



**FAIRLEIGH
DICKINSON
UNIVERSITY**

Export and Trade Controls Policy

Responsible Office: Office of Grants and Sponsored Projects

Creation: Dec. 1, 2025

Effective Date: Dec. 1, 2025

I. Purpose and Scope

Fairleigh Dickinson University (FDU) is committed to full compliance with all U.S. export control and sanctions laws. No member of the FDU community may engage in any activity in violation of U.S. export controls or sanctions regulations. This includes exporting restricted materials or data without proper authorization, conducting transactions with restricted or sanctioned individuals or entities, or providing services to sanctioned countries in violation of applicable law.

II. Applicable Parties

This policy applies to all FDU faculty, staff, students, visiting scholars, and affiliates across all campuses, both within and outside the United States.

III. Key Terms and Definitions

Export Controls

U.S. export controls are embodied in a complex set of federal laws and regulations that restrict access to items or information whose release is deemed contrary to U.S. interests. The laws restrict the “export” or “deemed export” of restricted items, software or information from release outside the U.S.

An “export” generally means the shipment or transmission of a restricted item, software, or information out of the U.S.

A “deemed export” is any release or disclosure of a restricted item, software, or information to a “foreign person,” even if occurring in the U.S. (e.g., to a visiting faculty member from another country). A deemed export is treated as an export to the foreign person’s home country.

A “foreign person” means:

- With respect to individuals: anyone who is not a U.S. citizen, a lawful permanent resident of the U.S. (i.e., a green card holder) or who does not have refugee or asylum status in the U.S.

- With respect to entities: Any person, corporation, business association, partnership, or any other entity or group that is not incorporated or organized to do business in the U.S. as well as international organizations, foreign governments and any agency or subdivision of foreign governments (e.g. diplomatic missions).

Most restricted (or controlled) items are identified in the U.S. Department of Commerce's Export Administrative Regulations (EAR) or the U.S. Department of State's International Traffic in Arms Regulations (ITAR). Restricted information ("technology" and "technical data") generally means specific information necessary for the development, production, or use of a restricted item.

If an activity involves restricted items, software, or information that is subject to export control laws, the University may be required to obtain a license from the U.S. Government in advance of performing the activity, such as partnering with a foreign person on a research project, sharing research results with a foreign person, or launching an overseas educational program. The analysis can be complex undertaking, and for that reason, it is vital to reach out to the Office of Grants & Sponsored Projects as issues arise.

Sanctions and Restricted Parties

In addition to export control laws, various federal agencies maintain lists of individuals and entities that are subject to restrictions and sanctions. Prohibitions can extend to the provision of services, including educational instruction, to restricted individuals, entities, and countries. Sanctions may be targeted and specific, prohibiting only certain activities with persons or entities. Or, they may be comprehensive, prohibiting nearly all transactions and dealings with a person or entity, such as those identified as Specially Designated Nationals and Blocked Persons by the U.S. Dept. of Treasury's Office of Foreign Assets Control ("OFAC"). OFAC also administers and enforces certain country-specific controls, with the most restrictive being identified as embargoed countries. A searchable list of restricted individuals and entities is available at <https://www.trade.gov/data-visualization/csl-search>. This list should be consulted before engaging in any agreement or arrangement with a foreign person (individual or entity), including both the party(ies) entering into the agreement and any individual signing on their behalf. If a search yields a "hit," FDU's Office of Grants and Projects must be consulted.

IV. Certain Exemptions and Exclusions

Export control laws include several exceptions and exclusions. Three of the most pertinent ones for FDU are:

Fundamental Research Exclusion

Fundamental research is defined as basic and applied research in science and engineering conducted at an accredited U.S. institution of higher education where the resulting information is ordinarily published and shared broadly within the scientific community. Faculty conducting fundamental research generally may allow foreign persons to participate in research on FDU's New Jersey campuses without an export license. And, the results from that research may generally be shared with foreign persons both in and outside the U.S. and may be transmitted abroad without an export license.

However, the fundamental research exclusion does not apply if there are restrictions on the publication of the information resulting from the research, other than a limited pre-publication review by research sponsors to ensure that their proprietary information is not inadvertently disclosed in publications or to provide for a limited time to apply for patent rights. If other types of pre-publication restrictions are accepted – e.g., pre-publication approval by the sponsor of the results so that the sponsor can confirm or dispute the findings – the fundamental research exclusion may not apply and it might be unlawful for the results to be transmitted to a foreign person or conveyed outside the U.S. without an export license.

For this reason, it is important that all grants and agreements for sponsored research be reviewed in advance by FDU's Office of Grants and Sponsored Projects, to ensure that that fundamental research exclusion is preserved.

Public Domain and Publicly Available Exclusion

Information already in the public domain is excluded from export licensing requirements.

