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# Export Control Process Guide

Office of Research and Sponsored Projects

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## Background

### CITI hosted Export Control training

The Office of Research and Sponsored Projects (ORSP) elected to join "Collaborative Institutional Training Initiative" (CITI), a web-based training site to educate and provide awareness to UTEP's research community regarding export control. ORSP identified and established specific training modules for three different learner groups: Research Administration, Business Centers & Administrators, and Researchers. The training modules through CITI include: Export Compliance for Researchers (Part I and II), Export Compliance for Research Administrators, Export Compliance when using Technology in Research, Export Control and Biosafety.

### Policy

UTEP's policy includes the obligation that Export Control training is provided for students, faculty/researchers and support staff that are involved with sponsored projects that are subject to export control. The Export Control Committee has identified specific individuals in research administration, administrative support staff and researchers to complete the training. Each semester, the list of trainees will change as new staff/faculty/employees come on board and/or new projects subject to export control are funded.

Export control training through CITI does not expire once the training is completed with a grade of 80% or higher. Trainees will need to complete an Export Control refresher course every 3 years.

### Process

## Implementation of an Export Controls Compliance Program in Sponsored Projects

The Research Administrator (RA) assigned to a particular research award will review the terms of the award for provisions that restrict access to or publication of research and technical data, that limit the participation of foreign nationals in the research effort, or that otherwise render the exclusion from the export control regulations as inapplicable. The Export Control Review Form (ECR form) (See Appendix I) will be completed, if the grant/contract references Export Control for determination on a Technology Control Plan (TCP) (See Appendix II). The results of such review will also be indicated on the Notice of Award. (See Addendum 1 to this process guide for details on identifying and determining use of forms)

The ECR Form is to determine the applicability of Export Control:

- a. If not applicable, RA identifies reason for determination and identifies N/A on the Notice of Grant Award (NOA)
- b. If not readily determinable, or fundamental research exclusions are invoked, RA must use the EC Review form to determine:
  1. Fundamental Research exclusion provides that the research must:

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- i. Already be in the public domain
    - ii. be conducted free of any publication restrictions and
    - iii. without any access or dissemination restrictions
  2. PI will notify the Office of Research and Sponsored Projects if any inadvertent disclosures have been made or if any intention or materials for project become export controlled ref. changes that may require TCP
  3. Upon notification of PI, RA may require a TCP plan should the project develop/create export controlled technology
- c. If project is deemed Export Controlled:
  1. A Technology Control Plan (TCP) is required from PI. The TCP is to mitigate risks of violating Export Control Laws and to provide assurances that a plan is in place to avoid disclosure of controlled technology to unauthorized entities or individuals.
  2. The TCP is signed by the PI and returned to ORSP for review by Compliance Officer
  3. Once TCP is determined to be sufficient to comply with Export Control protection, TCP is filed with project information.
  4. The PI will be deferred to the Institutional Export Control Officer for the following:
    - a. If an export control license is required/requested
    - b. non-compliance

No work can begin under an export controlled award or proposed award until a TCP is in place and/or any required export control license has been applied for and issued.

After the determination deems a project applicable to Export Control, the RA will mark the project Notice of Award (NOA) as “R” for restricted, identify the restriction for Export Control as “Applicable”, and the ‘Other Restrictions’ section will be filled out with the “keyword: Export Control”.

The NOA is then submitted to C&G for project setup in PeopleSoft, where the accountant will mark the project identification number with the “R” for restricted, and tags/applies the key word in PeopleSoft for “Export Control”. This tag will provide report/information which will identify the trainees to receive Export Control training opportunities.

Once a NOA is released, the PI, CO-PI, and project participants (trainees) will be notified via email (See Appendix III) providing instructions to certify the Export Control Assurance Statement within 30 days. Once certified, participants will be notified to complete CITI training for Export Control (See Appendix IV). A friendly reminder will be sent within 30 days after initial notice. ORSP’s policy is that Export Control training is mandatory for students, faculty/researchers, and support staff that are involved with sponsored projects subject to Export Control.

Faculty/researchers are encouraged to contact their research administrator with any inquiries or concerns regarding export control. Research Administrators will be the first point of contact on any sponsored project.

\*Any foreign sponsor will go through Visual Compliance (UT System Shared Software Application) as the first step in the review process of contract negotiations, including authorizations for personal services (APS) requests, specifically those with international entities.

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## Resources:

Institutional Compliance Policy: <https://www.utep.edu/vpba/hoop/section-10/index.html>

ORSP Export Control Policy: <https://www.utep.edu/orsp/policies/export-control.html>

Appendix I: Export Control Review Form

Appendix II: Technology Control Plan Template

Appendix III: Notification Templates

Appendix IV: EC CITI Registration Instructions step-by-step

Appendix V: Frequently Asked Questions

## **Addendum I: IDENTIFYING AND DOCUMENTING PROJECTS SUBJECT TO EXPORT CONTROLS**