



Academic Senate

Office of the President
1111 Franklin Street
Oakland, CA 94607

senate.universityofcalifornia.edu

Academic Senate Division Chairs
Divisional Senate Executive Directors

July 29, 2025

RE: Legal and Policy Questions Concerning Remote Instruction for
International Students

Dear Division Chairs and Executive Directors,

CAMPUSES

Berkeley
Davis
Irvine
UCLA
Merced
Riverside
San Diego
San Francisco
Santa Barbara
Santa Cruz

MEDICAL CENTERS

Davis
Irvine
UCLA
San Diego
San Francisco

NATIONAL LABORATORIES

Lawrence Berkeley
Lawrence Livermore
Los Alamos

As your campuses continue planning for the 2025–26 academic year, Senate divisions have raised questions about the impact of offering online or hybrid instruction to international students, particularly those who are unable to obtain visas in time to arrive on campus for fall 2025. The systemwide Senate Office sought clarification on several questions with potential legal or export control implications. We received responses from Senior Vice President and Chief Compliance and Audit Officer Alex Bustamante. We hope this initial information will assist divisions as you consider your local policies and instructional planning. We note that answers to the questions below should not be construed as comprehensive treatment of complex issues surrounding export control considerations in higher education.

1) Will online courses be available only to international students without visas or all international students? Or all UC students? If limited to one group of students but not another, does this pose legal liability?

Answer: *Office of Foreign Assets Control (OFAC) sanctions restrict the delivery of online courses and educational services (i.e. graduate student advising) to individuals in comprehensively sanctioned countries: i.e., Cuba, Iran, North Korea, certain regions of Ukraine, and until recently Syria¹. Graduate student advising while a student is physically located in a sanctioned country also requires a license. See the attached “OFAC sanctions impact on students.” Locations would require federal government authorization via an OFAC license to provide online education—those licenses may or may not be granted by the U.S. government on a*

¹ <https://home.treasury.gov/news/press-releases/sb0183>

case-by-case basis.

2) How will export control be managed? We are prohibited from sending our course materials to some countries, e.g., Iran. In China, government VPNs are required to access course material.

Answer: OFAC-sanctioned countries are addressed above, but other countries such as China and Russia pose additional risks, including restrictions on VPN use and data transfer. The statute applies to “US persons” which would be inclusive of UC as a legal entity as well as individuals. In this case, “we” means the university, but the law would also apply to faculty acting in their official capacity as university employees. Individuals can also be held personally responsible for actions taken outside their official capacity.

There is no cost for individual licenses other than time/resources from the Export Control Office. UCOP maintains and pays for a systemwide registration for International Traffic in Arms Regulations (ITAR) licenses. The faculty applicant and students would need to provide detailed information for the license application, including who the students are, what the course is teaching, etc. so advance planning is needed.

Each UC campus has an export control office² that can assist with license review, provide guidance on compliance, and apply for export licenses as needed. Please note that OFAC licenses can take up to a year or more to be issued.

3) How will sensitive course material that may be controversial or banned outside California be delivered? Does delivering this material pose risks for instructors? How will the intellectual property rights be maintained for instructors?

Answer: From an export control perspective, educational materials classified as “catalog courses” (i.e., courses offered in regular, degree-granting programs) are generally not subject to export control. However, customized courses or more advanced technical content may include sensitive data and could require export control licenses, depending on the country and nature of the material.

Local export control officers can advise on export control requirements related to sensitive materials that are not part of a catalog course. Faculty may also want to consult with their local senior international officer³ for a

² <https://www.ucop.edu/ethics-compliance-audit-services/compliance/export-control/campus-contacts.html>

³ <https://www.ucop.edu/faculty-affairs-academic-programs/resources/uc-senior-international-officers-council-sio.html>

broader perspective on international engagements.

4) Will enrollment of international students without visas be seen as an end-run around the federal orders?

Answer: *Carve-outs in export control regulations that permit students from sanctioned countries to study in the U.S. depend on visa approval by the U.S. Department of State and the student's agreement to the [I-129 attestation](#) on export controls (see question 3).*

We recognize the importance of these questions and responses for campus planning. We will continue working with UC Legal, the systemwide Office of Ethics, Compliance and Audit Services, and UC Office of the President leadership to address other outstanding questions and circulate additional guidance as it becomes available.

Please feel free to share this information with your divisional leadership, Senate committees, and relevant campus administrators. Questions or suggestions may be directed to Senate Executive Director Monica Lin (monica.lin@ucop.edu).

Sincerely,

A handwritten signature in black ink, appearing to read "Steven W. Cheung".

Steven W. Cheung
Chair, Academic Council

cc: Academic Council
Senate Executive Director Lin
