University Of Wisconsin - Madison

EXPORT CONTROL

1225 W. Dayton St., AOSS Bldg.   Madison, Wisconsin 53706

Bethany Nelson

(608) 261-1128   bcnelson2@wisc.edu

2020 Screening Survey Results

Virtual

Compiled by Bethany Nelson of the University of Wisconsin-Madison

Previous survey results can be found at:

https://research.wisc.edu/integrity-and-other-requirements/export-control/additional-information/

89 surveys were returned with 7 schools submitted twice for a total of 82 discrete surveys answered. This is an increase from 77 last year, 75 in 2018, and 67 in 2017.

Thank you to everyone who answered.

In the case of doubles, the more conservative survey was counted. For example, if one survey indicated that all MTAs were screened and the other indicated that only some were screened, the second was used.

Broad Observations:

   Screening seem to be stabilizing in certain areas like visas and MTAs, with fewer changes in percentages. Restricted party interactions are down with the expectation of contracts, though 18% of schools do not allow any interactions with restricted entities.

   More surveys have been returned every year, a trend that will hopefully allow for better data sets.

   Mandatory training requirements took a drop. The list of processes in development grows with more schools looking at online courses (not surprising in the current emphasis on remote options).

   A majority of schools have 1 FTE or less devoted to export controls and comments were made about how plans to hire more people have been put on hold as funding comes into question.

   Percentage screenings for schools that accept classified research versus those that do not stay relatively close to one another.

Here are the total screenings and percentages (rounded to the nearest whole number).

Visas

Type	# of Universities who screen	Percentage	Change from 2019	Change from 2018	Change from 2017
H-1B	77	94%	No change	No change	+9%
O-1	53	64%	+4%	+13%	+22%
J	71	87%	+7%	+6%	+18%
F	40	49%	+1%	+11%	+4%
Other	25	31%	17%	+17%	+19%

Type	# of Universities who screen all the time	Change from 2019 / 2018	# of Universities who screen some of the time	Change from 2019 / 2018
H-1B	69 (84%)	+10% / +8%	8 (10%)	-11% / -8 %
O-1	36 (44%)	+4% / +2%	17 (21%)	+2% / +11%
J	42 (51%)	+6% / no change	29 (35%)	+1% / +6%
F	11 (13%)	0% / -6%	29 (35%)	0% / +17 %

Other: B/VWP, L-1.tn, b,

Additional Information:
2 Fs screened if there are red flags/specific risks
Screen foreign visitors and delegates that will be touring specific labs
Screen only those related to research
Screen all international visitors and applicants
In transition to screen all categories
Only students getting lab appointments are screened
Departments screen those who work in areas that are likely to have ongoing export control work
Will screen all employees soon
Screen everyone from Cuba, Iran, North Korea, Sudan, and Syria as well as China
Screens US persons as well because looking for Medicare fraud
Recently embedded deemed export questionnaire questions into visiting scholar application for foreign nationals
Performed deemed export reviews on H1B screening questionnaires, rest of visas are reviewed for access to proprietary or restricted info
Screen to write an export determination letter for reporting export control concerns and ask visa holder and supervisor to take CITI training

Student Screenings

Type	# who screen	percentage	Change from 2019	Change from 2018	Change from 2017
Undergrad US	33	40%	+8%	+15%	+18%
Graduate US	39	48%	+9%	+16%	+21%
Post-doc US	40	49%	+9%	+18%	+27%
Undergrad International	43	52%	+1%	+6%	+18%
Graduate International	67	82%	+4%	+15%	+15%

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Post-doc International	70	85%	+1%	+18%	+24%

Type	# of Universities who screen all the time	Change from 2019 / 2018	# of Universities who screen some of the time	Change from 2019 / 2018
Undergrad US	5 (6%)	+2% / no change	28 (34%)	+5% / +15 %
Graduate US	7 (9%)	+5% / -1%	32 (39%)	+4% / +17%
Post-doc US	9 (11%)	+3% / +3%	31 (38%)	+6% / +16%
Undergrad International	6 (7%)	-2% / +6%	37 (45%)	+5% / +12%
Graduate International	16 (20%)	+3% / +5%	51 (62%)	+1% / +20%
Post-doc International	27 (33%)	+3% / +4%	43 (53%)	-2% / +13%

