MEMORANDUM

TO: Presidents, State University of New York
FROM: John J. O'Connor
Senior Vice Chancellor for Research and Innovation and Secretary of the University, State University of New York
President, The Research Foundation of State University of New York

SUBJECT: Export Control Laws and Regulations

November 19, 2010
35 State Street
Albany, New York
12207-2826

The purpose of my memo is to reaffirm the commitment by the State University of New York ("University") and The Research Foundation of State University of New York ("Foundation") to assure due diligence and compliance with the United States federal government export control laws and regulations.

The export control laws and regulations include, but are not limited to, those implemented by the Department of Commerce through its Export Administration Regulations ("EAR"), the Department of State through its International Traffic in Arms Regulations ("ITAR"), and the Department of Treasury through its Office of Foreign Assets ("OFAC").

Any activity conducted by University or Foundation personnel — (1) conducted at the state-operated campuses on University controlled premises, and (2) conducted on behalf of the University in a foreign country, must assure compliance with the export control laws and regulations. All University and Foundation personnel must understand the export control requirements, if and/or how they apply to their work responsibilities, and to practice due diligence to assure compliance.

The export control requirements are complex, and they have the potential to impact University and Foundation responsibilities that include but are not limited to: research; international collaborations; travel; shipping and receiving materials and equipment; transferring data and information; hiring employees; visiting scientists and/or delegations; engaging foreign nationals; providing financial assets; purchasing; obtaining property; and contracting.

Although certain exceptions to the general export control requirements may be available to the University, and the Foundation, the applicability of any such exceptions must be determined on a case-by-case basis with the help of qualified personnel. Noncompliance with the export control requirements can result in severe civil and criminal penalties for the University, the Foundation, and individual personnel.
Questions regarding the application of export control restrictions on:

University programs and activities should be addressed to:
  Seth Gilbertson  
  Office of University Counsel  
  State University of New York  
  State University Plaza  
  Albany, New York 12246  
  Phone: 518-320-1400  
  Email: seth.gilbertson@suny.edu

Sponsored research should be addressed to:
  Carol Berdar  
  Office of Sponsored Programs Operations  
  The Research Foundation of State University of New York  
  35 State Street  
  Albany, NY 12207-2826  
  Phone: 518-434-7240  
  Email: carol.berdar@rfsuny.org

More information regarding the export control requirements can be found at: http://www.rfsuny.org.

c:  Chief Academic Officers  
    Faculty Senate  
    Vice Presidents, Research  
    Operations Managers