

**PRAIRIE VIEW A&M UNIVERSITY
UNIVERSITY RULE**



15.02.99.P1 Export Control Program Management

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Rule Statement

Prairie View A&M University (PVAMU) must comply with all United States (U.S.) export control laws and regulations including, but not limited to, those implemented by the Department of Commerce through its Export Administration Regulations (EAR), the Department of State through its International Traffic in Arms Regulations (ITAR), and the Department of Treasury through its Office of Foreign Assets Control (OFAC).

Reason for Rule

PVAMU has an obligation to implement an export control compliance program to mitigate the risk of export control violations through education and awareness. All individuals conducting work for and on behalf of the university must be aware of and responsible for the export control implications of their work and ensure that their activities conform to federal export control laws and regulations, and those imposed by the state and the associated system policies, regulations and procedures. There are severe institutional and individual sanctions imposed by federal agencies, for violations of export control laws and regulations, including the loss of research funding, loss of export privileges, as well as civil and criminal penalties including imprisonment.

Official Procedures and Responsibilities

1. GENERAL

- 1.1 PVAMU 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. The university also recognizes that the U.S. has enacted laws and regulations restricting the transmission of controlled information and controlled physical items for the purpose of protecting national, economic, security, and foreign policy interests. 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 non-U.S. 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 U.S interests.

2. INDIVIDUAL RESPONSIBILITY

- 2.1 All PVAMU employees and students, visiting professors/scientists, postdoctoral fellows, and other persons retained by, or working at, or for the university, irrespective of location, must conduct their affairs in accordance with U.S. export control laws and regulations. Compliance with all applicable federal and state legal requirements is nonnegotiable. In advancing the overall scholarship and research agenda of the university, it is equally important to maintain and facilitate an environment that works to achieve transparency in the participation of the researchers and collaborators from international settings.
- 2.2 PVAMU employees and students engage in a broad range of innovative and important research activities that may involve foreign persons in the U.S. or abroad. When these activities also include the use of controlled information or controlled physical items, the university requires that each individual, involved directly or indirectly, comply with the applicable requirements of U.S. export control laws and regulations.
- 2.3 Depending upon the nature of their activities and/or job functions, university employees may be required to participate in formal training as determined by the university's Empowered Official (EO) and/or the employees' supervisors.
- 2.4 All PVAMU employees and students will comply with the provisions of any export license, governmental approval requirements, required certifications, technology control plans, and procedures.

3. KEY ACTORS RESPONSIBLE FOR EXPORT CONTROL COMPLIANCE

- 3.1 Empowered Official (EO)
 - 3.1.1 The Vice President for Research and Innovation (VPRI) or their designee is the university's EO for all purposes relating to applicable federal export control laws and regulations. The EO is responsible for signing license applications and other approvals required for compliance with export control laws and regulations and serves as the university's representative and point of contact with such agencies.
 - 3.1.2 As the EO, the VPRI is the PVAMU official with final responsibility for ensuring compliance with export control laws and regulations.
- 3.2 Export Control Officer
 - 3.2.1 The Export Control Officer (ECO) is designated by the VPRI and has been delegated with the responsibility of ensuring compliance with the export control laws and regulations for the university.
 - 3.2.2 The ECO, in cooperation with other appropriate offices, is responsible for directing and monitoring the university's export control compliance program, record keeping, and for implementing procedures and/or guidelines to comply with federal export control laws and regulations, including developing, implementing, and updating the [Export Control Compliance Program Manual](#) as set forth in Section 4.6 below.
 - 3.2.3 When requested, the ECO will assist other offices and employees in export control assessments to determine compliance obligations with respect to PVAMU activities involving foreign persons, or international activities under

applicable export control laws and regulations, and to determine the applicability of available exclusions. The ECO will also assist with and conduct restricted party screening (RPS) and consult with the System Research Security Office (RSO) and/or System Office of General Counsel (OGC) on export control matters as appropriate.

- 3.2.4 Annually, the ECO will conduct an export control-specific risk assessment of the university's compliance with export control laws and regulations. The risk assessment will include contacting and meeting with the responsible areas for export control functions, to ensure that activities are conducted according to the procedures in the Export Control Compliance Program Manual. The ECO will report their findings to the VPRI and/or the President and the System RSO.

3.3 University Administrators

- 3.3.1 All PVAMU employees with managerial or supervisory authority over non-U.S. 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. These individuals must support the ECO in implementing the procedures set forth by the university and as otherwise deemed necessary by the EO for export control compliance.

3.4 Principal Investigators

- 3.4.1 The Principal Investigator (PI) for a research project or program has the best understanding of the research and shall work closely with the ECO when determining whether particular technology, data, or information involved is subject to export control regulations.
- 3.4.2 PIs and research assistants are responsible for learning about export controls by completing the export control compliance training offered via TrainTraq, in addition to working with the ECO to ensure compliance with export control laws and regulations. This training must be completed prior to the initiation of a research project or program and every three years thereafter.

