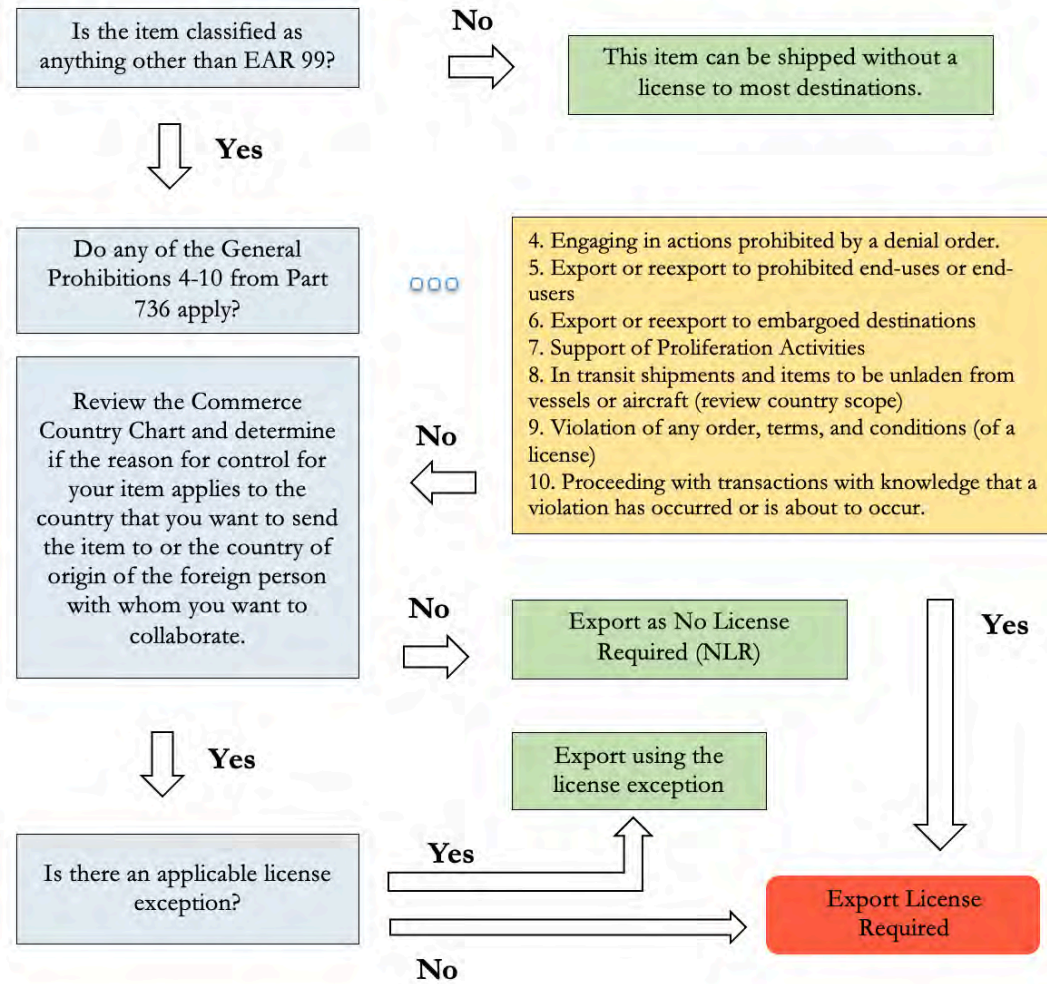
* [A web version of the Chancellor's organizational chart is available online](#)

B. Appendix 2 – Export Control Issue Identification Decision Tree



C. Appendix 3 – Export Control Licensing Decision Tree

EAR License Decision Tree



*D. Appendix 4 – International Shipping Review Form**
UNC Chapel Hill Export Control Review Form for International Shipments

Name of Shipper:

UNC Email and Phone Number:

Date of Shipment:

Destination (Recipient's name and destination address):

List all items being shipped and purpose of shipment:

Does this shipment involve sponsored research?

Yes No

Does this shipment involve biological materials or chemicals?

Yes No

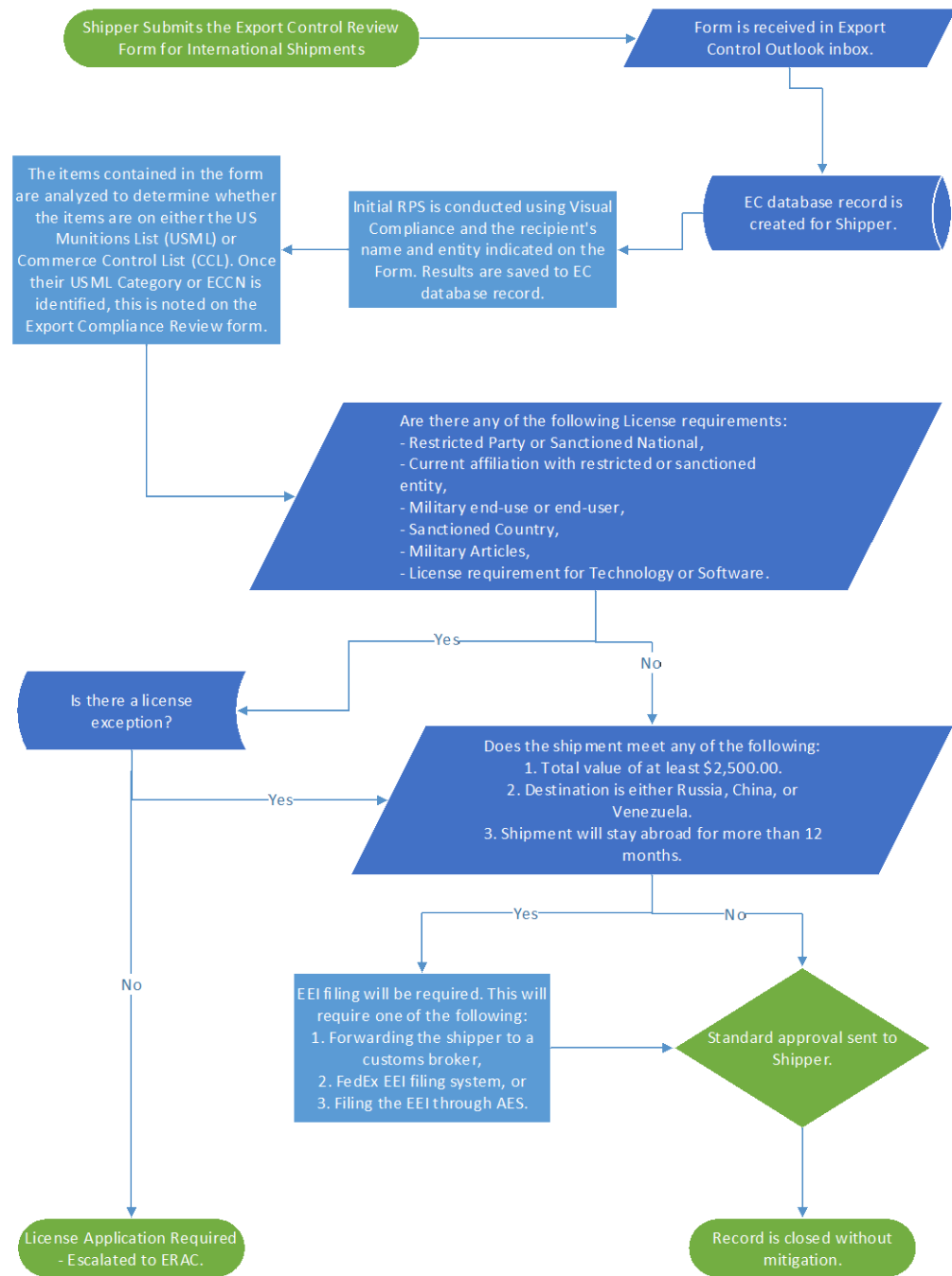
Does this shipment involve any [Material Transfer Agreement \(MTA\)](#), [Confidential Disclosure Agreement \(CDA\)](#), or other Licensing Agreement concerning Intellectual Property?

