



Dartmouth College

HANOVER • NEW HAMPSHIRE • 03755-3529

Office of the Provost • 6004 Parkhurst Hall, Rm. 204 • Tel (603)646-4091 • Fax (603)646-3773

*martin.n.wybourne@Dartmouth.edu*

Martin N. Wybourne  
*Vice Provost for Research*  
*Francis and Mildred Sears Professor of Physics*

## MEMORANDUM

TO: Carol Folt, Paul Danos, Joseph Helble, Stephen Spielberg, Robertson McClung, Michael Mastanduno

FROM: Martin Wybourne, Vice Provost for Research

Cc: Barry Scherr, Robert Donin, Ellen Arnold, Adam Keller, Nancy Wray, Bill Ploog, Liz Bankert, Charlie Mannix, Michael Wagner, Robin Catmur, Michael Blayney, David Kotz, Sondra Walker, Frans Barends, Brian Ermeling

SUBJECT: Export Controls

DATE: 24 February, 2006

As outlined in the memorandum dated April 12, 2004, the federal government is increasingly concerned with protecting information and technology from disclosure to foreign individuals. Our tradition of openness in research may conflict with these regulations, however noncompliance may result in criminal and civil fines on individual faculty and the institution. It is important that faculty are aware of export control regulations for research and non-research circumstances, and seek College guidance as appropriate.

Export Controls may apply to a situation whereby sensitive equipment, technology, and/or software may be used by, released or disclosed to a foreign national, either within the U.S. or another country. Due to three exemptions (publicly available, fundamental research, and educational information) academic research will for the most part *not* fall under the export control regulations. In the minority of instances where the regulations do apply we need to ensure compliance and obtain licenses when appropriate.

Deciding whether export controls apply to a particular project can be a challenge. College-wide guidelines and procedures are being established to assist faculty and staff with this process. As a first step, the OSP proposal routing form will be modified to include four questions designed to identify possible export control issues at an early stage when we have time to resolve them without causing delay in the startup of a project. The questions are:

- (1) Has the topic of export controls come up in any form (RFPs, program manager, collaborators, etc.) in connection with this proposal?
- (2) Will your project require an agreement or collaboration with a foreign entity?
- (3) Will your project involve the shipment of equipment outside the U.S.?
- (4) Will the project require the use proprietary information or materials from a third party?

We plan to add these changes to the routing form in April; please send Bill Ploog, OSP, comments on these questions before March 24th.

In collaboration with the Office of Sponsored Projects and General Counsel office, we will be implementing an awareness program to provide basic information to faculty. The format will be presentations to departments, divisional councils, etc., as well as workshops.

Further information about Export Control may be found at:

<http://www.dartmouth.edu/~osp/resources/policies/federal.html>

Specific questions about export controls should be directed to one of the following:

Nancy Wray or Bill Ploog, Office of Sponsored Projects

Ellen Arnold, Office of General Counsel

Liz Bankert, Office of the Provost