



The UNIVERSITY of OKLAHOMA.
Office of the Vice President for Research & Partnerships

University of Oklahoma Office of Export Control and Secure Research Operations High Risk/Restricted Party Interim Policy

12 October 2020

Introduction

University research has long supported and depended upon international partnerships and collaborations. While highly encouraging and celebrating such global partnerships and relations, the University is also aware of reports and guidance from the United States Government that have drawn attention to the risks that relationships with high-risk individuals and entities, including certain foreign governments, may violate core principles of scientific integrity and national security. From theft of intellectual property to talent recruitment and conflict of interest, the increasing risk to the University shows a need for policy guidance on international relationships. In some cases, these relationships can distort decisions about appropriate use of taxpayer funds and result in unauthorized transfers of information, know-how, data, and time; diversion of proprietary information; loss of federal research funding; damage to the reputation of the University; and loss of public trust in the research enterprise. In an effort to provide guidance and consistency to employees, this policy on engagement with high-risk individuals and entities has been developed.

Restricted Entities

The United States Government publishes multiple lists that identify individuals and organizations that are considered by the U.S. Government and, therefore, by the Office of Export Control and Secure Research Operations to be of heightened concern (or high-risk) when present in a transaction or collaborative activity with OU. A heightened concern is an indication that additional export licenses and permits may be required for any research activities, including those that are subject to EAR99, and that careful review of the proposed transaction or activities is warranted.

Several heightened concern, or high-risk, lists (also referred to as “red flag lists”) are published by the U.S. Department of Commerce, State, and Treasury, including but not limited to:

- Denied Persons List (<https://www.bis.doc.gov/index.php/the-denied-persons-list>),
- Members of Seven Sons of National Defense Universities (see Policy of Denial below)
- Entity List (<https://www.bis.doc.gov/index.php/documents/regulations-docs/2326-supplement-no-4-to-part-744-entity-list-4/file>),
- Unverified List (https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=15:2.1.3.4.28#ap15.2.744_122.6), and
- Nonproliferation Sanctions enacted through a variety of executive orders and statutes.

Policy on Restricted Party Screenings



The University's Office of Export Control and Secure Research Operations conducts Restricted Party Screenings, including those that identify high-risk entities and individuals using these U.S. Departments of Commerce, State, and Treasury lists. These screenings must be conducted on:

- Visiting scholars and their previous institutions,
- Graduate students and their previous institutions,
- Foreign entities (includes institutions, companies, individuals) entering into contracts or agreements
- Foreign entities sharing or receiving technology,
- Purchases from foreign entities, and
- Others, as required by law or University policy.

These Restricted Party Screenings are done automatically on all visiting scholars, graduate students, contracts, agreements, exchanges in technology and purchases. If desired, faculty, researchers, and staff may request a Restricted Party Screening, prior to sponsoring students and visiting scholars or entering in any technology exchange, contract, or agreement from the Office of Export Control and Secure Research Operations by contacting export@ou.edu or calling 325-7843.

Policy on Entities and Individuals Identified as High Risk

Denied Persons List: The Denied Persons List is a list of high-risk individuals and entities that have been denied export privileges by the U.S. Government.

OU has established a **Policy of Denial** for any interactions between an OU employee and an individual or entity on the Denied Persons List.

Seven Sons of National Defense: The U.S. Government describes the 'Seven Sons of National Defense' as a group of leading Chinese universities with deep roots in the military and defense industry. The universities are all subordinate to the Ministry of Industry and Information Technology, which oversees China's defense industry through its subordinate agency, State Administration for Science, Technology and Industry for National Defense (SASTIND). The universities currently include:

Beijing Institute of Technology
Beihang University
Harbin Engineering University
Harbin Institute of Technology
Nanjing University of Aeronautics and Astronautics
Nanjing University of Science and Technology
Northwestern Polytechnical University

OU has established a **Policy of Denial** for any interactions between an OU employee and Seven Sons of National Defense universities including with faculty, researchers, or students affiliated with those universities.

Entity List: The Entity List identifies foreign parties that are prohibited from receiving any items subject to the EAR99 unless the exporter (here, OU) secures a license. Parties on this list have been identified by the U.S. Government as presenting a greater risk of diversion of certain items, including weapons of

mass destruction (WMD) programs, terrorism, or other activities contrary to U.S. national security and/or foreign policy interests.

Unverified List: The Unverified List is a list of parties that have not cooperated with the U.S. Government during post-shipment verification checks. The presence of a party on the Unverified List in a transaction is a “red flag” that must be resolved by the University before proceeding with the transaction.

Permitted interactions with Entity List or Unverified List parties will be determined by the Office of Export Control and Secure Research Operations on a case-by-case basis, with input from the High Risk Managerial Group, which is composed of the Vice President of Research and Partnerships (Norman), Vice President for Research (HSC) the Executive Director of Export Control and Secure Research Operations, and Legal Counsel.

Other Lists Enumerated by the Departments of State, Commerce, and Treasury: Heightened risk identified as a result of **individual or entity matches to other advisory lists will be managed on a case-by-case basis** by the Office of Export Control and Secure Research Operations, in consultation with the High Risk Managerial Group.

Request for Reconsideration

Employees may make a request for reconsideration of a determination of the Office of Export Control and Secure Research Operations based on new or additional information not available at the time of the initial consideration. Requests for reconsideration must: 1) be in writing (email is acceptable) to the Executive Director of Export Control and Secure Research Operations, received within five (5) University business days of the initial determination, and 2) include a detailed description of new or additional information not available at the time of the initial consideration. The request for reconsideration will be reviewed by the Office of Export Control and Secure Research Operations, with input from the High-Risk Managerial Group. A written response will be provided within a time frame that takes into account any research timing issues identified in the request for reconsideration.

This policy is effective starting October 12, 2020, for all screenings on or after this date.