Yes No

*Available for online submission <https://iirm.unc.edu/export-control/international-shipping/>

E. Appendix 5 – Shipment Review Process for Export Compliance

Shipment Review Process for Export Compliance



F. Appendix 6 – International Shipping Checklist

Export Checklist

Restrictions on shipments leaving the US

Depending on the shipment, who will receive it and in what country, and how they will use it, it may require a license from the Commerce Department (EAR: Export Administration Regulations), the State Department (ITAR: International Trafficking in Arms Regulations), or the Treasury Department (OFAC: Office of Foreign Assets controls).

Step 1

Determine the Export Classification and Tariff Code - The export classification and the tariff code are two completely separate systems for identifying exports.

Tariff code

The Harmonized Tariff Schedule (HTS) of the United States assigns a ten-digit classification code to each of about 17,000 descriptions of goods. This number is used to determine an item's tariff schedule, as well as providing a basis for reporting trade statistics. The HTS is based on the World Customs Organization's six-digit Harmonized Commodity Coding and Classification System, as are the tariff schedules for other countries. The HTS is always used for import into the U.S. It can also usually be used for exports from the U.S., supplanting the earlier Schedule B. HTS and Schedule B are similar but not always the same -- the Census Bureau has a list of [HTS numbers that cannot be used for export](#). [Click here for More information on Schedule B and Harmonized System](#).

- The best source of tariff code for a purchased item is the vendor or manufacturer.
- The Census Bureau offers a [Schedule B Search Engine](#) and a tool [to browse or validate a number](#).
- An [HTS search engine](#) is available, or you may download the entire HTS.

Export classification (ITAR)

The State Department's International Trafficking in Arms Regulations (ITAR) control the export of items, technical data, and services that are either on the [US Munitions List](#) or were "specifically designed, developed, configured, adapted, or modified for a military application". All ITAR-controlled exports require a license from the State Department, unless they qualify for one of several exemptions.

Export classification (EAR)

If an item is not subject to the ITAR, then it is likely subject to the Commerce Department's Export Administration Regulations (EAR). If an item subject to the EAR is on the [Commerce Control List](#) (CCL, an [Index](#) is also available), it will have a five-digit Export Control Classification Number (ECCN). If it is subject to the EAR and not on the CCL, its ECCN is EAR99. All EAR items are subject restrictions based on the end use, end user, and country. In addition, all EAR items except EAR99 are subject to list-based controls, specified in the CCL, which consider the item and destination country.

Determining whether an item is subject to ITAR or EAR is critical and determining the correct ECCN for EAR items is very important. Mistakes here can have serious consequences to VCU and to individual shippers.

- The best source of export classification for a purchased item is the vendor or manufacturer.
- If it cannot be gotten from the vendor or manufacturer, then it will be necessary in all but the most obvious cases to consult the Export Control Officer.

Step 2

Determine whether a [license](#) is required

ITAR

If an item is ITAR-controlled and no exemptions apply, it will need an ITAR license. The application for an ITAR license is a detailed summary of what the item is, who will be using it and for what, the identities of individuals and entities who will have custody on its way to the end user, its value, and other information. Once submitted, it can take 14-60 days to receive a license.

- When making an ITAR shipment, consult the Export Control Officer.

EAR

If an item is EAR-controlled, it may need a license based on its ECCN, destination country, the end user and the end use, if no exceptions apply. The application for an EAR license is a detailed summary of what the item is, who will be using it and for what, the identities of individuals and entities who will have custody on its way to the end user, its value, and other information. Once submitted, it can take 14-60 days to receive a license.

- When making an EAR shipment of low-tech items, and the ECCN, destination country, end user and end use have been determined, work with the forwarder/broker or use a package delivery service's online tool to determine whether a license is needed. If it is, consult the Export Control Officer to start the application process.

- Otherwise, consult the Export Control Officer to determine whether a license is needed and start the application process if needed.

Step 3

Check the receiving individuals and entities

Restrictions on shipments entering the destination country

Countries control imports to protect their citizens, control internal affairs, and influence foreign affairs. Animals, plants, pathogens, genetic material, drugs, radioactive materials, electronic devices with encryption may be restricted (prior approval, quarantine, inspection, prohibition). The shipment will need to satisfy the destination country's requirements.

- Determine the Destination Country requirements – the first step is to contact the recipient. They may know what will be required or who to contact for help.
 - It may be advisable for the receiving party to designate a forwarder/broker in the destination country.
 - Exercise judgment when using a package delivery service. Their business is simple shipments, and they may not look for complications.
 - Export.gov has a high-level summary of [Foreign Standard and Certification Information](#)
 - FedEx has very detailed [Country Profiles](#)
 - Countries may have a useful web page – Google “<countryname> import” and look for a government link
- Determine the methods and terms

Packaging and labeling

Any shipment needs to be packaged for protection against damage in transport. Some items will require special packaging to protect the contents (e.g., biological samples packaged with dry ice). Other items will require special packaging and labeling to protect the transport system (e.g., hazardous materials).

- [Shipping Dangerous Goods](#)

Logistics

Packages (up to 150 pounds) and freight (over 150 pounds) can be handled by the international networks of delivery services like FedEx Express International, FedEx Freight International, DHL or UPS. There are some restrictions; for instance, some FedEx services will not handle carnets for

temporary import. If the shipment will need individual attention, a broker/forwarder may be necessary.

