1. Introduction

Responsible Officials:
Associate Vice President for Research and Innovation, Sponsored Programs
Director, Office of Export and Secure Research Compliance (OESRC)

Effective Date: February 7, 2024

2. Scope

This procedure outlines the requirements necessary to comply with applicable export controls and sanctions, research security, and industrial security laws, statutes, regulations, Executive Orders, and U.S. Government-wide policies governing research activities subject to University Policy 13045.

3. Procedure Statement

The Office of Sponsored Programs (OSP) functions as the steward of Virginia Tech’s research portfolio and is responsible for ensuring that all research proposals and projects comply with university, federal, and sponsor regulations, policies, and procedures. The purpose of this procedure is to clarify the involvement of OSP in any activity that results in research activities that are subject to review by OESRC for export controls and sanctions, research security, and industrial security compliance management in accordance with University Policy 13045.

4. Definitions

Commodity Jurisdiction and Classification (CJC) – OESRC determination concerning the export controls and sanctions, research security, and industrial security that apply to a funded or unfunded award or agreement, as defined in OSP Procedure 10000 Defined Terms in Office of Sponsored Programs, and subject to OESRC review as required by this Procedure.

Controlled Unclassified Information (CUI) - Unclassified information designated by the U.S. Government executive branch that requires safeguarding or dissemination controls, pursuant to
and consistent with applicable U.S. laws, statutes, regulations, Executive Orders, and U.S. Government-wide policies.

**Technology Control Plan (TCP)** – A research security plan that is prepared by the Principal Investigator (“PI”) and OESRC, and approved by the Department Head/Chair, to ensure compliance with [University Policy 13045](#).

**Classified Research** – Research subject to Executive Order 13526, 32 CFR 117 (National Industrial Security Program Operating Manual), Intelligence Community Directives, and/or agency specific requirements for safeguarding and handling national security classified information. These agreements typically have a DD Form 254 Contract Security Classification Specification as an attachment or appendix.

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### 5. Compliance Requirements

#### The Office of Sponsored Programs Pre-Award:

1. Identify any proposal or solicitation which involves an international collaboration or references to Classified Research and notify OESRC.

2. If any proposal related documents have restrictive markings indicating a form of Controlled Unclassified Information (“CUI”), follow the Operational Guidelines for Controlled Unclassified Information (CUI).

#### The Office of Sponsored Programs Contracts:

**Contracts Guide to CJC Tasks:**

- Does the agreement contain any of the following?
  - DoD, NASA, DoE or International Funding/Collaborator
  - Export Control Terms
  - Nationality Restrictions/Approvals
  - Publication Restriction or Release of Information Approval
  - Security/Facility Clearance (e.g. Top Secret) Requirements
  - Controlled Unclassified Information Requirements
  - IT Security Requirements

- **Possible Task Closed Statuses**
  - CJC Issued. Full review was required per OSP 10016 and task with have CJ Codes. Agreement may be signed if task is closed as CJC Issued.
  - Complete No CJC. OESRC conducted a review but determined a CJC was not required per OSP 10016. No CJ Codes are added.
  - Cancelled. OSP or OESRC can cancel a task when it was created by mistake or is no longer needed.

- **Create CJC Task in “New” Status without an OESRC Task Assignee. OESRC will determine the Assignee and proceed with the review.**
Subawards
All international subawards require OESRC review by setting up a CJC review task. All
domestic subawards for Agreements containing export control banner coders other than “FRE
NLR” requires OESRC review by setting up a CJC review task.

The Office of Sponsored Programs Post-Award:
1. Review any agreement modifications for the criteria identified in the Contracts Guide to CJC
   Tasks (above) and setup a CJC review task for those meeting the criteria.
2. Notify OESRC for all modifications or close out actions to an award or agreement that has a
   TCP.
3. When directed by the AVP of Sponsored Programs, freeze any funds identified as a source of
   a potential violation or noncompliance issue.

6. References
Assistance to Foreign Atomic Energy Activities Regulations (AFAEAR) 10 CFR §810
Controlled Unclassified Information 32 CFR §2002
CUI Registry
Controlled Unclassified Information (CUI) Handling Procedures
Executive Order 13526 Classified National Security Information
Executive Order 13556 Controlled Unclassified Information
Export Administration Regulations (EAR) 15 CFR §§730-774
Export and Import of Nuclear Equipment and Material Regulations (EINEMR) 10 CFR §110
Foreign Assets Control Regulations (FACR) 31 CFR §§500-599
International Traffic in Arms Regulations (ITAR) 22 CFR §§120-130
Virginia Tech Policy 13045

7. Contacts
   - Associate Vice President for Research and Innovation, Sponsored Programs
   - Office of Export and Secure Research Compliance

8. Roles and Responsibilities
Office of Sponsored Programs – manages the workflow in accordance with Section 5 of this
procedure.

OESRC Export Controls and Sanctions Compliance Program –OESRC team that manages
and completes the CJC determinations and documentation. This team serves as OSP’s primary
point of contact for award and agreement reviews.
OESRC Research Security Program - OESRC team that manages the TCP research security plan and CUI Handling Procedures.

OESRC Industrial Security Program – OESRC team that manages the security for Classified Research.

9. Dissemination
This procedure may be posted on a Virginia Tech internet accessible site. No public restrictions are noted.

10. Approval and Revisions
Initial revision 1/29/2024: Adopted from prior procedure OSP 29-05. Revision approved by Associate Vice President for Research and Innovation, Sponsored Programs and Director, OESRC on January 11, 2024.

Revision 2/7/2024: Added “Subawards” subsection to Section 5. Revision approved by Associate Vice President for Research and Innovation, Sponsored Programs and Director, OESRC on ________________

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