Universities and research organizations play a vital role in the development and advancement of our most critical and sensitive technologies. As the eye of the US Government has become more keenly focused on university export violations, the risks for these institutions have become significantly greater. No university wants to become the poster child for university export control violations, and many programs are increasingly challenged with making sure that their compliance is up to speed.

The realities of complex regulations, increased government scrutiny, and dramatic export control reform create a real challenge for those responsible for compliance at academic and research facilities. Balancing academic freedom for faculty and researchers with compliance — and factoring in the issues specific to foreign national students and faculty — can be overwhelming.

Join us on the campus of The Ohio State University for our four-day comprehensive training on the ins and outs of US export control rules from the perspective of universities and research organizations. While some conferences merely skim the surface, we will delve into the details of the EAR, ITAR, and OFAC rules as they affect the day-to-day operations of these organizations. The comprehensive curriculum is organized to examine the issues in a thorough and methodical manner. Novices will get comprehensive, detailed training on the key rules while experts will have a unique opportunity to master the critical nuances of the rules and hear the viewpoints of their peers on the most complex and daunting compliance challenges.

Private companies who sponsor or work with universities and research laboratories on research projects will also benefit from this training by gaining unique and invaluable insights into the special compliance issues faced by these organizations, facilitating mutually beneficial partnerships between the academic and private sector.

Professional export compliance instructors and a number of respected panelists from the university community will lead the training, discussions, and hands-on, practical exercises. Dynamic and methodic instruction — with emphasis on active learning and case studies — will provide compliance professionals from universities, research laboratories, and private enterprise with the complete details of US Export Controls as they apply to the academic and research community.

**KEY TOPICS**

- How to Classify New Technology
- Fundamental Research Exclusion
- Public Domain Scope and Limits
- ITAR Licenses, Agreements, and Exemptions
- EAR Licenses and Exceptions
- OFAC Sanctions on Countries and Nationals
- “Foreign Influence” & Other Hot Topics
- Gaining Faculty/Researcher Cooperation
- Compliance Issues for Foreign Nationals
- Software, Encryption, and Cybersecurity
- Pitfalls of Government Contracts
- Effective Compliance Programs

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**WHO SHOULD ATTEND**

- Universities and University-Related Associations
- Laboratories and Scientific Institutions
- US Government Agencies, Laboratories, and Research Facilities
- Industries who work with Universities and Scientific Institutions on research projects
- Outside Legal Counsel to the above groups

**TUITION**

- $1765: Government Entities & Public/Private Universities
- $2150: General Public

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**VENUE**

The Blackwell Inn at The Ohio State University
2110 Tuttle Park Place
Columbus, OH 43210
University Export Controls SEMINAR PROGRAM

REGISTRATION: 8:00 AM - 8:30 AM on October 14, 2019
COURSE INSTRUCTION: 8:30 AM - 5:00 PM on October 14-17, 2019

DAY 1: OCTOBER 14 MONDAY

Introduction to Export Controls in a University Environment
• US Export Control Policy & Primary Regulations (EAR/ITAR/OFAC)
• Major Categories of University Export Control Concern
• What Makes Institutions of Higher Learning Different

Controlled Items & Activities
• Exports
• Deemed Exports to Foreign Nationals
• Internet Exports & Cloud Computing
• Reexports & In-country Transfers
• Non-US Origin Items Produced with US Origin Content or Technical Data
• Other Export Control Regulated Activities
• Controlled Items: Hardware, Software, Technology
• Definition of “technical data,” “technology,” and “defense services”

Exclusions from the EAR
• Publicly Available
• Published Technology and Software
• Educational Information
• Patents and Patent Applications
• Other Exclusions

Fundamental Research Exclusion with EXERCISES WORKSHOP
• Conceptual Basis: National Security Decision Directive 189
• EAR Approach to the FRE
• Boundaries to the Exclusion
• Considering How the FRE Affects a Typical Research Effort

FUNDAMENTAL RESEARCH DISCUSSION: The Practitioner Perspective
Panel discussion and question & answer session on the Fundamental Research Exclusion from respected University Export Control Officers
- Missy Pelosi University of Pennsylvania
- Jessica Albertson The Ohio State University

Jurisdiction & Classifications with EXERCISES WORKSHOP
• Jurisdiction: Which List Applies? (CCL / NEML / USML)
• How to Classify an Item: Determining and Reading the ECCN
• New 600-Series and 9X515 ECCNs
• “Specially Designed” Definition, Exclusions & Implications
• Requesting an Official Classification
• Technology and Software Classification
• Meaning of the General Technology Note

HOT TOPICS in University Export Controls Panel Discussion
• Foreign Influence
• Institutional Disclosure Requirements
  - Missy Pelosi University of Pennsylvania
  - Jen Yucel The Ohio State University
  - Mary Beran Georgia Institute of Technology