Additional Information:

8 Screen on any project with export control determination/equipment/information etc.

6 Screen on projects with TCP

2 Screen all employees

Only if involved in research that was flagged for export control concerns or has certain restrictions

Screen when from comprehensively sanctioned country

Screening done of students at request of department

Screen US citizens when collaborating with foreign national or country

Screen based on project

Non-residents screened when receiving lab appointments

Screen on sensitive projects

Screening depends on visa and country

Transitioning to screen all students

Screen visiting scholars, which may include int'l post docs

Some checks are triggered by grants with a federal contracts clause

Only screen US citizen for remote access or if a visiting scholar

Screen only when related to research project

RPS on all who have access to proprietary info

Restricted Party Interactions

Type	# of schools who allow	Percentage	Change from 2019	Change from 2018
Travel to Restricted Parties	21	26%	-8%	-5%
Visitors from Restricted Parties	22	27%	-10%	-13%
Contracts with Restricted Parties	12	15%	+1%	+5%
Students from Restricted Parties	26	32%	-11%	-12%
Do not have a policy	23	28%	N/A	N/A
Has not come up	12	15%	N/A	N/A
Do not allow any	15	18%	+17%*	N/A

*Do not allow any was not a formal option in previous surveys.

Additional information:

12 Case by case basis/situation specific analysis

2 contracts on case by case basis

Allow visitors to do FRE

Subject to plan and upper management approval

FRE is allowed following screening and discussion with PI but discouraged

There have been attempts to host individuals from these places, which we oppose

Graduates from restricted party are allowed provided they have no continuing relationship

Only allow interaction with restricted entity if vetted and approved by office of research

With strict guidance/compliance plan

We have denied more of these in recent years

If they are attending a conference, it is less concerning than if they plan to collaborate

Travel allowed with advisory

No consistent practice or policies, corresponding offices do not consistently provide info for screening

Provide education and guidance to hosting faculty and leave it up to them to decide whether to host

Travel would only be to conferences hosted at such entities

Revising policies to provide additional screening and review.

One instance with student, professor heard monitoring obligations and revoked invitation

Don't typically allow any form of collaboration from the RPS lists. The only exception is FRE research with unverified list occasionally.

Policy that states no transaction with any entity on a USG list. Students are allowed as they are not an integral part of the university.

Only grad students

Don't restrict travel

If they are allowed, additional review and certifications need to be made

Developing formal policy/guidelines now.

Screen everyone and, if they are affiliated with restricted party, perform a review and determine if an export license is required. If not, implement control plan with the PI.

Recently implemented an approval process that includes department chair and dean

MTAs

Type	# of schools who screen	Percentage	Change from 2019	Change from 2018	Change from 2017
Incoming Domestic MTAs	38	46%	+2%	+7%	+10%
Outgoing Domestic MTAs	43	52%	+3%	+10%	+7%
Incoming Foreign MTAs	66	80%	+3%	+11%	+14%
Outgoing Foreign MTAs	70	85%	-9%	-3%	+9%

Type	# of Universities who screen all the time	Change from 2019 / 2018	# of Universities who screen some of the time	Change from 2019 / 2018
Incoming domestic MTAs	15 (18%)	No change / +3%	23 (28%)	+3% / +7%
Outgoing domestic MTAs	18 (22%)	-4% / +1%	24 (29%)	+6% / -10%
Incoming foreign MTAs	48 (59%)	+7% / +13%	18 (22%)	-3% / no change
Outgoing foreign MTAs	58 (72%)	+2% / +1%	12 (15%)	-10% / -2%

Additional information:

Only when MTA includes export control clause

Still work in progress, utilize some template export control language in most MTAs

Screenings are risk based

If alerted we have an incoming domestic or international MTA with export restricted material, will do review to determine if import license or TCP needed

