

1. PURPOSE

It is the policy of Sam Houston State University (SHSU) to comply with all United States export control laws and regulations including, but not limited to, those implemented by the Department of Commerce through its Export Administration Regulations (EAR) and the Department of State through its International Traffic in Arms Regulations (ITAR) as well as trade controls imposed by the Treasury Department through its Office of Foreign Assets Control (OFAC).

2. APPLICABILITY

- 2.01 This Policy applies to all University employees and all non-employees performing activities on behalf of the University, including but not limited to:
- a. Faculty and graduate students;
 - b. Regular, non-exempt, or exempt employees in research, academic, or administrative positions;
 - c. University students; and
 - d. Visiting scientists, researchers, or scholars.

3. DEFINITIONS

- 3.01 **Comprehensively Sanctioned Country:** A country embargoed under the authority of the U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC). Comprehensive sanctions include the blocking of assets and trade restrictions.
- 3.02 **Export:** (1) An actual shipment or transmission of items controlled under the EAR or ITAR out of the U.S.; (2) any written, oral, or visual release or disclosure of controlled technology, information, or software to a foreign person either in the U.S. or outside the U.S.; or (3) any actual use or application of controlled technology on behalf of or for the benefit of any foreign entity or person anywhere.
- 3.03 **Export Controls:** The set of regulations that govern the export of commodities and technology outside of the U.S. or to a foreign person, including but not limited to, the International Traffic in Regulations, the Export Administration Regulations, and all sanctions and embargoes enacted by the OFAC.

- 3.04 Export License: A license is an authorization from a U.S. Governing Body to engage in a transaction that would otherwise be prohibited. Only SHSU's Chief Research Officer (CRO) may apply for export licenses on behalf of SHSU.
- 3.05 Restricted Party: Each U.S. Governing Body with oversight for export controls publishes lists of restricted (or denied) parties. Individuals, groups, or entities a U.S. government agency has identified as a restricted party cannot engage in certain aspects of business with U.S persons without specific authorization.
- 3.06 United States Governing Body: the three principal U.S. regulatory governing bodies that oversee export controls: the U.S. Department of State, the U.S. Department of Commerce, and the U.S. Department of the Treasury.

4. POLICY SPECIFICS

- 4.01 Compliance with export control laws, regulations, and policies: All individuals identified in Section 2 (Applicability) must comply with all U.S. and University export control laws, regulations, and policies when performing any activities on behalf of SHSU, including all aspects of education, research, and service. An export, or deemed export can occur through a variety of means, including:
- a. Shipping;
 - b. Communication in the form of oral, written, or electronic (including emails);
 - c. Access to controlled research, information, or other controlled items;
 - d. Visual inspections of any export-controlled items, software, or information by a foreign national, whether in the U.S. or abroad;
 - e. Hiring and/or collaboration with the University by foreign nationals;
 - f. Travel.
- 4.02 It is each employee's responsibility to understand and comply with export control requirements related to his or her work and travel and to ensure that no exports or deemed exports are made contrary to any of these regulations. The Office of Research and Sponsored Programs will provide training through the Collaborative Institutional Training Initiative (CITI) and other types of assistance to comply with export control requirements.

- 4.03 Export Control Triggers – The following scenarios will require some action on behalf of the employee to ensure compliance with export control laws.
- a. Research awards or contracts which restrict either publication of results or foreign national involvement;
 - b. Shipment or transfer of export-controlled information, technology, technical data or items outside the U.S., whether temporarily or permanently;
 - c. Transfer of export-controlled information, technology, or technical data to a foreign national located within the U.S. when such transfer would constitute a deemed export requiring approval pursuant to export control laws, regulations, or policies;
 - d. International travel;
 - e. Interaction with a citizen or any entity located in a comprehensively sanctioned country, including travel to, importing, or exporting to or from, signing agreements, building partnerships, or engaging in online education with an individual located in a sanctioned country;
 - f. Research involving export-controlled information, technology, technical data, or items which are enumerated on either the U.S. Munitions List or the Commerce Control List.
 - g. International Material Transfer Agreements (MTAs); and
 - h. Non-Disclosure Agreements indicating the exchange of export-controlled information.
- 4.04 Export Control Actions – All employees triggering export control review shall:
- a. Complete and maintain certification of export control training provided by the Office of Research and Sponsored Programs through CITI.
 - b. Receive approval by the CRO prior to University engagement in the activity.
- 4.05 In some cases, employees triggering an export control review shall be required to complete one or more of the following actions to ensure export control compliance before engaging in the activity:
- a. Complete the export controls assessment questionnaire;
 - b. Maintain a technology control plan;

- c. Secure an export control license;
 - d. Certify compliance with export control laws.
- 4.06 Export Control Licenses – The CRO will determine if an export license from a U.S. Governing Body is required for engagement in an export-controlled activity. If so, the CRO serves as the University’s signatory authority for license applications and related documents.
- 4.07 Restricted Parties – The University will not enter into contracts or other agreements, do business with, or engage in any activity with entities on a U.S. government restricted party list without the prior written approval by the CRO.
- 4.08 Reporting Suspected Violations – All individuals identified in Section 2 (Applicability) must immediately report any suspected violation of export control laws, regulations or policies, a Technology Control Plan, or this policy to the CRO.

5. REVIEW AND ADJUDICATION

The CRO serves as the University’s expert authority on export controls and will provide guidance to all SHSU employees and all non-employees performing activities on behalf of the University on export control issues. Only the CRO and the CRO’s supervisor(s) may act as the University’s signatory authority for license applications or other export-related permissions.

6. POLICY VIOLATIONS

Failure to comply with export control laws, regulations, a Technology Control Plan, or institutional policies may result in the imposition of criminal and/or civil fines against the University and/or its employees. Additionally, failure to comply with export control laws, regulations or policies, a Technology Control Plan, or this policy could result in University disciplinary action, up to and including termination.

7. QUESTIONS

Please direct any questions concerning export controls or this policy to the Office of Research and Sponsored Programs point of contact, Sharla Miles (sharla_miles@shsu.edu).

APPROVED: _____ <signed> _____
Alisa White, Ph.D., President

DATE: _____ 11/25/2024 _____

CERTIFICATION STATEMENT

This academic policy statement (APS) has been approved by the reviewer listed below and represents SHSU's Division of Academic Affairs' policy from the date of this document until superseded.

Original: August 21, 2024
Reviewer:

Review Cycle: Five years*
Review Date:

Approved: _____ <signed> _____
Michael T. Stephenson, Ph.D.,
Provost and Sr. Vice President
for Academic Affairs

Date: _____ 11/20/2024 _____

*Effective January 2018, Academic Policy Statements will be reviewed on a rotating 5-year schedule. To transition to a distributed review load, some policies may be reviewed prior to the 5-year timeframe, with subsequent reviews transitioning to the 5-year schedule.