13. Sponsored Research

This Section addresses the export control process when reviewing proposals, contracts, grants and awards to ensure conformity with the Fundamental Research (EAR) and Public Domain (ITAR) Exclusions.

The Grants Officer of the respective College in conjunction with the Research Foundation is responsible for determining whether an agreement, award or contract contains or triggers export control restrictions. In general, CUNY does not accept restrictions in its awards or contracts that would restrict CUNY faculty members, students and administrators who are not U.S. persons from access to research and research results which would otherwise remain unrestricted under the Fundamental Research Exclusion (FRE).

However, in certain cases, a sponsor’s intention with regard to export controls or the control implication of a particular clause or set of clauses may be ambiguous as to CUNY’s export control responsibilities. For example, this may occur with respect to “flow down” restrictions in a subcontract, or vague or open-ended publication and/or citizenship limitations.

In this case, where such ambiguities arise or assistance is required in negotiating out a particular clause, it is incumbent upon the respective College’s Grants Officer and/or the Research Foundation to contact the research compliance staff in the OVCR to resolve the matter prior to committing to the obligation or accepting its financial benefits.