

15.02.99.T1 Export Control Program Management



Approved: February 14, 2013
Reviewed: August 3, 2017
Revised: December 8, 2020
Revised: September 6, 2023
Next Scheduled Review: September 6, 2028

Rule Summary

Tarleton State University (Tarleton or university) is committed to upholding the highest standard of ethical conduct and compliance with its legal obligations, including federal statutes and regulations implementing United States export control policies and applicable policies and regulations of The Texas A&M University System (system). This rule is required by and supplements System Policy 15.02, *Export Controls Program Management*, and establishes the framework for Tarleton’s export control compliance program in accordance with System Policy 15.02 and applicable federal laws and regulations.

Rule

1. BACKGROUND

- 1.1 See System Policy 15.02 for general background information related to export control laws and regulations and text detailing definitions consistent with United States laws governing export control compliance.
- 1.2 Tarleton encourages and supports faculty, staff, visiting scholars, courtesy faculty, volunteers, 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.
- 1.3 The university also recognizes that the United States has enacted federal statutes and regulations implementing United States export control policies 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.

- 1.4 In accordance with System Policy 15.02, this rule is adopted to implement Tarleton's export control compliance program to reduce the risk of potential export control violations and to outline responsibilities, requirements, possible violations, and potential disciplinary actions at Tarleton.

2. EXPORT CONTROL COMPLIANCE PROGRAM

- 2.1 In accordance with System Policy 15.02, Tarleton has established an export control compliance program administered by University Compliance in coordination with the System Research Security Office (RSO) and/or the university's appointed empowered official (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 includes elements of the compliance program required by System Policy 15.02.

3. RESPONSIBILITIES

- 3.1 Empowered Official
 - 3.1.1 Tarleton's vice president for research, innovation and economic development (VPRIED) 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.
 - 3.1.2 The EO will coordinate with the RSO and System 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.
 - 3.1.3 The EO will facilitate the review and approval process for identified high risk global engagements and high risk international collaborations identified through the export control compliance process in accordance with Tarleton Rule 15.05.04.T1, *High Risk Global Engagements and High Risk International Collaborations*.
- 3.2 Compliance Program Administration
 - 3.2.1 The Office of University Compliance (University Compliance) is herein appointed as the responsible office and delegated authority for administration of Tarleton's export control compliance program in

accordance with System Policy 15.02 and applicable federal export control laws and regulations.

3.2.2 University Compliance staff will represent the university on the systemwide export control affinity group and will collaborate and seek guidance from the EO and/or RSO, as needed.

3.2.3 University Compliance staff will submit high risk global engagements and high risk international collaborations identified through the export control compliance program to the VPRIED for the review and approval process in accordance with Tarleton Rule 15.05.04.T1. University Compliance staff will disseminate quarterly RSO notifications of countries of concern to the Export Control Working Group and any other Tarleton officials deemed necessary.

3.3 University Administrators

3.3.1 All university employees with managerial or supervisory authority over foreign persons or projects involving controlled information or controlled physical items must 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 University Compliance in implementing the procedures set forth in the university's Export Control Compliance Manual, and as otherwise deemed necessary by University Compliance to ensure export control compliance;
- (c) submit all global engagements and international collaborations to University Compliance for export control review in accordance with Tarleton Rule 15.05.04.T1; and
- (d) biennially completing TrainTraq Training 2111212: *Export Controls and Embargo Basic Course* and any other training recommended by University Compliance.

3.3.2 Vice presidents, deans, directors, and department heads have responsibility for overseeing export control compliance in their respective colleges, departments, units, centers, or institutes and supporting University Compliance in implementing procedures for export control compliance and high risk global engagements and high risk international collaborations.

3.4 Departments/Units with Responsibility for Administering Components of Export Control Compliance

3.4.1 Tarleton departments/units, as determined by University Compliance, with responsibility for administering components of the university's export control compliance program must designate an individual(s) to serve as designated liaison(s) who will represent the department/unit and coordinate with University Compliance on export control compliance matters, including but not limited to, restricted party screening (RPS), performing

routine internal monitoring of export control procedures and practices, and recordkeeping related to designated export control responsibilities.

