

Research

Research Security and International Engagements

Prohibition on Institutional Agreements with Entities on the Section 1286 List and the BIS Restricted Party Lists

Responsible Administrator: Vice Chancellor for Research

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References / Resources:

- Federal Law, Regulations and Resources
 - National Defense Authorization Act, Section 1286 ([DOD Section 1286 List](#))
 - [U.S. Department of Commerce Bureau of Industry and Security \(BIS\) Restricted Party Lists: Entity List, Denied Persons List, Military End User List, and Unverified List](#)
- UC Policies
 - [Export Control Policy](#)
 - [Standards of Ethical Conduct](#)
- UCI Resources
 - [Research Security & International Engagements](#)
 - [Research Security & International Engagement Committee](#)
 - [Export Controls](#)

Contact: Research Engagement and Compliance, Office of Research at or-rsie@uci.edu

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A. Purpose and Scope

The purpose of this policy is to:

- Promote institution-wide compliance with federal rules and regulations related to entities and individuals subject to export license restrictions or who are associated with a country of concern that has engaged in activities posing a threat to U.S. national security.
- Implement an entity-based prohibition on entering, renewing, or continuing Institutional Agreements with entities on the U.S. Department of Defense (DOD) Section 1286 List and the U.S. Department of Commerce Bureau of Industry and Security (BIS) Restricted Party Lists.
- Mitigate institutional risk (legal, financial, and reputational) and preserve UCI’s ability to receive federal funding.
- Increase transparency for UCI units engaging — or considering engagement — with international entities by establishing clear policy.
- Establish a transparent, consistent, and accessible exception and appeal process for rare cases where the anticipated benefits of an engagement exceed its potential risks.

This policy is applicable to all UCI employees with the authority to sign or otherwise bind UCI to Institutional Agreements.

B. Definitions

1. **BIS Restricted Party Lists:** The restricted party lists maintained by the U.S. Department of Commerce Bureau of Industry and Security (BIS). These lists include the Entity List, the Denied Persons List, Military End User List, and the Unverified List. These lists identify foreign individuals, companies, and organizations subject to specific export license requirements or export restrictions due to concerns about their conduct.
2. **DOD Section 1286 List:** The annually updated list published pursuant to Section 1286 of the National Defense Authorization Act of Fiscal Year 2019, which identifies entities

associated with countries of concern that are engaged in activities posing risks to U.S. national security.

3. **Institutional Agreement:** Any agreement involving UCI and an external entity as signatories, including but not limited to:
 - a. Memoranda of Understanding (MOUs);
 - b. Memoranda of Agreement (MOAs);
 - c. Research collaboration agreements;
 - d. Sponsored research agreements;
 - e. Student exchange and visiting scholar agreements;
 - f. Gift agreements; and
 - g. Joint or dual degree arrangements.
4. **Listed Entity:** Any individual or entity — or any component of an entity (such as a laboratory or institute) — that appears on the DOD Section 1286 List, the BIS Restricted Party Lists, or both.

C. Responsibilities / Authority

1. **UCI employees with the authority to sign or otherwise bind UCI to Institutional Agreements:**
 - a. Cooperate with the Office of Research by providing accurate and complete facts and information about Institutional Agreements with Listed Entities, and coordinate with the Office of Research to wind down activities and terminate Institutional Agreements; and
 - b. Comply with this policy and all other applicable UCI and systemwide policies.
2. **Office of Research:**
 - a. Coordinate with UCI's components to identify Institutional Agreements with Listed Entities;
 - b. Provide support to UCI's components in the verification process of international entities;
 - c. Coordinate the termination of Institutional Agreements with Listed Entities and the wind down of activities under such agreements;

- d. Provide advice and guidance to the UCI community regarding the risks associated with Institutional Agreements with Listed Entities;
 - e. Monitor federal policy developments and advise UCI leadership when the federal government has provided definitive assurances (for example, through revised risk matrices and/or updated compliance policies) that Institutional Agreements with Listed Entities are no longer high-risk; and
 - f. Coordinate with other offices and units to enforce this policy and address noncompliance.
3. **Research Security and International Engagements Committee (RSIEC) Chair and Vice Chair:**
- a. Make recommendations to the Vice Chancellor for Research and the Provost/Executive Vice Chancellor regarding changes to this policy, including its rescission; and
 - b. Coordinate the exception request and appeal processes under this policy.
4. **Vice Chancellor for Research (VCR):**
- a. Direct the Office of Research to amend or rescind this policy;
 - b. Review and approve or deny exception requests; and
 - c. Review appeals and brief the Provost/Executive Vice Chancellor.
5. **Provost/Executive Vice Chancellor (P/EVC):**
- a. Direct the Office of Research to amend or rescind this policy; and
 - b. Review and approve or deny appeals.
6. **Chancellor:**
- a. Direct the Office of Research to amend or rescind this policy.

