



# NIAC

National Iranian American Council | Community. Democracy. Universal Rights.

August 8, 2018

Adam Medros  
President & COO  
edX  
141 Portland St  
9<sup>th</sup> Floor  
Cambridge, MA 02142

Nell Ma'luf  
Vice President & General Counsel  
edX  
141 Portland St  
9<sup>th</sup> Floor  
Cambridge, MA 02142

Dear Mr. Medros and Ms. Ma'luf:

We are writing on behalf of the National Iranian American Council (“NIAC”), the largest grassroots organization representing the interests of Iranian Americans in the United States, regarding edX’s recent decision to terminate or reject the participation of students from Iran from certain of its online coursework. According to edX, the U.S. Treasury Department Office of Foreign Assets Control (OFAC) appears to have denied edX’s specific license requests to lawfully export educational services to students in Iran, including through the provision of online courses. In addition, we are writing concerning edX’s criteria for determining whether a given student is based in Iran or is otherwise ordinarily resident in Iran and thus subject to the prohibitions of the Iranian Transactions and Sanctions Regulations, 31 C.F.R. Part 560. We have received correspondence from U.S. citizens based in the United States and of Iranian nationality who have been dis-enrolled from certain edX courses out of edX’s perceived compliance with U.S. sanctions. We are concerned that Iranian Americans—as well as other Iranian nationals who are present in the United States or are otherwise outside of Iran and who would not qualify as “ordinarily resident in Iran”—are being terminated or rejected from coursework at edX based solely on their Iranian nationality. Such action would be beyond the scope of edX’s sanctions compliance obligations and thus constitute discrimination.

On March 19, 2014, OFAC issued General License G, “Certain Academic Exchanges and the Exportation or Importation of Certain Educational Services Authorized,” which, *inter alia*, authorized U.S. academic institutions—including their contractors—to export services to individuals located in or outside Iran in the form of undergraduate level online courses provided by U.S. academic institutions in the humanities, social sciences, law, or business provided that the courses are the equivalent of courses ordinarily required for the completion of undergraduate degree programs in the humanities, social sciences, law, or business. For U.S. academic institutions seeking to provide educational services relating to science, technology, engineering, or math courses not ordinarily required for the completion of undergraduate degree programs in the humanities, social sciences, law, or business, U.S. academic institutions would first require receipt of a specific license from OFAC prior to engagement in such educational services, as those services would be beyond the scope of the authorizations contained in General License G and would thus be prohibited pursuant to the Iranian Transactions and Sanctions Regulations, 31 C.F.R. Part 560.

It appears that edX had previously sought to receive specific license authorization from OFAC to engage in the provision of certain educational services to students from U.S.-sanctioned jurisdictions, including Iran, that were beyond the scope of General License G. According to edX, OFAC has recently either denied renewals of previous specific license authorizations permitting students in Iran to participate in certain online courses or rejected specific license applications for edX to export services to students in Iran beyond the scope of General License G.

We are seeking clarity from edX as to the scope of its previous OFAC licenses, as well as OFAC's recent disposition of any license requests or requests for license renewals for the export of educational services to students in Iran. Any provision of information regarding this matter will be helpful to us as we seek to understand the source of the issue and prepare outreach to OFAC regarding any decisions on its part to reject specific license applications for the export of educational services to students in Iran.

In addition, we have received feedback from certain U.S. citizens, as well as Iranian students who are resident outside of Iran, who have been terminated or rejected from participation in certain coursework provided by edX out of edX's perceived compliance with U.S. sanctions laws and regulations. We are deeply concerned that EdX may be taking an overly broad approach to its sanctions compliance obligations and rejecting the participation of Iranian persons—including U.S. citizens based in the United States—who are neither based in Iran nor ordinarily resident in Iran (and thus not the subject of current U.S. sanctions prohibitions) based solely on their Iranian nationality. We seek information from edX as to how it makes a determination as to whether a given individual is located or ordinarily resident in a U.S.-sanctioned jurisdiction, including Iran, and urge you to alter your policies to ensure that you are not discriminating based on national origin. We stand ready to assist you in this regard.

Sincerely,

A handwritten signature in black ink that reads "Jamal Abdi". The signature is written in a cursive style with a large, looped initial "J".

Jamal Abdi  
President  
National Iranian American Council

cc: Alan Garber, co-chair & Harvard University Provost, Martin Schmidt, co-chair & Massachusetts Institute of Technology Provost