

SOUTH DAKOTA SCHOOL OF MINES AND TECHNOLOGY

Policy Manual

SUBJECT: Export Control

NUMBER: Policy 9-15 (formerly Policy IX-21)

Purpose

U.S. federal laws and regulations require federal agency approval before the export of controlled items, commodities, technology, software or information to restricted foreign countries, persons and entities (including universities). Export controls establish legal prohibitions against exporting certain materials, software or technology without a license.

This policy supports compliance with federal laws and regulations concerning export controls.

Policy

The Vice President for Research is responsible for overseeing Export Control compliance.

No University employee or student may engage in any activity, or commit the University to engage in any activity that is prohibited by export control regulations, or requires a license or other agency approval under export control regulations, until such license or approval has been obtained.

When activities involve export controls or sharing of export controlled information, the employees and Principal Investigators will disclose necessary information to the Export Control Officer in the Office of the Vice President for Research for review as part of the initial planning for the activities and before any commitments have been made.

When export controlled equipment, data, or technology is identified for a project or activity, the Export Control Officer will work with the PI or individual to develop and implement a Technology Control Plan to appropriately secure the equipment, data, or technology from access by unlicensed non-U.S. persons. Before any individual may have access to export controlled items or technology, he or she must be informed of the conditions of the Technology Control Plan and agree to comply with the security measures outlined in it.

Employees and students who participate in projects that involve export controls must acquire a level of understanding of the requirements appropriate for their role through education, information, and support resources.

Departments and employees who work with employees, visiting faculty, scholars, or students from foreign countries and foreign boycotted countries are required to be aware of the export control regulations that relate to those countries and related compliance requirements.

Individuals may not share, not even in informal social interaction, export controlled information or items with foreign nationals without prior export control review and approval of the Export Control Officer, and if appropriate, the Vice President for Research, SDBOR General Counsel, or their designees.

Employees who engage in international travel within the scope of employment are responsible for understanding export laws and regulations and how they apply to their respective situations, including the impact on any students, employees, collaborators, consultants, or other personnel who they ask to accompany them or attend on their behalf. If any controlled information, technology, software, or equipment will be transferred to a foreign party overseas, a license may be required prior to the transfer unless a valid licensing exception or exclusion applies. Individuals must seek export control review from the Export Control Officer prior to travel that has such impacts.

Violations of export control laws discovered at the University should be reported to the Export Control Officer or to the Vice President for Research or as appropriate the SDBOR General Counsel.

Training and resources related to export controls will be coordinated by the Research Affairs Office in cooperation with the Vice President for Human Resources.

Detailed procedures describing responsibilities of employees, students and decision making administrators are outlined in a separate document posted on the University website.

SOURCE: Research Affairs, December 2014