DAY 2: OCTOBER 15 TUESDAY

No License Required (NLR) with EXERCISES WORKSHOP

License Exceptions with EXERCISES WORKSHOP
• Restrictions on the Use of License Exceptions
• License Exceptions for Technology
• License Exceptions TSU, TSR, CIV, STA, TMP, AVS
• License Exceptions Issues for 600-Series and 9X515 Technology

Catch-All Controls with EXERCISES WORKSHOP
• Prohibited Parties/Embargoed Countries/Proliferation Activities
• Military End-Use/User (China, Russia, Venezuela)
• Red Flags & EAR General Prohibitions

Grappling with OFAC Sanctions and Compliance
Jeanette Miller (invited)
• Embargoed Country Destinations
  - Cuba, Iran, Syria, North Korea, Others
• Transactions Subject to Embargo Controls
• Major OFAC Sanctions Programs Affecting Universities
• Working with Academic Institutions and Service Providers
• Considerations when Contemplating Research in Sanctioned Countries

License Applications
• When and How to Make a License Application to BIS
• Technology Licenses
• Deemed Export Licenses
• Special Support Documents & Requirements
• SNAP-R / Electronic Filing / License Review Process

Focus on Hardware & Shipping Documentation
• Hardware License Exceptions (GBS, CIV, STA, RPL, GOV)
• Foreign Trade Regulations (FTR) & Automated Export System (AES)
• Harmonized Tariff Schedule & Schedule B
• Export Documents
• Special Requirements for 600-Series and 9X515
• Destination Control Statements

Included with your seminar tuition are continental breakfast, lunch, and snacks each day. Each participant will receive a paper reference manual as well as a USB drive e-Manual in searchable pdf format. A certificate is issued to each attendee upon completion of the seminar.

**Agenda and instructors are subject to change.

Export Compliance Professional (ECoP®) Certification testing is optional for registered participants. For those already holding ECoP® Certification, this course earns 4 ECoP®-EAR renewal credits & 4 ECoP®-ITAR renewal credits. www.LearnExportCompliance.com/certification
Export Enforcement  
**James Bartlett**
- EAR, ITAR, OFAC, and CBP Enforcement Methods
- Dealing with Government Inquiries, Subpoenas, and Search Warrants
- Investigating & Disclosing Violations – To Disclose or Not to Disclose?
- Preventive and Corrective Actions for Violations
- University Violation Case Studies

**FBI Perspective: University Export Control Enforcement**  
TBA

University Compliance Programs  
**Jessa Albertson**
- Effective University Compliance Programs & Core Elements
- Key Operational Processes
- Export Compliance Checklists
- Cross-Departmental Stakeholders
- Areas of Frequent Compliance Breakdown

**UNIVERSITY COMPLIANCE ROUNDTABLE:**  
**How Leading Research Universities Approach their Programs**

Engage with members of the university export controls community as they discuss different ways to approach export compliance at their respective universities, including strategies for gaining senior administration buy-in, establishing and reconsidering compliance priorities, monitoring for violations, and building the most effective policies and procedures.

- Mary Beran  
  Georgia Institute of Technology
- Jessa Albertson  
  The Ohio State University
- Jessie Buchanan  
  University of Pennsylvania

Export Controls & University Contracts  
**Emily Schriver**
- Recognizing Key Export Control Clauses in Federal Solicitations and Contracts
- Navigating Agency Interpretations of Applicable Clauses
- Implementing Internal Processes to Improve Compliance on Government Contracts

Export Controls on Encryption and Artificial Intelligence  
**Felice Laird**
- "Emerging and Foundational Technologies" in the information technology space
- Status of implementation of August 2018 Export Control Reform Act and outlook for new regulations
- What’s Not Subject to US Controls: Understanding the Fundamental Research and “Publicly Available” Exceptions for information security technology
- "Order of Review" for key technologies
- Using Publicly Available Encryption Tool Kits and Libraries
- Potential for new computational access restrictions for non-US persons

Collaborating with Faculty and Researchers  
**Dorota Grejner-Brzezinska & Elizabeth Wagner**
- Who, What, or Why? – Options for Emphasis Communicating with Key Faculty
- Positive Solutions to Researcher Concerns
- Enforcing Compliance Policies in a University Environment

**Introduction to Defense Trade Controls**
- Key Governing Agencies & ITAR Compliance Resources

**What Does the ITAR Control/Not Control?** with **EXERCISES WORKSHOP**
- ITAR Controlled Activities
- Technical Data Releases to Foreign Persons & Defense Services
- Easy-To-Forget Licensable Transactions
- Public Domain Exclusion
- Fundamental Research Under the ITAR
- Exclusion for Basic Marketing Information and General System Description
- How the ITAR and EAR Exclusions Differ
- Jurisdiction: EAR vs. ITAR
- The New US Munitions List
- ITAR “Specially Designed” Definition, Exclusions & Implications
- Special Classification Issues & Commodity Jurisdiction Determinations

