Sample Compliance Letter



To: P.I.

From: Carol Welt, Executive Director

Antje Harnisch, Manager of Contract Services

Re: Award from: Sponsor

Purchase Order #:

Proposal #:

100,000; star date – end date

Date: February 1, 2005

The sponsored research project identified above involves the use of Export-Controlled Information as defined in the Export Administration Regulations, as outlined in more detail in the attached document on the handling of export-controlled information. Non-compliance with these federal regulations carries severe penalties.

The following restrictions and requirements apply to your above-referenced project.

Publication

Sponsor Purchase Order Article 10 restricts the publication of research results. Sponsor requires prior review and approval of any proposed publication or presentation. Sponsor can screen the publication for the inadvertent disclosure of proprietary and export-controlled information. You cannot publish or present any of your results before you have received Sponsor approval.

Foreign Nationals

You have stated that the only person working on the project in addition to you and Co-PI is Student A. Student A is a non-resident alien from foreign country B, and she has been approved by Sponsor to work on this project. You will inform OSP of any change in her immigration status. Moreover, any proposed change of personnel requires OSP review and approval.

Graduate Student Participation

Because there is the possibility that work cannot be published, student participation on this project is limited to a one-time, six months period. The work performed on this project cannot be part of the student's thesis or dissertation. The student will sign a letter agreeing to these provisions.

Disclosure of Information

You, Co-PI, and Student A may not disclose controlled technical information by any method to a foreign national in the U.S. or abroad without a license from the Department of Commerce or the Department of State. Methods of disclosure include, but are not limited to, fax, telephone discussions, e-mail communications, computer data disclosures, face-to-face discussions,

training sessions, and tours that involve visual inspections. You may not discuss the work or resulting data in group meetings. Progress on this project shall be discussed only in private between you, Co-PI, and Student A. Moreover, you shall protect the data by securing the hardware in a locked cabinet and shall save all data to separate disks, which shall also be secured in a locked cabinet. In addition, when not securely stored, any hardware or information provided by Sponsor and any data generated relating to this purchase order shall remain in the direct control of you, Co-PI, or Student A at all times.

Separates letters describing requirements and responsibilities under the above-referenced contract will be signed by Co-PI and Student A.

Please sign below that you agree to comply with the provisions outlined in this letter and in the attached document. If you have any questions, please contact me.

<u>Certification</u> . I hereby certify that I have read and understand this letter and the attached
document on the handling of export-controlled information. I understand that I could be held
personally liable if I unlawfully disclose, regardless of form or format, Export-Controlled
Information to unauthorized persons.

Signature:	Date:

<u>UNIVERSITY OF CONNECTICUT</u> THE HANDLING OF EXPORT-CONTROLLED INFORMATION

Overview. The sponsored research project identified below may involve the use of Export-Controlled Information (defined below). As a result, the project implicates the International Traffic in Arms Regulations (ITAR) [under the jurisdiction of the State Department] and possibly the Export Administration Regulations (EAR) [under the jurisdiction of the Department of Commerce]. It is unlawful under the ITAR to send or take export-controlled information out of the U.S., disclose, orally or visually, or transfer export-controlled information to a foreign person inside or outside the U.S. A foreign person is a person who is not a U.S. citizen or permanent resident alien of the U.S. The law makes no exceptions for foreign graduate students.

In general, Export-Controlled Information means activities, items and information related to the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, operation, modification, demilitarization, destruction, processing or use of items with a capacity for substantial military application utility. Export-controlled information does not include basic marketing information on function or purpose, general system descriptions, or information concerning general scientific, mathematical or engineering principles commonly taught in schools, colleges and universities or information in the public domain. It does not matter if the actual intended use of Export-Controlled Information is military or civil in nature.

Reasonable Care. Researchers may be held personally liable for violations of the ITAR ,EAR and OFAC. As a result, they should exercise care in using and sharing Export-Controlled Information with others and in entering into financial transactions with foreign nationals. For example, PIs should identify whom among proposed research assistants and collaborators are foreign persons. Unless the governing agency grants a license authorizing those persons access to Export-Controlled Information, a prerequisite to accessing it is a security clearance. In the absence of that clearance, PIs should not leave Export-Controlled Information unattended. They should clearly identify Export-Controlled Information and make only that documented number of copies of the material as is absolutely necessary. PIs also should store Export-Controlled Information in a locked file cabinet or drawer or under password protected computer files. Finally, PIs should avoid moving the information from one location to another.

Penalties. The penalty for unlawful export and disclosure of Export-Controlled Information under the ITAR is up to two (2) years imprisonment and/or a fine of one hundred thousand dollars (\$100,000), and unlawful export and disclosure of information controlled under the EAR, the greater of (i) a fine of up to one million dollars (\$1,000,000) or (ii) five times the value of the exports for a corporation and imprisonment of up to ten (10) years and/or a fine of up to two hundred fifty thousand dollars (\$250,000) for an individual. Violations of sanctions against certain countries governed by OFAC may result in imprisonment of up to twelve (12) years and fines up to one million dollars (\$1,000,000). All of these fines and penalties are cumulative.