

APPENDIX 4: Tips on Education/Course Content

Taught Without review	May Need Review
<p>Regularly taught in Undergraduate courses and teaching laboratories and listed regularly in course catalogs so information is publicly available (e.g., published in textbooks) In the U.S. and abroad</p>	<p>Material released in catalog courses is generally considered publicly available, except for the following areas:</p> <ol style="list-style-type: none"> Encryption (EAR) (may need license); Principles not commonly taught (ITAR), Principles @ professional/business level; & Sensitive nuclear technology (DoE)
<p>Courses in economics, foreign languages, history, literature, music, writing have subject matter that is not within the scope of the export controls, which focus on controlled items and the resources needed to make them</p>	<p>Graduate Level Courses or that have external, business level attendees may not be covered by this exception.</p>
<p>Courses with content within the scope of ITAR (possibly in physics, nuclear science, or mining): “information concerning general scientific, mathematical or engineering principles commonly taught in schools, colleges and universities“ is excluded from the definition of ITAR-controlled “technical data” and is not subject to ITAR controls §120.10(a)(5)</p>	<p>Courses with unusual content or certain expertise not otherwise known should be evaluated for consistency</p>
<p>Fall under the scope of Dept. of Energy, 10 CFR 810 (including some courses in Nuclear Science, Engineering and/or Physics) and furnishing public information, including information “in university courses”, is generally authorized, provided no sensitive nuclear technology is transferred “Sensitive nuclear technology” means information (including tangible items and services) not available to the public that is important to the design, construction, fabrication, operation, or maintenance of a uranium enrichment or nuclear fuel reprocessing facility or a facility for the production of heavy water. 10 CFR §810.3, 810.7</p>	<p>Note: Course material may be excluded from export controls, BUT, may be considered a “Defense Service” under ITAR, (§120.9(a)(1)), if</p> <ol style="list-style-type: none"> follow-on discussion (outside normal scope) or active selection, collection, and transfer of the uncontrolled course material meets the defense services definition/coverage
	<p>DoE has pointed out that follow-on-questions and discussion can go beyond the public information and into practical implementation, which requires specific authorization. Some of the above is based on verbal discussion or other resources, and cannot be readily identified in the current regulations</p>

Thank you to the MIT Office of Sponsored Programs and Cal Tech for their amazing materials published on their website and for sharing this information and examples.