

University of South Alabama
Visiting Scholar/Scientist Export Compliance and Intellectual Property Protection Agreement

The University of South Alabama (“USA” or “University”) is committed to full compliance with all applicable U.S. laws and regulations, including those related to export control. Research and scholarly activities that are subject to U.S. export controls include the physical shipment or transmission of export-controlled items, software, materials or technical data out of the U.S.; certain activities involving defense articles¹ or the provision of defense services²; release of controlled technical data, software or source code to a foreign national or foreign government in the U.S. or abroad; involvement with restricted parties; and any activity involving a sanctioned country. Restricted parties may be considered an individual, organization or entity appearing on any one of the U.S. government restricted party lists (e.g., the Department of Treasury Specially Designated Nationals List (SDN) or the Department of Commerce Entity List) as a party prohibited from receiving U.S. exports or financial transactions and/or with whom U.S. persons are restricted from engaging in export or financial transactions. The Office of Research Compliance and Assurance conducts restricted parties screening and evaluates activities involving sanctioned countries.

Any activity, including informal discussion, directly related to the development, modification, manufacture, repair, testing, assessment or deployment of military or defense equipment, systems, items, processes, software or code is a defense service and may not be conducted at USA without explicit authorization of the USA Office of Research Compliance & Assurance.

The University expects and requires all visiting scholars/scientists to abide by U.S. laws and regulations, including those related to export control. In order to prevent inadvertent violation of U.S. export controls, visiting scholars/scientists are not permitted to participate in export controlled, proprietary or confidential research programs without explicit authorization from the USA Office of Research Compliance & Assurance. Further, no University employees or students may engage in any activity supporting, formally or informally, such defense services without explicit prior authorization from the USA Office of Research Compliance & Assurance.

Additionally, the University is committed to the protection of its intellectual property and proprietary research, as well as such property that has been provided to USA by 3rd party sponsors. The University expects and requires all visiting scholars / scientists to protect the integrity of USA’s intellectual property and proprietary research, and to refrain from any activities that would place such information at risk of exposure.

Footnotes:

- (1) *Defense article* means any item or technical data designated in 22 CFR 121.1 (the U.S. Munitions List or “USML”); this includes most space-qualified hardware. The policy described in 22 CFR 120.3 is applicable to the designation of additional items. This term includes technical data recorded or stored in any physical form, models, mockups or other items that reveal technical data directly relating to items designated on the USML. It does not include basic marketing information on function or purpose or general system descriptions.
- (2) *Defense service* means (a) the furnishing of assistance (including training) to foreign persons, whether in the U.S. or abroad in the design, development, engineering, manufacturer, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing or use of defense articles; (b) the furnishing to foreign persons of any technical data controlled under 22 CFR 120.10 whether in the U.S. or abroad; or (c) military training of foreign units and forces, regular or irregular, including formal or informal instruction of foreign persons in the U.S. or abroad or by correspondence courses, technical, educational, or information publications and media of all kinds, training aid, orientation, training exercises, and military advice.

The University is committed to the free and open exchange of ideas outside of the scope of U.S. export control regulations. Export controls do not apply to the conduct and reporting of basic and applied research, the results of which are typically published and shared broadly within the research community (often referred to as the fundamental research exclusion or exemption, or FRE). However, research results associated with research that does not qualify for the FRE must be protected as export controlled until they are authorized for unlimited public release or dissemination.

Visiting Scholar/Scientist Statement

I have read and understand the information provided on page one of this agreement. I understand that should I have questions related to the U.S. export control regulations at any point during my time at the University of South Alabama, they should be directed to the USA Office of Research Compliance & Assurance (dlayton@southalabama.edu or aswilliams@southalabama.edu)

By my signature below, I agree that I will not engage in export controlled, proprietary, or confidential work during my tenure at USA without explicit authorization from the USA Office of Research Compliance & Assurance and the Office of Information Technology and Risk Compliance.

Printed Name

Signature

Date

Sponsoring Faculty Acknowledgement

I have read and understand the information provided on page one of this agreement. I understand that it is my responsibility to instruct the other members of my research or project team as necessary to prevent inadvertent violation of U.S. export control laws and regulations. I understand that should I have any questions related to U.S. export control regulations they should be directed to the USA Office of Research Compliance & Assurance.

Printed Name

Signature

Date

Department or School Acknowledgement

Printed Name

Title

Signature

Date