A freight forwarder/customs broker can assemble the right combination of carriers, clearances, and documentation for more complicated shipments.

- Determine which forwarder/broker will handle the shipment

Forwarders and Brokers

Customs brokerage is the role of facilitating items through customs, and includes submitting documentation, paying taxes and duties, and working with importers to identify and get necessary clearances (FDA, USDA, Fish & Wildlife, etc.). In the U.S., customs brokers are licensed by Customs & Border protection.

Freight forwarding is the role of arranging with carriers for items to move from origin to destination (their trade association calls them "Architects of Transport"). Often, a single company will act as both freight forwarder and customs broker. If you use an international package/freight delivery network, the freight forwarding and customs brokerage roles are bundled into the service:

- FedEx Express International
- FedEx Freight International
- DHL
- UPS Global Trade

Shipments that need special attention (export licenses, temporary exports, special requirements for import into receiving country, etc.) may be best handled through a freight forwarder/customs broker,

Shipping Documentation

A delivery service or forwarder/broker can help with documentation, but they rely on the person ordering the delivery for information about the shipment (and that person is responsible, not them). It will be necessary to provide the shipment address, item descriptions (including export classification, tariff code, and value), the purpose of the shipment, export control authorization, and declaration control statement. Instruction to the forwarder or carrier are documented in the Shipper's Letter of Instructions. Information for customs officials in both the ending and receiving parties is documented in a Commercial Invoice (for Sales Transactions) or Proforma Invoice (when not a sale). [See the Shipping Documentation page for more information.](#)

Financial

Small-package shipments under \$2,500 can be insured with the carrier.

- Determine whether insurance will be needed, and whether to buy it from the carrier

The shipment will be subject to duty and possibly tax (e.g., VAT) on entering the destination country. Some tariff codes have a 0% rate, and many countries allow duty-free importation for temporary imports.

- Research and estimate duty and VAT if it's a concern

For temporary exports, get a carnet, plan in posting a temporary import bond, or plan to drawback the import duty when the item is returned.

G. *Appendix 7 - Technology Control Plan Template*

Technology Control Plan

RESPONSIBLE PARTY:

SCHOOL/COLLEGE:

PRIMARY EMAIL:

PRIMARY PHONE:

PROJECT TITLE:

RAMSeS NUMBER:

PRIME SPONSOR:

PROJECT SPONSOR:

PROJECT START DATE:

TCP Purpose and Summary

The purpose of the Technology Control Plan (TCP) is to ensure compliance with federal laws or contract commitments regarding export control compliance and/or confidentiality. In general, a Technology Control Plan is a written document, signed by the person at UNC-Chapel Hill responsible for complying with the terms in the plan and one of UNC-Chapel Hill's empowered officials for export control compliance, which outlines the terms upon which particular items, technical data, or technology may be kept and used on campus and/or outside the United States. The applicable laws might include, for example, the Department of State's International Traffic in Arms Regulations (ITAR), the Department of Commerce's Export Administration Regulations (EAR), or other legal obligation(s).

We want this Plan to be as accurate as possible. If there is any information you do not understand or that is inaccurate, please contact UNC-Chapel Hill's Export Compliance Office at exportcontrol@unc.edu.

Description of the Item, Technology or Technical Data

(e.g. manufacturer notified you that equipment is controlled or you have received the data as part of a non-disclosure agreement that indicated information is export controlled):

For equipment, list the items including manufacturer and model number.

For technology (e.g. software) list the name and version of the program.

If you have received information as part of a non-disclosure agreement related to the effort, state who the parties to the agreement are and the general nature of the restriction (e.g. information is company proprietary and controlled under the ITAR or EAR)

Detailed description of why the Item, Technology or Technical Data are controlled (e.g. this equipment is an item controlled under the ITAR, this data or technology may not be exported from the U.S. without prior authorization)

Please list the reason for control. For instance, to obtain the software license, we were required to agree not to export the software. If known, please provide the applicable control number for items enumerated on the Commerce Control List.

Another example might be that the manufacturer provided a statement that the equipment is controlled under the ITAR and we may not export it without a license from the Department of State Directorate of Defense Trade Controls.

Security Measures, if Any: (e.g., Labeling or Other Identification of Item, Technology or Technical Data, Secure log-on access and/or encryption to maintain security of electronic files, Limited access areas, sign-in to obtain access to equipment, locked cabinets, etc.)

- NIST SP 800-171 Standards Apply
- Cyber Security Maturity Model Certification (CMMC)

- Secured Facilities (e.g. BSL-2, 3, or 4 protocols; restricted personnel access)

If either the first two boxes are checked then an approved cyber security plan must be attached to this TCP

The security measures are generally project specific and will depend on what is being secured. For instance, software may be protected by not being loaded on computers that will be leaving the U.S. on international travel. Electronic technical data may be secured through encryption, password protection, or storage in non-networked locations. Paper files may be appropriately stored under lock in key (e.g. in a secured locked file cabinet in an office that is locked when unoccupied).

Small pieces of equipment might be stored in locked cabinets with established sign-out procedures so that a log of chain of custody is maintained. Larger equipment might require limited access facilities with an ability to track who has entered and exited.

Agreed upon list of Individual(s) authorized to access the Items, Technology or Technical Data (please notify exportcontrol@unc.edu as individuals needing access change):

Person	U.S. Citizen or permanent resident	Access/level limitations	TCP and Export Control Training Complete (Y/N)
<i>Name of Individual</i>	<i>Yes if person is U.S. citizen, green card holder or has asylum status)</i>	<i>For equipment: person will have a key and will be able to freely access, person will be able to use item under direct supervision, person will be responsible for maintenance of item, etc.</i>	<i>It is important that all individuals working with controlled items and technologies understand their specific responsibilities in maintaining the plan.</i>
		<i>For technology and technical data: Will person be able to directly access the data, be given minimal information required to perform related fundamental research, or simply participate in discussions?</i>	

What will be done with the controlled technical data, or item at the end of the project?

The end of a sponsored research activity does not eliminate the obligation to safeguard export controlled equipment, technology or technical data. As a result, a technology control plan needs to remain in effect as long as the export controlled materials remain on campus. Please indicate here if the materials will be retained on campus, returned to the sponsor, or destroyed. The Export Compliance Officer will work with the PI to determine when controls of retained materials and information are no longer required.

Representations and Certification:

I hereby certify that I have read and understand this Technology Control Plan and my obligations under federal law and UNC-Chapel Hill policies regarding the item, technology, or technical data identified in this TCP. I agree to take the actions set forth in this TCP and, if applicable, to comply with the terms of any license governing the item, technology or technical data and the terms in any contract regarding such item, technology or technical data.