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Clause that no ex items will be shared and require prior institutional review

Typically screen domestic MTA id there is a question

Grants and other contracts

Type	# of schools who screen	percentage	Change from 2019	Change from 2018	Change from 2017
Grants	73	89%	-8%	-5%	+2%
Fee For Service(FFS)	58	71%	+9%	+14%	+17%
NDAs	67	82%	-9%	+7%	+4%

Type	# of Universities who screen all the time	Change from 2019 / 2018	# of Universities who screen some of the time	Change from 2019 / 2018
Grants	33 (40%)	+5% / -6%	40 (49%)	-13% / no change
Fee For Service(FFS)	22 (27%)	+4% / +3%	36 (44%)	+5% / +11%
NDAs	25 (30%)	-10% / -6%	42 (51%)	No change / -2%

Additional information:

Data use agreements

International agreements

MOUs and CDAs as well, but we only review ones with international components (travel, shipping, international collaborator or funding source), restrictive clauses, or specific funding source that points to military or space related research

Equipment loan and data use agreements

All DOD, NASA, DOE, and international agreements of any kind

Also, funded and non-funded agreements with restrictive terms

All agreements require a questionnaire completed by the PI which includes export control concerns

All foreign parties are screened

All contracting parties are screened in visual compliance by the department admin. They'll come to the export control office for further review if additional issues are identified.

Tech Transfer Office screens based on NDAs, data use agreements and MTAs

Anything with an international component and/or certain red flags goes through EC review

Review when potential EC issues are flagged

Review all proposals with a foreign connections and all grant and NDAs as referred by contracting division

Review grants from military funders but do not have the capacity to review all grants for export control issues

FFS doesn't have trigger points, more ad hoc

Award negotiators screen for publication and foreign national restrictions. Any questions or wording that includes export control is then passed to EC.

Grant proposals are screened on a risk basis

Risk based review

All sponsored awards that include foreign involvement are questioned, and, if yes, an EC review is completed

Grants department manually sends over any questions answered yes for foreign shipments or travel

Also review MOUs and cooperative agreement with foreign institutions

Screenings are decentralized

Don't have an office specific for export controls-rely on grants and contracts to vet

Only when agreement included EC clause

Screen anything with/from foreign entity, if there is international travel or collaboration, or if there is citizenship or publication restriction

Purchases

71 responses

Type	# of schools who screen	percentage	Change from 2019	Change from 2018	Change from 2017
By the University from domestic sources	45	55%	+3%	+8%	+15%
By the University from foreign sources	65	79%	-2%	+3%	+18%
From the University by domestic sources	34	41%	+4%	+15%	+11%
From the University by foreign sources	54	66%	+7%	+13%	+17%

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Type	# of Universities who screen all the time	Change from 2019 / 2018	# of Universities who screen some of the time	Change from 2019 / 2018
By the University from domestic sources	16 (20%)	+5% / -1%	29 (35%)	-2% / -8%
By the University from foreign sources	27 (33%)	No change / -1%	38 (46%)	-2% / +2%
From the University by domestic sources	12 (15%)	+3% / +1%	22 (27%)	+2% / +14%
From the University by foreign sources	28 (34%)	+6% / +10%	26 (32%)	+2% / +3%

Time Screened

Type	# who screen
Screen purchases before	38
Screen purchases after	2
Mixture of both	28
Don't Screen	3

Additional Information:

Different department performs domestic screenings

All vendors are RPS screened, some purchases are reviewed when EC issues identified

All employees/vendors are screened by compliance

EC not responsible for purchase screenings, asked purchasing to add item to require disclosure of ECCNs but it was declined

All contracting parties are screened in Visual Compliance by department admin

Anyone who makes a payment must register as a supplier and is screened

All new vendors are screened through Visual Compliance

Purchasing department flags certain purchases for further review, but departments can make their own purchases under $5000 so EC doesn't see everything

Standard procurement terms and conditions includes EC language for 500/600 series and USML

Accounts Payable does RPS of all vendors at onboarding

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All new vendors are screened