Information may be considered “published” and therefore in the “public domain” when it is generally accessible to the interested public through:

- Libraries (public or university)
- Periodicals, books, print, or other media
- Patents and patent applications
- Conferences, meetings, seminars, trade shows, or exhibits open to the public or technically qualified public
- Websites accessible to the public

Educational Information Exclusion

In addition, “educational information” that has become part of the public domain through academic instruction is also excluded from export control restrictions. As most pertinent for FDU, the exclusion applies to information that is

publicly released through instruction in catalog courses and associated teaching laboratories. However, certain encryption technology remains restricted, requiring close review with FDU's Office of Grants and Sponsored Projects.

In addition, foreign persons who are bona-fide, full-time employees of FDU may receive information restricted by the Dept. of Commerce's Export Administration Regulations without an export license. Various conditions apply, including that this exception applies only if the employee's permanent residence throughout the period of employment is in the U.S. and the employee is not a national of a country to which U.S. regulations prohibit exports of defense articles and services.¹

V. Compliance Responsibilities

To help ensure that FDU complies with export and trade controls laws, it is vital that contracts and transactions, both domestic and international, be reviewed in advance through the University's contract review process under the oversight of the Office of General Counsel. This Office will in turn confer with the Office of Grants & Sponsored Projects for international research activities and/or the University Director of Global Education for international educational initiatives. Faculty and staff should confer directly with the Office of Grants & Sponsored Projects and the University Director of Global Education when planning a project or activity that might implicate export and trade control laws.

The Office of Grants & Sponsored Projects (GSP) serves as the Export Control Office for FDU. GSP conducts restricted party screenings, secures licenses, and provides training. All FDU faculty, staff, and students should seek GSP review in planning international research collaborations.

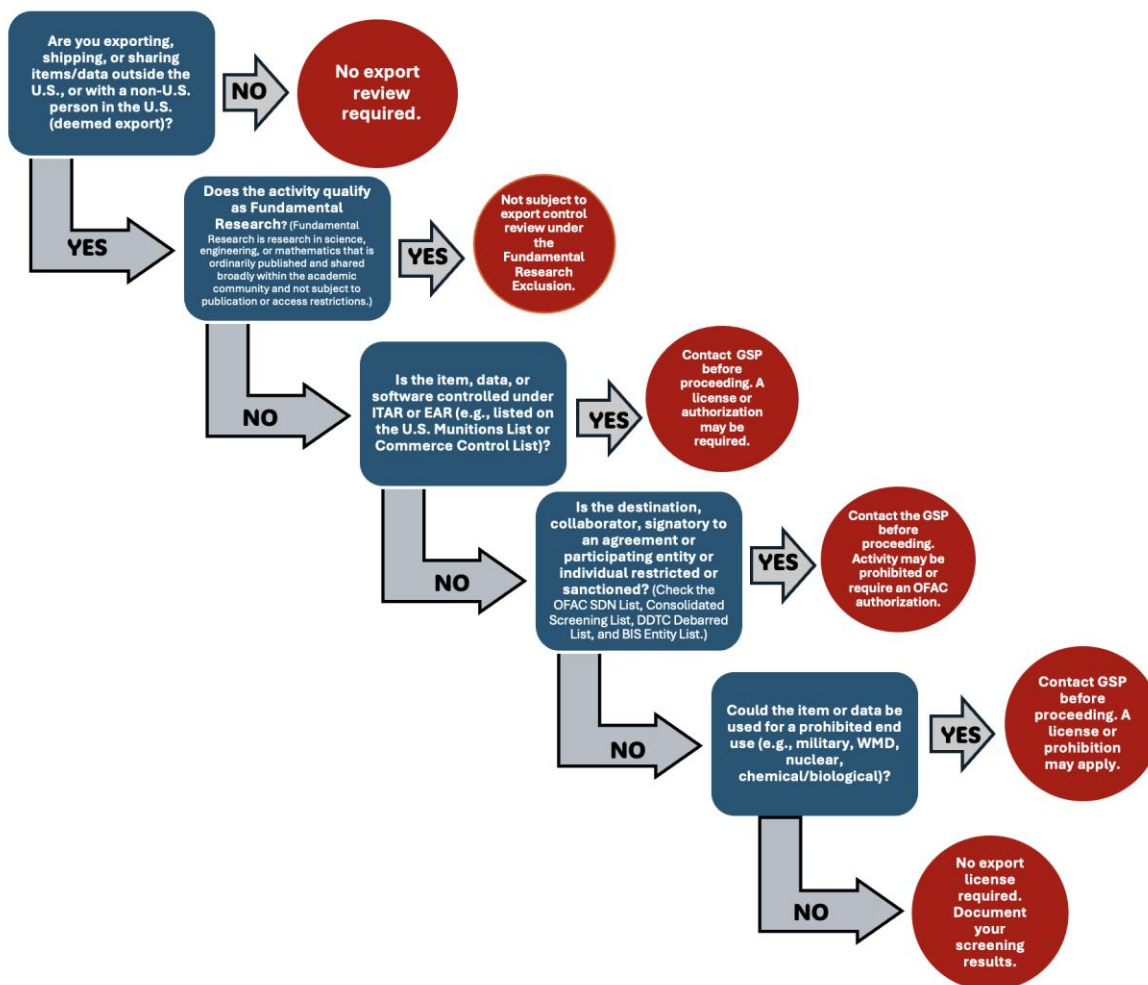
In addition, faculty and administrators should confer with the University Director of Global Education when planning for an agreement or other arrangement for FDU's provision of instruction or other academic activities outside the U.S., including both in-person and on-line programs.