 [INSERT NAME OF PRIMARY RESPONSIBLE PARTY]

Date: _____

Thank you very much for your cooperation in implementing this Technology Control Plan. If you have any questions, please contact exportcontrol@unc.edu.

CC: Vice Chancellor for Institutional Integrity and Risk Management **George E. Battle III**
 Export Control Officer **Quinton Johnson**

FOR EMPOWERED OFFICIAL TRACKING PURPOSES (to be completed by Empowered Official or his/her designee):

TCP Number: [INSERT TRACKING NUMBER HERE]

EAR LICENSE NUMBER, IF APPLICABLE?

ITAR LICENSE NUMBER, IF APPLICABLE?

OFAC LICENSE NUMBER, IF APPLICABLE?

Summary of Major License and Recordkeeping Terms:

Primary Responsible Party: [INSERT NAME HERE]

Contact Information for Primary Responsible Party:

Physical Location of Item/Technical Data for this TCP: [INSERT HERE]

Phone Number for Primary Responsible Party: [INSERT HERE]

Email: [INSERT HERE]

- Appendix 8 – UNC-Chapel Hill International Agreements Pre-Screening Form

UNC Chapel Hill International Agreements Pre-Screening Form

Instructions: Please answer the following questions to the best of your ability. Submit this form to the Export Compliance Office at exportcontrol@unc.edu.

UNC-Chapel Hill Employee Name:	Department:
Phone:	E-Mail:

Travel Questions
Foreign Institution Name and Address:
Foreign Institution Country of Origin/Organization:
Please describe the nature of the agreement (<i>ex: MOU, Research Collaboration, Student Exchange</i>):
If applicable, please describe the type of research or services that will be provided under the agreement (<i>ex: plan to develop academic courses for foreign institution, plan to collaborate on software development</i>):

I attest that, to the best of my ability, I have truthfully answered all of the above questions.

Traveler Signature	Date
--------------------	------

- *Appendix 9 – Export Compliance and Science and Security Form*

Export Compliance and Science and Security Visa Process Support Form

1. Full Name of Individual Requesting Review

2. Email of Individual Requesting Review

3. Full Name of Faculty Mentor

4. Email of Faculty Mentor

5. Email of Office Administrator/Manager/or other additional contact to include in correspondence related to the export control and science and security review

6. Hosting School or Unit

7. Name of Individual Seeking Visa (aka Beneficiary)

8. Beneficiary's Current University or Entity Affiliation

9. Please describe the source of funds covering the Beneficiary's expenses for the visit

10. Will the beneficiary work on any research projects?

Yes (1)

No (2)

11. Please list the RAMSeS Project ID# (or IPF# if not yet awarded) for all projects the beneficiary will work on

12. Do you anticipate the beneficiary being a co-author on any research publications?

Yes (1)

No (2)

13. Do you anticipate the beneficiary generating any intellectual property related to their workwhile at UNC?

Yes (1)

No (2)

14. Please upload a PDF version of the beneficiary's CV

15. Requesting or Updating

H-1B, H-1B1, O-1A (1)

J-1 (2)

16. Please list the beneficiary current country(s) of citizenship

17. If applicable, please list the beneficiary past country(s) of citizenship

18. Is the beneficiary signing an employment agreement with UNC Chapel Hill (will the recipient be considered a UNC Chapel Hill employee? If you select "No" the beneficiary must complete the required forms for visiting scholars found here:

<https://hr.unc.edu/employees/policies/other/unpaid-volunteers-interns-visiting-scholars/>

Yes (1)

No (2)

19. Please describe what the individual will be doing while at UNC:

20. Will the beneficiary be provided access to any UNC-owned technical data or technology that is considered proprietary or confidential to the Institution or any UNC-owned unpublished research data?

Yes (1)

No (2)

21. If yes, please describe the data/technology in as much detail as possible

22. Will the beneficiary be provided access to any third party-owned technical data or technology that is considered proprietary or confidential to the third party owner or to any third party-owned unpublished research data? This includes U.S. government furnished technical data with dissemination controls or other restrictive markings, as well as ITAR-controlled software

Yes (1)

No (2)

23. If yes, please describe the data/technology in as much detail as possible

24. Will the beneficiary be provided access to equipment specifically designed or developed for military or space applications?

Yes (1)

No (2)

25. If yes, please describe the equipment in as much detail as possible

26. Will the beneficiary perform or participate in ALL of the following functions for equipment: operation, installation, maintenance, repair, overhaul, and refurbishing?

Yes (1)

No (2)

27. If so, please describe the equipment in as much detail as possible

28. Will the beneficiary work on projects that have publication restrictions or foreign national participation restrictions?

Yes (1)

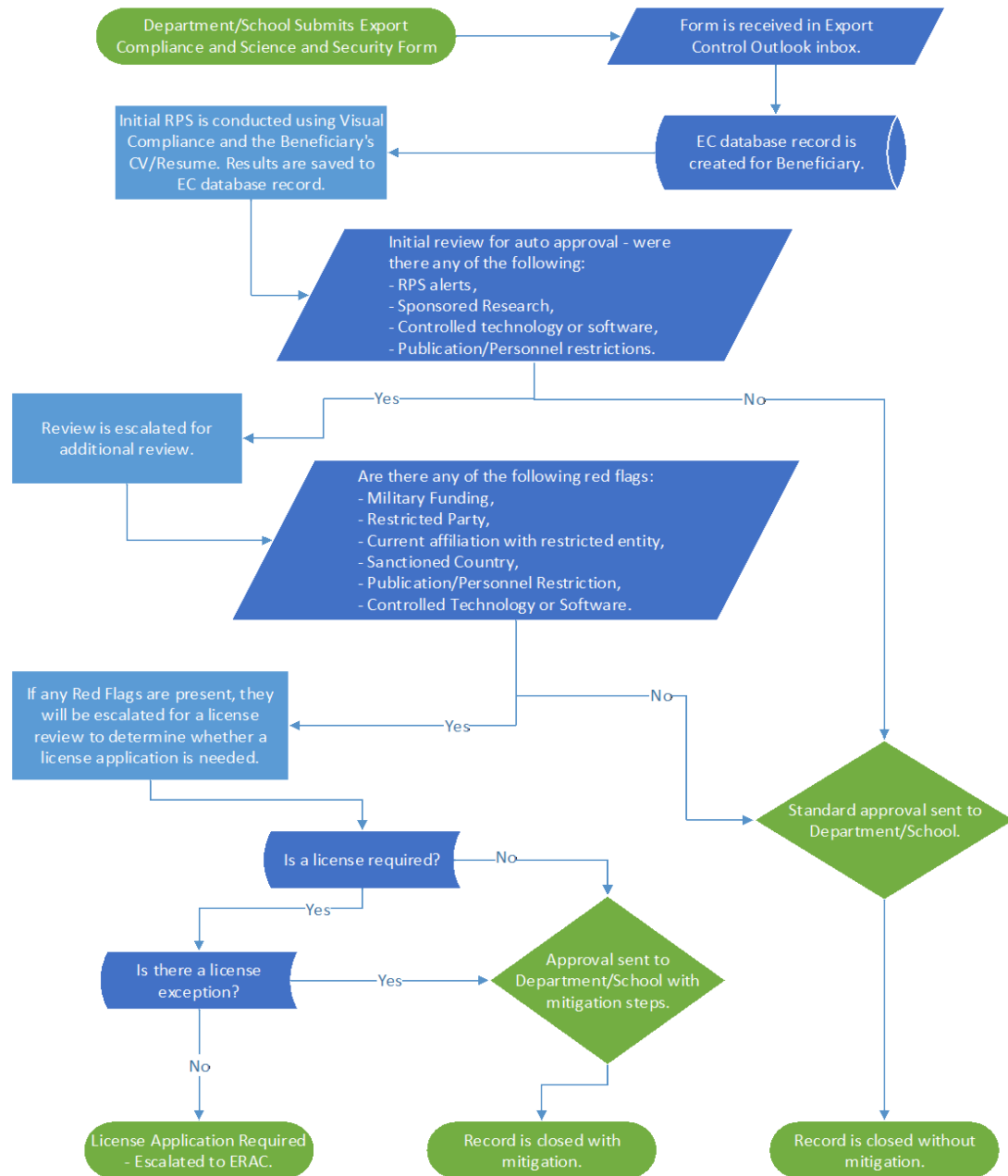
No (2)

