

University Policy 4109: Export Controls

Category: Academic Affairs

Subcategory: Research

Covered Individuals: All university personnel, employees, students, visitors, courtesy appointments, and any other individual conducting research, academic, operational, or business activities on behalf of Utah State University.

Responsible Executive: Vice President for Research

Policy Custodian: Office of Research; Division of Research Integrity and Compliance

Last Revised: 2025/11/07

Previous USU Policy Number: 590

4109.1 PURPOSE

This policy codifies Utah State University's commitment to compliance with U.S. export control laws and regulations, establishes the administrative structure for the University's export compliance program, and identifies the corresponding responsibilities of University Personnel. The University recognizes the importance of export control laws and regulations and expects compliance from all its personnel.

Faculty, staff, and students involved in research and academic projects that are subject to export controls must follow the requirements that are appropriate for the roles they serve. These individuals are responsible for completing export control training as directed, reviewing the materials on the University's export controls website and consulting the Export Controls Officer when export controls apply.

4109.2 POLICY

University Personnel may not engage in any of the following export-controlled activities, unless authorized in advance as noted below:

- Export commodities, software, technology, or information subject to the Export Administration Regulations (EAR), except as authorized by the U.S. Department of Commerce;
- Export hardware, technical data, or services subject to the International Traffic in Arms Regulations (ITAR), except as authorized by the U.S. Department of State; or
- Engage in transactions subject to the Foreign Assets Control Regulations, except as authorized by the U.S. Department of Treasury.

To facilitate compliance with these restrictions, the University has directed and empowered the Vice President for Research and the University Export Control Officer to develop and maintain an export compliance program. The export compliance program shall provide:

- Periodic export control training to university personnel; and
- A written procedure document in the form of an [Export Compliance Program Manual](#) which university personnel shall be responsible to review, as applicable to their role at the University.

Determinations concerning the application of relevant export control laws or regulations to a particular

item or activity may be obtained by requesting an export review by the University Export Control Officer.

4109.3 RESPONSIBILITIES

3.1 University Advancement

Performs restricted party screening of donors to ensure compliance with export control laws and sanctions.

3.2 Controller's Office – Purchasing and Equipment Management

Performs restricted party screening of vendors, as well as export-controlled equipment tagging and tracking for export control compliance.

3.3 Deans and Department Heads

Responsible for taking required export control training, having knowledge of the export control requirements relating to the areas of research that are under their purview, and having general knowledge of the Export Compliance Program Manual as well as information available on the USU Export Control website.

3.4 Executive Director, Research Compliance Office

Serves as the Export Control Officer (ECO) and oversees the University's export controls compliance program, including updating the Export Compliance Program Manual. The ECO is responsible for university-level Export Compliance record keeping.

3.5 Human Resources

Performs restricted party screening of new employees to ensure compliance with export control laws and sanctions.

3.6 Office of General Counsel (OGC)

In conjunction with the University Export Control Officer, responsible for providing advice to university researchers and administrators regarding the laws, regulations, and University policies related to export controls.

3.7 Office of Global Engagement

Performs restricted party screening of potential incoming international undergraduate and graduate students for export control compliance. Provides visa, counseling and advisory support to incoming international students and scholars.

3.8 Principal Investigator (PI)

Responsible for taking required export control training. Works with Sponsored Programs (SPO) and the Export Controls Officer to determine if the PI's research is in a field that might be subject to export controls. Works with sponsors to design a scope of work for performance at the University that remains within the fundamental research rule where possible. For projects with potential export controls issues, works with the Export Controls Officer, OGC and the sponsor to address export control concerns and issues

3.9 Risk Management

Maintains the University Travel Registry for faculty, staff, and students, which provides information related to university policy, insurance, health, and safety, and institutional relationships/supports abroad. Supports compliance with export controls by requiring international travelers to complete the University Travel registration.

