



University Community (faculty, staff and students)

SUBJECT (R*)	EFFECTIVE DATE (R*)	POLICY NUMBER (O*)
EXPORT CONTROLS	June 12, 2006	2370.010

POLICY STATEMENT (R*)

Any federally funded research project of Florida International University shall be conducted in accordance with applicable export control regulations. Any proposed research activity or contractual obligation which would subject the University to export control regulations is subject to prior review and approval by the Vice President for Research. The Vice President for Research has the authority to refuse to accept an award that contains unacceptable export control provisions. In those instances in which the activity or project is not within the purview of the Office of Research and Economic Development, the individual faculty member or staff member who wishes to engage in any activity or project that would subject the University to export control regulations must first receive approval from the Provost.

REASON FOR POLICY (O*)

Export Administration Regulations, 15 CFR 730-774
 International Traffic in Arms Regulations, 22 CFR 120-130
 Economic sanctions, embargoes issued by U.S. Treasury Department, Office of Foreign Assets Control

DEFINITIONS (R*)

“EAR” refers to Export Administration Regulations administered by the Department of Commerce.
 “ePRAF” refers to the ORED Electronic Proposal Routing Approval Form required for every proposal being submitted by FIU to external sponsors.
 “ITAR” refers to International Traffic in Arms Regulations administered by the Department of State.
 “OFAC” refers to U.S. Treasury Office of Foreign Assets Control.
 “ORED” refers to the FIU Office of Research and Economic Development.
 “PI” refers to the FIU principal investigator on a sponsored project or proposal for sponsored project.

PROCEDURES (O*)

In order to facilitate compliance with export control regulations, the principal investigator must work through the University’s Office of Research and Economic Development in order to assess whether or not the project calls for activity that is subject to export controls.

Pre-Award:

As part of the FIU proposal review process, the PI must complete the ePRAF, including all sections relating to export controls, and timely submit the form together with the complete proposal to ORED for review prior to submission to the external sponsor. ORED reviews the completed ePRAF and the proposal, and determines whether further information is needed regarding export control matters at proposal time. If additional information is needed at award time, the PI must complete the ORED Record of Export Control Review form and submit that to ORED. ORED will assist the PI with any questions regarding the form. Once the PI provides the completed Record of Export Control Review form, ORED will review the same, together with the proposal and in consultation with the General Counsel’s Office, if necessary, to determine if a license may be necessary or if export controls training is necessary. If a license or training is necessary, the PI will be advised. The PI may not begin the project until the appropriate license is obtained and all project personnel have taken the appropriate training. If any additional personnel are added to the project, the PI must ensure that each such additional personnel does not begin work on the project until any required license is obtained and/or the new personnel completes the export control training. ORED may request additional information from the PI, as necessary, to complete the export control review or to begin the process for obtaining a license. ORED will work with the PI to develop an export control management plan that addresses compliance issues related to export controls. These plans are subject to review on at least an annual basis, or more often as set forth in the management plan.

If any subcontract or consulting agreement is needed for a sponsored project, Pre-Award will prepare such agreement with the assistance of the PI. Prior to execution of such an agreement, Pre-Award will review the appropriate federal lists relating to export controls to ensure that the agreements are not entered with any embargoed country, entity or denied person.

Award:

If an award is received for a proposal for which ORED determined that a license would be needed as set forth above, ORED will undertake the process to obtain the license, with the assistance of the PI and in consultation with the General Counsel's Office, as necessary. The PI may not begin the project until all necessary licenses have been obtained and/or applicable trainings completed. PIs are advised that obtaining a license is a lengthy process, which may take months.

ORED will review and negotiate award documents to ensure that their terms are acceptable in relation to export control requirements.

The Vice President for Research has authority to refuse to accept an award which contains unacceptable export control provisions.

Any project with export control requirements that is accepted by ORED may not be commenced until all FIU project personnel have completed the export control training on the ORED website.

Post-Award:

After an award is processed, all applicable trainings have been completed by all project personnel and all appropriate licenses are obtained, the PI may begin work on the project. The PI must monitor the project and promptly advise ORED if any export control issues arise. ORED will work with the PI, the General Counsel's Office and the University Compliance Office, as necessary, to address any such issues.

RESPONSIBILITIES (O*)

Principal Investigator: The PI is responsible to be knowledgeable of export control regulations including EAR, ITAR and OFAC regulations and to complete training provided by the University relating to the same, as well as to ensure that all FIU project personnel do not begin work on the project until they have also completed the export control training on the ORED website. The PI is responsible for reviewing the requirements of the proposed sponsored project to ascertain if any export control issues are present and to notify the appropriate ORED representative if there are any potential export control issues. PI is responsible for properly completing the ORED ePRAF, including the export control section, and timely forwarding the completed form to ORED Pre-Award. PI is responsible for completing the ORED Record of Export Control Review form, and if requested by ORED, working with ORED in the export control review process. If ORED determines that a license is required, PI is responsible for not beginning the project until the appropriate license is obtained. PI is responsible for monitoring ongoing sponsored projects under the PI's direction and advise ORED Post-Award if any possible export control issues arise.

ORED: Pre-Award is responsible for reviewing the ePRAF and the proposal for a proposed project and determining if further information is needed relating to export controls. If further inquiry is needed, Pre-Award will work with the PI in completing the ORED Record of Export Control Review form. ORED will review all pertinent documents relating to export control, including the proposal, the ePRAF and the Record of Export Control Review Form, if applicable, and, with the consultation of the FIU General Counsel's Office and/or the FIU Compliance Office, as necessary, will determine if a license is required. If a license is required, ORED will seek to obtain the necessary license from the appropriate federal agency and will advise the PI once the license is obtained. ORED, in consultation with the General Counsel's Office and/or the FIU Compliance Office, as necessary, is responsible for reviewing sponsor award documents to ensure that the terms are acceptable in regards to export control requirements. ORED is responsible for reviewing federal agencies lists to ensure that subcontracts or consulting agreements are not awarded to persons/entities that are on federal agency embargoed or denied persons lists. ORED together with the FIU Compliance Office, as necessary, is responsible for working with the PI to develop an export control management plan that addresses compliance issues related to export controls.

Vice President for Research: The Vice President for Research has the authority to refuse to accept any award with unacceptable export control terms.

Provost: In those instances in which a faculty or staff member wishes to engage in an activity or participate in a project that would subject the University to export control regulations and such activity or project does not, by its nature, fall within the purview of the Office of Research and Economic Development, the Provost has the authority to reject the proposed activity or project.

HISTORY (R*)

Effective Date: June 12, 2006; Revision Dates: December 22, 2008; October 4, 2012; [the October 4, 2012 revision was non-substantive in nature: all references to the "Internal Clearance Form" in the policy document were revised to reflect that the form is now known as the "Electronic Proposal Routing Approval Form (ePRAF)"]; November 26, 2012; June 8, 2015.

RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT (R*)

Office of Research and Economic Development
Florida International University

RESPONSIBLE ADMINISTRATIVE OVERSIGHT (R*)

Pre-Award
Florida International University
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Miami, Florida 33199
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The University Policies and Procedures Library is updated regularly. In order to ensure a printed copy of this document is current, please access it online at: <http://policies.fiu.edu/>.

For any questions or comments, the "Document Details" view for this policy online provides complete contact information.

FORMS/ONLINE PROCESSES (O*)

ORED Pre-Award Forms

ePRAF for Submission of all Awards

Link(s) to the above referenced form(s) available in the "Document Details" Section of the online version of this policy document.

***R = Required *O = Optional**