29. If yes, please list the RAMSeS Project ID# (or IPF# if not yet awarded) for all projects that have publication restrictions or foreign national participation restrictions

30. Requester certification: By checking "I understand" below, you certify that you understand that you may be held liable for information provided on this form. By completing and submitting this form, you certify that the information provided is true and accurate to the best of my knowledge. If any information changes, you will let the UNC Chapel Hill Export Compliance Office, Director of Science and Security, and ISSS know immediately

I understand (1)

Visa Review Process for Export Compliance



*An online version of this process can be found on the [Hosting International Visitors webpage](#).

- Appendix 11.1 - Visiting Nonemployee Scholar Agreement



The University of North Carolina at Chapel Hill
Office of Human Resources – Employment & Staffing

ACKNOWLEDGEMENT AND RELEASE OF LIABILITY FOR UNPAID VISITING SCHOLARS

THIS SECTION: APPOINTING DEPARTMENT USE ONLY

Name of Visiting Scholar			
Department Name			
Department Number		Date of Request	
Department Contact		Telephone Number	
Description of Visiting Scholar's Activities	(THIS DESCRIPTION MUST MATCH THAT ON THE VOLUNTEER REQUEST FORM)		
Start Date of Activity		End Date of Activity	
Supervisor		Telephone Number	

THIS SECTION: UNPAID VISITING SCHOLAR USE ONLY

We greatly appreciate your interest in serving The University of North Carolina at Chapel Hill as a Visiting Scholar and welcome you as a member of our community. "Visiting Scholars" are individuals who hold appointments at other academic or research institutions and are visiting to work with a particular faculty member or principal investigator on a research project but do not receive a paid appointment at The University of North Carolina at Chapel Hill. In accordance with our policies and processes, we must keep records of all Visiting Scholars, and all Visiting Scholars must agree to and acknowledge the following terms. Please also consult the University's Policy on Unpaid Volunteers, Interns and Visiting Scholars for more information.

TERMS OF VOLUNTARY SERVICE TO THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

For the purposes of this document, hereinafter referred to as the "Release," the party intended to be an Unpaid Visiting Scholar shall hereafter be referred to as "I," "me," or the "Scholar." The University of North Carolina at Chapel Hill, and its directors, officers, employees and agents acting within the course and scope of their duties, shall hereinafter be referred to as the "University" or "UNC-CH." My (the Visiting Scholar's) successors, assignees, heirs, guardians, and legal representatives shall be referred to as "my Representatives." The voluntary service provided to the University by the Visiting Scholar shall hereafter be referred to as "my Activity" or "Activity."

I hereby freely, voluntarily and without duress execute this Release under the following terms:

1. **Scholar's Participation.** I am performing my Activity voluntarily, without pressure or coercion. I agree that I perform this service for educational, civic, charitable or humanitarian reasons. I am performing my Activity without expectation of payment or reimbursement. I understand that the services I perform will in no way be construed as an obligation to provide me with future paid employment, either permanent or temporary. I further understand that the University will not cover me by any of its insurance, including, but not limited to, medical insurance, property insurance, health insurance, liability insurance, and workers' compensation benefits. I further agree that my Activity at UNC-CH may be terminated at any time and for any reason by the University or by me. I recognize that my Activity may be largely, or wholly, unsupervised.
2. **Application of University Policies.** I shall comply with all applicable University policies and processes while performing my Activity or using University facilities and resources, including, without limitation, policies related to IT, inventions and intellectual property, the Information Technology Acceptable Use Policy, and the Reporting of Criminal Convictions Policy.
 - a. I agree not to disclose any confidential or proprietary information, data, procedures and techniques and not to use such information except as needed to perform my Activity. Confidential information shall include information derived from such information.
 - b. Except with advance written approval from the University, I may not: (a) release any articles or publicity relating to my Activity, or (b) make copies of documents containing confidential information. Upon termination of my Activity, I will promptly return all confidential information and copies or upon request certify in writing that all such information and copies have been destroyed.
 - c. I agree to comply with the University's Policy on Export Controls and all applicable export control laws and regulations and to cooperate with any action required to confirm or maintain compliance with export control regulations.
 - d. I agree to use University computing resources solely for the purpose of completing my Activity.

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Rev. (04/16/2021)

The University of North Carolina at Chapel Hill is an equal opportunity employer that welcomes all, including individuals with disabilities and protected veterans.