3.10 Sponsored Programs Contract and Grants Officer

Identifies potential export control terms and conditions in proposals and award documents, including restrictions on publication of research results, use of sponsor export-controlled technical information, or restrictions on Foreign Person participation in research, communicating these to the Export Controls Officer. Takes all other reasonable steps to comply with export control regulations. Negotiates incoming material transfer agreements and non-disclosure agreement when a PI desires to receive materials or confidential information that others desire to transfer to campus.

3.11 Surplus

Manages processes for selling University goods to outside parties. Coordinates with Export Controls Officer in reviewing proposed transactions for export control issues.

3.12 Technology Transfer Services

Negotiates outgoing material transfer agreements. Coordinates with the Export Control Officer in reviewing proposed transactions for export control issues.

3.13 Vice President for Research (VPR)

Provides education and training related to export controls for the University community. Assists SPO and researchers in complying with export controls. Makes the final decision whether to accept awards with export control restrictions. Serves as the University's Empowered Official (EO).

4109.4 NON-COMPLIANCE

Violations of export control laws and regulations could result in criminal and/or civil penalties for University Personnel and the University.

Failure to fulfill the applicable responsibilities of Section 2 may result in a notation of such failure in performance reviews, removal, or reassignment of job responsibilities, corrective and/or disciplinary action up to and including termination, and criminal or civil prosecution under applicable state or federal law.

4109.5 REFERENCES

- Export Administration Regulations (EAR), 15 CFR 730-774
- International Traffic in Arms Regulations (ITAR), 22 CFR 120-130
- Office of Foreign Assets Control (OFAC) U.S. Treasury Department, 31 CFR 500, Subtitle B, et seq.
- Department of Energy: 10 CFR 110 and 810, et seq.

4109.6 RELATED USU POLICIES

- [USU Policy 1221: Procurement](#)
- [USU Policy 2301: Individual Conflicts of Interest](#)
- [USU Policy 4102: Research](#)
- [USU Policy 5303: International Travel](#)

4109.7 DEFINITIONS AND TERMS

7.1 Deemed Export

Providing access to and/or sharing of export-controlled technology or information with foreign nationals on campus for whom such items are restricted by virtue of that foreign national's citizenship, subject to agency license approval or license requirement exemption.

7.2 Department of Energy (DOE)

Regulates nuclear research and related materials and software under the Nuclear Regulatory Commission and National Nuclear Security Administration.

7.3 Empowered Official (EO)

Pursuant to the U.S. Department of State's ITAR regulations, USU's officially designated employee responsible for all transactions subject to ITAR.

7.4 Export

International transfer of any commodity, software, material, technology, or information, including but not limited to, specifically "controlled" items by any means including but not limited to, courier/mailed shipment, hand-carried transfer, digital transfer, spoken communication and, depending on the export control level – visual access to certain controlled items and information.

7.5 Export Administration Regulations (EAR)

The U.S. Department of Commerce export control regulations governing and codifying the export and/or deemed export of "dual use" items and technologies (including but not limited to those used and/or generated by fundamental research and restricted research activities), for reasons concerning national security, chemical/biologics controls, missile technology, nuclear proliferation, international geo-political stability, anti-terrorism. Includes all export license/license exemption procedures pertaining to destination controls and restricted parties.

7.6 Export Controls

Government statutes and regulations that prohibit the unauthorized export of certain commodities, technologies, software, services, money, or information to non-U.S. destinations, persons, and entities (including universities). Export controls implement a range of national obligations and interests, such as honoring treaties (e.g., Treaty on the Non-Proliferation of Nuclear Weapons, conventions on chemical and biological weapons), protecting national security, and combating terrorism. Export controls concern primarily national security, not customs or tariffs. Violators can face lengthy prison sentences, stiff fines, and loss of export privileges. The University is subject primarily to three sets of export controls - the EAR, the ITAR, and the Foreign Assets Control Regulations.

