## **Export Controls Decision Chart: Montclair State University ORSP Considerations** Are you sharing, shipping, **US Persons providing** instruction to a foreign entity transmitting or transferring MSU-developed, nonon development or Most likely subject commercial encryption manufacture of encryption to Export Control **YES** software License Exception software in source code Regulations. or **object code** (and/or TMB or BAG (Temporary Contact export including travel outside the Exports or Baggage) for "retail control. country with such software)? level encryption items." Must (note: almost all encrypted be under individuals effective control overseas, returned to software is subject to export US. within 12 months, or controls) consumed/destroyed. BAG requires items be for personal NO use. Do you know or have any reason to believe that the item, information or software to be shared, shipped, transmitted or transferred YES will support the design, development, production, stockpiling or use of a nuclear explosive device, chemical or biological weapons, or missiles? NO Is the item, information or software to be shared, shipped, transmitted or transferred funded and developed under a sponsored agreement imposing The fundamental research YES publication restrictions exclusion exempts beyond a brief review (up to information (but not 90 days) for patent controlled items) resulting protection and/or from fundamental research, inadvertent release of defined as "basic and applied" confidential/proprietary research in science and information? engineering and where results are typically published and shared broadly. NO IMPORTANT: If the Did an external sponsor, University accepts a vendor, collaborator or other restriction on the publication third party provide, under a of scientific or technical **Non-Disclosure** information, the fundamental Agreement or a **YES** research **Confidentiality** exception no longer applies Agreement, the item, and an export control license information or software to be may be required. shared, shipped, transmitted or transferred? Acceptance of confidential or proprietary information may void the fundamental NO research exclusion (above) if the agreement restricts Is the item, information or publication. software being shared, **YES** shipped, transmitted or transferred a **defense article** (on ITAR (International Traffic in the ITAR's US Munition List Arms Regulations) regulated (USML)? technologies have significant military or intelligence NO applications. "Dual-Use" items are items Is the item, information or that have both significant software being shipped or military and commercial **YES** transferred items on the applications. Commerce Control List (CCL) of the Export Administration Regulations (EAR)? The CCL is maintained by the Bureau of Industry and Security (U.S. Dept. NO Commerce/EAR). "Dual-Use" Items that have both Is the disclosure, shipment, commercial and military/ transmission, or transfer of defense application may be the item, information or included on this list. software to an individual or entity listed on the consolidated restricted parties Export. Gov Consolidated Relist, and/or to an individual or YES stricted Party List entity located in, originating from or travelling to (e.g. **Dept. of Treasury Sanctions** foreign national) an **Program and Country List** embargoed or sanctioned country as identified by the U.S. Dept. of State Country U.S. Dept. of Treasury Policies and Embargoes Sanctions Program and Country List, and/or the U.S. Dept. of State Country Policies and Embargoes? NO End of Process: Most likely

\*Note: This material is adapted from the basic design and content found on <u>Stanford University's Export Control Page</u> (https://doresearch.stanford.edu/research-scholarship/export-controls).

We appreciate Stanford in granting us to permission to adapt its content for Montclair State

University's benefit.

Regulations

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