- 3.4.2 Designated liaisons must biennially complete TrainTraq Training 2111212: *Export Controls and Embargo Basic Course* and any other training recommended by University Compliance.
- 3.4.3 Designated liaisons will serve on Tarleton's Export Control Compliance Working Group and should make every effort to participate in applicable meetings and trainings.
- 3.4.4 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 and maintenance of records related to designated export control responsibilities.

3.5 Investigators

- 3.5.1 Investigators (includes principal investigators, co-principal investigators and co-investigators), with the assistance of University Compliance, the Division of Research, Innovation and Economic Development (RIED) and other applicable departments, units and individuals, are responsible for full compliance with all applicable federal laws and regulations, system policies and regulations, and university export control rules, procedures, guidelines, and requirements in conducting research.
- 3.5.2 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.
- 3.5.3 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, technology or physical item 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 and related system policies and regulations, and university rules and procedures;
 - (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, or access to, technical data,

- controlled information or controlled physical items 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) submit all global engagements and international collaborations to University Compliance for export control review in accordance with Tarleton Rule 15.05.04.T1;
 - (i) contact University Compliance for export control guidance and any questions or concerns; and
 - (j) report possible or actual violations of United States export control laws or regulations as outlined herein and in the manual.

3.6 Faculty, Staff, Visiting Scholars, Courtesy Faculty, Volunteers, and Students

- 3.6.1 All faculty, staff, visiting scholars, courtesy faculty, volunteers, 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 outlined herein.
- 3.6.2 All university employees, visiting scholars, courtesy faculty, and volunteers 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 University Compliance and/or the individual's supervisor.
- 3.6.3 All university employees, visiting scholars, courtesy faculty, and volunteers must submit all global engagements and international collaborations to University Compliance for export control review in accordance with Tarleton Rule 15.05.04.T1.
- 3.6.4 University Compliance will provide assistance to faculty, staff, visiting scholars, courtesy faculty, volunteers, and students in assessing the applicability of export control laws and regulations, system policies and regulations and university rules and procedures; however, primary responsibility for compliance rests with the individuals involved in the export.
- 3.6.5 Each university employee, visiting scholar, courtesy faculty, volunteer, and student 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) contact University Compliance by phone at (254) 968-9415, by email at ExportControl@tarleton.edu, or in person in the University Compliance office located on the Stephenville campus in Room 106 of the Administration Annex I (North) Building;
 - (b) submit a report through the [University Risk and Compliance Help and Reporting confidential reporting tool](#) on the [University Compliance webpage](#); or

(c) submit a report through the system's [Risk, Fraud and Misconduct Hotline hosted by EthicsPoint](#).

3.6.6 All university faculty, staff, visiting scholars, courtesy faculty, volunteers, and students must adhere to all United States export control laws and regulations, system policies and regulations, university rules, procedures, and guidelines and requirements as outlined herein.

3.7 Export Control Compliance Working Group (working group)

Tarleton's working group will be chaired by University Compliance staff and consists mainly of designated department liaisons, as defined in 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.

3.8 Relationship with Other System Members

Other system members maintain their own export control compliance programs to ensure compliance with federal export control laws and regulations and System Policy 15.02. 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 University Compliance.

4. Possible Violations

4.1 Possible violations of United States export control laws or regulations will be investigated by University Compliance in coordination with the 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 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 control laws, including the loss of research funding, loss of export privileges, as well as civil and criminal penalties including imprisonment, employees, visiting scholars, courtesy faculty, volunteers, 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](#)

[National Security Presidential Memorandum 33 \(NSPM-33\)](#)

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

[System Policy 15.05, *System Research Security Office*](#)

[System Regulation 15.05.04, *High Risk Global Engagements and High Risk International Collaborations*](#)

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

[Tarleton Rule 15.05.04.T1, *High Risk Global Engagements and High Risk International Collaborations*](#)

[Tarleton Export Control Compliance Program Manual](#)

Contact Office

University Compliance
254.968.9415