



Policy Name:	Mercy University Export and Trade Compliance Policy Statement		
Associated Form(s):	Basics of Export Controls Under the Export Administration Regulations (EAR) Training Presentation	Policy Number:	2023-5
Reviewed:	Non-Academic Policy Committee	Approved:	January 25, 2023
Approval Authority:	President <i>Timothy L. Hall</i>	Adopted:	February 15, 2023
Responsible Executive(s):	General Counsel	Revised:	N/A
Responsible Office(s):	Office of the General Counsel	Contact(s):	General Counsel or Associate General Counsel

I. US Export Trade Controls, Policy Statement

It is the policy of Mercy University to comply with not only the letter, but also the spirit and intent of all US export controls, sanctions, and antiboycott laws and regulations ("**US Export and Trade Controls**") as well as those of other countries where we may do business. Under no circumstances may an export, reexport, import (whether of a service, commodity, technical data, or technology), or any other transaction be made contrary to these laws and regulations or contrary to this Policy.

US Export and Trade Controls (as set forth more fully in Appendix A), include the following:

- Transfers of commodities, software, and technologies subject to the Export Administration Regulations (EAR) to non-US persons and destinations;
- Transfers of hardware, software, technical data, and services subject to the International Traffic in Arms Regulations (ITAR) to non-U.S. persons and destinations; and
- Transactions involving countries and entities subject to U.S. Government economic sanctions implemented by the Foreign Assets Control Regulations

The purposes of export controls regulations are to protect national security and promote the foreign policy objectives of the U.S. and its allies by controlling the transfer of goods, technologies, services, and money to non-U.S. persons and locations.

II. Non-US Laws and Regulations

It is also University policy to comply with non-US laws and regulations that are applicable to our operations and activities that restrict:

- Imports, exports, and related activities.
- Certain dealings with specified certain countries, governments, entities, and persons.

This Policy requires that every officer, director, agent, and employee of the University involved in international business transactions understand the basic elements of such laws and to comply with them at all times. Our compliance with these laws is a critical component of the University's reputation and success. Any violation of US Export and Trade Controls may result in the imposition of significant civil penalties, criminal fines and imprisonment, suspension of export privileges, and harm to the University's reputation.

III. When to Consult the Export Controls Officer/General Counsel

Any Mercy employees involved in grant work or research should consult the export controls officer/General Counsel prior to engaging in any activities subject to export controls, such as:

- When grant sponsors attempt to impose publication or personnel access restrictions on research activities
- Before receiving export-controlled technical information from an outside party, such as an industry or U.S. government research sponsor
- When documents from sponsors or other parties refer to the EAR, the ITAR, or export controls generally
- Before accepting hardware, software, technology, or technical data from an outside party (such as an industry sponsor) to be used in a project as part of an instructional course
- Before exporting from the U.S. any technologies, equipment, materials or chemical or biological agents (including toxins and genetic elements) on the EAR's Commerce Control List
- Before handling or exporting from the U.S. any hardware, software, technical data, or services subject to the ITAR
- Before traveling to an embargoed country or region, found on the US Treasury website (e.g. Crimea, Donetsk, and Luhansk regions of Ukraine; Cuba; Iran; North Korea; Sudan (North); Syria).

IV. Administration of this Policy and Training Requirements

All faculty and staff who may, because of their work in connection with research or grants, be subject to US Export and Trade Controls restrictions, will be required to review and acknowledge this Policy, and will be required to partake in Basics of Export Controls Under the Export Administration Regulations (EAR) Training Presentation provided by the General Counsel.

Any questions concerning these policies, any import or export law, rule, or regulation, or any potential conflicts with US Laws, should be directed to the General Counsel. If an incident of non-compliance occurs, the employee discovering the issue should immediately report the event to the General Counsel. In addition, any questions concerning the legitimacy of a transaction or potential violations should be referred to General Counsel and outside legal counsel as appropriate.

Employees willfully violating these internal controls and procedures may be subject to disciplinary action or dismissal from the University.

Employee name (printed)

Employee Title

Employee Signature

Date

APPENDIX

Export and Trade Controls

US Export and Trade Controls include:

- The Export Administration Regulations ("**EAR**") of the US Department of Commerce ("**Commerce Department**"), which control the export, deemed export, reexport, and transfer of:
 - commercial (non-military) commodities, software, and technology;
 - items that have dual commercial and military applications; and
 - munitions that have been transferred from the US Munitions List to the EAR's Commerce Control List.
- The International Traffic in Arms Regulations of the US Department of State, which regulate:
 - the manufacture, export, deemed export, and brokering of defense articles;
 - access to technical data;
 - the provision of defense services; and
 - other activities relating to items designed, developed, configured, adapted, or modified for a military application or otherwise identified on the US Munitions List.
- The Commerce Department's Foreign Trade Regulations, which are enforced by US Customs and Border Protection and provide requirements for submitting electronic export information filings for export shipments from the US.
- The Foreign Assets Control Regulations, administered by the Office of Foreign Asset Control of the US Department of the Treasury ("**Treasury Department**"), which include prohibitions and restrictions on exports to, and business and financial dealings with, certain countries, governments, and individuals that are subject to US economic and trade sanctions programs.
- Antiboycott laws and regulations that are enforced by the Commerce Department's Office of Antiboycott Compliance and the Treasury Department's Internal Revenue Service. These include reporting requirements, prohibitions, and tax liabilities that may be incurred if the company supports international economic boycotts in which the US does not participate.
- Prohibitions and restrictions on exports to, and other business dealings with:
 - designated parties that may not receive certain US products, technology, and software;

- certain parties engaged in specified activities, such as weapons proliferation, terrorism, and narcotics trafficking; and
- certain parties that are parties affiliated with governments targeted by US economic and trade sanctions.