

UWM Guidelines for Export Controls in Research



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1. Purpose

In the interest of national security, the U.S. government has enacted numerous laws and regulations which operate to restrict the use of, and access to controlled information, goods, and technology by persons and entities outside the U.S. and certain foreign persons inside the U.S. These laws and regulations are collectively referred to as “export control regulations.”

The *Guidelines for Export Controls in Research* document is intended to provide information to university personnel about export control regulations’ impact on UWM research activities. The *Guidelines* document provides key definitions (see Appendix A); outlines UWM policies, practices and procedures related to export control regulations; their applicability to an Institution of Higher Education (IHE); and lays out the system of controls utilized to preserve compliance with federal export control regulations while maintaining a culture of openness in research and academic freedom.

2. Export Control Regulations

UWM and all its personnel are required to comply with the laws and regulations issued by the Department of State, through its International Traffic in Arms Regulations (ITAR), the Department of Commerce, through its Export Administration Regulations (EAR) and the Department of the Treasury through its Office of Foreign Asset Controls (OFAC).

International Traffic in Arms Regulations (ITAR) – The ITAR are overseen by the Department of State. They regulate military items and information. Items regulated under the ITAR can be found in the U.S. Munitions List (22 CFR 121) and include naval vessels, ordnances, military jets, tanks, their software, components and accessories.

Export Administration Regulations (EAR)– The EAR are overseen by the Department of Commerce. They regulate dual use items and information. Dual use items are commercial items that could be used for military, terrorism, nuclear proliferation or similar purposes. The items regulated under the EAR can be found in the Commerce Control List (15 CFR 774 – Supplement No. 1), and include items such as lasers, telecom equipment, IR sensors, computers, electronic test equipment, encryption, their software, components, and accessories.

Foreign Asset Control Regulations (FACR) – The FACR are overseen by the Office of Foreign Asset Controls (OFAC) in the Department of Treasury. They regulate assets, persons, and organizations. These regulations are not concerned so much with what is being shipped, but rather where and to whom it is being shipped.

While the regulations above are the key export control regulations, other government agencies, such as the Departments of Defense and Energy have additional regulations that may impact specific research projects.

3. UWM Policies

In order to sustain and strengthen its research and higher education mission, UWM has enacted policies to promote a culture of openness in research where avenues of inquiry are unlimited, participation in research and the academic community unrestricted, and dissemination of knowledge unfettered.

3.a. UWM Openness in Research Policy (UWM SAAP 15-X)

Policy Statement

UWM will not undertake research with restrictions on openness or academic freedom on its campus. Examples of unacceptable restrictions include classification, required external approval of research results before publication, or exclusion of members of the University's community from participation in research. In particular, foreign faculty, students, or scholars should not be singled out for restriction in access to the University's educational and research activities. Most research can be conducted in accord with this policy and the ideals of freedom of inquiry and open exchange of knowledge.

Openness in Research Policy Exceptions

UWM recognizes that, in some instances, the best interests of society will mitigate against broad participation in research and the open exchange of information. As a result, the Vice Provost for Research (VPR) may grant exceptions to this policy to the extent such exceptions are consistent with applicable laws and UW System and Board of Regents' policies. In choosing to accept or decline restricted research projects, the VPR will weigh the potential of a project for generating and disseminating new knowledge supporting the mission of the University against the project's potential for adversely affecting the climate for research conducted in a free and open environment.

3.b. UWM Export Controls in Research Policy (UWM SAAP 15-X)

Policy Statement

Openness in research and free dissemination of research results are core values at UWM, as institutionalized in its Openness in Research Policy. As an Institution of Higher Education advancing fundamental research, most UWM research is excluded from export control regulations. However, where export controls are applicable to UWM's research activities, UWM is committed to fully complying with all applicable export control regulations.

UWM employees and students, and other persons involved in research on campus are obligated to comply with all applicable export control regulations and to work cooperatively with those responsible for UWM's export control compliance.

Violation of export control regulations can lead to severe criminal and/or civil sanctions for the individual who violates the law and/or UWM.

4. Applicability to Research Activities

Most sponsors value openness in research and academic freedom. Federal policies are in place to ensure that "to the maximum extent possible, the products of fundamental research remain unrestricted". As a result, several exclusions to the export control regulations exist for Institutions of Higher Education.

4.a. Higher Education Exclusions

Fundamental Research Exclusion

Research qualifying as "fundamental research" is not subject to most export control regulations. The Fundamental Research Exclusion is a broad-based general legal exclusion that helps to protect information involved in research from export control regulations. FRE is defined as basic and applied

research in science and engineering conducted at accredited U.S. institutions of higher education where the resulting information is ordinarily published and shared broadly within the scientific community. Such research can be distinguished from proprietary research and from industrial development, design, production, and product utilization, the results of which ordinarily are restricted for proprietary reasons or specific national security reasons.

Public Domain Exclusion

Information in the “public domain” is not subject to most export control regulations. The Public Domain Exclusion applies to information that is published and that is generally accessible or available to the public: (1) through sales at newsstands and bookstores; (2) through subscriptions which are available without restriction to any individual who desires to obtain or purchase the published information; (3) through second class mailing privileges granted by the U.S. Government; (4) at libraries open to the public or from which the public can obtain documents; (5) through patents available at any patent office; (6) through unlimited distribution at a conference, meeting, seminar, trade show or exhibition, generally accessible to the public, in the United States; (7) through public release (i.e., unlimited distribution) in any form (e.g., not necessarily in published form) after approval by the cognizant U.S. government department or agency; and (8) through fundamental research in science and engineering at accredited institutions of higher learning in the U.S. where the resulting information is ordinarily published and shared broadly in the scientific community.

Educational Information Exclusion

Information from higher education “catalogue courses” is not subject to most export control regulations. The Educational Information Exclusion covers general science, math or engineering commonly taught in courses listed in catalogues and associated teaching laboratories of academic institutions in the U.S. even if the information concerns EAR/CCL controlled commodities or items (ITAR/USML items do not qualify for the Educational Exclusion, as instruction is a “defense service”).

4.a.i. Higher Education Exclusion Limitations

UWM recognizes that certain research activities and information may not be covered by higher education exclusions. The Higher Education Exclusions are not absolute and do not apply to certain materials, information, or transactions (i.e. items on U.S. Munitions List). In addition, there are a number of restrictive agreement terms and conditions that can nullify these exclusions, in which case export control regulations apply. It is essential for all members of the UWM community to be aware of this, as failure to comply with applicable export control regulations can lead to severe criminal and/or civil penalties for the individual and the University.

4.b. Restricted/Controlled Research Activities

Export control regulations may be applicable to research activities that include i) restrictions on open research, ii) the use of controlled items, or iii) transactions with restricted parties. Where export controls regulations are applicable, UWM is committed to full compliance.

4.b.i. Restrictions on Open Research

Research agreements containing personnel or publication restrictions may nullify the higher education exclusions. Such restrictions are usually found in contractual clauses in the award agreement and may include:

- Sponsor restrictions on the participation of foreign nationals in research;
- Sponsor restrictions on the publication or disclosure of the research findings; or
- Sponsor restrictions on export of research materials or services.

4.b.ii. Use of Export Controlled Items in Research

If research involves specified technologies such as items on the US Munitions List or Commerce Control List, and it does not qualify for the Fundamental Research Exclusion, the EAR and/or ITAR are applicable and export control regulations apply.

University research with controlled items or information is most often found in areas of applied research and development (R&D) such as advanced technology, advanced component, and system development research. These R&D projects may contain controlled information or export control clauses due to the nature and intent of the project.

Defense and Space Research

Defense articles, defense services and related technical data, even when generated as part of research are highly controlled. Defense research always requires export compliance scrutiny. In addition to the inclusion of items found on the USML, defense research agreements often contain restrictive clauses that limit publication, disclosure, and participation of foreign nationals. Contracts and grants funded by the Department of Defense, Department of Energy, or NASA are specifically called out as being more likely subject to export control regulations.

Dual-Use Research

Dual-Use Research is defined as research conducted for legitimate purposes that generates knowledge, information, technologies, and/or products that could be utilized for both benevolent and harmful purposes. Dual-Use Research can be reasonably anticipated to provide knowledge, information, products, or technologies that could be directly misapplied to pose a significant threat with broad potential consequences to public health and safety, agricultural crops and other plants, animals, the environment, materiel, or national security. Technologies determined to have a dual capability are enumerated in the Commerce Control List of the EAR.

Controlled Unclassified Information (CUI)

CUI is an umbrella term that encompasses many different categories of information that require protection from public disclosure. Although not technically export controlled, the protected data, referred to as **Controlled Unclassified Information (CUI)**, is defined and described in the Code of Federal Regulations at 32 CFR Part 2002.

CUI must be handled and stored so that it is protected from unauthorized access or accidental public disclosure. Foreign entities and foreign nationals are often excluded from access. Acceptance of CUI nullifies the Fundamental Research Exclusion, making export control regulations applicable.

4.b.iii. Sanctioned Countries and Barred Individuals/Entities

Certain destinations, organizations and individuals are subject to trade sanctions, embargoes and restrictions under U.S. law. The Office of Foreign Asset Controls (OFAC) regulates assets, persons and organizations through embargoes, sanctions, and restrictions.

OFAC Embargoes

Through the use of economic sanctions, transactions between a U.S. person and persons or entities in an embargoed country are mostly prohibited. This prohibition includes importation and exportation of goods and services. As a result, transactions related to research activities between a U.S. person and persons or entities in an embargoed country may require a license or be outright prohibited. OFAC embargoed countries have regularly included Cuba, Iran, Syria, North Korea, Myanmar, and Sudan. Check the OFAC embargoed countries list for up-to-date entries.

Sanctions and Restrictions

In addition to embargoes, various U.S. Government sanction programs exist in other countries and are applied to individual entities or persons as well. These often include restrictions that prohibit the export of certain items, data, or software, or restrict transactions with barred entities or restricted parties.

Sanction programs, embargoes and government watch lists must be reviewed and screened to ensure that UWM does not engage in certain collaborations or transactions with sanctioned countries or barred entities and individuals.