**Registration and Empowered Official Issues**
- How to Register with the DDTC; Registration-Related Issues
- Considerations for Designating “Empowered Officials”

**ITAR Special Restrictions** with **EXERCISES WORKSHOP**
- Prohibited Countries; Prohibited/Ineligible Parties
- SME “Significant Military Equipment”
- Highly Restricted Items / Congressional Notification Issues / Red Flags

**ITAR License Exemptions** with **EXERCISES WORKSHOP**
- What are Exemptions? / Excluded Items & Countries
- ITAR Exemption for University Employees
- Key ITAR Technical Data and Defense Services Exemptions

**ITAR Licenses**
- Licenses vs. Agreements
- The Art of the License Application
- D-Trade / DSP-5 Applications
- Foreign Person Employee and Marketing Licenses

**ITAR Agreements** with **EXERCISES WORKSHOP**
- MLAs / TAAs / Warehouse & Distribution Agreements
- Agreement Application & Agreement Guidelines
- Drafting the Technical Scope for Agreements
- Dual/Third Country National Employees
- Sublicensing
- Government Review Process & Checking License Status

**ITAR Hardware & Shipping**
- Useful Hardware Exemptions
- Shipping & Export Documentation
- Temporary Licenses
- AES: Filing Electronic Export Information (EEI)
- Wait Times & AES Responses
- Schedule B & HTS Classification
- Certification Requirements, Reporting Requirements & Amendments

**DAY 3: OCTOBER 16 WEDNESDAY**

**DAY 4: OCTOBER 17 THURSDAY**
INSTRUCTORS

CORE CONTENT INSTRUCTORS:

MARC BINDER is a partner at the trade compliance consulting firm of ITC Strategies. Prior to that, Marc held the position of the Director of Customs Compliance for Goodrich Corporation, where he was responsible for managing the Corporate Customs Compliance program. Earlier experience included serving as the Director of Customs and Export Compliance for TRW Automotive and as the Manager of Import and Export Licensing and Compliance for Lockheed Martin – Government Electronics Systems in Moorestown, NJ. Marc is a former two term member of the Department of Commerce Regulations and Procedures Technical Advisory Committee (RPTAC) and is a former three term member of the Department of State, Defense Trade Advisory Group (DTAG). Marc is a member of the Board of Directors of the Society for International Affairs (SIA), where he is currently serving as President, having formerly held positions of Secretary/Treasurer and Director of Planning and Education.

JESSICA (JESSIE) BUCHANAN is the Director of Export Compliance at the University of Pennsylvania. In this role she is responsible for developing, implementing, and leading programs and policies for the university export control compliance program. Jessie works with university administrators and faculty to develop institutional policies, procedures, training, and educational materials to meet compliance requirements and improve education regarding the university’s research objectives. Prior to coming to Ohio State, Jesse worked in the Office of Export Controls at the University of Oklahoma for 10 years, most recently as the Director. Jesse received her BA and MA in human relations from the University of Oklahoma. She holds professional certification as an Export Compliance Professional – EAR/ITAR (ECOP®).

JAMES E. BARTLETT III, J.D., LL.M, practices law at Full Circle Trade Law PLLC, Washington, DC, and is a partner of Full Circle Compliance, BV, of Bruchem, Netherlands, an international trade compliance audit firm. He is author of Bartlett’s Annotated International Traffic in Arms Regulations ("BITAR"), author of Bartlett’s Annotated Foreign Trade Regulations ("BARTFR"), co-author of the textbook United States Export Controls (7th ed. 2019), editor of the Society of International Affairs Pocket ITAR, and editor of The Export/Import Daily Update (“The Daily Bugle”). Jim recently retired from Northrop Grumman Corporation, where he was Senior Counsel—Export/Import Law. He was previously Director of Global Trade Controls at Harris Corporation. Jim’s government service includes military duty as a U.S. Navy JAG officer and 3 years as Assistant General Counsel of the Defense Intelligence Agency.

MARY M. BERAN is the Associate Director, Research Integrity Assurance, Georgia Tech Research Corporation at the Georgia Institute of Technology. She has responsibility for the compliance teams and oversight of programs involving Export Controls, Institutional Animal Care and Use Committee (IACUC), Institutional Biosafety Committee (IBC) programs, Institutional Review Entity (IRE) for the review of Dual Use Research of Concern (DURC), and an Empowered Official for GIT. Beran serves as a member of several committees, including the Export Advisory Board. Externally, she has served as a past Chair of the Association of University Export Control Officers (AUECO), where she has been actively involved in monitoring U.S. Export Control Reform.