Page 1 of 2

ACKNOWLEDGEMENT AND RELEASE OF LIABILITY FOR UNPAID VISITING SCHOLARS

3. **Waiver of Liability, Assumption of Risk, and Indemnity Agreement Waiver.** In consideration of the opportunity afforded me to participate in the Activity at the University, I do hereby release and forever discharge and hold harmless the University and its successors and assigns from any and all liability, claims, and demands of whatever kind or nature, either in law or in equity, which arise or may hereafter arise from my Activity. I understand that this Release discharges the University from any liability or claim that I may have against the University with respect to any bodily injury, personal injury, illness, death, property loss, or property damage that may result from my Activities with the University. I understand and acknowledge that potential risks to my health and personal property may be associated with my participation in the Activity, and I voluntarily assume those risks. I also understand that the University does not assume any liability for or obligation to provide financial assistance or other assistance, including, without limitation, medical, health or disability insurance in the event of injury or illness, as outlined in Section 1 above and Section 4 below.
4. **Medical Treatment and Pre-Existing Medical Conditions.** I do hereby release and forever discharge the University from any claim whatsoever that arises and may hereafter arise on account of any first aid, treatment, or service rendered in connection with my Activity with the University. I further certify that I have consulted with my personal physician or an appropriate health care provider regarding any and all pre-existing health problems, such as insect, food or medication allergies, and will provide for myself any appropriate medication needed to treat these health problems. In relation to the above certification on pre-existing medical conditions, I do hereby also release and forever discharge the University from any claim whatsoever that arises from any complication or exacerbation of any pre-existing medical conditions. I understand I may be eligible for reasonable accommodation under the University's ADA Reasonable Accommodations for Employees, Applicants and Visitors Policy. Information on how to request such accommodation is available through the University's Equal Opportunity & Compliance Office.
5. **Permission for Use of Name, Image and Statements.** I hereby grant to the University permission to reproduce my name, likeness, identity, voice, photographic image, videographic image, and oral or recorded statements in any publication of the University intended for research, educational, promotional, fundraising or other related use, including, but not limited to, film broadcast, printed publications, web pages and web-based publications associated with the University. By signing this Release, I waive and release the University from any claim or liability relating to the use of my name, likeness, identity, voice, photographic image, videographic image, and oral or recorded statements. I acknowledge that the University will rely on this permission and release in producing, broadcasting, and distributing materials containing my name, likeness, identity, voice, photographic image, videographic image, or oral or recorded statements, and that I will receive no money or remuneration of any kind from the University related to this permission and release or the materials covered by this permission and release.
6. **Miscellaneous.** This Release shall be binding and enforceable against me and my Representatives. I expressly agree that this Release is intended to be as broad and inclusive as permitted by the laws of the State of North Carolina, and that this Release shall be governed by and interpreted in accordance with the laws of the State of North Carolina. I agree that in the event that any clause or provision of this Release shall be held to be invalid by any court of competent jurisdiction, the invalidity of such clause or provision shall not otherwise affect the remaining provisions of this Release which shall continue to be enforceable.

I have carefully read this Release and acknowledge the terms and conditions set forth for serving as an Unpaid Visiting Scholar at The University of North Carolina at Chapel Hill. I understand that in signing this document, I am giving up significant legal rights in exchange for serving as an Unpaid Visiting Scholar at The University of North Carolina at Chapel Hill.

Name of Unpaid Visiting Scholar_____
Signature of Unpaid Visiting Scholar_____
Date

- Appendix 11.2 – Unpaid Intern and Volunteer Agreement



The University of North Carolina at Chapel Hill
Office of Human Resources – Employment & Staffing

ACKNOWLEDGMENT AND LIABILITY FOR VOLUNTEERS AND UNPAID INTERNS			
THIS SECTION: APPOINTING DEPARTMENT USE ONLY			
Volunteer/Intern Name	Proposed Activity: <input type="checkbox"/> Volunteer <input type="checkbox"/> Unpaid Intern		
Department Name			
Department Number	Is Volunteer/Intern under the age of 18? (If yes, parent or guardian must sign below.)		<input type="checkbox"/> YES <input type="checkbox"/> NO
Description of Volunteer's/ Intern's Activity or Service	<small>(THIS DESCRIPTION MUST MATCH THAT ON THE VOLUNTEER REQUEST FORM)</small>		

THIS SECTION: VOLUNTEER/UNPAID INTERN USE ONLY

INSTRUCTIONS: *UNC-CH's mission involves a variety of teaching, research, and public service activities. As an unpaid volunteer or unpaid intern, you play an important role in supporting our mission while at the same time gaining experience which will be personally rewarding. In accordance with our policies and processes, UNC-CH requires that you carefully read and agree to the following terms. The term "UNC-CH" means The University of North Carolina at Chapel Hill (along with its directors, officers, employees and agents acting within the course and scope of their duties). "I", "Volunteer/Intern" or "me" means you, the intended unpaid volunteer or unpaid intern. We appreciate your interest in serving The University of North Carolina at Chapel Hill and welcome you as a member of our community!*

I, Volunteer/Intern, hereby freely, voluntarily and without duress, execute this Release of Liability under the following terms:

1. I am performing my Activity voluntarily, without pressure of coercion, for educational, civic, charitable or humanitarian reasons and without expectation of payment, reimbursement, or future paid employment of any kind.
2. I understand that UNC-CH will not cover me by any of its including, but not limited to, medical, property, health, liability insurance or workers' compensation benefits, nor will any financial or other assistance be provided in the event of injury or illness.
3. I agree that my service may be terminated at any time and for any reason by UNC-CH or by me.
4. In consideration of the opportunity to provide unpaid service to UNC-CH, I do hereby release and forever discharge and hold harmless UNC-CH from any and all liability, claims, and demands of whatever kind or nature which arise or may hereafter arise from my service. I understand that this Release discharges UNC-CH from any liability or claim that I may have against it with respect to any bodily injury, personal injury, illness, death, property loss or property damage that may result from my service.
5. I understand and acknowledge that potential risks to my health and personal property may be associated with my service to UNC-CH and I voluntarily assume those risks. I release and forever discharge UNC-CH from any claim whatsoever that arises or may hereafter arise on account of any first aid, treatment, or service I receive in connection with my service to UNC-CH.
6. I have consulted with my health care provider regarding my pre-existing health conditions (such as insect, food or medication allergies) and will provide myself with any appropriate medication to treat these health problems. I hereby release and forever discharge UNC-CH from any claim whatsoever arising from any complication or exacerbation of any such health condition. I understand I may be eligible for reasonable accommodation under the University's ADA Reasonable Accommodations for Employees, Applicants and Visitors Policy. Information on how to request such accommodation is available through the University's Equal Opportunity & Compliance Office.
7. I shall comply with all applicable UNC-CH policies and processes (e.g., the Reporting of Criminal Convictions Policy) while performing my Activity or using UNC-CH facilities and resources, including, without limitation, policies related to IT, inventions and intellectual property, the Information Technology Acceptable Use Policy, and the Reporting of Criminal Convictions Policy.
 - a. I agree not to disclose any confidential or proprietary information, data, procedures, and techniques and not to use such information except as needed to perform my Activity. Confidential information shall include information derived from such information.
 - b. Except with advance written approval from the University, I may not: (a) release any articles or publicity relating to my Activity, or (b) make copies of documents containing confidential information. Upon termination of my Activity, I will promptly return all confidential information and copies or upon request certify in writing that all such information and copies have been destroyed.
 - c. I agree to comply with the University's Policy on Export Controls and all applicable export control laws and regulations and to cooperate with any action required to confirm or maintain compliance with export control regulations.
 - d. I agree to use University computing resources solely for the purpose of completing my Activity.