5. Restricted/Controlled Research Acceptance Process

UWM acceptance of restricted or controlled research requires prior approval from the Vice Provost for Research and necessitates an exception to the Openness in Research Policy. Exceptions may be granted only where the research is critically important to the University's mission, serves a demonstrable greater good, or where the impact on open research is limited.

This prior approval requirement protects UWM's use of the Fundamental Research Exclusion and allows for identification, mitigation, and management of research activities in which export control regulations are applicable. Once restricted or controlled research is accepted, UWM is no longer conducting fundamental research and export control regulations apply.

Details regarding the review and approval of restricted/controlled research and the process for requesting an exception to the Openness in Research Policy are found in Appendix F.

5.a. Restricted/Controlled Research Impacts

The application of export control regulations has the potential to substantially impact UWM research. Once no longer covered by the higher education exclusions, export control regulations apply. The regulations limit UWM's ability to foster and protect an environment of openness in research and academic freedom.

Restricted or controlled research often limits:

- Sharing of research results (i.e. publication, presentation at conferences, informal discussions);
- Research collaborations with foreign persons, institutions, entities;
- UWM's faculty, staff, students, scholars ability to participate in the research; and
- Export and/or transfer of research items and information.

Students

Restricted or controlled research may also impact the educational interests of participating students. Students cannot undertake a thesis or dissertation project that includes research with restrictions on openness and academic freedom without prior approval and a confirmation that students understand the negative consequences that publication and presentation restrictions could have on their academic progress.

Administrative

Restricted or controlled research requires additional time and increases administrative burden. Administration and management of restricted research compliance is placed primarily on the PI and their Dean's office. Costs associated with the facilities, infrastructure, security, and administrative resources are often significantly higher and must be covered by the award budget, the Principal Investigator (PI), or the PI's college.

5.b. Restricted/Controlled Research Considerations

If, through prior approval from VPR, restricted/controlled research is approved, the project becomes subject to export control regulations and the following must be considered and controlled for:

Exports

Export of controlled items includes the transfer of any item or technology listed on the USML and CCL. It is important to be aware that "export" is more than just shipping. Sending or taking anything out of the United States in any manner, including shipping, carrying on your person, and sending electronically should be considered an "export". Simply discussing unpublished information that concerns an export-controlled item or technical data at a conference may result in an unauthorized export.

The transfer of controlled information, technology, and items outside of the U.S. necessitates export control consideration and may require a license. Any individual intending to transmit export-controlled items, technical data or technology outside the U.S. must first contact the Export Controls in Research Program.

Deemed Exports

A deemed export is the release of controlled technology and information to a non-U.S. person, regardless of where the export takes place. If regulated information or technology is released to a foreign national living in the U.S., it is "deemed" to be an export to the home country or countries of the foreign national.

Deemed export compliance in controlled research often necessitates limitations on foreign research collaborations, participation by foreign nationals, and sharing of research results with persons who are not U.S. persons (i.e. through publication, or a presentation at conferences).

Collaborations

Although it is permissible to collaborate with foreign colleagues and share findings when conducting fundamental research, restricted or controlled research often imposes limitations on foreign collaborations. An export license or license exception may be necessary to conduct controlled research with or share findings with some foreign colleagues and institutions. Furthermore, as the result of FACR regulations, any transactions involving a foreign person or entity from a country subject to U.S. government sanctions may also require a license.

In both cases, the faculty member or researcher should consult with the Export Controls in Research Program to determine if export licenses are required and to run a Restricted Party Screening to verify that the foreign individual and/or organization are not blocked or sanctioned prior to engaging in an international collaboration.

Information Security

Federal grants, contracts, and subcontracts that involve restricted clauses or controlled items require institutional certifications that the institution's electronic systems comply with National Institute of Standards and Technology (NIST) requirements.

Before restricted or controlled research is allowed, the data and information must be adequately protected. The Export Controls in Research Program works with the Information Security Office (InfoSec) to ensure the project complies with the requirements set forth in NIST 800. If unable to meet these requirements on a specific project, restricted or controlled research approval may be denied.

International Travel/Fieldwork

Research activities that take place outside the U.S. must be carefully considered and often require multiple levels of review. Simply traveling to a sanctioned country may be prohibited or could require an export license.

Some sponsored programs include funds for international travel or fieldwork for project personnel. International travel is typically outlined in a project proposal, budget, or scope of work. In general, travel for official UWM research purposes is managed through each unit's HR office and requires prior approval. Out of state and international travel typically undergo additional scrutiny including Dean level approval.

Controlled research activities that take place outside the U.S. require review and approval from the Export Controls in Research Program. International travel for research guidance documents are found in Appendix I.

International Remote Work

Remote work from abroad indicates many of the same concerns as foreign travel but often for longer periods of time. In general, international remote work agreements require careful scrutiny. If research-related activities will take place while working abroad this should be detailed in the proposal or reported to the OSP Post Award Accountant or Export Controls in Research Program prior to the start of the remote work abroad. All locations where controlled research activities may take place must be included in export control projects assessment and screened for restrictions.

Contact the Export Controls in Research Program if staff or students involved in controlled or restricted research plan to telecommute internationally as special safeguards may need to be established or an export license may be required.

International Shipping

All research-related export-controlled items to be shipped must be reviewed prior to shipment by the Export Controls in Research Program to determine the need for a license or other government approval, and to run screenings to ensure that the individuals and/or entities to which items are being shipped are not restricted or sanctioned. Items leaving the United States are considered exports, even if the item is only leaving temporarily. This includes items shipped via US Mail, a freight forwarder (i.e. FedEx, UPS, DHL, etc.) or hand-carried. All UWM personnel who engage in international shipping are responsible for ensuring compliance with U.S. export control laws and regulations.

Commodities controlled under the Export Administration Regulations (EAR) may require a license, depending upon the country to which the item is being shipped, the ultimate end user, and the intended end use.

Defense articles and associated technical data listed on the International Traffic in Arms Regulations (ITAR) and U.S. Munitions List (USML) typically require a license before being shipped to any country outside the U.S.

International shipping of chemicals and biologicals (research materials) is also highly regulated, and may require a license or permit depending on the nature of the material, country of origin, country of destination, and final use. The Office of Environmental Health and Safety is responsible for hazardous materials shipping compliance.

Procurement

The equipment and materials purchased by UWM to support research activities may be subject to export control requirements. UWM employees making international purchases will be responsible for ensuring such transactions comply with export control laws and regulations, and UWM policies and procedures.

Research-related purchasing, which is often complex in nature, must be completed through the proper departmental channels and through the appropriate UWM procurement offices. Shared Services Center is the initial contact for general purchasing/procurement/P-Card information. Campus Technology Support is an initial contact for IT commodity and research project procurement.

Purchasing cards (P-Cards)

P-Cards purchases may not require the same level of scrutiny as purchases made through a UWM procurement office. For research-related items, all purchases must be allowable expenditures as outlined in the sponsor terms and conditions, and must be compliant with export control and international trade laws.

Restrictions and Sanctions

In addition to the potential transfer and receipt of items listed on the export control lists (CCL or USML), UWM may be restricted from conducting any transaction with certain foreign persons, entities, and countries. This is particularly important when purchasing from or selling to foreign vendors as UWM may need to run Restricted Party Screening (RPS) to ensure that vendors do not show up on any government restrictions list. Research equipment and supply purchases from embargoed countries often require a license.

Contact OSP Post Award Services or the Export Controls in Research Program prior to making international research related purchases.

6. UWM Export Controls in Research Program (ECRP)

The Vice Provost for Research is given the responsibility and authority to conduct an ongoing export control compliance program for research and other sponsored programs at UWM. As such, UWM has established an Export Controls in Research Program in the Office of Research and has designated an Export Controls in Research Officer and assigned an Export Controls in Research Program Manager to facilitate the program. The Program encompasses information, resources, procedures and internal controls to assist in campus compliance with applicable export control regulations. Although overall coordination of the Program is facilitated by the Office of Research, export control compliance is a shared responsibility among all UWM personnel involved in research.

6.a. Institutional Risk Assessment

The development of UWM Export Controls in Research Program and these *Guidelines* included a comprehensive review of UWM's existing export-related processes, compliance vulnerabilities, previous and current controlled research; existing internal controls, policies, processes, and procedures; risk areas (persons, labs, centers, schools/colleges with potential for controlled research); and likelihood of occurrence. The findings of this review were used to identify and ascertain much of the information, processes, and safeguards found herein.

6.b. Audits

Internal audits should be conducted periodically for individual projects and for the Export Controls in Research Program in order to provide ongoing assessment for compliance and quality improvement.

Program Audit

The Export Controls in Research Program will undergo a periodic program audit (at minimum every 2 years) to assess the effectiveness of current procedures and check for inconsistencies between these and day-to-day operations.

Project Audit

Restricted or controlled research projects undergo an initial assessment and require a continuation review and audit on an annual basis.

6.c. UWM Leadership Commitment

UWM Leadership stands committed to full compliance with export control regulations, where applicable. To highlight this commitment, the Vice Provost for Research has been designated as Export Controls in Research Officer and has implemented a comprehensive Export Controls in Research Program, as outlined in these *Guidelines*. In order to highlight the importance of export control compliance and to ensure University personnel are made aware of their responsibilities, a statement from UWM leadership expressing its commitment to compliance with export control regulations is periodically distributed to UWM personnel involved in research. (Appendix J)

6.d. Roles and Responsibilities

Export control compliance is a shared responsibility at UWM. As violation of US export control regulations can result in fines and sanctions against both individual researchers and UWM, all University personnel have the responsibility to be aware of and comply with export control regulations and applicable UWM policies and procedures. Although overall coordination of the Export Controls in Research Program is facilitated by the Office of Research, several UWM units play key roles in the identification, assessment, and management of export control regulations.

