



LAMAR UNIVERSITY
MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES

SECTION: Academic Affairs
AREA: ORSPA

MAPP 02.07.03

Export Control for Sponsored Research Investigators

I.

the Associate Provost for Research. The Chief Research Officer may designate an appropriate official to act on their behalf.

- B. **Deemed Export.** A term used by the Commerce Department to describe the situation where a foreign national on US soil may be exposed to, or have access in any manner to, an export-controlled item or export-controlled software or information. Although the State Department does not use this term, but rather includes this concept in its definition of export, Lamar University will use the term "deemed export" when discussing access by foreign nationals to controlled information on our soil, without regard to which agency may have jurisdiction over the transaction.
- C. **Export.** The transmission or exchange of controlled tangible items, software, or information out of the United States in any manner; to transfer ownership or control of controlled tangible items, software, or information to a foreign person; or to disclose information about controlled items, software, or information to a foreign government or foreign person. The controlled tangible item, software or information being sent or taken out of the United States is also referred to as an "export."
- D. **Fundamental Research.** The concept of "fundamental research" was established by National Security Decision Directive 189 (NSDD 189), which establishes a national policy with regard to how such research shall be treated for purposes of the various export control regimes. NSDD 189 defines fundamental research as *basic and applied research in science and engineering where the resulting information is to be shared broadly within the scientific community*. This directive provides that the conduct, products, and results of fundamental research are to proceed largely unfettered by deemed export restrictions. It also states that the government must determine—before releasing a research opportunity—whether the research should be classified or otherwise kept secret. Research that carries access, participation, or dissemination restrictions will not qualify as fundamental research for purposes of the export control regulations. Because export regulations expressly recognize that fundamental research is excluded from deemed export controls, no export license or other authorization is needed to involve foreign nationals in fundamental research activity at Lamar University. However, such research may give rise to export issues if the primary research is to be conducted outside of the US or if it requires exposure of foreign nationals to proprietary or confidential export-controlled information provided by third parties such as corporations, commercial vendors, or government collaborators.
- E. **Researcher.** All Individuals who are engaged in research, whether funded or unfunded, or in sponsored programs activities. For the purposes of this policy, the term researcher refers to any Lamar University faculty or staff member having direct responsibility for the design, conduct, and/or reporting of funded or unfunded research or other sponsored programs activities funded or proposed for funding by the federal government or other external funder.
- F. **Research Compliance Officer.** An individual responsible for interpreting and enforcing compliance across all research and sponsored programs enterprises across the University.

(EAR) available to those within the University community that may be useful. It is extremely important to keep them in mind should it become necessary to share any export-controlled items, computer code, or information beyond the original recipient. For questions regarding the use of "No License Required," Non-Disclosure Agreements, or license exceptions and exemptions, please contact the University Research Compliance Officer. In addition, records must be kept in order to demonstrate compliance.

VIII. ROLES AND RESPONSIBILITIES

- A. The roles and responsibilities of individuals who participate in research and sponsored programs are defined in this section to comply with Federal regulations, Uniform Guidance and the policies of Lamar University and Texas State University System. The responsibilities of program administration are shared by the Chief Research Officer, the Office of Research and Sponsored Programs Administration, and researchers employed by the grant resources.
- B. Chief Research Officer. The Associate Provost for Research and the Office of Research and Sponsored Programs Administration bear responsibility for all sponsored grants and contracts and their possible conflicts by providing continuous support and oversight of these activities.
- C. Office of Research and Sponsored Programs Administration. The Office of Research and Sponsored Programs Administration shall be represented by the Research Compliance Officer as appointed by the Chief Research Officer. This individual has the following responsibilities:
 - 1. Maintaining current and accurate files on every researcher involved in internal and external sponsored programs.
 - 2. Providing export licenses or licensure exceptions when applicable.
 - 3. Developing approved management plans when applicable.
 - 4. Providing and maintaining relevant training to researchers.
 - 5. Investigating non-compliance or misconduct.
- D. Researchers must promptly and fully disclose, in writing, any Export Control concerns (as defined in Section IV. DEFINITIONS) that may require a license or explicit licensure exception as determined by the Research Compliance Officer. Researchers must be aware of these regulations and contact the Office of Research and Sponsored Programs Administration if they determine that they must transmit, ship, or otherwise hand over any export-controlled items, computer code, or

formal reprimand, non-renewal of appointment, termination of appointment, or other enforcement action.

- B. If the failure of a researcher to comply with this policy has biased the design, conduct or reporting of funded or unfunded research or sponsored programs activities, Lamar University will promptly notify the appropriate granting agency, sponsor, or other appropriate agency of the incident and corrective action will be taken.

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POLICY LOG

Version	Date	Description of Changes
1	01/01/2011	Issued.
	08/01/2023	Last updated.
		Reviews by constituency groups completed.
		Review by campus community completed.
		Policy approved by President.

APPENDICES

Related Links

Office of Research and Sponsored Programs Administration

(<https://www.lamar.edu/research/research-and-sponsored-programs.html>)

NSDD 189 (<https://irp.fas.org/offdocs/nsdd/nsdd-189.htm>)

International Traffic in Arms Regulations (ITAR) (<https://www.ecfr.gov/current/title-22/chapter-I/subchapter-M/part-120?toc=1>)

Export Administration Regulations (EAR) (<https://www.ecfr.gov/current/title-15/subtitle-B/chapter-VII/subchapter->