OSR C-O-N-N-E-C-T

June 2015

Spotlight: Export Control Review

As research administrators, we know export control is a complicated, but important issue. In general, we know export control laws and regulations govern the transfer of controlled items or information to foreign nationals, countries and entities. But export control is also closely intertwined with the core principles of Stanford's policies on Openness in Research and Nondiscrimination. Research can be jeopardized and non-compliant with export controls if Stanford agrees to publication review and approval requirements, or controlled access to the project or its results. There is also added complexity if the work involves international research activities or confidential information.

Stanford screens its projects for potential export control issues at the time of proposal review. The SeRA PDRF triggers an export control review task through various ways (*see sidebar*), and the task is sent to Stanford's Export Control Officer, Steve Eisner, after the PI has approved the PDRF.

We sat down with Steve for a question and answer session about export control and the proposal review process.

Q: What proposal elements do you need to have in order to conduct your export control review?

A: A Statement of Work (SoW) is a required element of my export control review. I cannot approve proposals routed to me without an SoW. SoW's provide me with an understanding of the technologies, the tasks, the collaborators, the geographic location and generally the equipment that is involved in the proposed effort. By having an understanding of the technologies and tasks I can assess whether the intended research activity may be treated as unrestricted "fundamental research" as that term is defined in US export regulations, particularly the defense-focused International Traffic in Arms Regulations (ITAR) and the civil-focused Export Administration Regulations (EAR). For Federal Awards, the Program Solicitation to which the effort is responding is also a required element of my review. The Solicitation provides information that reflects the sponsor's expectations about the anticipated openness and fundamental nature of awarded research. The Solicitation also allows me to anticipate problematic award terms in advance of submission and to work with the PI to adjust work scope as necessary.

Inside this issue

SeRA PDRF Export Control Triggers

SPONSORS:

There are 55 export control-flagged sponsors (listed as direct or prime). The list includes all U.S. Department of Defense agencies, departments and divisions, NASA, USDHS, USAID, CIA, Jet Propulsion Lab, and government defense contractors.

PROJECT QUESTIONS:

If the project involves access to disclosure-restricted technical information or software code, or commercial items on the US Munitions List (ITAR); If Stanford personnel will ship or hand carry laptops, equipment, components, materials or software on media internationally

Did You Know ?

- 357 PDRFs required export control review between June 2014 to May 2015.

- Work identified as high risk at time of proposal may also require export control review at time of award.

Research Administrator Toolkit

Want to know how many proposals your group submitted during a specific period of time?

Interested in how much NSF funding you received last year?

Need a list of active sponsored projects?

Get answers to these questions and more at **bi.stanford.edu.**

Ask your local Oracle Financials manager to grant you authority to view the SeRA BI reports for your organization.

Walk-in Lab Session: July 16th Birch Lab A, 10am – 12pm

Questions? *Contact John Markley at: markley1@stanford.edu*

Q: What kinds of things are you looking for as part of your review?

*A: I try to identify particular export control "flags" as part of my review – for example, will the effort involve 3rd party (sponsor, collaborator, vendor) disclosure restricted **technical** information as required inputs to generate our fundamental research results? The existence of Confidentiality Agreements (NDAs, PIAs) is a coal-mine canary when it comes to export controls. I also try to identify whether any equipment, components, materials or other tangible property to be procured and used on campus are ITAR controlled and therefore subject to foreign national access restrictions. I look for whether capital equipment or other Stanford property will need to be shipped or hand carried out of the US to determine if an export license will be required. Property export licenses are dependent on the item, its country of destination and the bona fides of the recipient. Related to the latter point, I look for organizations associated with the proposed research that have been identified on US Government Restricted Party Lists. Finally, I look at the funding mechanism – DoD awarded contracts have potentially onerous DFARS clauses associated with them.*

Q: Are there certain areas of research that are more prone to export control risks?

A: Export controls, because of their focus on technologies and items that could provide an adversary with a military or intelligence advantage, tend to be found in engineering and scientific disciplines. Export controls on the transfer of goods, technologies and services to US trade sanctioned countries such as Iran, Syria and Sudan are much more universal in scope – Stanford research activity in the humanities and social sciences can easily intersect with trade sanction regulations.

Q: What happens if research is conducted that is subject to export control?

