

STANDARD ADMINISTRATIVE PROCEDURE

15.02.99.M1.01 Export Control Screening of Personnel Actions and Requests for Authorization for Visiting Scholars at TAMUQ

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Next Scheduled Review: January 30, 2020

Standard Administrative Procedure Statement

It is the policy of Texas A&M University to comply with United States export control laws and regulations including, without limitation, those implemented by the Department of Commerce through its Export Administration Regulations (EAR), the Department of State through its International Traffic in Arms Regulations (ITAR), and the Treasury Department through its Office of Foreign Assets Control (OFAC). This procedure applies only to the Qatar campus.

Reason for Standard Administrative Procedure

This standard administrative procedure addresses the unique aspects of operating a branch campus outside the United States to ensure compliance with export control laws and regulations, and require enhanced screening of foreign nationals employed by or visiting the Qatar campus (TAMUQ).

Definitions

Export Control Checklist or Checklist: An export control screening tool used to document export control screening of individuals against restricted party lists and screening of activities at TAMUQ. There are two screening tools:

1. Checklist for Export Control Issues When Hiring Foreign Nationals – to be used for personnel actions of Foreign Nationals, including Student Workers; and
2. Checklist for Export Control Issues for Visiting Scholars – to be used when hosting a Visiting Scholar who is a Foreign National.

Foreign National: For purposes of this SAP, a Foreign National includes anyone who is not a United States citizen.

Hiring Office: The Texas A&M University (TAMU) or TAMUQ office that is authorized to approve a TAMUQ hire. The appropriate Hiring Office depends on the type of hire. For faculty positions the Hiring Office is the TAMU Dean of Faculties, for research positions the Hiring Office is the TAMU Office of the Vice President for Research, for staff including local hires the Hiring Office is the TAMU Human Resources Office, and for Student Workers the Hiring Office is TAMUQ Academic Services.

Hiring Supervisor: For purposes of this SAP, Hiring Supervisor refers to the person in the first-line management who hires, monitors and regulates an employee, including a Student Worker, in the performance of his or her assigned or delegated tasks.

Personnel Action: Means any action affecting the terms of employment, including, without limitation, hiring, merit, reclassification, promotion, transfer, and equity requests. For purposes of this SAP, the term Personnel Action is used for TAMU/TAMUQ Student Workers and employees.

Student Worker: A student who is enrolled at TAMUQ and working part-time at TAMUQ as an employee of TAMUQ (on or off campus).

Visiting Scholar: An individual who engages in research and/or scholarship activities hosted by a TAMUQ employee and may have access to laboratories and controlled equipment, who may or may not receive a stipend and/or allowance from TAMUQ. Visiting Scholars are not employees of TAMU or TAMUQ. The responsible office for issues associated with Visiting Scholars is TAMUQ Human Resources Office (TAMUQ HR).

Visiting Scholar Host: The individual who secures approval for, visits and takes responsibility for overseeing and monitoring the Visiting Scholar when that individual is accessing TAMUQ facilities and TAMUQ resources.

Official Procedure/ Responsibilities/ Process

1. General

- 1.1 The following export control screening procedures apply to TAMUQ personnel actions relating to Foreign Nationals, which include, without limitation, hiring, merit, reclassification, promotion, transfer, and equity requests. The screening procedures also apply to all requests for authorization for Visiting Scholars who are Foreign Nationals. The associate vice president for research, or designee, may delegate certain export control responsibilities outlined in this SAP to TAMUQ personnel as deemed appropriate based on the level of risk associated with the responsibility.