VI. Export Control Decision Tree

This decision tree is intended to illustrate, at a high level, the steps of analysis for a potential transaction that might trigger export control laws. This general

¹ Supplement No. 1 to part 740 of the EAR (Country Group D; column D:5)
<https://www.bis.doc.gov/index.php/documents/regulation-docs/2255-supplement-no-1-to-part-740-country-groups-1/file>

depiction does not take into account many complexities associated with export controls and should not be relied upon as definitive.



Whether or not an activity triggers review under the above decision tree, all contracts with an entity or individual based outside the U.S. should be reviewed in advance against the searchable list of restricted individuals and entities available at <https://www.trade.gov/data-visualization/csl-search>

VII. Sanctioned Jurisdiction, Program & Restricted Parties

The University must verify that no transaction involves a sanctioned jurisdiction, program or restricted party. Please consult the consolidated screening list: <https://www.trade.gov/consolidated-screening-list>

Note that the list should be checked for all entities and persons entering into an agreement or other arrangement with FDU, as well as the individual who is signing on behalf of any contracting entity.

Further, it is necessary to inquire into the ownership and control of all entities entering into an agreement or other arrangement and check those names in the consolidated screening list.

Any “hits” should be referred to GSP for review.

Results from a search of the consolidated screening list should be maintained with the agreement and project documentation.

Any travel to a country that is subject to comprehensive sanctions (as of the date of this Policy: Cuba, Iran, North Korea, Syria, and specific regions of Ukraine) should be reviewed in advance by GSP to determine if a U.S. Gov’t license is required to authorize the travel. Faculty and staff are strongly encouraged to confer with GSP before traveling to countries with more targeted sanction programs. <https://ofac.treasury.gov/sanctions-programs-and-country-information>

VIII. Training, Recordkeeping, and Violations

Training: One recommended source for Export Control module in CITI Program. To complete the course:

1. Go to the webpage: [CITI – Collaborative Institutional Training Initiative](#)
If you are a first-time user, you MUST click on Register. Create a Username and password. Ensure you affiliate when asked, with Fairleigh Dickinson University. If you are already registered with CITI, please use your current username and password. Please be sure to affiliate with Fairleigh Dickinson University as stated above.
2. Answer the institutional questions which identify the courses we have.
3. Go to “Add a Course”.
4. Select “CITI Export Control Regulations” to Question 5 and “Not at this time” to all the other courses (where indicated).
5. Click Submit.
6. Start the Course.

Recordkeeping: All export-related documentation must be retained for at least five years.

Violations: Violations of export control or sanctions laws may result in penalties for both the individual and the University. All members of the University community share responsibility for ensuring compliance.

IX. Contacts

Office	Contact	Function
Office of Grants & Sponsored Projects	research@fdu.edu	Export Control Officer / Compliance Review
University Director of Global Education	dcvitan@fdu.edu	International Education Reviews

These offices will in turn consult with FDU's General Counsel as needed.

X. Federal Legal Regulations

- [Export Administration Regulations](#) (EAR, 15 CFR Parts 730–774)
- [International Traffic in Arms Regulations](#) (ITAR, 22 CFR Parts 120–130)
- [Office of Foreign Assets Control \(OFAC\) Sanctions Regulations](#) (31 CFR Parts 500–599)

References

U.S. Department of Commerce, Export Administration Regulations
<https://www.bis.gov/regulations/ear>

U.S. Department of the Treasury, Office of Foreign Assets Control. (n.d.). Sanctions programs and country information. Retrieved October 7, 2025, from <https://ofac.treasury.gov/sanctions-programs-and-country-information>

U.S. Department of State, Directorate of Defense Trade Controls. (n.d.). International Traffic in Arms Regulations (ITAR). Retrieved October 7, 2025, from https://www.pmddtc.state.gov/ddtc_public?id=ddtc_kb_article_page&sys_id=24d528fddbfc930044f9ff621f961987

U.S. Department of Commerce. (n.d.). Consolidated Screening List. Retrieved October 7, 2025, from <https://www.trade.gov/consolidated-screening-list>