

TO: Faculty and Staff  
FR: Leanne Shank, General Counsel  
RE: Compliance With Export Control Laws  
DATE: October 29, 2009

Faculty and staff who intend to: 1) travel abroad; 2) physically export or “share” (broadly defined, including email communication) science or technology-based research with a non-U.S. citizen, whether on U.S. or foreign soil; or 3) enter into any contract (including a grant) with persons outside the U.S. in an area related to science or technology, should be aware that these activities may implicate (and in some cases may be restricted by) U.S. export control laws. These laws primarily focus on the sharing or export of technology that could have military, nuclear, or aerospace applications, but in some instances can apply to such seeming innocuous items as laptop computers, cell phones, PDAs, and GPS devices, even when they are being used on pleasure trips.

Export control regulations would most likely impact you under one of two scenarios: 1) traveling to any foreign country (but particularly one that is on a government watch list) with a laptop or other device that contains certain complex, but increasingly common technology, including encryption or GPS technology; 2) emailing or corroborating with a foreign scholar under a grant or otherwise about information that may have military, nuclear, or aerospace application, or physically taking such information or technology into a foreign country.

Export control laws have existed for decades, but there has been a significant recent trend towards enforcement in the higher education context. Violations of these laws can result in serious penalties for both the individual violator and the University, including: civil and criminal fines of up to one million dollars per violation; up to ten years in prison; and/or loss of all federal funding.

The vast majority of teaching, research, and travel conducted by W&L faculty and staff will come within one or more of the various exceptions to the export control laws. The university has developed Export Control Guidelines [<http://counsel.wlu.edu/policy/Export.Controls.Guidelines.pdf>], a Q&A site [<http://counsel.wlu.edu/policy/Export.Controls.QandA.pdf>] and links to other resources [<http://www.nacua.org/nacualert/docs/ITAR/ITAR.pdf>] which provide a summary of these exceptions. The Guidelines also contain a description of the roles played by various individuals during the faculty grant/research process. Note that each individual faculty and staff member has primary responsibility to consider and achieve compliance with export control laws before engaging in any activity that may be export controlled. If an exception does not apply, the Office of General Counsel will assist you in obtaining an export license, but be aware that this process generally takes three to six months.

We send this memo along to give you a heads-up about these laws and to encourage you to consult the Guidelines while planning a trip abroad or before conducting research or collaborating with a non-US citizen on science or technology of the type noted above.

Questions regarding the applicability of export control laws should be directed to the Office of General Counsel.