For research activities, export control regulations are managed at the project level. UWM places primary compliance responsibilities on the Principal Investigator. PIs are expected to have the best understanding of their research and other sponsored projects. As such, they are responsible for knowing whether specific technology, data, or information related to their research is subject to export control regulations. UWM PIs working with export-controlled equipment, information or data assume responsibility for conducting their activities in compliance with U.S. export control laws and regulations. All PIs and researchers are

expected to notify their Dean's office, the Export Controls in Research Program, the Office of Sponsored Programs (OSP), or the Office of legal Affairs (OLA) when they suspect that export control laws apply or may apply to their research activities.

Individual Roles

Export Controls in Research Officer (ECRO)

UWM's *Vice Provost for Research* serves as Export Controls in Research Officer.

- Provides oversight to the UWM Export Controls in Research Program
- Approves exceptions to UWM's Openness in Research Policy
- Provides prior approval to allow restricted/controlled research activity at UWM
- Signs license applications and other submissions to the government on behalf of UWM
- Determines corrective actions for identified non-compliance violations

Export Controls in Research Program Manager (ECRP Manager)

UWM's Office of Research *Research Compliance Manager* serves as the Export Controls in Research Program Manager.

- Coordinates the Export Controls in Research Program
- Assists University personnel to assess export control requirements
- Assists with the approval and acceptance process for restricted/controlled research
- Conducts Restricted Party Screenings of foreign entities and persons involved in restricted/controlled research
- Reviews OAR submissions for potential foreign collaborations
- Assists in the establishment of mitigation processes and plans, such as Technology Control Plans
- Reviews and approves Technology Control Plans
- Assists with project level export control assessments
- Conducts periodic institutional export control risk assessments
- Facilitates procurement of required export licenses, as needed
- Coordinates export control audits and program reviews
- Monitors updates to federal regulations, assessing impact on UWM policies and procedures
- Reports compliance issues and violations to UWM leadership and the appropriate Federal Government agency, as needed
- Facilitates export control compliance training
- Works with PIs for technical review and item classification as needed
- Makes determinations and disseminates compliance requirements for identified export controlled projects (e.g. notices, licenses, Technology Control Plans, other security measures, or participation restrictions)
- Makes recommendations and provides alternative plans to the Office of Sponsored Programs for performing export-controlled research with as minimal an impact as possible

Principal Investigators (PIs)

As project directors, PIs are responsible for knowing their research, and complying with export control regulations and applicable UWM policies and procedures.

- Identifies research activities with potential export control issues
- Notifies the Office of Research and/or Office of Sponsored Programs of identified export control issues (i.e., indicating on the WISPER record that the proposed work may be subject to U.S. export control regulations; contacting a pre-award specialist; contacting the Export Controls in Research Program, etc.)

- Cooperates fully with Office of Research personnel to determine the application of export control regulations to proposed research
- Assists the Export Controls in Research Program in determining export classification
- Complies with all UWM information security and institutional data management policies and procedures
- Assists in development of Technology Control Plans
- Informs project personnel on applicable export control requirements, including Technology Control Plan and special procedures and limitations pertaining to the project
- Provides project specific training on the requirements of any export control laws and/or internal application of information security and management plans
- Adheres to any applicable restrictions and cooperating fully with the University's efforts to monitor compliance if it is determined that export controls apply to a project
- Notifies the Office of Research prior to implementing any changes to research that may be subject to export controls, such as a change in the scope of work to include international collaboration, or the addition of new foreign national staff to the project after work on the project has begun.
- Maintains all export documentation for a minimum of 5 years after project end date

Dean's Office

Associate Deans provide oversight in identifying, approving, and managing export control issues in their units.

- Identifies research activities in which export control issues might exist
- Notifies the Office of Research and/or Office of Sponsored Programs of identified export control issues (i.e., prior to signing for the School, indicating on the WISPER record that the proposed work may be subject to export control regulations)
- Provides college/school level approval/sign-off for the acceptance of restricted/controlled sponsored projects
- Provides college-level approval of PI requests for exception to the Openness in Research Policy
- Reviews, approves, and monitors Technology Control Plans and export control management plans in their units
- Notifies the Export Controls in Research Officer of any issues that arise regarding the implementation of, or compliance with, any Technology Control Plans and export control management plans of their researchers

Interdepartmental Roles

Office of Research

The Office of Research, through its Export Controls in Research Program, assists University personnel through information and guidance, to assess their export control obligations; assists with the acceptance process for sponsored projects that fall outside of the Fundamental Research Exclusion; assists in the establishment of mitigation processes and plans, and if necessary, facilitates procurement of required export licenses.

Office of Sponsored Programs

The Office of Sponsored Programs is responsible for the oversight of UWM's externally sponsored projects. OSP plays a role throughout the lifecycle of a grant or contract, which includes proposal review and submission, the negotiation of an award, and post-award administration. OSP plays an important role in identification of potential export control issues and ensuring all necessary requirements are in place prior to project setup.

During review of agreements, OSP assists in identifying and determining export control risks, and works to remove any language which is in direct conflict with the UWM's performance of Fundamental Research. OSP works closely with the Export Controls in Research Program to obtain appropriate award approval clearances. OSP will hold execution of agreements and/or setup of awards until appropriate compliance issue has been reviewed and approval documentation is in place.

Office of Legal Affairs (OLA)

The Office of Legal Affairs provides legal advice and consultation services related to restricted and controlled research at UWM. The Export Controls in Research Program works closely with OLA as there are many complex legal and policy requirements applicable to public research universities. OLA also reviews contracts and agreements and works with the Export Controls in Research Program if any export control clauses or other restriction terms or conditions apply.

Center For International Education (CIE)

In accordance with part 6 of the I-129 Petition for a Nonimmigrant Worker, UWM certifies whether an H-1B applicant requires an export license. As a part of this process, CIE conducts a Restricted Party Screening and requires the employee's supervisor to complete an Export Control Immigration Assessment form found in Appendix D. The Center for International Education Office reviews these petitions in coordination with the Export Controls in Research Program, as needed. Additionally, CIE manages study abroad programs and provides resources regarding general health and safety practices when traveling abroad.

Institutional Review Board (IRB)

UWM operates its Institutional Review Board (IRB) under a Federal Wide Assurance (FWA) with the Department of Health and Human Services. The IRB alerts the Export Controls in Research Program when potential issues are identified with proposed international research, including issues related to export controls.

Biosafety Office

UWM's Biosafety Office reviews the protocols and procedures of research involving biological materials. The Biosafety Office alerts the Export Controls in Research Program when export control issues are identified during their review of Institutional Biosafety protocols and Material Transfer Agreements.

Environment Health and Safety (EH&S)

Export control regulations include provisions for the control of specified pathogens, chemicals, chemical agent precursors, propellants, explosives, and energetic materials. The controls for these materials differ depending on which regulations control the item. Environmental Health and Safety provides services to the UWM community for hazardous material handling and shipping. EH&S works with the Export Controls in Research Program in the event of international hazardous material shipments.

UWM Research Foundation (UWMRF)

UWMRF is involved in the review of some research agreements such as non-Disclosure Agreements, and Material Transfer Agreements. They are also involved in licensing technology that stems from UWM research. UWMRF works closely with the Export Controls in Research Program if any export control issues arise from technology exchange, licensing, or review of agreements.

Information Security Office (InfoSec)

InfoSec works to protect UWM systems and networks to ensure the confidentiality, integrity, and availability of institutional, academic, and research data. These efforts are especially significant with respect to restricted/controlled research data. Federal grants, contracts, and subcontracts that involve

controlled data often require institutional certifications that the institution's electronic systems comply with National Institute of Standards and Technology requirements. InfoSec assists with completion of federal security clearance forms NIST 800-171, development of Technology Control Plans, and provides consultation on risk mitigation and security management options.

Campus Technology Support (CTS)

Due to the often complex nature of technology-related purchases, and the necessity to comply with a wide array of state and federal mandates, Campus Technology Support is an initial contact for IT commodity and research project procurement. CTS and their Information Technology and Procurement unit works with the Export Controls in Research Program if they identify potential export control issues related to technology purchases.

Shared Services Center (SSC)

Shared Services Center is the initial contact for general purchasing/procurement/P-Card information. SSC notifies the Export Controls in Research Program if they identify potential export control issues as part of their general purchasing support. SSC may also request Restricted Party Screenings on vendors as needed.

Human Resources, College/School/Division Units

Human resource departments, Dean's offices, and other administrative units provide oversight of procurement, travel and hiring of research staff and scholars. This oversight is an important aspect in identifying potential export control-related issues. These units work with the Export Controls in Research Program if any potential export control issues arise.

6.e. Identification and Review of Restricted/Controlled Research

Processes are in place to identify and review proposed research activities to assist in determining whether projects are subject to export control regulations.

6.e.i. Office of Sponsored Programs Agreement and Award Review

The Export Controls in Research Program recognizes the first contact with export control regulations occurs prior to the execution of a sponsored projects agreement. As such, UWM has developed a process to ensure that research and sponsored programs are assessed for restrictions or controls prior to award acceptance. This process involves conducting a thorough review of projects and contract provisions to determine whether and how a particular research project is affected by export control regulations.

The Office of Sponsored Programs is responsible for the oversight of UWM's externally sponsored projects. OSP plays a role throughout the lifecycle of a grant or contract, which includes proposal review and submission, the review and negotiation of award agreements, and post-award administration. As all new and modified research agreements must route through and be approved by OSP prior to acceptance, OSP is well positioned to assess export control issues at the first point of regulatory risk.

Prior to award acceptance, the Office of Sponsored Programs (OSP) performs a review of research and sponsored program agreements to assist in determining export control risks. In general, prior to award acceptance, OSP looks for:

- Reference to U.S. export regulations
- Restrictions on non-U.S. citizen participation

- Restricted access to project information
- Receipt of Controlled Unclassified Information (CUI)
- Publication restrictions (including sponsor approval to publish)
- Foreign travel
- International collaborations
- International shipment of equipment or materials

Through the agreement review and award acceptance process, OSP works to identify and remove any language which is in direct conflict with the University's performance of Fundamental Research. If such language cannot be removed, the agreement will not be signed unless prior approval from the VPR has been obtained. OSP holds identified restricted or controlled research agreements from execution and/or setup until VPR prior approval has been obtained.

