
This section addresses the process for managing export control requirements associated with international collaborations with potential international research partners. Several export control requirements are applicable.

When drafting or planning to sign a Memorandum of Understanding (MOU) or Memorandum of Agreement (MOA) with a potential non-US research partner that does not directly fall under the auspices of OVCR, it is CUNY’s policy that the faculty member planning to enter into such an Agreement alert OVCR so that any export control implications to the proposed Agreement can be evaluated in advance.

The OVCR shall screen such entities and signatories against the U.S. Government’s watch lists to ensure that potential partners are not listed. CUNY faculty and administrators shall not execute any such MOU or MOA prior to the screening by the OVCR, and they shall maintain records of any communications with regard to the screening with their records for the given project.

MOUs or MOAs may contemplate the exchange of export controlled items or data that drive the collaborative research. Because the export of such items or their receipt into CUNY’s laboratories potentially has export control implications, these implications must be identified at the earliest opportunity so that the parties can plan accordingly. In certain cases, where the research is predicated on the receipt of (or access to) an export controlled item that requires prior government approval through a license or authorization, it is important that the parties take this contingency into account either in the MOU/MOA process or in a subsequent writing. It is CUNY’s policy not to bind itself to a contractual obligation, unless acknowledging the need to fulfill a regulatory condition without which the program cannot proceed as intended. The parties involved in the MOU/MOA may refer to the CUNY Export Control Preliminary Evaluation Form to evaluate whether export control requirements apply.

Subsequent amendments to the MOU/MOA must proceed according to the same evaluation process, to the extent they subsequently alter the terms of the initial MOU/MOA or where the parties/signatories change over time.

When the MOU/MOA contemplates concurrent or subsequent Non-Disclosure Agreements (NDAs) and/or the receipt of export controlled items or data, contact OVCR to determine the precise export control language that shall be inserted into the NDA. The purpose of this language will be to alert CUNY in advance of a party’s intention to provide export controlled items, so that CUNY can determine the correct handling and disposition of such items consistent with control requirements or, where appropriate, decline acceptance of these items.