



## 15.02.99.W1 Export Control Program Management

Approved April 1, 2013

Revised May 28, 2024

Next Scheduled Review May 28, 2029

***Supplements System Policy 15.02***

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### Rule Summary

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West Texas A&M University (WTAMU) is committed to upholding the highest standard of ethical conduct and compliance with all legal obligations, including federal statutes and regulations implementing United States export control policies. This rule supplements The Texas A&M University System (System) Policy 15.02, *Export Control Program Management*.

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### Rule

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#### 1. Background and Reason

- 1.1. This rule is required pursuant to System Policy 15.02. WTAMU has an obligation to implement an export control compliance program to reduce the risk of export control violations. All employees, students and visiting scholars are responsible for the export control implications of their work and must ensure their activities conform to export control laws and regulations. Severe institutional and individual sanctions for violations of export control laws and regulations exist, including the loss of research funding, the loss of export privileges, as well as criminal and civil penalties including imprisonment.
- 1.2. The export of certain items, technologies, software, and services is regulated for reasons of national security, foreign policy, domestic policy, diplomacy, and competitive trade. Export control laws restrict the shipment, transmission or transfer of certain items, software, technologies and services from the United States to foreign countries. Export control laws also restrict the shipment, transmission, or transfer of "deemed exports" which are releases of controlled technology or controlled information to foreign persons located in the United States.

- 1.3. Several federal agencies implement export control rules and regulations, with each agency having jurisdiction over a discrete area. Among other regulations, the Department of Commerce regulates exports through the Export Administration Regulations (EAR) 15 CFR 730-774. The Department of State regulates exports through the International Traffic in Arms Regulations (ITAR) 22 CFR 120-130, and the Department of Treasury regulates exports and transactions involving certain countries, individuals, and organizations through the Office of Foreign Assets Control (OFAC). Each agency possesses jurisdiction that includes specifications on activities that constitute an export restriction for associated items, information, services, end-uses, and end-users. The restrictions enforced by the OFAC are independent and not affected by ITAR, EAR, or any applicable exemptions.
- 1.4. Encouraging research and intellectual inquiry is a vital goal of WTAMU. WTAMU supports open research and the free interchange of information among scholars. WTAMU also recognizes the purpose of protecting national, economic, security, and foreign policy interests through export control laws and regulations.

## **2. Export Control Compliance**

### **2.1. Individual Responsibility**

- 2.1.1. WTAMU employees and students engage in a broad range of innovative research and other important activities that may intersect with export control laws and regulations.
- 2.1.2. All WTAMU employees, students and visiting scholars must conduct their affairs in accordance with United States export control laws and regulations.
- 2.1.3. All WTAMU 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.
- 2.1.4. WTAMU employees, students and visiting scholars will comply with the provisions of any export license, governmental approval requirements, required certifications, technology control plans, and procedures adopted by, or granted to, WTAMU.

### **2.2. Empowered Official**

- 2.2.1. WTAMU's Vice President of Research and Compliance (VPRC) is WTAMU's "Empowered Official" for all purposes relating to applicable federal export control laws and regulations. The Empowered Official delegates export

control duties and responsibilities to the Assistant Vice President of Risk and Compliance (AVPRC), however, the VPRC retains signatory authority. The AVPRC will be assisted by the export control officer and export area coordinators with the day-to-day activities in their areas of responsibility. The AVPRC, in consultation with the System Research Security Office (RSO) and assisted by the export control officer, is responsible for license applications and other approvals required for compliance with export control laws and regulations and serves as WTAMU's representative and point of contact for export control matters involving WTAMU. The empowered official is WTAMU's official authorized to sign license applications and other authorizations required by export control laws and regulations on behalf of WTAMU.

### **2.3. Export Control Compliance Program**

2.3.1. The Export Control Compliance Program is intended to increase awareness of export control regulations and reduce the risk of violations. Additional resources, information and specific procedures can be found in the WTAMU Export Control Program Manual which is located on the university website.

#### **2.3.2. Research**

##### **2.3.2.1. Research Contract Administration**

2.3.2.1.1. The export control officer and other appropriate office(s), in coordination with WTAMU's Sponsored Research Services office, are responsible for developing and implementing procedures to screen proposals and projects for compliance with export control laws and regulations.

##### **2.3.2.2. Controlled Research and Equipment**

2.3.2.2.1. Research of a controlled nature may be subject to a technology control plan (TCP) to ensure adequate protections are in place. The export control officer will work with the principal investigator, academic and non-academic departments, and research sponsors, as necessary to enact appropriate controls.

#### **2.3.3. International Visitors**

2.3.3.1. International visitors invited to WTAMU must undergo a restricted party screening as a pre-condition of their visit to WTAMU. This

includes all international visitors whether present or not in the United States. It is the responsibility of all employees at WTAMU who intend to host an international visitor to notify and request approval of such visits from their export area coordinator before the arrival of the international visitor.

#### 2.3.4. International Activities

2.3.4.1. When WTAMU activities are conducted outside the United States, the WTAMU activity organizer's and/or responsible international activity official's responsibility is to seek and obtain appropriate export control approvals from the export control officer, for the following activities without limitation:

2.3.4.1.1. Execution of agreements, formal or informal, to be performed outside the United States or involving foreign persons;

2.3.4.1.1.1. High risk global engagements are subject to this rule, System Regulation 15.05.04, *High Risk Global Engagements and High Risk International Collaborations*, and WTAMU Rule 15.05.04.W1, *High Risk Global Engagements and High Risk International Collaborations*. Additional approval requirements are stipulated in System Regulation 15.05.04.