D. Policy

1. Prohibition

- a. UCI prohibits all its components (regardless of location) from entering, renewing, or continuing any Institutional Agreement involving a Listed Entity.

2. Screening and Documentation

- a. Before initiating discussions or drafting agreements involving an international entity, components must screen the entity in accordance with [established procedures](#) to determine if it is a Listed Entity. Components requiring assistance with screening must contact the Office of Research at exportcontrol@uci.edu.
- b. Components must document the screening process for each entity.
- c. If the screening confirms that the international entity is a Listed Entity, the UCI component must not proceed unless and until the VCR approves an exception to, or the P/EVC approves an appeal under, this policy. If the international entity is not a Listed Entity, the UCI component may pursue an Institutional Agreement with the entity.

E. Procedures

1. Prohibition

- a. The Office of Research will ensure the prompt termination of Institutional Agreements involving Listed Entities and the wind down of activities under such agreements. Because each Institutional Agreement is different, the Office of Research will consult with the UCI signatory to determine the appropriate steps and timeline for winding down each agreement.

2. Verification and Documentation

- a. UCI components will conduct and document international entity verifications.
- b. UCI components may request assistance from the Office of Research in the verification and documentation process.

F. Exceptions

1. In rare circumstances where the benefits of an Institutional Agreement with a Listed Entity will exceed the potential risks associated with it, the leader of a UCI component may request an exception to this policy.

2. **Required Information for Exception Requests:** A complete request must include, at minimum, the following:
 - a. Information about the Listed Entity, including but not limited to, name, full address, and the names and titles of Listed Entity employees or representatives who will lead activities on behalf of the Listed Entity;
 - b. The purpose of the agreement and how it furthers UCI's mission;
 - c. The anticipated benefits that will accrue to UCI;
 - d. Proposed risk-mitigation measures;
 - e. The basis for concluding that – with the proposed mitigation measures in place – the Institutional Agreement (including its activities) does not pose U.S. national and economic security risks, and that institutional risk (legal, financial, and reputational) is reasonable and acceptable; and
 - f. All relevant documents (including a copy of the proposed Institutional Agreement, if available), communications, and information regarding the proposed Institutional Agreement.
3. **Submitting the Exception Request:** Submit requests to the RSIEC Chair and Vice Chair at or-rsie@uci.edu, and the Office of Research will confirm receipt.
4. **VCR Review and Decision:** The RSIEC Chair and Vice Chair will review the exception request, confirm it is complete, and present it to the VCR for review and approval or denial. Ordinarily, the VCR will communicate their decision in writing within fifteen (15) business days of the request being presented to them.
5. **Appeal:** If the VCR denies the exception request, the individual(s) who submitted the exception request may appeal to the P/EVC, provided the appeal is based on new information not previously presented to the VCR. The appeal must:
 - a. Be no more than two (2) pages in length;
 - b. Be submitted in writing within ten (10) business days of receiving the VCR's written denial; and
 - c. Include the new information on which the appeal is based.

6. **Appeal Submission:** Appeals must be submitted to the RSIEC Chair and Vice Chair at orsie@uci.edu, and the Office of Research will confirm receipt.
7. **Appeal Review and Decision:** The RSIEC Chair and Vice Chair will review the appeal request, confirm it is complete and is based on new information, and brief the VCR. The VCR will present the appeal to the P/EVC for review and decision. Ordinarily, the P/EVC will issue a decision within fifteen (15) business days of the appeal being presented to them. The P/EVC's decision is final.

G. Noncompliance

UCI will use applicable UCI and systemwide policies and procedures to address noncompliance with this policy. Instances of noncompliance should be reported to the Office of Research at orsie@uci.edu.

Noncompliance may result in one or more actions intended to educate individuals who are non-compliant, and reduce or eliminate institutional risk, including terminating the non-compliant Institutional Agreement.

H. Reporting

The Office of Research will report instances when Institutional Agreements with Listed Entities were entered, renewed, or continued without the required exception approval under this policy. Reporting requirements will vary based on facts, factors, and circumstances associated with each Institutional Agreement. Reporting may include, but is not limited to, providing information to UCI leadership, appropriate office and units at the University of California Office of the President, and U.S. government agencies, offices, and/or branches.