Export Controls and Sanctions – Standard Operating Procedures		
Export Controls and Sanctions SOP #004: Certain Agreements and Intellectual Property Protections **Version 1.0 – March 1, 2024**		**UMKC** Office of Research Services

INTRODUCTION

This Standard Operating Procedure ("SOP") outlines the processes and procedures used by the University of Missouri–Kansas City (UMKC) Office of Research Services (ORS) to trigger an export control and sanctions review by the UMKC assigned UM System Research Security Officer (RSO) related to certain types of agreements and intellectual property protections.

PURPOSE

The UMKC ORS and the UMKC Office of Technology Commercialization (OTC), – in concert with the University of Missouri System Office of General Counsel – engages in and assumes responsibility for the construction, review, and approval of a variety of agreements and information disclosures, including Non-Disclosure Agreements (NDA), Materials Transfer Agreements (MTA), Data Use Agreements (DUA), Invention Disclosures, and IP licenses. Agreement and disclosure terms cover export control and sanctions scenarios that require management, such as: (A) receiving export controlled technical data and/or technology; (B) sharing export controlled technical data and/or technology; (C) shipping university items internationally; and, (D) interactions (e.g., exchange of data or services) with sanctioned or restricted parties. These mitigation procedures are implemented to protect both the university and its employees, ensuring compliance with export control and sanctions regulations.

SCOPE

To facilitate compliance with applicable U.S. Export Controls and Sanctions, this SOP establishes basic and minimal responsibilities for the ORS, with the objective of providing an export control review standard for NDAs, MTAs, DUAs, Invention Disclosures, and IP licenses (collectively "Agreements") and identify activities that may require escalation to the RSO for further review and assistance.

PROCEDURE

ORS, with UM-OGC, builds, reviews, and approves Agreements that may trigger or mitigate export control or sanctions concerns. A trained ORS staff member may take/recommend additional steps or come across information that would require an export control and sanctions review by the RSO.

RESPONSIBILITIES

ORS is responsible for:

- Ensuring additional language is added to Agreements when it is possible for UMKC to receive technical data, technology, or software ensuring that the other party provides the university with the export classification in advance.
- Ensuring additional language is added to Agreements when the university may be receiving physical items enumerated on the USML or with a 500- or 600-series ECCN ensuring that the other party provides the university with the export classification in advance.
- Notifying the RSO if another party provides the university with an export classification for technical data, technology, or software they intend to provide to the university. Export

classifications can either be a USML Category, an ECCN (5-digit alphanumeric code), or an EAR99 designation. In rare circumstances, they may take the form of a DOE or NRC designation.
- Escalating to the RSO any potential export control "Red Flags" (as defined in the Export Control Review and Escalation section below).
- Not executing Agreements for work identified by the RSO as requiring a Technology Control Plan until after the Technology Control Plan has been fully executed. Exceptions may be granted by the RSO.

The UMKC Research Security Officer is responsible for:

- Performing restricted party screenings using Descartes Visual Compliance for all international parties the university may engage with.
- Reviewing Agreements flagged by the ORS to identify all exports that may occur.
- Ensuring that Technology Control Plans are implemented in accordance with the UM System Export Compliance Management Program.
- Reviewing the FACR, as appropriate, to ensure that activities with sanctioned parties fit the terms of a General License.
- Ensuring that a license determination is performed for all exports that the RSO is facilitating.
- Partnering with the Director, Research Security and Compliance in the event that a license application needs to be submitted.
- Communicating with faculty, staff, and students that may be performing exports or may be engaging with sanctioned parties to ensure there are clear expectations for ensuring the export or engagement complies with the regulations.
- For any activities that should not proceed, communicating with and coordinating with the Department Chair, Dean, or Vice Chancellor for Research, as appropriate.
- When reviewing awards, notifying the ORS when the review is complete with one of the following:
    - Any additional or changed contract language.
    - Approval to proceed with Agreement execution if there are no further steps needed to mitigate export control or sanctions regulations.
    - Approval to proceed with award execution after TCP has been implemented, if necessary.
- Providing periodic briefings to the ORS on export controls and sanctions.

UMKC Investigators and Researchers are responsible for:

- Following the terms of Technology Control Plans (TCPs) and all other requirements and/or direction given by ORS and the RSO.

EXPORT CONTROL REVIEW AND ESCALATION

Even in the conduct of fundamental research, some activities may require escalation to the Research Security Officer (at export.control@umkc.edu) for further review. The following steps are provided as a general guide to assist the ORS during Agreement review.