6.e.ii. Additional Agreement Type Reviews

In addition to the review of research and sponsored programs agreements, UWM reviews, negotiates and executes Material Transfer Agreements (MTA) and Non-Disclosure Agreements (NDA). Some of these agreement types are reviewed and executed outside of OSP. For instance, as appropriate, the UWM Research Foundation is involved in the review of MTAs and NDAs and UWM's Biosafety Office reviews MTAs for biohazardous materials shipments.

MTAs may provide details of interest to the Export Control in Research Program, such as foreign activities and collaborations as well as exporting and shipping information. NDAs can restrict UWM's ability to place research information in the public domain, which can negate the Fundamental Research Exclusion.

6.e.iii. Export Control Project Assessments

The Export Controls in Research Program conducts project-specific assessments to review the potential impacts of ITAR, EAR and OFAC on the project being assessed. The assessment helps identify and address export control issues on incoming awards, or as relevant changes occur to existing awards. Based on the outcome of each project assessment, the Export Controls in Research Program works with stakeholders to determine acceptability and management of identified export control issues.

Project assessments are based on the scope of the project and may vary, but typically include discussions with the project PI and their Dean's office, PI completion of export control screening and assessment forms, and an export classification and determination of applicability. Project assessments often include consultation with additional campus units such as InfoSec and OLA.

6.e.iv. Outside Activity Report (OAR) Foreign Activities Review

Pursuant to University, State, and Federal policies, Outside Activities Reporting (OAR) is required annually for personnel involved in research. The disclosure form, which includes a mandatory section on foreign activities, is reviewed annually by the Export Controls in Research Program as a mechanism for identifying potential foreign relationships, collaborations, or other export control concerns.

6.e.v. Restricted Party Screenings (RPS)

Restricted Party Screenings are used to determine if persons or organizations are included on any of the U.S. government's restricted party lists. The Federal government prohibits U.S. individuals, companies or organizations from conducting business with "restricted parties" (i.e., persons, entities, or countries subject to US trade sanctions, embargoes, or other restrictions).

UWM holds a license to restricted party screening software program that checks all the federal restricted party lists simultaneously. This program also runs continuous ongoing daily screenings and provides alerts if a hit appears after the project has started.

UWM conducts RPS as needed for

- New or first-time sponsor organizations and their points of contact
- Donors when gifts are greater than \$50,000
- All H1-B visa applicants
- J1 visa applicants from embargoed countries
- Restricted or controlled research or sponsored program activities

All UWM personnel should contact the Export Control in Research Program before transacting with restricted parties, or shipping/transferring any export-controlled item to ensure that all persons known to be involved in a potential transaction have been properly screened.

6.e.vi. Immigration and Foreign Visitor Screening

UWM conducts regular screenings of foreign nationals who work on campus or may visit campus and have access to restricted or controlled research.

Non-Immigrant Visa Applicants

As required by the U.S. Department of Homeland Security, and in accordance with part 6 of the I-129 Petition for a Nonimmigrant Worker, all foreign faculty and staff employed at UWM on a H1-B visa undergo an RPS and export control assessment to determine if a deemed export license is required for them to conduct their planned job activities and identify any technology or technical data to which the prospective employee/visitor will have access. The Center for International Education reviews these petitions in coordination with the Export Controls in Research Program. See Appendix D.

Visiting Scholars

UWM completes a restricted party screening of UWM-employed J-1 scholars from restricted/embargoed countries, checking the applicant and their current affiliated organizations. The Export Controls in Research Program and the Center for International Education coordinate these reviews before those individuals can be hired.

Facility or Lab Tours

Restricted or controlled research requires restricted access. Visits by foreign nationals to UWM facilities conducting controlled research requires an RPS and prior approval from the Export Controls in Research Program.

6.f. Export Authorization

Research and sponsored programs containing export-controlled items or technology cannot be accepted at UWM without obtaining prior approval from the Vice Provost for Research. Export authorization assessments are utilized as part of the initial review process and are completed as part of the Export Control Project Assessment and through the development, implementation, and ongoing management of a project's Technology Control Plan.

6.f.i. Export Classifications

Determining whether equipment, materials, products, software or information are export controlled and fall within the scope of the export control regulations is called export classification. Determining the correct classification can be challenging, requiring technical knowledge about the item as well as understanding of the export control regulations. Determining whether an item is subject to ITAR or EAR is critical, and determining the correct Export Control Classification Number (ECCN) for EAR items is important. In order to determine the most appropriate description of the commodity or technology, assistance from the Principal Investigator is essential.

The Export Controls in Research Program Manager works with the PI and applicable University personnel to conduct export classifications and document them as part of Export License Determination process. Classification may require approval from the Bureau of Industry and Security (BIS), which may take weeks or months to process.

6.f.ii. Export License Requirements

UWM research involving specified technologies controlled under the EAR and/or ITAR, or transactions with designated countries, individuals and entities may require UWM to obtain an export-license or federally approved exception. This requirement is applicable to both exports to other countries and to foreign nationals in the U.S.

Licenses are required when no exemption can be found for a research activity, particular item or specific person in regard to a project. The need for a license will depend upon the commodity being exported, its destination country, the person/organization receiving the item, and the intended end use. The Export Controls in Research Program makes the final license determination.

If a license is required, the Export Controls in Research Program will facilitate the license application process. Obtaining a license can take two to six months (or longer), and there is no guarantee that a license will be issued by the federal agency.

In some cases, UWM may decide not to seek an export-license, such as when the contemplated activity is inappropriate for the University relative to its commitment to fundamental research, there is insufficient time to obtain a license, or the University is otherwise unable to take appropriate measures to properly protect export-controlled information. In these cases, prior approval from the VPR will be denied and the controlled research project rejected.

6.f.iii. Export License Determination

The initial Export Control Project Assessment includes a determination of the potential export controlled item's classification and analysis of license requirements. Determining the licensing requirements of an item can be a complicated process and requires involvement from the PI. However, the final determination of whether an item requires a license, qualifies for a license exemption, or can be exported as "No License Required" will be made by the Export Controls in Research Program.

There is no specified format for documenting an Export License Determination. However, the determination will be documented in the Technology Control Plan. Pertinent associated documents and notes shall also be maintained as part of the award file and should include the date of determination; who completed the determination; and information to support the determination.

6.g. Execution of Restricted/Controlled Research

Once restricted or controlled research has been approved and accepted, the Export Controls in Research Program must be followed. The ECRP includes several administrative requirements that help ensure compliance with export control regulations.

6.g.i. Training Requirements

UWM requires training in export control compliance for individuals participating in controlled research activities. These individuals are identified on a project level basis and training requirements are established as part of the project's Technology Control Plan. Training requirements are dependent on the nature of the research and the roles and responsibilities of project personnel.

Training is ultimately the responsibility of the individual and their PI. UWM Technology Control Plans require PIs and project staff to acknowledge awareness of export control regulations and UWM's processes for ensuring full compliance with applicable laws.

At UWM, export control awareness and compliance trainings are accomplished on several levels and encompass faculty mentorship; protocol, technology control and management plan development and review; onsite/in-lab technical training with PI; consultations with the Office of Research, Office of Legal Affairs, Office of Sponsored Programs and InfoSec; use of Export Controls in Research Program guidance documents and resource materials; Export Controls in Research Program-sponsored online and in-person trainings and workshops.

All UWM personnel involved in controlled or restricted research are briefed on the *Guidelines for Export Controls in Research* document and the project's Technology Control Plan by their PI and sign an attestation that they understand the controlled research project's controls, limitations and compliance requirements.

Resources, information, and training materials are available on the Office of Research webpage. UWM personnel may also contact the Export Controls in Research Program any time for help in determining the appropriate training requirements when dealing with potential export control issues.

The Export Controls in Research Program provides one-on-one consultations, trainings, and informational materials for campus. The ECRP can also host informational sessions for your department, lab, or group. To schedule an individual or group session, contact the Export Controls in Research Program. A list of training resources can be found in Appendix H.

6.g.ii Technology Control Plan (TCP)

Prior to commencement of any restricted or controlled research, security measures to safeguard the research and any controlled items, information, or data must be addressed. These measures will be detailed in the project's Technology Control Plan, which will be used as a project management plan throughout the life of the award. TCPs require annual review for continuation.

A TCP outlines the procedures in place to prevent access to or disclosure of export-controlled items, technologies, data, or information by unauthorized individuals. It includes plans for storing or housing the items and procedures for guarding against unauthorized access to the restricted items or information. The plans are customized dependent on the security measures needed for the circumstances and project specific situations.

The award PI, with the assistance of the Export Controls in Research Program and other applicable offices, such as InfoSec and OSP, develops the TCP prior to the setup of a project account for spending. OSP will finalize setup of a restricted or controlled research award only after the TCP has been completed.

TCPs are monitored as part of ongoing award management and updated as needed. TCPs require an annual continuation review. In addition, PIs must report any changes or situations that may impact any established conditions of the award (i.e., scope updates, new students or staff being added, etc.).

A TCP template can be found in Appendix E.

6.g.iii. Non-Compliance Issues and Violations

UWM personnel are responsible for voluntarily self-disclosing violations. Departments and Dean's offices must also report potential non-compliance issues to the Export Controls in Research Program. The penalties for these violations can be very severe, including personal liability, monetary fines, and imprisonment. However, government agencies assign great weight to voluntary self-disclosures as a mitigating factor.

Concerns related to violation of export control regulations must be reported to the institution for review and investigation. They may be reported in one or more of the following ways:

- 1) Raise the concern with a supervisor, department chair or the PI's Dean's office
 - a. When this occurs, supervisors/chairs/Deans must report concern to Export Controls in Research Program.
- 2) Raise the concern directly with Export Controls in Research Program
 - a. Contact the Export Controls in Research Officer
 - b. Contact the Export Controls in Research Program Manager
 - i. Email or-exportcontrol@uwm.edu

In other cases, non-compliance issues or violations may be identified by the Office of Sponsored Programs during award setup and management or by the Export Controls in Research Program as part of project reviews, program reviews or audits. In these cases, the PI and their Dean's office will be notified about the potential violation. PI's and Dean's offices are expected to fully cooperate with the review of any identified potential violation.

