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**MEMORANDUM**

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**TO:** Main & Branch Campus Faculty, Staff and Administrators  
**FROM:** President Garnett S. Stokes *Garnett S. Stokes*  
**SUBJECT:** Institutional Commitment to U.S. Export Control Compliance  
**DATE:** March 3, 2018

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Each year, it is important that the campus community reflect on the seriousness of complying with U.S. Export Controls, and the impact 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 to help faculty, staff and students understand their responsibility for 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 agreements, non-disclosure agreements, I-129 petitions, and transactions with certain foreign countries, entities, or individuals.

The vast majority of 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 research in science, engineering, or mathematics, the results of which ordinarily are published and shared broadly within the research community.
- The **Public Domain Exclusion** applies if information is already in the public domain, meaning it is published and generally available to the public through unrestricted distribution.
- The **Education Exclusion** applies to instruction in science, mathematics and engineering courses listed in catalogues and associated teaching laboratories of academic institutions.

These exclusions are not without their limitations. Certain activities, such as physical exports, research concerning military, weapons, defense, chemical or biological weapons,

research involving encryption technology & software, space or other dual-use items or export restricted technologies, and research involving sanctioned or embargoed countries, are not covered by the exclusions.

Violation of U.S. Export Controls is 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 Industrial Security Department offers a variety of services to the UNM research community. You may arrange for customized group or departmental trainings to ensure all applicable individuals have the information they need to be compliant with federal laws and regulations. Furthermore, you can contact Krista Laybourne, the Export Control Officer, at [export@unm.edu](mailto:export@unm.edu) or (505) 277-2968, for general or specific questions.

Update for 2022 - Please contact Patrick Bourgoyne, the Export Control Officer, at [export@unm.edu](mailto:export@unm.edu), (505) 277-2968, or (505)369-6812.