

15.02.99.T1 Export Controls Program Management



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Rule Summary

Tarleton State University (Tarleton or university) is committed to ensuring compliance with all United States export control laws and regulations, including but not limited to, those implemented by the Department of Commerce through the Export Administration Regulations (EAR), the Department of State through the International Traffic in Arms Regulations (ITAR), and the Department of Treasury through the Office of Foreign Assets Control (OFAC). This rule is adopted as a supplement to all United States export control laws and The Texas A&M University System (System) Policy 15.02, *Export Controls Program Management*.

Definitions

Click to view [Definitions](#) (incorporated herein from System Policy 15.02).

1. General

- 1.1 Tarleton encourages and supports faculty, staff, students and collaborative relationships in the pursuit of securing resources for the advancement of the university's mission and goals. The university supports open research and the free interchange of information among scholars and the educational benefit to cultivate and invest in students as professionals that contribute to the advancement of the research, scholarship and economic enhancement of society.
- 1.2 The university also recognizes that the United States has enacted laws and regulations that restrict the shipment, transmission or transfer of certain items, software, technology and services from the United States to foreign countries, as well as "deemed exports" which are releases of controlled technology or source code to foreign persons located in the United States. These federal export control laws and regulations establish the conditions under which controlled information and controlled physical items can be transmitted to anyone outside the United States and to foreign persons in the United States. In addition, the export control laws and regulations restrict or prohibit the transaction of business with certain countries, persons and entities that have been sanctioned by federal agencies as a threat to important United States interests. Severe institutional and individual sanctions for violations of export control laws include the loss of research funding, loss of export

privileges, as well as civil and criminal penalties including imprisonment. Although many university activities could be excluded from export control laws, some activities may be restricted. The application of export control laws involves a fact-specific analysis. While most exports do not require specific approval from the federal government, certain exports require a license and others are prohibited.

2. Responsibilities

2.1 Empowered Official

2.1.1 Tarleton's vice president for research or designee is herein appointed as the university's "empowered official" (EO) and delegated as the decision-making authority for the resolution of export control issues at Tarleton.

2.1.2 The empowered official (EO) will coordinate with the System Research Security Office (RSO) and Office of General Counsel (OGC) prior to communicating with federal regulatory bodies and will collaborate with RSO, as needed, in the resolution of export control issues as needed.

2.2 Compliance Program Administration

2.2.1 The Office of University Compliance and Strategic Initiatives (CSI) is herein appointed as the responsible office and delegated authority for administration of Tarleton's export control compliance program.

2.2.2 CSI staff will represent the university on the System-wide export control affinity group and will collaborate and seek guidance from the EO and/or RSO, as needed.

2.3 University Administrators

2.3.1 All university employees with managerial or supervisory authority over foreign persons or projects involving controlled information or controlled physical items should view export control compliance as an important part of their day-to-day responsibilities and are responsible for:

- (a) overseeing export control compliance in their areas of administrative responsibility;
- (b) supporting CSI in implementing the procedures set forth in this manual, and as otherwise deemed necessary by CSI to ensure export control compliance; and
- (c) biennially completing TrainTraq Training 2111212: *Export Controls and Embargo Basic Course* and any other training recommended by CSI.

2.3.2 Academic deans, directors, department and unit heads have responsibility for overseeing export control compliance in their respective colleges, departments, units, centers, or institutes and supporting CSI in implementing procedures for export control compliance.

- 2.3.3 Vice presidents, directors and heads of other departments and units have responsibility for overseeing export control compliance in their units, where applicable, and supporting CSI in implementing procedures for export control compliance.
- 2.4 Departments/Units with Responsibility for Administering Components of Export Control Compliance
 - 2.4.1 Tarleton departments/units, as determined by CSI, with responsibility for administering components of the university's export control compliance program must designate an individual(s) who will represent the department/unit and coordinate with CSI on export control compliance matters, including but not limited to, restricted party screening (RPS) and performing routine internal monitoring of export control procedures and practices.
 - 2.4.2 Designated liaisons must biennially complete TrainTraq Training 2111212: *Export Controls and Embargo Basic Course* and any other training recommended by CSI.
 - 2.4.3 Designated liaisons will serve on Tarleton's Export Control Compliance Working Group and should attend applicable meetings.
 - 2.4.4 Applicable departments/units, their administrators, and designated liaison(s) are responsible for developing and maintaining written internal departmental procedures for administering their component of export control compliance.
- 2.5 Investigators
 - 2.5.1 Investigators (includes principal investigators, co-principal investigators and co-investigators), with the assistance of CSI, the Office of Research and Innovation (ORI) and other applicable departments, units and individuals, are responsible for full compliance with all federal and university export control requirements in the conduct of their research.
 - 2.5.2 Violation of export control laws can directly affect investigators through potential fines, loss of research funding, personal criminal liability, and/or disciplinary action, up to and including dismissal.
 - 2.5.3 Each investigator must:
 - (a) understand their individual export control obligations and participate in regular trainings to be able to identify export control concerns;
 - (b) be aware of the export control red flags outlined in the university's *Export Control Compliance Program Manual* and note such information on any internal compliance or assurance forms;