Stanford does not accept any research whose results are subject to export controls. However, the conduct of certain portions of a research effort could become subject to export controls. If that becomes the case, the research activity that is subject to export controls may require an export control license ("deemed export license") from the US government depending on the citizenship of the researchers and the technologies involved. But, Stanford by policy will not engage in any export controlled research activity where a member of the research group cannot not participate fully in the intellectually significant aspects of the research without an export license. We must find an available exception to deemed export license requirements or decline the effort or task. We do apply for export licenses associated with research activity that involves the shipment or hand carry of export controlled equipment and other property under our ownership or custodianship.

Q: How much time should a research administrator build in for export control PDRF review?

A: Given that proposal reviews are only a small portion of my overall job responsibilities, research administrators should factor in a three business day turnaround for export control review. Along these lines, it facilitates the process if I can be provided with a Statement of Work and Program Solicitation at least three days in advance of the 5-day internal proposal deadline – that way my input is generally good-to-go when the OSR CGO begins his/her review. There is a SeRA enhancement in the queue that will let users trigger an early export control review even before PI approval, so stay tuned.

Want more information? Go to: http://doresearch.stanford.edu/research-scholarship/export-controls. An export control tutorial is also available in STARS - Export Controls: An Overview for Research Administrators (ORA-1130).

The Last Word   A note from Russell Brewer, Associate Vice President, OSR

You may have been contacted about changes in your OSR Contract & Grant Officer assignments. Some of you may be asking, "What's with all the changes?". I can happily say all is well, and there are just a number of great things happening at the same time. Here's the scoop:

- Theresa Tom and Caroline Jones have been promoted from Senior CGOs to Assistant Directors, which resulted in the need to relieve them of some departmental assignments. We created a new Contract and Grant Officer position to take on these assignments.

- After a long and distinguished career, Catherine Boxwell came to us this spring and asked if she could retire and be recalled to part time work. We were happy to accommodate, but the pull of retirement has been exciting and Catherine will be retiring as of August 1st.

- One of the most important aspects of our job is the support and training we provide to campus, and Catalina Verdu-Cano was offered the Senior Instructional Designer/Developer position in the Dean of Research office to help with the continued design and development of training material in support of research administration. We hate to see her go, but she's staying in the family and we're excited about the impact she'll make. Many of you may have taken a class from her, or seen her present at ABC meetings and know she is excellent in this space.

- Pegah Parsi was part of a pilot group of Business Affairs employees who were given a development opportunity. Pegah's participation in this program led to a rotational opportunity in the Privacy Office starting July 1st. This will be a six month assignment and is in keeping with OSR's goal of giving our staff as many development opportunities as possible.

- Shereda Julian and Tiffany Hayes, two of our Contract & Grant Associates, jumped at the chance to interview for the CGO openings, and we're happy to say they were easy choices to fill the positions. Many of you work with them every day so you already know their talent and customer focus. As they transition to their CGO roles, we're already working to fill the CGA vacancies.

There's a lot of movement and change, but all in line with OSR's approach to supporting staff development. I'm confident we'll manage these changes with a minimal amount of disruption. The assignment transitions are in motion and we're filling positions with strong candidates who posses the characteristics you've come to expect from OSR. If you have any questions or concerns, please give me a call. Thank you for your supporting OSR.

Contact Russell at grbrewer@stanford.edu or (650) 725-9060

User Statistics

SeRA monthly averages:
5,000 unique users
18,000 visits

Upcoming Release Dates:

July 25, 2015

For SeRA related questions, please contact:
Erina James
650.721.1524
erinaj@stanford.edu

SeRA

Stanford Electronic Research Administration   https://sera.stanford.edu

Default PDRF Approvers

Want to be sure that PDRFs for your participating faculty are directed to the right people? Want to improve the chances that you will get notified that one of your faculty is participating on a project in another department? Set up your Default Approvers!

This feature in SeRA allows users to establish default approvers or FYI notifications for PDRFs. The default approvers are set through Authority Manager. Departments can configure default approvers to apply to all proposals for the department or only under specific circumstances such as when cost sharing, space renovations, or unapproved use of space applies. Defaulted approvers are editable and users will still have the option of adding additional approvers, deleting approvers and reordering of approvers. To gain access to this feature, submit a HelpSU ticket.

Want more information? Check out the Default Approvers and FYIs user guide located at: http://doresearch.stanford.edu/research-offices/office-sponsored-research-osr/stanford-electronic-research-administration-sera/sera-user-guides