JESSICA (JESSIE) BUCHANAN is the Director of Export Compliance at the University of Pennsylvania. In her role as director, she oversees the university’s export compliance program and is an empowered official of the university. Prior to joining Penn, Jessie was a medical science writer and editor. Jessie holds a doctorate in Psychology, Program in Behavioral Neuroscience, from the University of Delaware and completed her postdoctoral work in Psychoneuroimmunology at the University of Illinois at Urbana-Champaign.

DOROTA GREJNER-BRZEZINSKA, professor of the Department of Civil, Environmental and Geodetic Engineering, is the Associate Dean for Research at The Ohio State University’s College of Engineering. She is a Member of the National Academy of Engineering, and a Fellow of The Institute of Navigation and The Royal Institute of Navigation. She has been PI or co-PI on multiple grants generating $20 million of research expenditures and authored or co-authored 320 papers and given 130 invited talks and keynote lectures in more than 20 countries. Within the college, she has won the Lumley Interdisciplinary Research Award, along with the Harrison Award for Excellence in Engineering Education. She earned her Ph.D. and master’s degree at the University of Pennsylvania.

FELICE LAIRD has been helping companies comply with the US Export Administration (EAR) and International Traffic in Arms Regulations (ITAR) since 1988. Ms. Laird is a faculty member of the Export Compliance Training Institute which provides live and in-house training, web training, and e-learning solutions to the trade compliance community. In addition to providing comprehensive auditing services, Ms. Laird is a recognized expert in encryption export controls and has helped both large and small firms navigate the complex restrictions on the export of cyber security technologies. Ms. Laird has served as a member of the Presidents Export Council Subcommittee on Export Administration. She has a B.A. from the University of New Hampshire and an MS in International Business from the American University.

JEANETTE MILLER (invited) is the Deputy Assistant Director for the Licensing Division at the Office of Foreign Assets Control (OFAC) of the US Department of the Treasury where she manages, among other things, the portfolios for Iran and Weapons of Mass Destruction licensing. Prior to joining OFAC in 2007, Jeanette served as a Special Assistant to the Executive Secretary’s Office at the Treasury Department. Before joining the Treasury Department, Jeanette worked at the Penn State Dickinson School of Law as the Executive Director of the Arbitration Institute for Law and Practice. She is a graduate of Tulane University School of Law and Arizona State University. Jeanette plans to discuss licensing best practices as well as applicable general licenses and exemptions for higher education.

ELIZABETH (MISSY) PELOSO is the Associate Vice Provost and Associate Vice President for Research Services at the University of Pennsylvania. She previously served as the Director of Export Compliance and retains oversight responsibility for the export compliance program at Penn. In addition to export controls, Missy has responsibility for research administration including pre-award activities related to federally- and non-profit sponsored research, post-award activities for all sponsored projects, academic material transfer agreements, and research reporting. Before joining Penn in 2011, Missy was the Director of Research Compliance at the University of Delaware. Missy is a past Chair of AUECO and currently serves on the Board of the Council on Governmental Relations (COGR). Missy is a graduate of Duke University (BSE in biomedical engineering), Carnegie-Mellon University (MS in biomedical engineering), and the University of Delaware (MBA with a concentration in international business).

EMILY SCHRIVER is Associate General Counsel at The Ohio State University, Ohio’s flagship land-grant institution. OSU is one of the largest public AAU research universities and its research expenditures top $980 million annually. Emily provides counsel to the university’s Office of Research on all areas of research compliance, including export compliance and sponsored research. Prior to joining the OSU legal staff, Emily was an associate at Hogan Lovells US LLP, in Washington, DC, practicing in the firm’s government contracts and federal research group. Emily graduated from The Ohio State University and the Northwestern University Law School, and clerked for the Honorable Richard C. Tallman on The United States Court of Appeals for the Ninth Circuit.

ELIZABETH WAGNER is the Compliance Officer at The Ohio State University’s College of Engineering. She is responsible for promoting and ensuring compliance with federal and state law, and university policy. She works closely with Ohio State’s Office of Research Compliance Export Control Office to communicate, and train researchers on, export control and national security laws, and to provide resources to support research compliance. Prior to joining Ohio State last year, she was the director of compliance and policy at the University of Michigan’s College of Engineering. She earned her BS at Eastern Michigan University.

JENNIFER “JEN” YUCEJ joined The Ohio State University in 2004 and is currently the Director of the Office of Research Compliance as well as the University Research Integrity Officer. In this role, Jen facilitates research compliance activities across the university, specifically focusing on issues involving export controls, research misconduct, conflicts of interest, human gene transfer, human stem cell, and various other compliance areas. Born and raised in Southern California, Jen received her Ph.D. in Cellular Biology from the University of California, San Diego and completed her post-doctoral work at the Ludwig Institute for Cancer Research in La Jolla, California.
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Contact Jessica Lemon jessica@learnexportcompliance.com with questions or for more details.
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