



Office of the Vice President for Research

MEMORANDUM

TO: Main & Branch Campus Faculty, Staff and Administrators

FROM: Gabriel Lopez, Vice President for Research *Gabriel P. Lopez*

SUBJECT: Institutional Commitment to U.S. Export Control Compliance

DATE: February 10, 2016

CC: Carlos Rey Romero, Associate Vice President for Research & Compliance

Each year it is important that the campus community reflect on the importance of complying with U.S. Export Controls and the impact that these laws and regulations have on the research community. Export controls are laws and regulations that govern the export of certain commodities and/or information to persons and entities outside the U.S. as well as to foreign nationals inside the U.S. for reasons of national security or protection of trade.

The University of New Mexico (UNM) is committed to complying with all applicable export control laws and regulations. Export controls have become increasingly prevalent in the modern research community, resulting in the need for appropriate university compliance and oversight. The purpose of the UNM Export Control Compliance Program is to provide this oversight and help faculty, staff and students understand their responsibility for export control compliance.

Export controls apply to a wide variety of activities at the university. These regulations apply to sponsored research, non-sponsored research, international travel, international collaboration, purchasing, property accounting and disposal, material transfer, non-disclosure agreements, I-129 petitions, and transactions with certain foreign countries, entities or individuals.

The vast majority of the research conducted by the University community is excluded from export controls if the activities qualify for the following exclusions:

- The **Fundamental Research Exclusion** applies to information that is the result of basic and applied research in science and engineering as long as the research is conducted without restrictions on the participation of foreign nationals and/or publication or dissemination of the research results.
- The **Public Domain Exclusion** applies to information that is already in the public domain, meaning it is published and is generally available to the public through unrestricted distribution. Examples include information that is published in a book or periodical or available through patents, open conferences in the U.S., unrestricted web sites, or other public release authorized by the U.S. government.

- The **Education Exclusion** applies to instruction in science, mathematics, and engineering courses listed in catalogues and associated teaching laboratories of academic institutions. This exclusion covers science, math or engineering principles commonly taught in courses listed in catalogues and associated teaching laboratories of academic institutions in the U.S. However, articles and services on the United States Munitions List do not qualify for the Educational Exclusion even if commonly taught in courses listed in catalogues and associated teaching laboratories.

In sum, these exclusions are not without their limitations. For example, the following activities are not covered by the exclusions: exports and research concerning military, weapons, defense, chemical or biological weapons, encryption technology & software, space or other dual-use items, restricted technologies, or sanctioned or embargoed countries (i.e., Iran, Cuba, Syria, Sudan, or North Korea). This list is not exhaustive and is for illustration purposes only.

Violation of U.S. Export Controls are punishable by fines, prison time, and debarment. These penalties apply to the individual (faculty, staff or students) and the institution (UNM). The most important risk mitigation strategy is comprehensive oversight of export-controlled activities to proactively manage compliance.

The regulations are complex and can often be difficult to interpret. To help facilitate compliance, the Office of Research & Compliance offers a variety of services to the UNM research community. Specialized trainings and workshops are available via Learning Central. You may also arrange for customized group or departmental trainings to ensure all applicable individuals have the information they need to be compliant with the federal laws and regulations. You can find a list of resources on the export control website <http://researchcompliance.unm.edu/exportcontrol>.

Furthermore, you can contact Adelia Gunn, the export control program specialist at export@unm.edu or call her at (505)277-2968, if you have any general or specific questions.