Investigation of Potential Export Control Violations

The Export Controls in Research Program has responsibility to review and investigate reports of non-compliance related to export control regulations. If an export control violation is suspected, the Export Controls in Research Program will conduct an investigation. The responsible Dean's office and the Office of Legal Affairs will be notified, and they and other UWM personnel may be involved in investigating the possible violation.

The Export Controls in Research Program and the Office of Legal Affairs will determine the initial scope of the investigation. The investigators will prepare a report for submission to the relevant University administrators and/or departments, including recommended corrective actions.

Corrective Action

When a noncompliant event is determined to have occurred, the Export Controls in Research Program and the Office of Legal Affairs will recommend a course of action to the Export Controls in Research Officer / Vice Provost for Research, who may take action according to the nature, severity, and scope of the offense.

Members of the UWM community who engage in illegal activity are subject to disciplinary action, up to and including ceasement of research activity, termination of employment or student status, and possible criminal prosecution.

6.g.iv. Recordkeeping and Retention Requirements

UWM is required to maintain records of all export control documentation, including but not limited to screenings, assessments, Technology Control Plans, analysis of license requirements, and any issued licenses.

UWM maintains export-related records on a project basis. Some of these records are included in the award's file through UWM's grant management system. Additional records may be maintained by the Export Controls in Research Program, by the project PI or project team personnel, or through the project's department or divisional administrative offices. UWM personnel involved in controlled research are responsible for maintaining all relevant export control documentation and making it available to the Export Controls in Research Program upon request.

Unless otherwise provided for, all records shall be maintained consistent with UWM's retention policy. EAR-regulated projects shall be retained for no less than five years from final invoice date. ITAR-regulated projects shall be retained no less than five years after the project's TCP termination date or license termination date, whichever is later.

Records may include printed and hard copy documents, as well as electronic records (including e-mail, e-mail attachments and other electronic files). In some cases, records will require restricted access where, for example, they contain controlled technical data.

Appendix A

Definitions

BIS (Bureau of Industry Security) – The agency in the U.S. Department of Commerce that manages and enforces the EAR.

CCL (Commerce Control List) – The list of items export controlled under the EAR. The items in this list are typically Dual Use items.

Commodity Classification – A determination submitted to the Commerce Department to determine under which ECCN a particular item, technology or software is controlled.

CUI - CUI is government created or owned information that requires safeguarding or dissemination controls consistent with applicable laws, regulations and government-wide policies.

DDTC (Directorate of Defense Trade Controls) – The agency in the U.S. Department of State that manages and enforces the ITAR.

Deemed Export – The transfer of technical information, data or software to a foreign person within the United States. It is deemed to be an export to that person’s home country.

Defense Article - means any item or technical data that is specifically designed, developed, configured, adapted, or modified for a military, missile, satellite, or other controlled use listed on the USML. Defense article also includes models, mock-ups, or other items that reveal technical data relating to items designated in the USML.

Defense Service - means providing assistance, including training, to a foreign person in the United States or abroad in the design, manufacture, repair, or operation of a defense article, as well as providing controlled technical data to foreign persons. Defense services also include informal collaboration, conversations, or interchanges concerning technical data.

Dual Use – Commercial items with potential military or national security applications.

E:1/E:2 Countries – Countries that are the most highly restricted/embargoed by the U.S. government due to terrorism or national security reasons.

EAR (Export Administration Regulations) – The export control regulations administered by the U.S. Department of Commerce that controls dual use items, information, data and software.

EAR99 – Items that are subject to the EAR, but not controlled under the EAR’s export control categories (ECCNs). EAR99 items are only controlled to restricted/embargoed countries or restricted parties.

ECCN (Export Control Classification Number) – A category in the CCL that defines the items, materials, software and technology that are controlled, the extent to which they are controlled and the license exceptions available. There are 10 category groupings.

Educational Information - Phrase used by the Department of Commerce in §734.9 of the EAR to denote information that is not subject to the EAR if it is released by instruction, in catalog courses, and associated teaching laboratories of academic institutions.

Export – Sending or taking anything out of the United States in any manner, including shipping, verbal (i.e., telephone) or electronic (i.e., email, webcasts, social media, fax).

Export Controlled Item - Items subject to export control regulations include, but are not limited to, goods, commodities, materials, defense articles, substances, software, technology, equipment, technical data, information, and funds.

Export Controlled Activity - Activity subject to export control regulations including, but not limited to, provision of services, technical assistance, training, software downloads, conference presentations, tours of facilities, travel, collaboration in teaching, or research.

Export Controls - Federal regulations that restrict the release of certain items (e.g., commodities, software, technology, equipment, or information) and the provision of certain services (e.g., technical assistance, training) to foreign destinations or to foreign nationals in the United States and abroad for reasons of national security, foreign policy, anti-terrorism, or non-proliferation.

Foreign Person – A person that is not a U.S. Person. This also includes foreign organizations and governments.

Fundamental Research – Research in engineering, technology, science or mathematics the results of which are intended for publication or communicated widely within the research community.

Fundamental Research Exclusion (FRE) - Excludes research defined as “fundamental research” from export control regulations. The Fundamental Research Exclusion applies only to the dissemination of research data and information, not to the transmission of material goods.

ITAR (International Traffic in Arms Regulations) – The export control regulations administered by the U.S. Department of State that control military, national security and space items, information, data and software.

License- A written authorization provided by the appropriate governing regulatory authority detailing the specific terms and conditions under which export or re-export of export-controlled items is allowed.

NLR (No License Required) – A determination that a particular activity (i.e., shipping an item or discussing a research collaboration) does not require an export license to proceed.

NDA (Non-Disclosure Agreement) – A document between two or more parties agreeing to not communicate private, proprietary, confidential, patentable and/or controlled information or data to persons not included as part of the agreement.

OFAC (Office of Foreign Asset Controls) – The agency in the U.S. Department of Treasury that manages and enforces the Foreign Asset Control Regulations.

Personnel Restriction – A clause placed in an agreement or award that restricts persons from certain or all foreign countries from participating in the research. Research subject to a personnel restriction is typically not considered fundamental research.

Publication Restriction – A clause placed in an agreement or award that restricts the researcher from publishing his/her research until the sponsor or some other party approves the content of the research article. The approver can alter or remove content, methodology or results from the proposed article. Research subject to a publication restriction is not fundamental research.

Publication Review - A clause placed in an agreement or award that allows the sponsor or some other party to review a proposed research article for confidential, proprietary, patentable or private information. It is not an approval and does not impact the publication of the results of the research. Publication review periods of 30- 90 days are typically considered acceptable.

Public Domain – Information that is readily available in libraries, magazine/newspaper articles, conference proceedings and/or on-line.

RPS (Restricted Party Screening) – The activity of determining whether a person, company, organization, or vessel (i.e., a party) is on any government lists that places restrictions on activities with that party. RPS usually applies to the use of an on-line tool to conduct the determination.

Sanctioned/Embargoed Countries - Sanctioned Countries are designated by the U.S. Government as having limited or comprehensive trade sanctions and embargoes imposed for reasons of anti-terrorism, non-proliferation, narcotics trafficking, or other reasons. Sanctions and embargoes are prohibitions on transactions with designated countries, entities or individuals.

TCP (Technology Control Plan) – A written plan that spells out the security measures needed for a particular project to ensure compliance with the appropriate export control regulations. The TCP may include computer password protection, encryption of data, physical locks on equipment, limiting access to labs through locks/key cards and lock boxes for materials depending upon the needs of the project/lab.


Technical Data - Any information for the design, development, assembly, production, operation, repair, testing, maintenance, or modification of a defense article. Technical data may include drawings or assembly instructions, operations and maintenance manuals, and email or telephone exchanges where such information is discussed.

USML (United States Munitions List) – The list of items export controlled under the ITAR. This list contains military, national security and space-related items.

U.S. Person – A person that is a citizen, national or permanent resident of the U.S., or granted asylum, amnesty or refugee status by the U.S. government. This includes U.S. agencies and universities, and companies organized under U.S.

Appendix B

Export Control Screening Form

	UNIVERSITY OF WISCONSIN – MILWAUKEE	
EXPORT CONTROL SCREENING FORM		
<p>The following screening questions are to be used to determine if a particular project is affected by U.S. export control regulations. The purpose of these questions is to determine if <i>foreign persons may have access to project technology or information that is controlled under the U.S. export control regulations.</i></p>		
PROJECT IDENTIFICATION		
MIL #:	Project Title:	PI / PM:
EXPORT CONTROL ASSESSMENT		
Answer the following questions for scientific, engineering or technology projects		
QUESTION		RESPONSE¹
<p>1) <u>Controlled Technology</u> <i>Check "Yes" in the box to the right if any of the following apply to this award:</i></p> <p>a. The project is sponsored by the U.S. Department of Defense (DOD) or a defense contractor AND has a potential military application, or</p> <p>b. The project includes hardware, software, substances, information or data controlled under the International Traffic in Arms Regulations (ITAR) or Export Administration Regulations (EAR), or</p> <p>c. The project uses or creates items, information or data <u>of a technical nature</u> that will NOT be made publicly available (such as subject to a publication restriction or non-disclosure agreement).</p>		<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>2) <u>Export / Deemed Export</u> <i>Check "Yes" in the box to the right if any of the following apply to this award:</i></p> <p>a. Foreign persons will participate in this project as sponsors, collaborators or staff, or</p> <p>b. Hardware, software, substances, information or data for this project will be exported out of the U.S. or transferred to foreign persons within the U.S.</p>		<input type="checkbox"/> Yes <input type="checkbox"/> No
For HELP see: http://www.grad.wisc.edu/research/policyrp/ec/wisperhelpscreen.pdf		
RESULTS		
<input type="checkbox"/> <i>No License Required – One or both questions answered No</i> <input type="checkbox"/> <i>Complete Full Assessment – Both questions answered Yes (contact your departmental Point of Contact)</i>		
Additional Comments:		

Note 1: Reassessments – Projects should be reassessed if (1) the nature or scope of the project changes; (2) new foreign staff is assigned to the project; or (3) a new export/change in destination is planned.