ACKNOWLEDGMENT AND LIABILITY FOR VOLUNTEERS AND UNPAID INTERNS

8. This Release of Liability shall be binding and enforceable against me and my successors, assignees, heirs, guardians and legal representatives. I expressly agree that this Release is intended to be as broad and inclusive as permitted by the laws of the State of North Carolina and that this Release shall be governed by and interpreted in accordance with the laws of the State of North Carolina. I agree that, in the event that any clause or provision of this Release shall be held to be invalid, the invalidity of such clause or provision shall not otherwise affect the remaining provisions of this Release which shall continue to be enforceable.

I have carefully read this Release and acknowledge the terms and conditions set forth for serving as an Unpaid Volunteer or Unpaid Intern at the University of North Carolina at Chapel Hill. I understand that in signing this document, I am giving up significant legal rights in exchange for serving an Unpaid Volunteer or Unpaid Intern at the University of North Carolina at Chapel Hill

Name of Volunteer/Intern

Signature of Volunteer/Intern

Date

Name of Parent or Guardian
(If Volunteer/Intern is under age of 18)

Signature of Parent or Guardian
(If Volunteer/Intern is under age of 18)

Date

- Appendix 11.3 – Visiting Scholar, Unpaid Intern and Volunteer Request HR eForm

Individual to Perform Activity

Approval by OHR required prior to start of Volunteer/Unpaid Intern/Unpaid Visiting Scholar activities.

Definitions: Volunteer, Unpaid Intern, and Unpaid Visiting Scholar

University's Employment of Related Persons Policy can be seen by [clicking here](#).

PID <input type="text"/>	Birth Date <input type="text"/>
Name (First Last) <input type="text"/>	
*Appointing/Supervising University Official is "Closely Related" (per Employment of Related Persons Policy) <input type="text"/>	
*Department is Requesting (select one) <input type="text"/>	*Name of Home Institution <input type="text"/>
*Student or Educational Professional Status <input type="text"/>	*Country of Home Institution <input type="text"/>
*Background Check Satisfactorily Completed? <input type="text"/>	
*Individual holds a Visa (J-1 or H-1B) sponsored by UNC <input type="text"/>	*Individual is a U.S. Citizen or Permanent Resident (green card). Citizenship information will only be used to determine the University's compliance obligations in connection with this request. <input type="text"/>

If a minor has graduated from high school and will be a matriculated undergraduate student in the upcoming semester they still must complete [High School \(Minor\) Laboratory Worker Departmental Agreement Form](#) in accordance with the University's [High School Student and Minors in Laboratories Policy](#).

*High School Student working in a lab?

Proposed Activity

*Department <input type="text"/>	*Department Contact <input type="text"/>	*Department Contact Email <input type="text"/>
*Describe Activities and Specify Environment Setting <input type="text"/>		
*Describe any risks in the setting in which this assignment will occur. (For example, exposures such as: thermal, chemical, or electrical hazards, lab animals, etc.) <input type="text"/>		

Unsupervised Activities

Involves Unsupervised Activities with Either of the Following: (if either are involved, include specifics in description below)

Definitions: [Sensitive Populations](#), [Sensitive Facilities](#) and [Sensitive Information](#)

*Sensitive Populations

*Sensitive Facilities

*Sensitive Information

Duration and Supervision

*Beginning Date <input type="text"/>	*Ending Date <input type="text"/>
*Supervisor Name <input type="text"/>	Supervisor Email <input type="text"/>

Definitions and Additional Information

Volunteers are individuals who offer their services without cost to the university for civic reasons and which are not typically performed by permanent university employees. Examples include serving as a docent at a university museum or educational facility, serving as an usher at a university special event, or otherwise performing duties that are of benefit to the university's teaching, research, and/or public service mission.

Ongoing duration is only available for Unpaid Volunteers that meet the following standards:

- Will be performing the same duties each instance of service.
- The service(s) is provided intermittently for short durations of time (i.e. 10 days twice a year).
- The service(s) will be performed over multiple consecutive years.
- The service(s) must be performed at the same time(s) of year.

Unpaid interns are individuals who meet one of the following circumstances:

- Are currently enrolled at UNC-Chapel Hill or other accredited colleges, universities, community colleges or high schools and who are engaged in experiential learning in the workplace in return for academic or course credit.
- Are obtaining work experience that is required for professional licensure or certification under the supervision of a licensed or certified professional (e.g., Social Workers, Engineers, Nurses, and Accountants) for a period not to exceed 18 months in duration.
- Are engaging in experiential learning in a profession under the supervision of an appropriate University supervisor or manager for a period not to exceed 18 months in duration.

Unpaid visiting scholars are individuals who hold appointments at other academic or research institutions and are visiting to work with a particular faculty member or principal investigator on a research project but do not receive a paid appointment at UNC-Chapel Hill.

Exclusions: Individuals who will perform volunteer services not to exceed ten calendar days in duration without any continuing volunteer relationship, if the assignment does not involve any unsupervised access to sensitive populations or sensitive facilities and if the individual is not otherwise an employee of the University. Note: This exclusion includes individuals who are invited to deliver a talk or presentation at the University without pay or only for nominal benefits related to their services.

Sensitive populations are those including individuals under 18 years of age, patients receiving care in any clinical setting, or other individuals deemed to require enhanced supervision or protection based on university practice or state or federal law.

Sensitive facilities are university facilities that require special clearance or background checks for access or that permit unsupervised access to records that are confidential or otherwise have special protections under state or federal law.

Sensitive Information: Tier 2 and Tier 3 information is "Sensitive Information" for the purposes of interpreting existing University policies, standards, procedures, and other documents. It is incumbent upon organizational units handling any sensitive information to evaluate classification and control, and to apply stricter standards when appropriate. Those items in the [University Records Retention Schedule](#) with a "Confidential" notation are likely to contain elements which would require a Confidential or Restricted classification.

Tier 2: Confidential Information is the default classification of University information until determined otherwise. Confidential Information includes information which the University is required by law, regulation, contract, policy, or other governing requirement to keep confidential.

The following are examples of Confidential Information elements:

- Education records such as grades and class schedules
- The University's proprietary information including, but not limited to, intellectual research findings, intellectual property, financial data and donor/funding sources not otherwise classified under this standard
- Confidential personnel file information protected by the N.C. Human Resources Act, including criminal background check results
- Attorney-client communications
- Information subject to a confidentiality agreement
- Information protected by contractual agreements or non-disclosure agreements such as vendor product roadmaps, bid documents sealed for a limited time.

