Export Control Policy

It is the policy of the University of Alabama that, absent extraordinary circumstances, teaching, research, and service will be accomplished openly and without prohibitions or restrictions on the publication and dissemination of the results of academic and research activities. Certain federal regulations, however, may require the University to obtain permission from the Department of State, the Department of Commerce, or the Office of Foreign Assets Control before allowing foreign nationals to participate in research involving specific technologies or before sharing research information with persons who are not citizens of the United States or permanent resident aliens.

These export control regulations have the potential to limit the research opportunities of University researchers and their students, affect publication rights, and prevent international collaboration in certain research areas. In addition, violations of these export control regulations can result in the loss of research contracts, monetary fines, or incarceration in the penitentiary. The regulations do not apply, however, to information that is in the public domain or to information that is the result of fundamental research activities.

Therefore, it is the policy of the University of Alabama to pursue its mission in teaching, research, and service in a manner that is consistent with the applicable export control regulations while making reasonable efforts to maximize the situations in which the University may claim the benefit of the public domain or fundamental research exemptions to the regulations. To implement this policy, the Office of Research, the Office of Counsel, and the Principal Investigators of University research contracts and grants must conduct a thorough review of research projects and contract and grant provisions to determine the applicability of export control regulations and the exemptions thereto. This review will proceed as follows:

1. The Grant and Contract Specialist assigned to a particular research contract or grant will review the terms of the contracts or grant for provisions that restrict access to or publication of research and technical data, that limit the participation of foreign nationals in the research effort, or otherwise render the exemptions from the export control regulations inapplicable. The results of such review will be indicated on a checklist designed to facilitate such review that will be signed and dated by the Grant and Contract Specialist (Part 1, Award Review Record – Export Control).

2. If the results of such review indicate that an exemption from the export control regulations may not be available, the Grant and Contract Specialist will forward the checklist and supporting documentation to the Office of Counsel. The Office of Counsel will confirm the review of the Grant and Contract Specialist and if the research contract or grant contains terms or conditions that impact the University’s exemption from export control regulations, the matter will then be referred to the Associate Vice President for Research.
3. The Associate Vice President for Research will meet with the Principal Investigator for the research contract or grant and together they will determine if the research falls into one of the categories of technology designated by the Department of State or the Department of Commerce as export controlled, or if the restrictions imposed by the Office of Foreign Assets Control apply. The results of that determination will be documented (Part II, Award Review Record – Export Control) by the Principal Investigator and the Associate Vice President for Research.

4. If the research contract or grant falls under the terms of any of these regulations, the Office of Counsel, acting in collaboration with the Office of Research and the Grant and Contract Specialist assigned to the research contract or grant, will contact the research sponsor to attempt to negotiate the removal or modification of the provisions in the contract or grant that impact the University’s exemption from export control regulations. If such negotiation does not result in the removal or modification of the identified clauses, the matter will be referred to the Associate Vice President for Research to determine if the University will apply for an export control license, conduct the research under export control restrictions, or abandon the research effort due to the possible burdens or restrictions associated with compliance with the regulations.

5. If the Associate Vice President for Research determines that the University will apply for an export control license, the Office of Counsel will proceed to make application for the appropriate license. No work under a contract or grant, or proposed contract or grant, can begin until this process has been completed and any required export control license has been issued.