Technology Control Plan
Grigg Hall

Grigg Hall houses most of the University’s optical and optoelectronic research facilities, including a variety of instruments that are on the Commerce Control List (CCL) and subject to export control regulations. This Technology Control Plan has been developed to ensure compliance with those regulations.

Each laboratory in Grigg Hall is under the supervision of an individual faculty member (in the case of individual labs) or the Research Operations Manager of the Center for Optoelectronics and Optical Communications (in the case of Center labs). Additionally, Clean Room facilities are under the supervision of the Center’s Clean Room Manager. Each of these supervisors shall be responsible, continuously, for all controlled equipment in their laboratories, including the location and status of each item. It shall also be the responsibility of these supervisors to understand the export control regulations sufficiently to ensure that deemed export of controlled technology to foreign nationals from restricted countries does not occur. To help faculty and staff meet this responsibility, security seals will be placed on controlled equipment whenever practical to prevent unauthorized tampering. In addition, supervisors shall maintain detailed information, including manuals that describe how to install, repair, maintain, or assemble/disassemble controlled equipment, under lock and key. As a general rule, training beyond operational use for equipment on the CCL should not be provided to foreign nationals.

As a general rule, University research is carried out under the Fundamental Research Exclusion of the Export Administration Regulations, but the risk of deemed export exists when a project utilizing export-controlled technologies accepts a contractual restriction that nullifies that Exclusion. Such restrictions, by their very nature, violate the fundamental principle of openness in the University and create significant management burdens, and faculty who accept such restrictions must in turn expect to work under restricted conditions. First, restricted projects which utilize controlled technologies or take place in a laboratory containing controlled equipment will require work scheduling. This will require that some users, particularly foreign nationals, be denied access to those labs at those times. One can think of this procedure in the same way as planning ahead to reserve time on an instrument, but in these situations the lab in which that instrument is housed must be reserved so that we can document efforts to prevent deemed export. Second, foreign nationals may not participate on restricted projects or be present in the lab during the scheduled period unless an export license is obtained, and the cost of the license, which could require several months to process, must be borne by the project. The PI of a restricted project must further ensure that no data, proprietary or restricted procedures, or information remain on any of the instruments used during those specially scheduled times. Fundamental versus restricted research access times will be documented and the two activities kept separate. Thus, it is possible that controlled equipment may be unavailable to certain individuals at times when restricted research is being carried out, but efforts will be made to minimize inconvenience to all users.

1 NOTE, HOWEVER, that a foreign national who has been granted permanent residence in the U.S., as demonstrated by the issuance of a permanent resident visa (i.e., "Green Card") is treated the same as a U.S. citizen.
Access to laboratories engaged in restricted projects and containing export-controlled equipment will be controlled by swiping a University ID card on both entry and exit, and records of entry and exit to these areas will be maintained. Persons who assist others in gaining access to laboratories by unauthorized means (such as following an authorized person into a lab) could be at considerable personal legal risk. The federal government will not hesitate to prosecute someone whom they think might be enabling the export of technology to export-restricted or embargoed countries, and convictions can result in significant jail time and substantial fines. Thus, it is important that both entry to and exit from a restricted laboratory be documented in case there should be an export control violation and an investigation is made as to who was present in a laboratory at a specific time.

The above rules apply to faculty, staff, post-doctoral fellows, and students who are utilizing facilities in Grigg Hall for the conduct of their research and instructional activity. Visitors (including visiting faculty, guest researchers, and conference attendees) who wish to tour a laboratory may do so only at times when restricted research is not taking place. Visitors touring the facility must be accompanied at all times and must be in sufficiently small groups so that the person conducting the tour can ensure that small items are not picked up and pocketed.

Foreign visitors or post-docs who come to Grigg Hall for research or study must be screened by the Office of the Vice Chancellor for Research and Federal Relations and must have a plan of work or study approved in advance. That plan cannot be specifically for the study of an item of controlled equipment or for training in the use of such equipment. Such equipment may be used as research tools, but cannot be disassembled or otherwise analyzed, and faculty or staff members who inadvertently enable visitors to access controlled technology could be at considerable personal legal risk. Foreign visitors could also be at risk if they are found alone in a laboratory which houses controlled equipment or if they are present when such equipment is being maintained. For these reasons, card access for labs containing controlled equipment will not be granted to foreign visitors since they need to be accompanied at all times by a lab supervisor or their designee.

The Grigg Clean Room is a large facility containing controlled equipment used by a large number of faculty, students and visitors. It has card swipe access and a separate video surveillance system to monitor activity. Additional access controls that may be required for the Clean Room will be the subject of a separate memorandum.

The Office of the Vice Chancellor for Research and Federal Relations will provide training and consultation as needed to help faculty and staff understand and meet these requirements. For assistance, contact Debbie Bolick, Contracts Manager (dlbolick@uncc.edu, 7-2811); John Jacobs, Facility Security Officer (jjjacob2@uncc.edu, 7-1498); or Steve Mosier, Vice Chancellor (mosier@uncc.edu, 7-2291).

APPROVED BY THE EXPORT CONTROL COMPLIANCE COMMITTEE:

[Signature]

Vice Chancellor for Research and Federal Relations

1/30/09

date