4. EXPORT CONTROL COMPLIANCE PROGRAM

4.1 Research

4.1.1 Research Contract Administration

- 4.1.1.1 Texas A&M University Sponsored Research Services (SRS), is responsible for screening sponsored research proposals for export control red flags during the proposal submission stage and RPS during the contract development stage. SRS will forward potential export control concerns to the ECO for export control determinations. Export control compliance related to sponsored research at PVAMU is the shared responsibility between PI and PVAMU. PIs must inform the ECO if there are deviations in the execution of the research plan that would require export control reviews.

- 4.1.1.2 The ECO is responsible for making export control determinations for compliance with export control laws and regulations. When the

ECO determines that export control issues exist, they will ensure compliance with export control regulations through the adoption of a technology control plan or other procedures as needed.

4.2 International Hiring

- 4.2.1 Before extending an employment offer to non-U.S. persons, Human Resources (HR) or the hiring department must contact the ECO to conduct an export control review.
- 4.2.2 Monthly, the ECO must provide all applications and associated documents regarding employment of non-U.S. persons from countries of concern to the RSO, pursuant to System Policy 15.02.

4.3 International Visitors

- 4.3.1 It is the responsibility of all PVAMU employees intending to host an International Visitor to submit a written request for approval of such visit from the ECO before the arrival of the International Visitor.
- 4.3.2 Monthly, the ECO must provide all applications and associated documents regarding visiting scholars of non-U.S. persons from countries of concern to the RSO, pursuant to System Policy 15.02.
- 4.3.3 Restricted Party Screening for International Visitors
 - 4.3.3.1 All International Visitors whether present or not in the U.S. must undergo RPS.
 - 4.3.3.2 It is the fiduciary responsibility of all PVAMU employees to comply with the initial terms and intent of the visit as communicated to the International Visitor, and to immediately notify in writing the VPRI and ECO of any changes in the intent of the visit prior to engaging the International Visitor in any activity that was not a component of the initial terms and intent of the visit.

4.4 International Activities

- 4.4.1 In the case of PVAMU activities conducted outside the U.S., it is the responsibility of the PVAMU activity organizer to obtain appropriate export control approvals from the ECO, for the following activities, without limitation:
 - 4.4.1.1 Execution of agreements to be performed outside the U.S.;
 - 4.4.1.2 Non-credit bearing study abroad courses; and,
 - 4.4.1.3 Making payments to foreign person vendors.
- 4.4.2 The ECO, in coordination with other appropriate offices, is responsible for developing and implementing procedures to screen international programs, centers, and activities for compliance with export control laws and regulations.

4.4.3 Students Studying Abroad

4.4.3.1 The Office of International Affairs is responsible for ensuring the performance of RPS on all the students enrolled in a PVAMU credit bearing program outside the United States who:

4.4.3.1.1 Are non-U.S. persons;

4.4.3.1.2 Have not previously attended PVAMU; and,

4.4.3.1.3 Are not enrolled as continuing students at a college or university based in the U.S.

4.5 Distance Education

4.5.1 Those responsible for offering distance education courses, in coordination with the Provost and Senior Vice President for Academic Affairs and the ECO, will screen courses and international students accessing those courses as appropriate for purposes of compliance with export control laws and regulations, and in accordance with the university's Export Control Compliance Program Manual.

4.6 Purchasing and Financial Transactions

4.6.1 The Procurement and Contracts Offices, in coordination with the ECO, will develop and implement procedures to screen vendors as appropriate for compliance with export control laws and regulations.

4.7 Activities Subject to System Regulation 15.05.04

4.7.1 Prior to approving any activity subject to System Regulation 15.05.04, the ECO will forward the proposed activity to the System RSO for review. Risk review and approval procedures are detailed in System Regulation 15.05.04, section 3. Decisions for subjected activities are final and PVAMU will adhere to any recommended mitigating measures.

4.8 Export Control Compliance Program Manual

4.8.1 The ECO in coordination with other applicable PVAMU offices, will maintain and update on a biennial basis, the Export Control Compliance Program Manual for the university to serve as a guide for identification, administration, and resolution of export control issues.

4.9 Training

4.9.1 The ECO, in coordination with other applicable offices, will maintain an appropriate PVAMU training program.

4.9.2 All university employees are required to complete the Export Controls & Embargo Training – Basic Course delivered via [TrainTraq](#) at least once every three years.

4.9.3 All PVAMU faculty, staff, and students traveling to a foreign country, including Mexico and Canada, are required to complete the International Safety Training at least once every two years delivered via [TrainTraq](#). Requested trips will not be approved if the course has not been completed.