2. Processing TAMUQ Personnel Actions

- 2.1 The Hiring Supervisor is required to complete basic export control training before submitting a proposed personnel action to the Hiring Office. TAMUQ HR is responsible for verifying and documenting completion of any required export control training.
- 2.2 The Hiring Supervisor is required to complete and sign the *Checklist for Export Control Issues When Hiring Foreign Nationals*.
- 2.3 TAMUQ HR is responsible for conducting and documenting the initial review of the completed *Export Control Checklist*. Initial review of the *Checklist* includes initial and any secondary restricted party screening of the named individual and initial review of the proposed job duties, activities and/or place of work. Upon completion of the initial review, TAMUQ HR forwards the *Checklist* and any personnel action documentation to TAMU's export control office for further review. For Student Workers, if the *Checklist* indicates no export control compliance issues, the *Checklist* is filed with the student's personnel file; if the *Checklist* indicates export control compliance issues, the *Checklist* is sent to TAMU's export control office for further review and approval.
- 2.4 TAMU's export control office is responsible for final export control review of the proposed personnel action. If the export control office review does not identify potential export control compliance issues, the export control office will sign the *Checklist* and forward it with any personnel action documentation to TAMUQ-HR which files it with the appropriate Hiring Office.
- 2.5 If an employee was screened and approved by TAMU's export control office within the prior 36 months using the appropriate *Export Control Checklist*, and no export control issues were identified at that time, the prior *Checklist*, including Restricted Party Screening, may be relied upon for purposes of processing a personnel action that does not include a change in job duties, activities or place of work. The 36 month rescreening requirement may be extended as authorized by TAMU's export control office.
- 2.6 If export control compliance issues are identified, the export control office will notify TAMUQ-HR which in turn notifies the appropriate Hiring Office of the results of the export control review and offer potential solutions, if any. Depending on the nature of the export control issue, the Hiring Office/TAMUQ HR may not wish to approve the proposed personnel action. If the Hiring Office will not proceed with the proposed personnel action based on the results of the export control review, the Hiring Office will notify TAMUQ HR.
- 2.7 Offers of employment extended to Foreign Nationals by TAMUQ will state that the offer is subject to export control review consistent with this SAP.

3. Processing TAMUQ Visiting Scholar Requests

- 3.1 The Visiting Scholar Host is required to complete basic export control training before submitting a request for authorization for a Visiting Scholar. TAMUQ HR is responsible for verifying and documenting completion of any required export control training.
 - 3.2 The Visiting Scholar Host is required to complete and sign the *TAMUQ Approval of Visiting Scholar* form and *Checklist for Export Control Issues for Visiting Scholars* prior to the visit.
 - 3.3 TAMUQ HR is responsible for conducting and documenting the initial review of the completed *Export Control Checklist*. Initial review of the *Checklist* includes initial and any secondary restricted party screening of the named individual and initial review of the proposed job duties, activities and/or place of work. Upon completion of the initial review, TAMUQ HR forwards the *Checklist* and *TAMUQ Approval of Visiting Scholar* form to TAMU's export control office for further review.
 - 3.4 TAMU's export control office is responsible for final export control review of the Visiting Scholar request. If the export control office review does not identify potential export control compliance issues, the export control office will sign the *Checklist* and notify TAMUQ HR.
 - 3.5 In the event it is anticipated that the purpose or duration of the visit will change, the Visiting Scholar Host shall complete and submit an updated TAMUQ Approval of Visiting Scholar form and Export Control Checklist as described above, prior to the change.
 - 3.6 Any invitation to host a Foreign National Visiting Scholar by TAMUQ will state that the invitation is subject to export control review consistent with this SAP.
4. Record Retention

Records relating to hire of all employees, including student workers, must be maintained consistent with TAMU record retention policy, and must be retained no less than five years after the termination of employment.

Related Statutes, Policies, or Requirements

International Traffic in Arms Regulations (ITAR) 22 C.F.R. §§ 120-130

Export Administration Regulations (EAR) 15 C.F.R. §§ 700-799

Office of Foreign Assets Control (OFAC) 31 C.F.R. §§ 500-599

National Security Decision Directive 189, <http://www.fas.org/irp/offdocs/nsdd/nsdd-189.htm>

Atomic Energy Act of 1954 42 U.S.C Section 2011, et seq. and Nuclear Regulatory Commission Regulations, 10 C.F.R. Part 110

[System Policy 15.02 *Export Controls*](#)

[University Rule 15.02.99.M1 *Export Controls*](#)

Appendix

[Export Control Compliance Program Manual](#)

Contact Office

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