



# Export Control – Decision Tree

## Question 1



**Was the item, information or software to be shared or shipped developed under a sponsored agreement imposing publication restrictions\* beyond normal reviews for patentability and/or inadvertent release of confidential/proprietary information?**

\* Research carrying dissemination restrictions may violate University policy and preclude characterization of the effort as "fundamental research." As a result, you may be facing prohibitions limiting the participation of foreign persons.

"Fundamental research" is defined as basic or applied research in science or engineering, the results of which are intended to be shared with the scientific community or otherwise placed in the public domain. Fundamental research, by definition, is free of access, participation, or dissemination restrictions.

Fundamental research is granted special status by U.S. export regulations, such that participation by foreign persons in such research does not require export licenses to be obtained. If the research is other than "fundamental," then the conduct, products and results of that research may be subject to the full array of export control restrictions.

Click to continue:

**YES**

**NO**



**If you have any questions, contact  
Sponsored Programs Administration.**



## Export Control – Decision Tree

### Question 2

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**Did a sponsor, vendor or third party provide, under a Non-Disclosure agreement or a Confidentiality Agreement\*, the item, information or software to be shared or shipped?**

Click to continue:

[YES](#)

[NO](#)

\*A reminder about NDAs, CDAs and other confidentiality agreements:

Faculty may be asked to accept confidential, proprietary or export-controlled data or material as part of a research project subject to a Non-Disclosure Agreement (NDA) or Confidential Disclosure Agreement (CDA) signed by both the discloser and the recipient.

NDAs and similar confidentiality agreements are permissible ONLY to the extent they meet the requirements of University policy (i.e. the information must be entirely peripheral to the research, “substantially remove from the intellectually significant portions of the research” AND the disclosure restriction must not affect the ability to publish the research results.)

All NDAs, CDAs and other confidentiality agreements must be signed by Sponsored Programs Administration (SPA).

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# **STOP HERE!**

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**YOU MAY NEED TO OBTAIN AN EXPORT CONTROL LICENSE!**

**CONTACT SPONSORED PROGRAMS ADMINISTRATION FOR ASSISTANCE (SPA)!**

It is important to note this information is only for general review of your plans. If your project changes, this **determination may no longer be applicable.**

If you had any hesitation in answering “no” to the previous question, please contact SPA

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