

**Institutional Handbook of Operating Procedures**  
**Policy 06.00.04**

Section: Compliance	Responsible Vice President: Senior Vice President and General Counsel
Subject: Compliance Plans	Responsible Entity: Office of Technology Transfer

**I. Title**

*Export Control Compliance*

**II. Policy**

The University of Texas Medical Branch (UTMB) policy for compliance with U.S. export control regulations is based upon maintaining an open, fundamental research environment. This export control policy is designed to provide guidance to UTMB personnel in the application of the various U.S. export regulations to UTMB research and to foreign nationals including, but not limited to, graduate students, teaching assistants, research assistants, post-doctorate scholars, visiting faculty, and colleagues on campus, off-site, and at meetings and symposia. It is the policy of UTMB to comply with U.S. export laws and regulations. UTMB will comply with all export control regulations, including obtaining any required export licenses, for the transfer of export-controlled materials, data, technology or equipment to a foreign national, either in the U.S. or abroad. Additionally, UTMB will provide instructional manuals and export control compliance training to its employees and departments whose job responsibilities may be affected by the export control regulations.

The export control regulations affect many areas across campus. To effectively implement this policy, the Export Control Officer (ECO) shall work with the appropriate Vice Presidents, Provost, College Deans, Department Heads, Directors, the Compliance Office, Legal Affairs, Technology Transfer, and/or the UT System Office of General Counsel to implement procedures that comply with the export control regulations.

To implement this policy, UTMB adopted an export control compliance program that documents and disseminates information on roles, responsibilities and procedures for identification, approval, licensing and tracking of items or activities subject to the export control laws. The program includes record-keeping, awareness training, and procedures for self assessment and monitoring.

The administrative unit at UTMB that is charged with the responsibility for implementation of this policy and development of related procedures is the Office of Technology Transfer with advisement from the Office of Institutional Compliance.

**III. Background**

The U.S. Government relies on the due diligence of exporters to help ensure national security. It is through a strong public-sector/private-sector partnership that the diversion of dual-use and munitions list items for harmful and destructive purposes can most effectively be prevented. Given the breadth of commodities that may be so categorized, as well as the potential for issues with regard to parties to a transaction, UTMB adopted an export compliance program, and the prescription herein applies to all that export or plan to export.

UTMB and its employees are required to comply with the laws and implement regulations issued by the government, including the Department of State, through its International Traffic in Arms Regulations

(ITAR), the Department of Commerce, through its Export Administration Regulations (EAR), and the Department of the Treasury, through its Office of Foreign Assets Controls (OFAC).

While most research conducted on UTMB campus is excluded from these regulations under the fundamental research exclusion and is considered to be in the public domain, research involving specified technologies controlled under the EAR and/or ITAR, or transactions and exchanges with designated countries, individuals and entities, may require UTMB to obtain prior approval from the appropriate agency before allowing foreign nationals to participate in controlled research, allowing UTMB to collaborate with a foreign entity, and/or allowing the sharing of research—orally or in writing—with persons who are not U.S. citizens or permanent residents. The consequences of violating these regulations can be quite severe, ranging from the loss of research contracts to monetary penalties and jail time for the individual who violated these regulations.

The export control regulations not only affect research conducted on campus, but also travel and the shipping of items outside the U.S. For example, ordinary business travel to certain sanctioned countries could require a license from OFAC.

UTMB is committed to full compliance with all applicable U.S. export control laws and regulations. This policy applies to all activities in which UTMB resources are used.

All UTMB employees are responsible for complying with this policy, as well as with any procedures implementing this policy.

#### **IV. Procedures**

The President of UTMB shall appoint or approve the appointment of an ECO for purposes of compliance with U.S. export regulations. The ECO shall receive authority from the President of UTMB to perform his/her job duties. The ECO may also be appointed as an Empowered Official. Additionally, an Export Control Compliance Committee (ECCC) will be formed in order to assist in the resolution of potential conflicts with export controls as well as ensuring campus-wide commitment to compliance of the program.

Responsibility for oversight and implementation of export control compliance rests with a multidisciplinary ECCC, whose membership is appointed by the Executive Institutional Compliance Committee (Executive ICC). Minutes of all meetings are maintained in a confidential manner and are provided to the Executive ICC on a quarterly basis. Minutes are maintained in the Office of Institutional Compliance (OIC). The ECCC will consist of members from UTMB areas, offices, or activities that are affected by export control compliance. Such areas include, but are not limited to:

- a) Research conducted by faculty and students on campus, as well as research projects conducted abroad (also includes foreign visiting scientists on campus);
- b) Items shipped outside the U.S.;
- c) International Programs – includes students and faculty studying or teaching abroad;
- d) Logistics/Purchasing/Accounting (vendor payments) Departments;
- e) Office of Technology Transfer;
- f) Office of Sponsored Programs;
- g) Human Resources Department;
- h) Travel Office – for travel outside the U.S.; and
- i) Information Systems.

#### **V. Penalties**

In addition to civil and criminal penalties that may apply under applicable laws<sup>1</sup> to UTMB personnel, violation of export control laws and regulations may subject the violator to remedial or disciplinary

action by UTMB and The University of Texas System for misconduct, including termination or dismissal, in accordance with applicable UTMB and The University of Texas System policies and procedures.

**VI. Relevant Federal and State Statutes**

[Export Administration Regulations](#)

[International Traffic In Arms Regulations](#)

[Office of Foreign Assets Control](#)

**VII. Relevant System Policies and Procedures**

[UTS173](#)

**VIII. Additional References**

[UTMB Export Control Website](#)

**IX. Dates Approved or Amended**

<i>Originated: 04/07/2011</i>	
<i>Reviewed with Changes</i>	<i>Reviewed without Changes</i>
08/25/2014	06/06/2019

**X. Contact Information**

Office of Technology Transfer  
(409) 772-0376

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*As of February 21, 2019:*

<sup>i</sup> ITAR penalties: Civil – up to \$500,000 each violation, extra compliance measures, debarment, and loss of export privileges.

Criminal – up to \$1,000,000 each violation and 10 years imprisonment.

EAR penalties: Civil – up to \$250,000 per violation or twice the amount of the transaction and loss of export privileges. Criminal – up to \$1,000,000 and 20 years imprisonment.

OFAC penalties: Civil - up to \$250,000 per violation. Criminal – refer to appropriate law enforcement agencies for criminal investigation and/or prosecution. Actions could include license denial/revocation; subject person could be ordered to cease and desist.