

**Export, Import and Sanction Compliance  
BU-PP 041**

**Policy:**

It is the policy of Baylor University (Baylor) to comply with all export, import, and sanction laws and regulations, and to maintain an export, import, and sanction compliance program that enables Baylor employees, students, trainees, visiting scholars, and other persons, herein referred to as “Baylor personnel,” retained by or working at or for Baylor to conduct business in accordance with these laws and regulations. No Baylor personnel may engage in any export, import, or sanction activity that is prohibited by the United States Customs and Border Protection, the Department of Commerce through its Export Administration Regulations (EAR), the Department of State through its International Traffic in Arms Regulations (ITAR), the Treasury Department through its Office of Foreign Assets Control (OFAC), the Department of Justice through its Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the Department of Energy (DoE), the United States Nuclear Regulatory Commission (NRC), the Foreign Corrupt Practices Act of 1977 (FCPA), or any other government agency that enforces export, import, or sanction laws and regulations. Similarly, no Baylor personnel may transfer any controlled item, including technology and technical data, without approved documentation.

Compliance with export, import, and sanction laws and regulations must be considered and achieved **before** traveling internationally, engaging in science or technology-based research (funded or unfunded), taking receipt of controlled materials from a third party, executing contracts or other agreements, purchasing high-technology devices or software, hiring foreign nationals, or engaging in any other activity that may be affected by export, import, and or sanction laws and regulations.

**Topics:**

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Applicability and Responsibility  
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Special Procedures  
Education and Awareness  
Violations of Laws, Regulations, and Policies  
Consequences and Penalties

**Related Policies:**

None

**Additional Information:**

None

**Contact:**

Baylor Export Compliance Office 254.710.6613

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**Background –**

Export, import, and sanction laws and regulations are detailed and complex. These laws generally restrict the export and/or deemed export<sup>1</sup> of certain restricted items, software, or information. The purpose of these laws is to restrict access to items or information that might be contrary to U.S. interests. Export, import, and sanction laws and regulations regulate the content,

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<sup>1</sup> A deemed export occurs when controlled items, software (e.g. encrypted open source code), or information is released to a foreign national within the United States.

destination, and recipient of exported items or information. Additionally, sanctions and embargoes maintained by the U.S Government restrict or prohibit financial and other transactions with sanctioned individuals, organizations, and countries. In practice, the impact of export, import, and sanction laws is limited to a narrow set of issues and individuals. Despite the narrow scope, it is important for Baylor personnel to comply with these laws and regulations to avoid significant penalties, including fines and criminal liability. This policy is designed to assist Baylor personnel in their efforts to comply with export, import, and sanction laws and regulations.

**Scope of Policy —**

The purpose of the Export, Import, and Sanction Compliance policy is to facilitate compliance with all export, import, and sanction laws and regulations, to establish procedures for complying with export, import, and sanction laws and regulations, and to educate the University community on such laws, regulations, policies, and procedures. This policy requires actively managing and monitoring compliance with export, import, and sanctions laws and authorizes the creation of procedures to administer major university functions related to export, import, and sanction compliance.

**Applicability and Responsibility –**

Export, import, and sanction laws and regulations affect a broad spectrum of university functions including, but not limited to, admissions, human resources, international programs, academic research, sponsored programs, technology transfer, material transfer, accounts payable, materials management, and procurement. Export, import, and sanction laws and regulations affect Baylor University in a variety of areas/activities including research, travel outside the U.S., contracting, hiring, and shipping.

It is the responsibility of all Baylor personnel to understand and comply with export, import, and sanction requirements related to their work and travel, and to ensure that no exports or deemed exports are made contrary to any of these regulations. The Director of Export Compliance, as designated by the Executive Vice President & Provost, will provide assistance and oversight to comply with export, import, and sanction laws and regulation requirements and is a university Empowered Official<sup>2</sup>.

**Standard Procedures –**

The Baylor Export Compliance Office website (<http://www.baylor.edu/export/>) provides guidance to Baylor personnel on matters pertaining to export, import and sanction compliance. The website maintains the latest information about standard processes, documentation, and procedures for Baylor personnel to follow when evaluating a potential compliance matter.

Additionally, when required by the Director of Export Compliance, each unit, department, or center engaging in export, import, or sanction regulated activities will develop, in co-ordination with the Director of Export Compliance, documents describing the routine management and compliance procedures to prevent inadvertent violation of export, import, and sanction regulations.

**Special Procedures –**

When an export, import, or sanction related activity introduces high risk of inadvertent export, import, or sanction regulations violation, the affected administrative unit and the Director of Export Compliance will develop special procedures or certifications to prevent inadvertent violation of export, import, or sanction regulations.

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<sup>2</sup> An Empowered Official, defined in 22 CFR 120.25, is a U.S. person employed by the University who is legally empowered and appointed by a University Executive Officer to sign International Traffic in Arms Regulations (ITAR) export license applications or other requests for approval on behalf of Baylor University, and who understands the provisions and requirements of the export, import, and sanction laws and regulations, and the criminal liability, civil liability, and administrative penalties for violating the Arms Export Control Act and the ITAR.

**Education and Awareness –**

The University provides export, import, and sanction laws and regulation awareness training as needed. In addition, formal communication to faculty, staff, and students about export, import, and sanction compliance policies and procedures shall be provided annually. Additional training on specific issues may be required dependent upon the activities and risk levels to the University. Baylor personnel are encouraged to review the Baylor Export Compliance Office website (<http://www.baylor.edu/export/>) for up-to-date information regarding export, import, and sanction laws and regulation compliance requirements.

**Violations of Laws, Regulations, and Policies –**

A university Empowered Official or designee will investigate possible violations of governmental laws/regulations. The university Empowered Official(s) have the authority to suspend or terminate a research, teaching, testing, or other export or import activity if the Empowered Official determines that the activity is not in compliance, or will lead to noncompliance with existing export, import, or sanction laws or policies. Violations of this policy by employees will be dealt with in the same manner as violations of other University policies and may result in a disciplinary review. A violation of this policy by a student may be referred to the Student Conduct Administration Office of Judicial Affairs for discipline. In such a review, the full range of disciplinary sanctions is available, including the loss of technology systems usage privileges, dismissal from the University, and legal action. In some cases, violation of this policy may constitute a criminal offense under state or federal law.

**Consequences and Penalties –**

Failure to comply with these laws exposes both Baylor University and individuals within the University to severe criminal and civil penalties (fines and prison sentences) as well as administrative sanctions (loss of research funding, employment, and/or export privileges). Civil and criminal sanctions, including fines and/ or prison sentences for individuals violating export, import, and sanction laws and regulations can be substantial.