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| The purpose of this checklist is to support determining when Export Control regulations apply to course content.  **If you are teaching abroad you must ensure you are not providing a** [“Defense Service”](https://osp.mit.edu/compliance/export-control/teaching-courses-abroad-and-online/teaching-abroad#defense) **or transferring** [“Technical Data”](https://osp.mit.edu/compliance/export-control/teaching-courses-abroad-and-online/teaching-abroad#tech_data)**(ITAR) or** [“](https://osp.mit.edu/compliance/export-control/teaching-courses-abroad-and-online/teaching-abroad#technology)**(EAR) on a restricted technology.** | | |
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| 1. Sensitive or Advanced Technical Information. | | |
| Yes  No | Does the course content involve sensitive or advanced technical information?  Many courses in business, media studies, economics, foreign languages, history, literature, management, music and theater arts, political science, writing and humanistic studies, and some courses in other departments and programs have subject matter that is not within the scope of the export controls, which f[o](https://osp.mit.edu/compliance/export-controls/export-control-topics/scope-of-export-controls)cus on controlled items and the resources needed to make them. | |
| Yes  No | Does the course include encryption technology?  Encryption software controlled under 5D002 for EI reasons and mass market encryption software with symmetric key length >64 bits controlled under 5D992 remain subject to the EAR. If yes, contact ECO. | |
| Yes  No | Does the course include sensitive nuclear technology? If yes, contact ECO. | |
| If no to all the above, exit checklist. No export control issues are identified. | | |
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| 1. Publicly Available. | | |
| Yes  No | Is the course information publicly available?  ITAR:  The ITAR describes such information as information in the public domain. Information in the public domain may be obtained through:   * + - 1. Sales at newsstands and bookstores;       2. Subscription or purchase without restriction to any individual;       3. Second class mailing privileges granted by the U.S. Government;       4. At libraries open to the public;       5. Patents available at any patent office;       6. Unlimited distribution at a conference, meeting, seminar, trade show or exhibition, generally accessible to the public, in the United States;       7. Public release in any form after approval of the cognizant U.S. Government agency; or       8. Fundamental Research in the U.S.   EAR: The EAR does not control publicly available technology if it is already published or will be published. Information is published when it becomes generally accessible to the interested public in any form, including:   1. Publication in periodicals, books, print, etc., available for general distribution free or at cost; 2. Readily available at libraries open to the public or university libraries; 3. Patents and open patents applications available at any patent office; or 4. Release at an open conference, meeting, seminar, trade show, or other gathering open to the public.   **Department of Energy.** Assistance to Foreign Atomic Energy Activities regulations consider information available in public libraries, public reading rooms, public archives, public data banks, or in university courses to be public information and not subject to its controls. | |
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| 1. Principles Commonly Taught | | |
| Yes  No | Is the information limited to general scientific, mathematical or engineering principles commonly taught in schools?  *****Note:*****Even though the course material is excluded from export controls, follow-on discussion or active selection, collection, and transfer of the uncontrolled course material can meet the definition of “defense service” (§120.9(a)(1)), which is subject to control. | |
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