

CERTIFICATION ON THE HANDLING OF EXPORT-CONTROLLED INFORMATION

Overview. The agreement/ project identified below involves the use of Export-Controlled Information (defined below). As a result, the project implicates the International Traffic in Arms Regulations (ITAR) (under the jurisdiction of the State Department) and/or the Export Administration Regulations (EAR). It is unlawful under either the ITAR or EAR to send or take export-controlled information out of the U.S., disclose, orally or visually, or transfer export-controlled information to a foreign person inside or outside the U.S. A foreign person is a person who is not a U.S. citizen or permanent resident alien of the U.S. The law makes no exceptions for foreign graduate students.

In general, Export-Controlled Information means activities, items and information related to the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, operation, modification, demilitarization, destruction, processing or use of items with a capacity for substantial military application utility. Export-controlled information does not include basic marketing information on function or purpose, general system descriptions, or information concerning general scientific, mathematical or engineering principles commonly taught in schools, colleges and universities or information in the public domain. It does not matter if the actual intended use of Export-Controlled Information is military or civil in nature.

Reasonable Care. Researchers may be held personally liable for violations of the ITAR and the EAR. As a result, they should exercise care in using and sharing Export-Controlled Information with others. For example, PIs should identify whom among proposed research assistants and collaborators are foreign persons. Unless the State Department grants a license authorizing those persons access to export-Controlled Information, a prerequisite to accessing it is a security clearance. In the absence of that clearance, PIs should not leave Export-Controlled Information unattended. They should clearly identify Export-Controlled Information and make only that number of copies of the material as is absolutely necessary. PIs also must store Export-Controlled Information in a locked file cabinet or drawer or under password protected computer files. Finally, PIs should avoid moving the information from one location to another.

Penalties. The penalty for unlawful export and disclosure of Export-Controlled Information under the ITAR is up to two (2) years imprisonment and/or a fine of one hundred thousand dollars (\$100,000), and unlawful export and disclosure of information controlled under the EAR, the greater of (i) a fine of up to one million dollars (\$1,000,000) or (ii) five times the value of the exports for a corporation and imprisonment of up to ten years and/or a fine of up to two hundred fifty thousand dollars (\$250,000) for an individual.

Name of Researcher _____ Title _____
Department _____ Department Chair _____
UVU Agreement No. _____ Other Party _____

Certification. I hereby certify that I have read and understand this certification. I understand that I could be held personally liable if I unlawfully disclose, regardless of form or format, Export-Controlled Information to unauthorized persons. I agree to address any questions I have regarding the designation, protection or use of Export-Controlled Information with Nancy Bartlett, University Compliance Officer, x8156.

Researcher's Signature _____ Date _____

Department Chair's Signature _____ Date _____

cc: University Compliance Services
Department Chair
Principal Investigator