

Dear Colleagues,

Last month, I posted some questions related to legal issues within international education. I received a few responses and a number of please summarize so it is clear to me that these are issues a number of schools are grappling with how to handle on their campus.

My first question asked how do schools handle visiting scholars and international students working in labs:

Gustavus Adolphus: They do not have their scholars sign a confidentiality agreement. Gustavus is an undergraduate liberal arts school and they do not have graduate international students so this is not an issue for them.

Winston-Salem State University: They provided a web link to their policy on export control, <http://www.wssu.edu/nr/rdonlyres/vault/OOLA/policies/ExportControls.pdf>

Princeton: Restricting research project participation goes against university policy as it would create significant burden on the institution to comply with the requirement. The school provided a web link to more information about their policies regarding foreign nationals and research, http://www.princeton.edu/~orpa1/exports/export_controls/deemed_exports_full_menu.htm.

The second question related to if your school had any policies on international travel and carrying laptops, cell phones or other person devices that could fall under export control issues.

Gustavus Adolphus: They do not have a policy related to this issue because the research conducted there falls under the public domain of fundamental research exclusions.

Princeton: They have a web site related to research related travel, http://www.princeton.edu/~orpa1/exports/export_controls/foreign_travel_full_menu.htm.

The final question asked how schools handle giving and receiving gifts.

Gustavus Adolphus: They have a conflict of interest policy and there is annual reporting at the administrative level of gifts received and from whom. Gifts that are given are usually sent from the campus as a whole rather than from any specific department or other entity.

Princeton: Their employees can accept ordinary business courtesies, such as payment for a modest meal or event, or gifts which are promotional items without significant value and which are distributed routinely. If the value of the gift is undetermined, it should be returned.

General Comment from Colorado State University

Most larger universities are now hiring dedicated individuals to train and monitor activities in this area. Not all academic programs fall under the public domain of fundamental research exclusions; the minute a PI agrees to limit distribution or findings or to hold findings at the

request of the sponsor it is my understanding that the research is then no longer considered public domain. I served on a committee at the request of our Vice President for Research to look into issues related to the topic. They are very complex, and it is necessary to consult a number of guidelines on various issues, as well as writing technology control plans for research, etc. State Dept. sanctions, Dept. of Treasury and Dept. of Commerce all figure into the regulations. It also includes International Traffic in Arms Regulations (ITAR), Export Administration Regulations (EAR), licensing exceptions, deemed exports, screening end users, screening subcontractors, etc., etc.

This is an area that I feel has not been adequately addressed in the international education community. I brought it up at NAFSA in one of the committees I sit on as an area that requires significant education of many people, including the IE community, faculty, researchers, etc. Most people go right to deemed exports as the issue, and that is an issue- but only one of many that touch upon the international exchange of education and research.

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Thank you to those who responded. The information you provided is helpful.

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