Any procurement is screened

Purchasing has RPS tool and conducts quarterly screening

EC not involved in procurement process, still building relationship

Done prior to entering into an agreement with other party

Run all vendors through RPS, but do not ask them to identify EC equipment

Faculty try to circumvent screening

Automated screening process whenever vendor is added to our system,

Procurement does batch screenings yearly

Travel

Type	# of schools who screen	percentage	Change from 2019	Change from 2018	Change from 2017
Foreign Travel	76	97%	+6%	No change	+4%

Type	# of Universities who screen all the time	Change from 2019 / 2018	# of Universities who screen some of the time	Change from 2019 / 2018
Foreign Travel	32 (39%)	+9% / +3%	44 (54%)	-9% / -7%

Additional information:

Only travel to red flag countries that have restrictions, embargoes or sanctions are screened

List of 50 sensitive countries are screened

Screen travel that is registered with the university's travel registry and registry is not mandatory

Set up new system to id travel to destinations of concern

We request foreign travel be screened

Travel to certain countries reviewed, but not all travel is subject to review

Have forms that EC needs to approve

Evaluate foreign travel budgeted into research project

Shipments

Type	# of schools who screen	percentage	Change from 2019	Change from 2018	Change from 2017
Foreign shipments	65	79%	-8%	-3%	+4%

Type	# of Universities who screen all the time	Change from 2019 / 2018	# of Universities who screen some of the time	Change from 2019 / 2018
Foreign shipments	28 (34%)	+7% / +12%	37 (45%)	-15% / -15%

Additional information:

4 All that we see

University policy requires screening of all foreign shipments, but without centralized shipping, there is

No way to ensure the policy is followed

Researchers are made aware to contact EC

Rely on admin units to monitor

Making the effort to screen all, but can't guarantee

Have forms that EC needs to approve

Shipping is referred to outside agency as we don't have capacity

Shipments that go through EHS are screened

Visitors

Type	# of schools who screen	percentage	Change from 2019	Change from 2018	Change from 2017
Conference visitors	45	55%	+2%	+9%	+18%
Regular campus visitors	53	65%	+1%	+1%	+13%

Type	# of Universities who screen all the time	Change from 2019 / 2018	# of Universities who screen some of the time*	Change from 2019 / 2018
Conference Visitors	1 (1%)	-2% / -7 %	44 (55%)	+4% / +17%
Regular Visitors	5 (6%)	-1% / -5%	48 (59%)	+2% / +6%

Additional information:

4 developing processes

2 International only

Long term, international

Visas are screened

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All visitors to research labs

All visitors that require formal invitation to secure a visa

High risk departments screen their visitors

Only screen visitors that are flagged by departments

Visiting researchers and scholars

Engineering screens all visitors, other departments screen conference visitors

Visitors who have independent access to campus facilities

Depends on country of origin and administrative awareness

All visiting scholars/scientists

Depends on what they are visiting for

Screen high risk conference visitors and campus visitors to sensitive areas

Only when routed through EC office

Online Courses

75 responses

Type	# of Universities	Percentage	Change from 2019
Offers online courses	65	79%	-6%
Does not offer online courses	9	11%	+3%

Sanctioned screenings of online courses

Calculations based on 73 responses to this question

Type	# of Universities	Percentage	Change from 2019
Screen online course participants for sanctioned country students	21	29%	+4%
Do not screen online course participants for sanctioned country students	28	38%	-26%
Unsure	17	23%	N/A
Other	7	10%	N/A

Additional information:

Only perform RPS when there is real possibility that student may participate in non-FRE activities

Conformed courses are not offered for students in sanctioned countries

Use red flag and notify process with the registrar when we are notified that students granted admission in sanctioned countries, but this is done before student enrolls

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Only for enrolled students, courses not generally made available to anyone in the world
Have internet address blockers that prohibit courses from being offered in sanctioned countries
Screen all students whose on-line program does not require a US residency component
Office of online learning does not allow registration from heavily sanctioned and embargoes
IT has strong security measures including identifying access from sanctioned countries
Ask registrar to id any students taking online courses outside of the US who originate from sanctioned countries