Authorization:

Prepared By (PI or delegate):

Date:


Reviewed By (Office of Research):

Date:

<https://uwm.edu/officeofresearch/wp-content/uploads/sites/91/2022/09/ExportControlScreeningForm-Aug2022.pdf>

Appendix C

Export Control Assessment Form

	UNIVERSITY OF WISCONSIN – MILWAUKEE	<input style="border: 1px solid red; padding: 2px;" type="button" value="Clear Form"/>
EXPORT CONTROL ASSESSMENT FORM		
PROJECT IDENTIFICATION		
MIL / Project #:	PI / PM:	Sponsor:
Project Title:		
**** This form shall be completed and signed (see p. 2) by the Principal Investigator ****		
EXPORT CONTROL ASSESSMENT		
TOPIC	RESPONSE	
Export Controlled Technology		
Q1) Public Domain – Will this project use or create information that is not or will not be shared publicly? Answer “No” for patient-related information or data (i.e., HIPAA).	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Q2) Publication Restriction – Does the award documentation include a publication restriction that could limit your ability to publish your research?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Q3) Personnel Restriction – Does the award documentation include a personnel restriction that limits your ability to hire foreign nationals to work on the project?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Q4) NDA – Does this project require a non-disclosure agreement to share items, software, information or data that could limit your ability to publish some or all of your research?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Q5) Encryption Software – Do you plan to share or use UW developed or non-commercial encryption software (including travel abroad with it)?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Q6) WMDs – Does the project involve the design, production or use of nuclear, chemical or biological weapons (WMDs)?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Q7) ITAR – Does this project include items, software, information or data controlled under the International Traffic in Arms Regulations (ITAR) that are military- weapon-, spacecraft-, satellite or rocket-related?	<input type="checkbox"/> Yes List the USML Category: _____ <input type="checkbox"/> No	
Q8) EAR – Does this project include items, software, information or data on the Commerce Control List (CCL) of the Export Administration Regulations (EAR)?	<input type="checkbox"/> Yes List the CCL Classification: _____ <input type="checkbox"/> No	
Export / Deemed Export		
Q9) Foreign Participation – Will foreign persons or students participate in this research as sponsors, collaborators or staff?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Q10) Travel – Does this project require you or your staff to travel internationally?	<input type="checkbox"/> Yes; Name of Country: _____ <input type="checkbox"/> No	
Q11) Shipping – Are you planning on shipping any items, software, information or data out-of-the-country as part of this project?	<input type="checkbox"/> Yes; Name of Country: _____ <input type="checkbox"/> No	
Restricted Party Screening		
The U.S. government generates lists of persons and organizations with which we are not to have transactions (restricted parties). Please answer the following questions to determine whether a restricted party screening needs to be completed for your project.		
Q12) Sponsor – Is the project sponsored by a foreign organization? If Yes, please note the name of Organization: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Q13) Subawards – Does this project include subawards to foreign organizations or persons? If Yes, note name of Organization/Person: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Q14) Purchasing – Do you plan to purchase, acquire or control movement of any equipment, materials or software from a foreign source for this project? If Yes, note: Name of Organization/Person: _____ Name of Country: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	



UNIVERSITY OF WISCONSIN – MILWAUKEE

EXPORT CONTROL ASSESSMENT FORM

SIGNATURES

Assessment Authorization:

The above assessment is complete and correct to the best of my knowledge. If an export license is required, I will ensure that no export or deemed export of the controlled item or technology shall occur prior to receiving that export license.



Date: 

Signature – Principal Investigator

<Completed by the Office of Research>
EXPORT LICENSE DETERMINATION

Export License or Technology Control Plan required for project? Yes No

Comments / Rationale:



Assessment Review:

The above assessment and restricted party screening (if applicable) are complete.



Date: 

Signature – Office of Research

<https://uwm.edu/officeofresearch/wp-content/uploads/sites/91/2022/09/ExportControlAssessmentForm-Aug2022.pdf>

Appendix D

H1-B Export Control Immigration Assessment

UNIVERSITY OF WISCONSIN - MILWAUKEE																
EXPORT CONTROL CERTIFICATION																
<p>US Citizenship and Immigration Services (USCIS) requires all employers of non-immigrants in H-1B, L-1 (not applicable to universities) and O-1A status to certify on the petition, Form I-129, whether the beneficiary will be engaged in activities that might require an export license.</p> <p>The Supervisor, Principal Investigator or Department Chair must determine whether the beneficiary will have access to University-conducted research that includes hardware, software, technology, data, chemicals or biologic agents which are controlled as: (1) Military-related technology (defense article) under the International Traffic In Arms Regulations (ITAR) or (2) Dual use items under the Export Administration Regulations (EAR).</p>																
APPLICANT IDENTIFICATION																
Beneficiary's Name (last name, first name): _____																
<table border="0" style="width: 100%;"> <tr> <td style="width: 15%;">Visa:</td> <td style="width: 40%;"> <table border="0"> <tr> <td>Visa Type:</td> <td>H-1B <input type="checkbox"/></td> <td>O-1 <input type="checkbox"/></td> </tr> </table> </td> <td style="width: 45%;"> <table border="0"> <tr> <td>Petition Type:</td> <td>New <input type="checkbox"/></td> <td>Ext or Amendment <input type="checkbox"/></td> </tr> </table> </td> </tr> <tr> <td>Citizenship:</td> <td>Current Citizenship: _____</td> <td>Previous Citizenship: _____</td> </tr> <tr> <td>Employer:</td> <td>Department: _____</td> <td>Supervisor: _____</td> </tr> </table>	Visa:	<table border="0"> <tr> <td>Visa Type:</td> <td>H-1B <input type="checkbox"/></td> <td>O-1 <input type="checkbox"/></td> </tr> </table>	Visa Type:	H-1B <input type="checkbox"/>	O-1 <input type="checkbox"/>	<table border="0"> <tr> <td>Petition Type:</td> <td>New <input type="checkbox"/></td> <td>Ext or Amendment <input type="checkbox"/></td> </tr> </table>	Petition Type:	New <input type="checkbox"/>	Ext or Amendment <input type="checkbox"/>	Citizenship:	Current Citizenship: _____	Previous Citizenship: _____	Employer:	Department: _____	Supervisor: _____	Planned Projects/Activities: _____
Visa:	<table border="0"> <tr> <td>Visa Type:</td> <td>H-1B <input type="checkbox"/></td> <td>O-1 <input type="checkbox"/></td> </tr> </table>	Visa Type:	H-1B <input type="checkbox"/>	O-1 <input type="checkbox"/>	<table border="0"> <tr> <td>Petition Type:</td> <td>New <input type="checkbox"/></td> <td>Ext or Amendment <input type="checkbox"/></td> </tr> </table>	Petition Type:	New <input type="checkbox"/>	Ext or Amendment <input type="checkbox"/>								
Visa Type:	H-1B <input type="checkbox"/>	O-1 <input type="checkbox"/>														
Petition Type:	New <input type="checkbox"/>	Ext or Amendment <input type="checkbox"/>														
Citizenship:	Current Citizenship: _____	Previous Citizenship: _____														
Employer:	Department: _____	Supervisor: _____														
<p style="text-align: center;"><i>Recertification: An Export Control Certification form was completed previously for this beneficiary on _____.</i></p> <p style="text-align: center;"><i>Have there been any changes in the beneficiary's job duties, employing department or export control status since that certification?</i></p> <p> <input type="checkbox"/> Yes: complete the Assessment again <input type="checkbox"/> No: skip questions, proceed to Authorization <input type="checkbox"/> NA: first certification for this beneficiary </p>																
EXPORT CONTROL ASSESSMENT																
TASK	RESPONSE															
Q1) Will the beneficiary's job responsibilities involve research or activities in a scientific, engineering, technology, medical or veterinary field?	<input type="checkbox"/> Yes; proceed to question Q2 <input type="checkbox"/> No; NO LICENSE REQUIRED , sign authorization below															
Q2) Is the beneficiary a citizen of Cuba, Iran, North Korea, Syria or Crimea, who has <u>not</u> been granted permanent resident status or asylum in the U.S.?	<input type="checkbox"/> Yes; export license may be needed, contact POC <input type="checkbox"/> No; proceed to question Q3															
WILL THE BENEFICIARY HAVE ACCESS TO:																
Q3) Information that is <u>not</u> publicly available (i.e., <u>not</u> maintained in the Public Domain)?	<input type="checkbox"/> Yes; proceed to question Q3.1 <input type="checkbox"/> No; proceed to question Q4															
Q3.1) Information developed under a sponsored agreement that restricts personnel participation or publication of results?	<input type="checkbox"/> Yes; export license may be needed, contact POC <input type="checkbox"/> No; proceed to question Q3.2															
Q3.2) Scientific or technical information provided under a non-disclosure or confidentiality agreement (NDA)? <i>Answer "No" for HIPAA or FERPA data.</i>	<input type="checkbox"/> Yes; export license may be needed, contact POC <input type="checkbox"/> No; proceed to question Q4															
Q4) Software containing encryption features (including travel abroad w/ it)?	<input type="checkbox"/> Yes; export license may be needed, contact POC <input type="checkbox"/> No; proceed to question Q5															
Q5) Software source code that is not publicly available?	<input type="checkbox"/> Yes; export license may be needed, contact POC <input type="checkbox"/> No; proceed to question Q6															
Q6) Items or information that support design, production or use of nuclear, chemical or biological weapons?	<input type="checkbox"/> Yes; export license may be needed, contact POC <input type="checkbox"/> No; proceed to question Q7															
Q7) Items or software listed in the ITAR US Munitions List (USML)? <i>See 22CFR 121</i>	<input type="checkbox"/> Yes; export license may be needed, contact POC List USML Category: _____ <input type="checkbox"/> No; proceed to question Q8															
Q8) Items or software listed in the EAR Commerce Control List (CCL)? <i>See 15CFR 774 Supplement 1</i>	<input type="checkbox"/> Yes; export license may be needed, contact POC List CCL ECCN (Export Control Classification #): _____ <input type="checkbox"/> No; NO LICENSE REQUIRED , sign authorization below															
AUTHORIZED BY																
<p><i>By signing below, I certify that the ITAR and EAR regulations have been reviewed to determine whether an export license is required for the above referenced beneficiary prior to the release of any technology or technical data covered by those regulations. If determined that an export license is required, I will prevent access to the controlled technology or technical data by the beneficiary until I have received the required license.</i></p>																
Authorizing Signature – Department Chair, Principal Investigator or Supervisor:																
Signature: _____	Title: _____ Date: _____															
Printed Name: _____																
REVIEWED BY EXPORT CONTROL OFFICE																
Signature: _____	Title: _____ Date: _____															

Appendix E

Technology Control Plan Template

<https://uwm.edu/officeofresearch/wp-content/uploads/sites/91/2022/09/TCP-TemplateAug22.pdf>

1. Institutional Commitment

The University of Wisconsin-Milwaukee is committed to complying with export control laws, which are federal regulations that control the conditions under which certain information, technologies, and commodities can be transmitted overseas to anyone, including US citizens, or to a foreign national on U.S. soil. The University is also committed to complying with access and distribution restrictions imposed by federal sponsors to facilitate control, distribution, and release of certain information for reasons of national security. This Technology Control Plan (TCP) is written explicitly for all export controlled items or information received or generated by UWM faculty, staff, students (UWM Personnel), and describes the specific measures that will be taken by the Responsible Person.