2.3.4.1.2. non-credit bearing study abroad courses;

2.3.4.1.3. making payments to foreign persons; or

2.3.4.1.4. international travel;

2.3.4.2. The export control officer or other office(s) with an export area coordinator, in coordination with the empowered official, are responsible for developing and implementing procedures to screen international programs and activities for compliance with export control laws and regulations.

2.3.4.3. Students Studying Abroad

2.3.4.3.1. The Study Abroad Office is responsible for performing restricted party screening on all students enrolled in WTAMU credit bearing programs outside the United

States. Restricted party screening is required when the student:

2.3.4.3.1.1. Is a foreign person;

2.3.4.3.1.2. Has not previously attended WTAMU; and

2.3.4.3.1.3. Is not enrolled as a continuing student at a college or university based in the United States.

### 2.3.5. Distance Education

2.3.5.1. Those responsible for offering distance education courses, in cooperation with the Vice President for Academic Affairs, will screen courses as appropriate for purposes of compliance with export control laws and regulations.

### 2.3.6. Purchasing and Financial Transactions

2.3.6.1. It is the responsibility of the Division of Business and Finance, in coordination with the Vice President for Business and Finance, to develop and implement procedures to screen vendors as appropriate for compliance with export control laws and regulations.

2.3.6.1.1. The export control officer will provide training, guidance, and support the Division of Business and Finance regarding restricted party screenings, screening procedures, and screening result interpretations.

### 2.3.7. Training

2.3.7.1. The export control officer, in cooperation with other appropriate offices, will authorize and assign approved WTAMU training. All regular WTAMU employees, including student workers, are required to complete appropriate export control training once every two years. Requests to deviate from the currently established export control training schedule must be made in accordance with procedures outlined in the Export Control Program Manual. Depending on the nature of an individual's activities and/or job functions, a WTAMU employee may be required to take supplemental export control training as deemed necessary by the individual's supervisor and/or the export control officer.

### 2.3.8. Shipping

2.3.8.1. It is the responsibility of WTAMU personnel or students who are shipping items outside the United States (including hand-carrying items such as research equipment, materials, data, and biological materials) to comply with export control laws and regulations in coordination with the export control officer and other appropriate offices. WTAMU personnel and students should contact the shipping export coordinator for assistance if needed prior to shipping items outside the United States.

### 2.3.9. Risk Assessment and Reporting

2.3.9.1. The export control officer will conduct a risk assessment to identify the current export control risk portfolio and appropriate mitigation strategies. The risk assessment will be completed annually before the start of the new fiscal year; this risk assessment will be attached to the annual compliance plan. Other required reports will be submitted to the System RSO in accordance with System Policy 15.02.

## 2.4. Offices Responsible for Export Control Compliance

2.4.1. The Empowered Official, the research compliance officer, and the export control officer, in cooperation with other appropriate offices, are responsible for monitoring WTAMU's export control compliance program and for implementing procedures and/or guidelines to comply with federal export control laws and regulations.

2.4.2. When requested, the export control officer will determine, or assist other offices and employees in determining compliance obligations and the applicability of export control regulations and any relevant exclusions. The export control officer will also assist with restricted party screening and consult with the System RSO on export control matters as appropriate.

## 2.5. Possible Violations

2.5.1. Each WTAMU employee and student has the responsibility to report possible violations of export control laws or regulations. Suspected violations and the details of the suspected violation should be reported to the export control officer. Suspected violations may also be reported via the ethics and compliance hotline via [Ethics Point](#). Possible violations of United States export control laws or regulations will be investigated

by the empowered official with assistance from the export control officer. The empowered official is authorized to suspend or terminate a research, teaching, testing or other activity if the export control officer determines that the activity is not in compliance, or will lead to noncompliance, with export control laws and regulations. The empowered official will coordinate with the System RSO and Office of General Counsel on any communication with a federal regulatory body during an investigation.

### 3. Record Keeping

3.1. Records required to be maintained by export control laws and regulations must be kept for the longer of:

3.1.1. The record-retention period required by the applicable export control regulations (see 15 C.F.R. Part 762 (ITAR); 22 C.F.R. §§ 122.5, 123.22 and 123.26 (EAR); and 31 C.F.R. § 501.601(OFAC)), or

3.1.2. the period required for the retention of records as set forth in system policies and regulations and university rules.

3.2. Records will be maintained by the export control officer and/or the appropriate office responsible for the export activity.

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## Related Statutes, Policies, or Requirements

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[International Traffic in Arms Regulations \(ITAR\), 22 C.F.R. §§ 120-130](#)

[Export Administration Regulations \(EAR\), 15 C.F.R. §§ 730-774](#)

[Office of Foreign Assets Control \(OFAC\), 31 C.F.R. §§ 500-598](#)

[National Security Decision Directive 189](#)

[Atomic Energy Act of 1954, 42 U.S.C Section 2011, et seq., and Nuclear Regulatory Commission Regulations, 10 C.F.R. Part 110](#)

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

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

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

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## Definitions

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Definitions are consistent with System Policy 15.02.

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**Appendix**

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None

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**Revision History**

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Approved April 1, 2013  
Revised October 10, 2017  
Revised September 17, 2018  
Revised May 18, 2020  
Revised May 28, 2024  
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**Contact Office**

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WTAMU Export Control Officer (806)  
651-2982

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**Approval Office**

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Office of the President  
(806) 651-2100

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**Approval Signature**

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President/CEO

5.28.2024

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Date




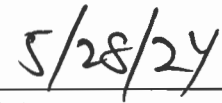
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## System Approvals

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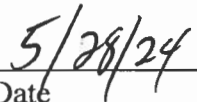
### Approved for Legal Sufficiency:

  
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Ray Bonilla  
General Counsel

  
\_\_\_\_\_  
Date

### Approved:

  
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John Sharp  
Chancellor

  
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Date