S1. During the Agreement review process identify answers to the following questions:

- Will any physical items be shipped or carried to other countries? Generally, you will see this on outbound MTAs.

- o If Yes, contact the Research Security Officer and go to S2.
- Will we be receiving any physical items? Generally, you will see this on inbound MTAs.
    - o If Yes, insert "Export Control Language A" below into the Agreement.
- Will UMKC be receiving technical data, technology, or software that is confidential or proprietary to the other party? Generally, you will see this on inbound or mutual NDAs.
    - o If yes, insert "Export Control Language B" below into the Agreement.
- Are foreign parties involved? This step must be taken regardless of the Agreement type. Note: This is not intended to capture foreign person faculty, staff, or students at a U.S. institution, including UMKC.
    - o If Yes, contact the Research Security Officer and go to S2.

S2. Wait for a reply from the RSO prior to moving forward with Agreement execution. The RSO will notify you if any additional mitigation measures need to be taken at the university.

Export Control Clauses

Export Control Language A: For Agreements in which UMKC will be receiving physical materials that might be subject to export control regulations, the ORS will insert additional language into the Agreement:

> *Both parties acknowledge that they may be subject to U.S. export control laws and regulations including but not limited to the International Traffic in Arms Regulations ("ITAR", 22 CFR §§ 120-130) or the Export Administration Regulations ("EAR", 15 CFR §§ 300-799). These laws, regulations, and orders include, but are not limited to, the release of equipment, software, technical data, and/or technology. Both parties acknowledge that the University of Missouri-Kansas City is a public university, and there exists a likelihood that faculty and/or students involved in fulfilling this agreement may be foreign persons (22 CFR § 120.16 and 15 CFR § 772.1). The transfer or release of export-controlled information may require a license from the cognizant agency of the U.S. government. Both parties agree to cooperate in securing any license which the cognizant agency deems necessary in connection with this agreement. As such, the Other Party agrees to provide written notification to and receive written approval from University of Missouri-Kansas City at export.control@umkc.edu prior to transfer of anything enumerated on the United States Munitions List ("USML", 22 CFR § 121) or on the Commerce Control List ("CCL", 15 CFR § 774) in a 500- or 600-series ECCN. The University of Missouri-Kansas City shall have the right to refuse acceptance of such items from the other party.*

> *Both parties are subject to U.S. sanctions executive orders, laws, and regulations controlling transactions of goods and services with sanctioned or embargoed countries, entities, and individuals ("restricted parties"). Each party will take reasonable steps to ensure that no goods or services are exported to or imported from restricted parties without proper authorization from the cognizant agency.*

Export Control Language B: For Agreements that contain confidentiality language in which the other party might be providing the university with technical data/technology (schematics, blueprints, recipes, drawings, plans, etc.) or software, the ORS will insert additional language into the Agreement:

> *Both parties acknowledge they may be subject to U.S. export control laws and regulations including but not limited to the International Traffic in Arms Regulations ("ITAR", 22 CFR §§ 120-130) or the Export Administration Regulations ("EAR", 15 CFR §§ 300-799). These laws, regulations, and orders include, but are not limited to, the release of equipment, software,*

technical data, and/or technology. Both parties acknowledge that the University of Missouri-Kansas City is a public university, and there exists a likelihood that faculty and/or students involved in fulfilling this agreement may be foreign persons (22 CFR § 120.16 and 15 CFR § 772.1). The transfer or release of export-controlled information may require a license from the cognizant agency of the U.S. government. Both parties agree to cooperate in securing any license which the cognizant agency deems necessary in connection with this agreement. As such, the Other Party agrees to provide written notification to and receive written approval from University of Missouri-Kansas City at export.control@umkc.edu prior to transfer of anything enumerated on the United States Munitions List ("USML", 22 CFR § 121) or the Commerce Control List ("CCL", 15 CFR § 774). The University of Missouri-Kansas City shall have the right to refuse acceptance of such information from the disclosing party.

Both parties are subject to U.S. sanctions executive orders, laws, and regulations controlling transactions of goods and services with sanctioned or embargoed countries, entities, and individuals ("restricted parties"). Each party will take reasonable steps to ensure that no goods or services are exported to or imported from restricted parties without proper authorization from the cognizant agency.

RECORDKEEPING

All export control recordkeeping will be managed by the Research Security Officer in accordance with SOP #001: Recordkeeping.

Previous Version Dates:	N/A
Signed by:	Anthony Caruso, Ph.D. 03/01/2024 Interim Vice Chancellor for Research