Questions related to the implementation of this TCP or the obligations of project personnel with respect to this TCP should be directed to the Responsible Person listed below. The Responsible Person and project personnel may also seek guidance from the Export Controls in Research Program.

Responsible Person:

Department:

Project Personnel:

2. Project Information

This TCP applies to the following project:

Project Title/Project #:

Sponsor:

Responsible Person Contact Information:

Telephone Number: _____

Email address: _____

Building/room location(s) where project will be performed: _____

Please provide a brief overview of the project. Describe what sensitive data and materials will be provide and how they will be delivered:

Applicable EAR/ITAR Classification(s), if known:

3. Security

Appropriate security of security sensitive and/or export-controlled items and/or information requires that, at minimum, project personnel adhere to the "one lock" principle. This principle requires that all security sensitive and/or export-controlled items or information be secured by using at least one mechanism to prevent access by unauthorized persons. This section outlines the methods required to achieve "one lock" security with respect to both physical and information security.

Physical Security

Physical security requires:

- Protecting materials (physical or digital) in order to ensure that project materials stay within secured areas (including via any network).
- Securing all export-controlled data in a locked room, storage device, or container when not in the personal possession of project personnel.
- Export-controlled items, if they are hardware assemblies or their equivalent, must be protected with seals to easily identify any evidence or physical tampering.
- Ensuring that all work is performed within secured areas.
- Marking all physical materials (i.e., hardcopy, removeable media, etc.) as export-controlled, proprietary, and/or subject to an NDA, as applicable.
- Ensuring that only project members are present in secured areas when work on this project is being performed.
- Preventing non-U.S. person from viewing or having access to any project data (physical or digital) or secured area (including for purposes of activities that are not project-related, such as maintenance or cleaning), unless such foreign national are: 1) project personnel and 2) have either obtained a license form the Department of Commerce and/or State, as applicable, or the University determines that there is a license exemption or exception under applicable regulations.
- Verifying that physical access for server operations, maintenance and repair will be restricted to individuals who have completed TCP Awareness Training, are authorized to receive all technical data stored on the server, and whose job responsibilities reasonable require such access.

Information Security

Information security requires:

- Adherence to any requirements outlined in the relevant contract/NDA, such as technology controls, data classification, encryption, network access, non-disclosure, and secure destruction. If the relevant contract requires adherence to DFARS 252.204-7012, adherence requires completion of the assessment attached as Appendix A. Consult with your local IT administrator for assistance.
- Using encryption to send data over any networks. All data stored on computers and removable media must be encrypted at rest, utilizing a whole disk encryption product wherever feasible.
- Drives and devices used to store export controlled information must be password protected or encrypted. For data storage on drives with network access or back-up servers, export controlled information must be secured by both encryption and password protection.
- Project computers should be non-networked unless network connectivity is required for project work. If network connectivity is required, project computers should be configured to deny all non-essential inbound and outbound traffic.
- Limiting use of computers and servers containing export-controlled information to approved project personnel who have executed a certification that they have been made aware of the requirements of this TCP and agrees to comply with it as well as all applicable export control regulations.
- When project computers reach their useable life, physical media (i.e., Hard drives, USB drives, etc.) must be forensically erased or destroyed.
- Avoid usage of supercomputing or cloud computing facilities or services to store, process, or transfer export controlled information.

Please describe the information security controls that will be used to prevent unauthorized access to project-related information:

4. Personnel Screening

UWM employees will be screened against the Consolidated Screening List.

The personnel assigned to the project are:

[List full time personnel and U.S. Citizen or Visa status]

Part Time personnel who will participate in this research but are not funded by it are:

[List part time personnel and U.S. Citizen or Visa status]

Training and TCP Awareness

All personnel working on the project, funded, non-funded, full time or part time, are required to be notified of the export controlled information or materials. They should be provided the appropriately filled out letter in Appendix A and provide their signature. A refusal would result in the inability to work on the project in any capacity.

5. Publication/Graduate Theses

The Responsible Person and all project personnel must ensure that no Export Controlled items or information are included in a thesis or other publication. The Responsible Person also must ensure that all project personnel adhere to sponsor review requirements associated with any project subject to this plan. While it is the University's intent to protect unfettered rights to publication, this may not be possible on projects subject to this TCP.

Student participation on projects that required the sponsor's permission to publish or where results are subject to US export controls must be limited to work which is not required for the completion of their degree or program. Students may have access to background proprietary information only to the extent permitted by the applicable export control regulations.

6. End of Project Security Measures

- a. UWM generated Export Controlled items or information:
The Responsible Person must dispose of or appropriately secure all export-controlled items and information at the end of the project. Electronic files must be purged from the hosting device or appropriately secured using standard file management tools. Please contact your local IT administrator for guidance.
- b. Third Party generated Export Controlled items or information:
The Responsible Person must return all Export Controlled item or information to the disclosing party, or parties, at the close of the contract under which such information or items were received, or to the parties that transmitted such information unless there is a legitimate business or research-related reason for retaining such items or information.

7. Reporting Violations

All instances of non-compliance with the requirements of this TCP must be reported immediately to the Export Controls in Research Program Manager. The incident report should identify all relevant information, including but not limited to the date and nature of any disclosure or export; the name(s) of the person(s) involved; and a description of the disclosed or exported items or information.

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Appendix F

Restricted Research Award Review and Acceptance Process

1) OSP Pre-Award Review

Upon receipt of relevant documents (*RFP, JIT, draft research agreement, etc.), the Office of Sponsored Programs (OSP) performs a review of research and sponsored program award documents. During document review, OSP will look for terms or clauses indicating export control requirements such as receipt, use or creation of controlled or classified information; limitations on publication; and/or limitations on participation by foreign nationals.

**Note: OSP Pre-Award Services may complete a cursory review of proposals prior to OSP submission to sponsor if received with adequate time and notice prior to deadline submission. However, OSP staff typically do not have detailed and/or scientific knowledge of research being proposed and rely on the PI and Dean's office to identify and call out potential export control related issues during the pre-proposal submission stage.*

If restrictive clauses or evidence of controlled research are identified, OSP will seek to negotiate out any restrictive or controlled terms and conditions or to obtain a Fundamental Research Exception from the sponsor for UWM's portion of the project.

If the restrictive terms in the agreement cannot be removed, clarified, or amended so that UWM's role is considered Fundamental Research, a determination must be made as to whether the project fits into the "proprietary", "restricted" or "controlled" categories.

UWM may accept certain types of "proprietary" research agreements. However, non-proprietary research agreements containing restrictions or controlled research clauses fall under the definition of "restricted" or "controlled" research and require prior approval from the Vice Provost for Research before acceptance.

If the research falls within the definition of restricted or controlled research, the Pre-Award Specialist puts a hold on the record and alerts the principal investigator about the Openness in Research Policy and the prior approval request process.

2) UWM Openness in Research Policy Exception Process

(i) Complete the Openness in Research Policy Exception Request Form

PI completes the Openness in Research Policy Exception Request Form, which gathers necessary information about the project, such as controlled data/materials, regulatory requirements, and agreement term restrictions. PI must also consider and discuss the research projects' importance to UWM's mission and the potential impact on UWM staff, students, and facilities.

(ii) Complete Export Control Screening Form

PI completes the Export Control Screening Form found in Appendix B. If UWM accepts restricted research, the project likely loses the Fundamental Research Exception and export controls laws become applicable to the project. This form gathers details about potential export control concerns.

(iii) Dean’s Office Approval

PI routes both forms to Dean’s Office for review and secondary sign-off. Once both forms are completed and signed by the PI, they must be routed to the PI’s Dean’s office for review and secondary sign-off.

(iv) Route forms to OSP

PI/Dean’s Office attach forms to the award file in UWM’s grant management system  or route to Sponsored Projects Specialist in the Office of Sponsored Programs.

(v) ECRP Manager Review

OSP prompts the Export Controls in Research Program Manager to review the forms. ECRP Manager reviews information provided and follows up for additional documents and details as needed. Once appropriate information and necessary accompanying documents are collected, ECRP Manager routes request to the Vice Provost for Research for review, approval, or denial.

(vi) Vice-Provost for Research Review

ECRP Manager routes forms and supporting documents to VPR. VPR weighs the potential of the project for generating and disseminating new knowledge supporting the mission of the University against the project's potential for adversely affecting the climate for research conducted in a free and open environment. All decisions by the VPR are considered final and are not appealable.

- If Openness in Research Policy Exception is granted, ECRP Manager will notify the PI and OSP and begin/continue development of Export Control Assessment and Technology Control Plan development.
- If the exception is not approved, the agreement may not move forward, and the project will be rejected. The ECRP Manager will notify the PI and OSP of any such determination.

