

The International Collaborations and Export Controls policy applies to all projects that restrict or prohibit an USC Principal Investigator's freedom to publish or otherwise disseminate the research results beyond a mutually acceptable review period or restrict participation based on nationality. Below are some frequently asked questions regarding the policy and when an exception is needed:

**What clauses identified in a solicitation and/or sponsored agreement require a request for exception?**

Any clause(s) that:

- Permits the sponsor to prevent the publication of research outcomes
- Restricts participation and/or access to research based on nationality

**What types of publication terms fall within this policy?**

Clauses stipulating that publication is conditional upon the approval or agreement of the sponsor require review under this policy. Examples include:

- University shall not disclose any information or results made in the performance of the work without prior written approval of the Sponsor.
- Sponsor shall own all data and results made in the performance of the work.

**When must I submit an exception request?**

When restrictions are explicitly stated in a solicitation, a request must be submitted at least 30 days prior to the proposal deadline. [Use this form to request exception prior to submission.](#)

When restrictions are not known until time of award, at least 30 days should be allowed between the time a request is submitted and when a decision is made. [Use this form to request exception at time of award.](#)

Proposals originating at ISI or ICT are expedited, but should be requested at least one week in advance of the deadline.

**What types of publication terms do not fall within this policy?**

Publication delays are acceptable so that a sponsor may review publications and (1) offer comments or suggestions and/or (2) determine if its proprietary or confidential information is inadvertently disclosed and/or (3) screen for patentable ideas. The final decision on content must rest with the author.

**What do I do if a sponsor wishes to impose publication restrictions at time of award?**

Work closely with the Department of Contracts and Grants (DCG) on your award. DCG personnel will try to negotiate with the sponsor to remove publication restrictions. If that negotiation is not successful, and you still wish to seek funding from the sponsor, you must formally request an exception by submitting this [form](#).

**If I need to submit an exception request for a restricted project, what type of information do I need to provide?**

You will need to provide demographic information about your proposal, the nature of the restriction, and the location of the work. In addition, you will need to provide a rationale for why the research should take place at USC (e.g., nature of the research, USC's reputational risk relative to potential benefits, magnitude of risks to students participating in the research), disclose whether students will be involved in the research, and identify the steps you will take to comply with applicable restrictions. Please be aware that if you intend to involve students or receive restricted data from the sponsor or a third party, you must describe the steps that will be taken to protect student rights to publication

and/or to protect the security of restricted information provided to USC, as applicable. Protecting restricted information may include the implementation of a Technology Control Plan (TCP).

### **What happens after an exception request is submitted?**

The request will be reviewed by the Office of Compliance to assess how and whether the restrictions can be satisfied. If students will participate in the research, then the Office of Academic Affairs will work with the principal investigator to develop an approach to protect publication rights of the students. These reviews, along with the exception request and proposal, will then be reviewed by the standing faculty committee on international research, which will vote as to whether USC should accept the agreement and how the agreement is managed. The committee's vote will be communicated to the Vice President of Research, who will make a final decision. For research conducted off-campus at ISI or ICT, the Vice President of Research is permitted to grant approval through an expedited process explained in the Policy on International Collaboration and Export Controls.

The request for exception and decision will be retained as part of the Kuali Coeus record for the proposal/award.

### **Who is a foreign national or foreign person?**

Typically, sponsors define a "US person" as any of the following:

- U.S. Citizen
- U.S. lawful permanent resident ("a green card holder")
- Person granted asylum
- Person granted refugee status

All other persons are considered foreign nationals.

### **Are fellowship programs that have a U.S. Citizenship eligibility requirement required to submit an exception under this policy?**

No. Citizenship eligibility requirements alone do not trigger the policy. However, if the requirement for a fellow to be a U.S. Citizen is coupled with a publication and/or export control restriction then the Fellow/PI would be required to request an exception.

### **What are some examples of troublesome Export Control clauses requiring review?**

- Contractor shall not engage any foreign nationals in the performance of the work without prior written approval of the Sponsor.
- DFAR 252.204-7000 Disclosure of Information
  - The Contractor shall not release to anyone outside the Contractor's organization any unclassified information, regardless of medium, pertaining to any part of the contract or any program related to the contract without Sponsor prior written approval.
- DFAR 252.204-7008 Compliance with Safeguarding Covered Defense Information Controls
- DFAR 252.204-7012 Safeguarding Covered Defense Information and Cyber Security Reporting

### **What are some examples of Export Control clauses not requiring review?**

- The University shall comply with all U.S. export control laws and regulations, including the International Traffic in Arms Regulations (ITAR), 22 CFR Parts 120 through 130, and the Export Administration Regulations (EAR), 15 CFR Parts 730 through 799, in the performance of this contract.
- The University shall be responsible for obtaining export licenses, if required, before utilizing foreign persons in the performance of the contract, including instances where the work is to be performed on-site at Sponsor's facilities, where the foreign person will have access to export-controlled technical data or software.
- All applicants will be subject to the following requirement concerning foreign national involvement. Upon Sponsor's request, Prime Recipients must provide information to facilitate Sponsor's responsibilities associated with foreign national access to Sponsor sites, information, technologies, and equipment.