

Attorneys

Cheryl G. Strecker
General Counsel

Peter J. Paukstelis
Associate General Counsel

Maureen A. Redeker
Associate General Counsel

Robert C. Large
Associate General Counsel

Paralegal Staff

Amy L. McLemore
Nancy A. Kruse



Office of General Counsel

Kansas State University
111 Anderson Hall
919 Mid-Campus Drive North
Manhattan, KS 66506
785-532-5730
785-532-5603 fax
attys@k-state.edu



Export Controls - What You Don't Know CAN Hurt You (and the University)

Do you travel or collaborate internationally, ship to foreign countries, host international visitors or extend offers of employment to foreign persons? If so, you need to know about export control rules. The University Research Compliance Office (URCO) provides training and help.

Export control laws and regulations govern how items, technology and data may be exported from the United States or released to foreign persons in the U.S., which is referred to as a deemed export. In other words, controlled technology or technical data released to a foreign person located in the U.S. is deemed to be an export to the foreign person's country of origin. Export control regulations require U.S. persons to seek and receive authorization from the U.S. government before releasing controlled technology or data to foreign persons. Noncompliance with export control regulations carries severe individual and institutional penalties, including criminal and civil liability, loss of research funding and loss of export privileges.

International Travel

Many faculty and other employees travel internationally on University business or with University data or property, such as laptops, cell phones and flash drives. It's essential to understand the export control rules that apply to the activities, equipment and destinations involved.

Export control regulations may restrict or prohibit some travel-related activities or destinations, and/or may require licenses for others. The URCO website contains information about the application of export controls to international travel.

International Visitors

K-State faculty and/or departments routinely host international visitors to engage in research collaborations, to conduct research in K-State facilities, and to participate in general academic and scientific meetings or presentations. Hosts must be aware of how export control regulations may apply to activities conducted with international visitors. Examples of when export control regulations may apply include:

When activities that the visitor will engage in include research that cannot be categorized as fundamental research;

When the visitor will have access to export-controlled information or technology or will have access to secure facilities;

When the visitor is a national of a sanctioned or embargoed country; and

When the visitor and/or the institution the visitor is affiliated with appears in any of the restricted/prohibited parties lists maintained by the U.S. government.



Featured FAQ

Q: Who can use the services of the Office of General Counsel?

A: The University is our client, and it is to the University that we owe the duties of loyalty, confidentiality and advocacy. Any University administrator or employee who is acting on behalf of the University is, in that capacity, an agent of the University and therefore a personification of our client. Thus, we serve literally thousands of individuals as “clients” and we advise and represent them as they work to administer the affairs of the University in pursuit of its mission. We must always be cognizant of possible conflicts of interest within the organization to ensure that we are always serving and protecting the interests of our client, the University.

We cannot give legal advice for personal matters. The Kansas Bar Association provides referrals for personal legal services.

Legal services for students are available in the Office of Student Life located in 201 Holton Hall.

“Foreign Person” Employees

Hiring departments must be aware that export controls regulations can restrict or prohibit a foreign person from participation in certain restricted activities. “Foreign person” means any natural person who is not a lawful permanent resident as defined by 8 U.S.C. 1101(a)(20) or who is not a protected individual as defined by 8 U.S.C. 1324b(a)(3). It also means any foreign corporation, business association, partnership, trust, society or any other entity or group that is not incorporated or organized to do business in the United States, as well as international organizations, foreign governments and any agency or subdivision of foreign governments (e.g., diplomatic missions). Prior to extending an offer of employment, the hiring supervisor must carefully consider if the proposed employment will involve deemed exports. An export license may be required if the technology to be released to the foreign person could not be exported to his or her country of citizenship without authorization. If an export license is required, it must be obtained before controlled technology is released to the foreign person. The University Research Compliance Office will assist the hiring supervisor and department in making that determination.

Export Licenses

The University Research Compliance Office supports hosting departments and faculty by conducting export control compliance reviews for all international visitors and non-immigrant employees. When an export license is required, URCO will file a request with the relevant federal agency on behalf of the hiring department. Processing time for export licenses can take several weeks or months, depending on the facts of each case. Departments and supervisors should plan for possible delays in employment start dates.

Additional information, including a training module on export control procedures relating to international visitors and non-immigrant employees, is available on the URCO website. Contact URCO at exportcontrols@ksu.edu or by calling 785-532-3224.

Quote of the Day

“If we are to be a great democracy, we must all take an active role in our democracy. We must do democracy. That goes far beyond simply casting your vote. We must all actively champion the causes that ensure the common good.”

-Martin Luther King III

Got Interns? Read This!

Last month, the U.S. Department of Labor (DOL) updated its [guidance](#) on determining whether interns and students working for “for-profit” employers are entitled to minimum wages and overtime pay under the Fair Labor Standards Act (FLSA). Public universities are also well-advised to follow the same test even if they might not be considered “for profit” entities. The new guidance is a significant change from previous DOL guidance, and now aligns with court decisions using a “primary beneficiary test.” This test was described and recommended by our office in the featured article in our [November 2015 newsletter: Intern or Employee? How to Tell the Difference and Why it Matters.](#)

Visit our website:

k-state.edu/generalcounsel

Our website gives an introduction to the services we provide and addresses frequently asked questions. It also houses a list of resources for easy access to laws and policies applicable to University operations.

About this Publication:

This newsletter is designed to serve as a practical informational tool, bringing you topics of interest and practical tips. It should not be relied on as a substitute for legal advice. Laws, regulations and policies change frequently, and legal advice requires careful consideration and application of all relevant facts. If you have legal questions or need legal advice concerning any University matter, please contact the Office of General Counsel directly at 785-532-5730 or attys@k-state.edu.

Registration Reminder!

K-State Legal Issues Seminar Series
Interactive workshops for deans, departments heads and directors

“What Do I Owe You?”:
Rights and Responsibilities
Concerning Payments to
Students and Employees

Tuesday, Feb 27, 2018
8:30-11:00 a.m.

Seminars are by invitation only.
If you received an invitation and haven't yet registered for this upcoming seminar, **please RSVP by February 20, 2018**