3) Export Control Assessment

If Open Research Policy Exception is approved by VPR, and/or when determined necessary based on disclosures in the Export Control Screening Form, the ECRP Manager sends a full Export Control Assessment Form (found in Appendix C) to PI for completion. Once the assessment is received back, the ECRP Manager reviews, and if necessary, consults further with campus stakeholders to determine risk level. At this point, if not already completed, the ECRP Manager runs Restricted Party Screenings on project personnel and if needed, makes a license determination.

4) Restricted/Controlled Research Award Acceptance

All additional requirements and conditions that result from the Export Control Assessment must be completed prior to award setup and commencement of research. Once the Export Control Project Assessment process is complete the ECRP and award PI finalize a Technology Control Plan. ECRP then notifies OSP that the hold on award setup should be lifted.

Appendix G

Common Restricted/Controlled Research Agreement Terms

Below is a list of common clauses and language found in sponsored agreements that require export compliance review. Please note, this list is **not all-inclusive**. Sponsored agreements should be reviewed carefully to identify any restrictions on publications, safeguarding requirements, references to export regulations, and involvement of foreign nationals.

Explicit Export Control Terms

International Traffic in Arms Regulations (“ITAR”) (22CFR 120-130)

Export Administration Regulations (“EAR”) (15CFR 730-774)

U.S. Treasury Department’s Office of Foreign Assets Control (“OFAC”) (31CFR 500-598)

U.S. Department of Commerce, Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) (27 CFR Chapter II)

U.S. Customs and Border Protection (“CBP”) at 19CFR0 et seq.

DFARS 252.204-7008 – Export-Controlled Items

Controlled Info Security Terms

32 CFR 2002 – Controlled Unclassified Information

CAR 1352.239-72 – Security Requirements for Information Technology Resources

DEAR 952.204-2 – Security Clause

DFARS 252.204-7012– Safeguarding of Unclassified Controlled Technical Information

DFARS 252.239-7010 / 7999 – Cloud Computing Services

FAR 52.204-21 – Basic Safeguarding of Covered Contractor Information Systems

FAR 52.239-1 – Privacy or Security Safeguards

NIST 800-171 – Protecting Controlled Unclassified Information in Nonfederal Systems and Organizations

Publication Restrictions

ARL 52.005-4401 – Release of Information

CAR 1352.227-70 – Rights in Data

DFARS 252.204-7000 – Disclosure of Information

DFARS 252.227-7025 – Limitations on the Use or Disclosure of Government Furnished Information Marked with Restrictive Legends

FAR 52.227-14 – Rights in Data

FAR 52.227-17 – Rights in Data – Special Works

NIH - Prepublication Review terms

Collaborations with Foreign Nationals

AFMC 5352.227-9000 – Export Control Data Restrictions

ARL 52.004-4400 – Foreign Nationals Performing under Contract

Army Corps of Engineers 52.0000-4017 – Approval of Foreign Nationals performing under contract required

CAR 1352.237-70 – Security Processing Requirements

DEAR 952.204-71 – Sensitive Foreign Nations Controls

FAR 52.204-2 – Security Requirements

NIH - Foreign Component terms - NIH Grants Policy Statement, Section 1.2

DOE - O 142.3B, Unclassified Foreign National Access Program

DOE - O 486.1, Foreign Government Talent Recruitment Programs

Procurement and Service Restrictions

Section 889 of National Defense Authorization Act (NDAA)

Appendix H

Export Controls in Research Program Training Resources

General Resources

UW Milwaukee Research Integrity webpage

<https://uwm.edu/officeofresearch/osp/compliance/>

Includes Export Controls in Research Policy, Export Controls in Research Guidelines, resources and desk references, online training access, and in-person workshop listings.

UW Madison Export Control Training Resources

<https://research.wisc.edu/integrity-and-other-requirements/export-control/trainings-and-guidance/>

Includes Export Controls in Research Policy, Export Controls in Research Guidelines, resources and desk references, online training access, and in-person workshop listings.

Information Security

UW System Information Security Awareness

<https://uwservice.wisconsin.edu/administration/mandatory-training>

Controlled Unclassified Information

CUI Training - <https://www.archives.gov/cui/training.html>

<https://www.youtube.com/watch?v=o7e7BiDHLv0&t=6s>

Cyber security training

<https://securityawareness.usalearning.gov/cui/story.html>

United States Bureau of Industry and Security (BIS) Online Training Room

Online training modules covering export controls, deemed exports, performing export control classifications, license exceptions, and anti-boycott regulations are available. The training modules are broken up into short video segments that provide general information on the essentials of export control in a very accessible and user-friendly format. The online training can be found at [BIS On-line Training Room](#) and includes several training videos, including:

Export Controls Quick Start Guide

<https://www.bis.doc.gov/urlmessages/leavingBIS.php?destination=ECQSG>

Deemed Export Training

<https://www.bis.doc.gov/urlmessages/leavingBIS.php?destination=DE>

Classifying your export controlled item

<https://www.youtube.com/watch?v=y4WKYHstLAU>

Appendix I

International Travel Guidance

Research related activities that take place outside the U.S. must be carefully considered. Any information, technology, software, and/or equipment you take with you may be subject to U.S. export control laws. A license may also be required if you are traveling to an embargoed country or if your device contains unpublished data relating to items on a technology control list. You would likely need a license if you plan to travel with a device that is designed for or has software for use with satellites, spacecraft or technologies with a military use. Before taking any software or information overseas, you should check whether it can be safely and legally “exported” to the country or countries you intend to visit. Check the Export Administration Regulations (EAR) and International Traffic and Arms Regulations (ITAR) laws, or contact the Export Controls in Research Program concerning any software on your computer that may be non-exportable or that may require a license to take it out of the country.

It is also important to be aware that your electronic devices may be searched and seized at customs. Typically, customs officials have the authority to search and seize any electronic devices (e.g., laptops; cellphones, digital cameras) without probable cause.

When traveling abroad it is recommended that you

- Remove files containing controlled information or information involving restrictions (i.e. labeled confidential, sensitive or controlled/classified) from your laptop or other device.
- Do not save sensitive personal information such as credit card numbers, passport information, social security numbers or browsing history on your device.
- Keep your device(s) within your sight and control whenever possible.
- Do not accept thumb drives from others.
- Where possible, take only the information which you will present or discuss at the conference or other event. Back up your data and leave a copy in a safe and secure location. If possible, encrypt all information (some countries have encryption import restrictions).
- If you are travelling to a country identified as having a heightened cybersecurity risk, you should consider taking a loaner laptop with minimal information on it.
- Be aware that your belongings may be searched multiple times; assume that your electronic media will be copied.
- Consider keeping your data only on a Northeastern server and accessing it only through a secure VPN connection.
- Change your password to one that will be used only during your trip, and change it again when you return.
- Upon returning to the U.S., don't copy sensitive information onto a computer that has been overseas before it has been scanned for malware and “wiped.”

Sharing Information While Abroad

If you are presenting in a foreign country, you should do so only on information or research data that is already published or is otherwise publicly available. Discussing unpublished information that concerns an export controlled item or technical data may result in an unauthorized export.

It is permissible to share the results of fundamental research or publicly available information with foreign colleagues, unless such recipients of this information are restricted parties or representatives of the government of a sanctioned country. If you are conducting restricted or controlled research foreign collaborations and sharing information with foreign nationals will likely require an export control license.

Travel Advisories and Sanctions

Travel advisories, sanctions and risks are constantly changing. It is important that any individual travelling abroad for research related activities be aware of these prior to travel. Contact the Export Controls in Research Program or check out the resources below for up-to-date information on travel advisories and/or restrictions.

[US State Dept International Travel Guidance](#) – Review general information about and resources for travelling abroad.

[US State Dept Travel Advisories](#) - As a first step in planning any trip abroad, check the Travel Advisories for your intended destination. Sign up for travel alerts to receive updates as conditions may change rapidly.

[US Dept of Treasury Sanctions Programs](#) – Review sanctions programs and country information for places you will travel.

[UW TravelWise portal](#) – UWM’s travel website

[UWM Center for International Education](#) - Resources for in-depth information on a variety of topics to help you prepare for a healthy and safe time abroad.

Appendix J

Leadership Letter of Support DRAFT

July 1, 2023

To: The UWM Community

From: Provost/Vice Provost

Subject: Compliance with Export Laws and Regulations

Federal laws and regulations concerning export, import and financial transactions involving sanctioned or embargoed countries have existed for many years. Increasingly, national security and competitive trade concerns are being pushed to the forefront. The federal government has responded by tightening the export control regulations that govern the transfer of strategic technology for national security and foreign policy reasons.

Export control laws are intended to control the transfer of sensitive information or goods to individuals, entities, or countries of concern and, under certain conditions, to foreign persons. The regulations contain a fundamental research exclusion and specific university exemptions that allow most of the research activities being performed at UWM to be carried out without the need for government licenses or other restrictions.

There are certain activities and information that are not covered by the fundamental research exclusion, however, and remain subject to the export control laws and regulations. It is essential for all members of the UWM community to be aware of them, as failure to comply with export control laws can lead to severe criminal and/or civil sanctions for the individual who violates the law or the University.

Toward that end, UWM has adopted an updated policy, "Export Controls in Research", which specifies UWM will fully comply with U.S. export control laws. As such, the Office of Research has designated an Export Controls in Research Officer and an Export Controls in Research Program Manager to facilitate export control compliance and has implemented a comprehensive Export Control in Research Program. UWM's Export Controls in Research Compliance Program is fully supported by UWM leadership. However, it is important to note that export control compliance is a shared responsibility among all UWM employees, faculty, and students. Those involved in research have an obligation to be aware of how export control regulations might apply to their activities, and to work cooperatively with the University's export control management structure to ensure export control compliance. UWM asks each of you to take this matter seriously and to support us in this effort.

If you have any questions regarding this export control compliance, please contact the Office of Research Export Control Officer, Mark Harris at [\[redacted\]](#) or the Export Controls in Research Program Manager, Jeff Nytes at [\[redacted\]](#)

Sincerely,