7.7 Export Control Officer (ECO)

USU's officially designated employee responsible for overseeing and implementing USU's export compliance program.

7.8 Export License/Authorization

Official approval by a governing agency to conduct a particular export or deemed export transaction; issued based on USU's formal license application to the agency.

7.9 Export Record Keeping

Federally required 5-year export-related record retention, as required under the EAR and the ITAR.

7.10 Foreign Assets Control Regulations

Economic sanctions regulations administered by the U.S. Department of the Treasury, Office of Foreign Assets Control. The Foreign Assets Control Regulations appear at 31 CFR Parts 500-598 and prohibit unauthorized transactions with embargoed countries and entities identified on the Specially Designated Nationals List.

7.11 Foreign Influence

Attempts by international governments and related organizations to gain access to export sensitive research applications or data, or other trade secret IP, either through illegal IT penetration or through proximity to and absorption of such IP domestically or internationally.

7.12 Foreign Person (or non-US Person)

An individual who is not a U.S. citizen or permanent resident of the U.S., and who has not been granted political asylum or other protected status; A corporation, business association, partnership, trust, society, or any other entity or group that is not incorporated or organized to do business in the U.S.; or an international organization or foreign government (including agencies or subdivisions).

7.13 Fundamental Research

Basic and applied research where the resulting information is ordinarily published and shared broadly within the scientific community, as distinguished from research the results of which are restricted for proprietary reasons or specific U.S. Government access and dissemination controls. The information that results from or arises during fundamental research (aside from certain encryption source code) is excluded from export controls under the Fundamental Research Exclusion.

7.14 International Travel

Travel to any country or territory outside the continental U.S. and other non-foreign U.S. overseas locations (Alaska, Hawaii, American Samoa, Guam, Midway Islands, Northern Mariana Islands, Puerto Rico, Virgin Islands [(U.S)], and Wake Island). Travel to Canada and Mexico is considered international travel.

7.15 International Traffic in Arms Regulations (ITAR)

The Department of State export control regulations governing access to and use of defense items and technologies domestically and internationally, as well as delivery of codified defense services to international defense agencies.

7.16 Office of Foreign Assets and Control (OFAC)

Branch of U.S. Treasury Department which exercises oversight over U.S. Government's trade sanctions and embargo programs.

7.17 Restricted Party Screening (RPS)

On-line accessible, screening procedure using USU's licensed software tool to determine whether individuals and entities with whom USU engages are identified or listed on any of the U.S. Government's restricted party lists.

7.18 Restrictive Clauses in Federal/Industry Agreements

Typically flowed down as citizenship participation restrictions, information dissemination restrictions, or data security requirements.

7.19 Technology Control Plan

Documented, comprehensive security measures applicable to federal and industry-sponsored research and service agreements and contracts where USU is a prime or subcontractor, and agreement/contract mandates export control restrictions, and/or dissemination restrictions; and/or special engagement; and/or data security restrictions (including but not limited to U.S. Government-governed classified contracts).

7.20 Trade Sanctions

Specific prohibition under the OFAC regulations governing engagement with OFAC-sanctioned (“blocked”) parties as well as broad country-defined restrictions (e.g. Cuba, Iran, Syria, North Korea).

7.21 University Personnel

Employees, students, visitors, courtesy appointments, and any other individual conducting research, academic, operational, or business activities on behalf of Utah State University.

7.22 Voluntary Self-Disclosure

Procedure to timely report export control or trade sanction violations to the appropriate federal agency. The procedure will be overseen by the Export Control Officer under the direction of the Empowered Official.

Information below is not included as part of the contents of the official policy. It is provided only as a convenience for readers/users and may be changed at any time by persons authorized by the president.

RESOURCES

Guidance

- <https://research.usu.edu/compliance/export/>

Contacts

- Division of Research Integrity and Compliance (DRIC): <https://research.usu.edu/compliance/index>

POLICY HISTORY

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