- 4.9.4 All personnel identified on proposed Technology Control Plans (TCPs) are required to complete the TCP Training delivered via [TrainTraq](#) at least once every two years.
- 4.9.5 Depending on the nature of an individual's activities and/or job functions, a PVAMU employee may be required to complete the [TrainTraq](#) basic export control online training course and/or supplemental export control training annually as deemed appropriate by the individual's supervisor, ECO, and/or the EO.
- 4.10 Shipping
 - 4.10.1 It is the responsibility of PVAMU personnel who are shipping items outside the U.S. (including hand-carried items such as research equipment, materials, data, and biological materials) to comply with export control laws and regulations, including contacting the ECO and the Office of Risk Management and Safety.

5. RESOLVING EXPORT CONTROL CONCERN

- 5.1 Once a potential export control concern is identified, the ECO will work with all parties involved to determine what course of action will be taken to address the concern. In each case, the ECO will determine:
 - 5.1.1 If the conditions merit an application for a license or other authorization;
 - 5.1.2 If the conditions are such that an exclusion or license exception may be utilized; or,
 - 5.1.3 If a TCP or other requirements for conducting research will be necessary to prevent unauthorized export of technology from occurring.

6. POSSIBLE VIOLATIONS

- 6.1 Each PVAMU employee has the responsibility to report possible violations of U.S. export control laws or regulations. Suspected violations and the details of the suspected violation should be reported to the ECO and/or the university's EO. Suspected violations may also be reported via the [Texas State Auditor's Office Fraud, Waste or Abuse Hotline](#) or the [Texas A&M University System Risk, Fraud & Misconduct Hotline \(Ethics Point\)](#).
- 6.2 Possible violations of U.S. export control laws or regulations will be investigated by the EO or their designee in consultation with the System RSO and OGC to the extent deemed necessary.

7. DISCIPLINARY ACTIONS

- 7.1 The EO is authorized to suspend or terminate a research, teaching, testing, or other export activity if the EO determines that the activity is not in compliance, or will lead to noncompliance, with export control laws and regulations.
- 7.2 Employees and students may be subject to disciplinary action, up to and including termination per System Policies and Regulations, for violating U.S. export control laws or regulations.

8. RECORDKEEPING AND REPORTING

- 8.1 Records required to be maintained by export control laws and regulations shall be kept for the longer of:
 - 8.1.1 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](#), [22 C.F.R. § 123.22](#) and [22 C.F.R. § 123.26](#) (EAR); and [31 C.F.R. § 501.601](#) (OFAC), or
 - 8.1.2 The period required for the retention of records as set forth in System Policies and Regulations and University Rules.
- 8.2 Records will be maintained by the Office of Research Compliance and/or the appropriate office responsible for the export or activity.
- 8.3 In accordance with System Policy 15.02, PVAM will complete the required export control-specific Risk Assessment annually, prior to the start of the fiscal year. Reporting the non-U.S. Persons' applications for visiting scholars and employees from countries of concern, as defined in System Regulation 15.05.04, High Risk Global Engagements and High Risk International Collaborations, must be completed monthly to the system RSO.
- 8.4 Copies of all export control-related documents as defined in Section 3.5 of [System Regulation 15.02, Export Control Program Management](#) must be submitted to system RSO as they are received.
- 8.5 Continuous risk assessment is completed by submitting the Compliance Program Quarterly Report to the Office of University Compliance in accordance with section 4.2 of [System Regulation 16.01.01, Ethics and Compliance Programs](#).

Related Statutes, Policies, Regulations and Rules

[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](#)

[Atomic Energy Act of 1954 and Nuclear Regulatory Commission Regulations 10 C.F.R. Part 110](#)

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

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

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

Appendix

[PVAMU Export Control Compliance Program Manual](#)

Definitions

Deemed Export – the transfer of controlled information or controlled physical items, or the provisional defense services to a non-U.S. person in the U.S. is deemed to be an export to the home country or countries of the non-U.S. person and is subject to the export control laws and regulations.

Empowered Official – the “Empowered Official” is defined in 22 C.F.R §120.25. The Empowered Official has independent authority to: (i) inquire into any aspect of a proposed export or temporary import by the university; (ii) verify the legality of transaction and the accuracy of the information to be submitted; and, (iii) refuse to sign any license application or the request for approval without prejudice or other adverse recourse.

International Visitors – International Visitors are non-U.S. persons having a residence in a foreign country, who are not employees or enrolled students of PVAMU, and are visiting PVAMU at the request of a faculty member, researcher, or administrator of PVAMU.

Restricted Party Screening – determining whether a person or entity is included on various restricted lists included in the screening software made available by the Office of Research Compliance.

U.S. Person – a “U.S. Person” is defined in [22 C.F.R. §120.62](#). A person who is a lawful permanent resident as defined by [8 U.S.C. 1101\(a\)\(20\)](#) or who is a protected individual as defined by [8 U.S.C. 1324b\(a\)\(3\)](#).

Contact Office

Office of Research Compliance 936-261-1553