Tier 3: Restricted Information includes any information that the University has a contractual, legal or regulatory obligation to safeguard in the most stringent manner. Unauthorized disclosure or loss of this information may require notification.

The following are examples of Restricted Information:

- Education records such as disciplinary conduct reports, student health information, sexual assault reports, passports, or financial aid information
- Some types of Federal Policy for the Protection of Human Subjects "Common Rule" data that remains identifiable
- Personal Health Information as defined by the Health Insurance Portability and Accountability Act of 1996 (HIPAA)
- Information covered by the North Carolina Identity Theft Protection Act of 2005
- Payment Card Industry (PCI) information related to merchant activity
- Export controlled information (ITAR/EAR)
- Information covered by Gramm-Leach-Bliley Act (GLBA)
- Information protected by contractual obligations such as vendor information security documentation
- Passwords
- Social Security Numbers (SSNs)

Background checks are required for all volunteers, unpaid interns and unpaid visiting scholars with the following exceptions:

- Permanent employees and UNC-Chapel Hill Students who do not have unsupervised activity with sensitive populations or sensitive facilities
- High school students
- Those under 18 years of age
- UNC-Chapel Hill Students currently enrolled at UNC-Chapel Hill, if the volunteer or intern assignment does not involve any unsupervised access to sensitive populations or sensitive facilities and the individual is not otherwise a non-student employee of the University, a background check is not required if the unpaid activity otherwise conforms to the above provisions.

All others must have a Background Check completed.

Employment of Related Persons: For the Employment of Related Persons policy relating to SHRA permanent employment, [click here](#). For the Employment of Related Persons policy relating to EHRA employment, [click here](#).

Affiliate Registration Process: If the Volunteer/Unpaid Intern/Unpaid Visiting Scholar will need a One Card, PID or Onyen to perform the activity for which they are engaged, information on this can be found on the UNC PID Office website by [clicking here](#).

Instructions

The Volunteer/Unpaid Intern is required to sign the relevant [Acknowledgement and Release for Liability for Volunteers and Unpaid Intern](#) form.

[Release for Minors](#)

The release form is required to be attached prior to submission for individuals under the age of 18.

[Release for Non-Minors](#)

If the individual is 18 or older the release form is required to be signed prior to or on the Beginning Date. Once signed, please upload the Acknowledgment and Release of Liability. If the form is completed prior to submission, it can attached below using the Add button and selecting the Release from the dropdown. If the release is not completed prior to submission the form will route back to the initiator to obtain the attachment after the applicable approvals are complete.

File Attachments

***Available online at Connect Carolina "HR eForms"**

- *Appendix 12 – Export Control Red Flags*

Export Control Red Flags

If the terms and conditions of a RFP, solicitation or award from a sponsor contain any of the following restrictions or limitations, there is a strong likelihood that the US Export Control laws will apply.

- Does the award specifically state that ITAR, EAR or OFAC laws will apply?
- Does the award specifically state that the technology involved is export controller?
- Has the sponsor specifically stated that the fundamental research exclusion otherwise available to universities does not apply?
- Does the technology or data involved have military, security, or intelligence applications? Does it appear on ITAR’s U.S. Munitions list?
- Does the technology, data or material involved have a dual civilian and military application? Does it appear on the Commerce Department’s Control List? Does it have an ECCN?
- Does the research involve the use of encryption technology or encrypted software?
- Does the research involve classified, secured, or top-secret materials?
- Will the PI be asked to maintain the confidentiality of sponsor information? Was a NDA or Teaming Agreement executed between the parties?
- Does the award contain any publication restriction or limitation? This can include the right of the sponsor to review and approval all proposed publications beforehand.
- Does the award contain DFARS 252.204-7000, Disclosure of Information?
- Is the award funded by other than 6.1 or 6.2 Congressional appropriations?
- Does the award prohibit the involvement of foreign nationals? Are project participants limited to U.S. citizens or legal resident aliens only?
- Does the award involve the shipment or export of technology, data, or materials outside the U.S.?
- Will collaborations with foreign consultants be required?
- Will the work involve a country that has been embargoed or sanctioned by either the State or Treasury Departments?

If you’ve answered yes to any of these questions, contact UNC-Chapel Hill’s Export Compliance Office at exportcontrol@unc.edu.

- *Appendix 13 – Export Control Self-Assessment Guide for Principal Investigators*

Self-Assessment Guide

Periodically throughout the course of the research, the PI and key personnel on the project should review the procedures, terms, and direction of the research to verify that they remain in compliance with the Export Control Laws. The PI should consider the following questions:

- | Yes | No | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Has the sponsor issued a modification to the terms and conditions of the award that affect publication of the research results? |
| <input type="checkbox"/> | <input type="checkbox"/> | Has the sponsor issued a modification to the terms and conditions of the award that affect the involvement of foreign nationals in the project? |
| <input type="checkbox"/> | <input type="checkbox"/> | Has the research project evolved to now include technology or devices for use in military, security, or intelligence activities? |
| <input type="checkbox"/> | <input type="checkbox"/> | Has the research project evolved to now include technology or data with a substantial or dual-use military application? |
| <input type="checkbox"/> | <input type="checkbox"/> | Are there currently any foreign nationals working on the research project? |
| <input type="checkbox"/> | <input type="checkbox"/> | Have any new members joined the research team since the initial TCP was prepared who have not provided proof of U.S. citizenship or legal resident alien status? |
| <input type="checkbox"/> | <input type="checkbox"/> | Is any member of the research team collaborating with a foreign colleague in a foreign country? |
| <input type="checkbox"/> | <input type="checkbox"/> | Has any member of the research team traveled to a foreign country since the research activities began? |
| <input type="checkbox"/> | <input type="checkbox"/> | Are laptops, cellphones, or global positioning systems being used by any member of the research team specifically for this project? |
| <input type="checkbox"/> | <input type="checkbox"/> | Has encrypted technology been newly introduced to the project since the development of the TCP? |
| <input type="checkbox"/> | <input type="checkbox"/> | Has any research related technology or data been emailed or shipped outside of the United States? |
| <input type="checkbox"/> | <input type="checkbox"/> | Is the research being conducted in a space that is accessible by anyone other than a member of the research team? |
| <input type="checkbox"/> | <input type="checkbox"/> | Has the research team deviated from the procedures outlined in the original TCP prepared for this project? |
| <input type="checkbox"/> | <input type="checkbox"/> | Does the current TCP inadequately protect the research team members and the University from a violation of the federal export control regulations? |

If the answer to any of the above questions is “Yes,” either the TCP needs to be revised or a license is required from the appropriate federal agency. In either event, please secure all research materials, cease research activity, and contact the University’s Empowered Official for further guidance.