- (c) determine, prior to initiation of research, whether any information or technology involved in their research is subject to export control laws or regulations;
- (d) review their research periodically to ensure continuing compliance with export control laws and regulations;
- (e) brief students and other researchers involved in the project of their export control obligations, if undertaking an export controlled project;
- (f) understand that any information agreement or understandings entered into with a sponsor may negate the fundamental research exclusion or other key exclusions and impose export control obligations on the investigator;
- (g) understand that any communication of technical data to a foreign person or to anyone outside the United States could be considered a deemed export or an export and, therefore, subjected to export regulations;
- (h) contact CSI with export control questions or concerns; and
- (i) report possible or actual violations of United States export control laws or regulations as outlined in section 2.6.4 of this rule.

2.6 Faculty, Staff and Students

- 2.6.1 All faculty, staff and students must be aware of and are responsible for the export control implications of their work and must ensure that their activities conform to all export control laws, regulations, policies, rules and guidelines.
- 2.6.2 All university employees must biennially complete TrainTraq Training 2111212: *Export Controls and Embargo Basic Course*. Depending upon the nature of their activities and/or job functions, university personnel may be required to participate in formal training as determined by CSI and/or the employee's supervisor.
- 2.6.3 CSI will provide assistance to faculty, staff and students in assessing the applicability of export control regulations; however, primary responsibility for compliance rests with the individuals involved in the export, including principal investigators and others in supervisory positions.
- 2.6.4 Each university employee has the responsibility to report possible violations of United States export control laws or regulations. Suspected violations must be immediately reported by one of the following methods:
 - (a) CSI can be contacted by phone at (254) 968-9415, by email at ExportControl@tarleton.edu or in person in their office located on the Stephenville campus in Room 106 of the Administration Annex I Building;
 - (b) Through Tarleton's *Compliance Help and Reporting* confidential reporting tool on the Compliance webpage at: <https://www.tarleton.edu/compliance/index.html>; or
 - (c) Through the EthicsPoint website at: https://secure.ethicspoint.com/domain/en/report_custom.asp?clientid=19681

2.6.5 All university faculty, staff, and students must adhere to all United States export control laws and regulations, System policies and regulations, university rules and guidelines and training requirements.

2.7 Export Control Compliance Working Group (working group)

Tarleton's working group will be chaired by CSI staff and consist mainly of designated department liaisons, as defined in 2.4 of this rule, who have been designated the responsibility for administering components of the university's export compliance program. The working group may also include subject matter experts, campus partners and administrators, and the EO, as needed.

Responsibilities include, but are not limited to, assessment of the university's export control compliance program and department compliance components, departmental responsibilities and internal procedures, collaboration and process improvement. The working group will meet at minimum on a bi-annual basis or more frequently as needed.

2.8 Relationship with Other System Members

Other system members maintain their own export control compliance programs to ensure compliance with export control laws and regulations. To the extent there are overlapping export control compliance obligations, such as when university faculty, research, facilities or equipment are concerned, the applicable system members should coordinate with CSI.

3. Compliance Program

3.1 In accordance with System Policy 15.02, Tarleton has established an export control compliance program administered by CSI in coordination with the System RSO and/or the EO, as needed, to reduce and mitigate the risk of export control violations.

(a) The university herein adopts its [Export Control Compliance Program Manual](#) as a supplement to this rule. The manual provides additional export control compliance guidelines, processes, procedures and requirements and outlines elements of the compliance program required by System Policy 15.02.

4. Possible Violations

4.1 Possible violations of United States export control laws or regulations will be investigated by CSI in coordination with the System RSO and/or the EO to the extent deemed necessary.

4.2 If through investigation it is determined that any activity is not in compliance or may lead to noncompliance with export control laws and regulations, the System RSO and OGC will be notified immediately and the EO is authorized to suspend or terminate the activity.

5. Disciplinary Actions

While there are severe institutional and individual sanctions for violations of export controls laws, including the loss of research funding, loss of export privileges, as well as civil and criminal penalties including imprisonment, employees and students may also be subject to disciplinary action, up to and including dismissal, in accordance with System policies and regulations and Tarleton rules and procedures.

Related Statutes, Policies, or Requirements (Required)

[International Traffic in Arms Regulations \(ITAR\) 22 CFR 120-130](#)

[Export Administration Regulations \(EAR\) 15 CFR 730-774](#)

[Office of Foreign Assets Control \(OFAC\) 31 CFR 500-598](#)

[National Security Decision Directive 189](#)

[Atomic Energy Act of 1954 and Nuclear Regulatory Commission Regulations to 10 CFR Part 110](#)

[System Policy 15.02, *Export Controls Program Management*](#)

[System Regulation 16.01.01, *Ethics and Compliance Programs*](#)

[Tarleton Export Control Compliance Program Manual](#)

Contact Office

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