Mandatory Training

75 responses

Type	# of Universities	Percentage	Change from 2019	Change from 2018	Change from 2017
Mandatory Training	54	66%	-10%	+3%	+5%
No Mandatory Training	22	27%	+3%	-6%	-12%

Some schools indicated the specific areas of mandatory training as follows:
19 schools require training for TCP participants
9 export Controlled projects/restricted research
3 CUI/CDI
If export control determination
PIs hosting scholars from sanctioned countries
PIs hosting scholars that attended a university that is considered a restricted entity
Certain travel to red flagged countries if there might be an international research collaboration
Specific labs
Licenses
Annual PI and grants admin training
Certain research staff
Sensitive projects
Required annual training
Engineering
Leadership
Every 2-3 years based on job
Sponsors of J1s and H1Bs
Anyone on awarded sponsored program
Visa holders and supervisors

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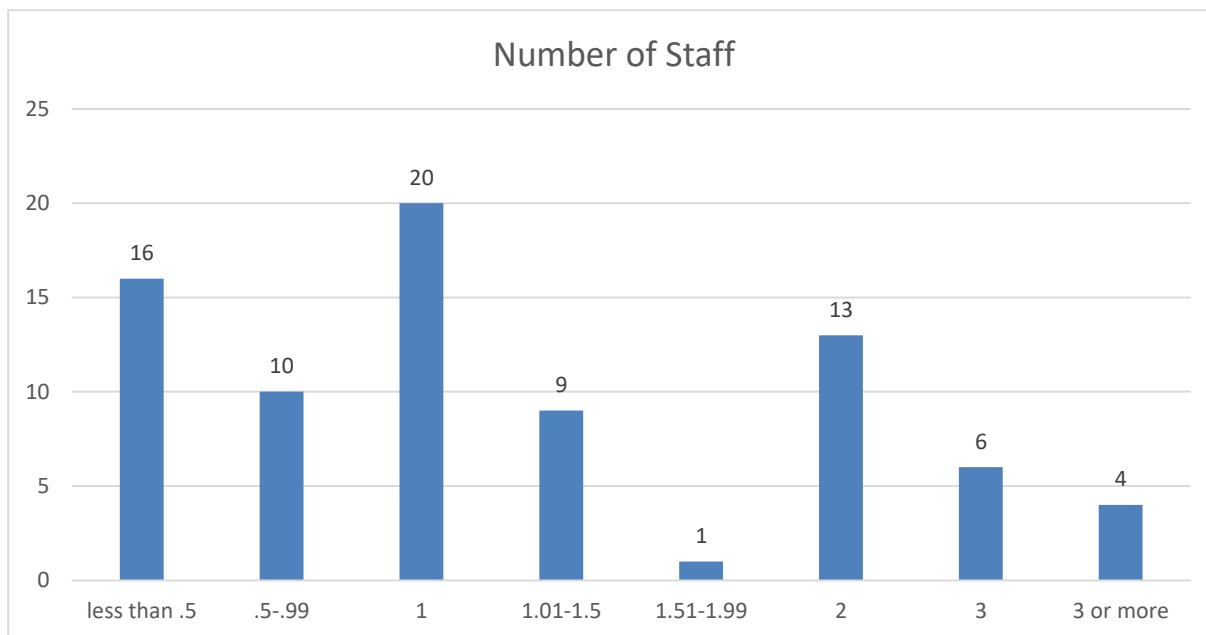1225 W. Dayton St., AOSS Bldg.   Madison, Wisconsin 53706

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Number of Export Control Staff

79 responses

Amount of Export Control Staff	# of Universities	Percentage
Less than .5	16	21%
.5-.99	10	13%
1	20	25%
1.01-1.5	9	11%
1.51-1.99	1	1%
2	13	16%
3	6	8%
More than 3	4	5%

Developing Processes

60 Schools indicated that they were developing processes in a variety of areas. Some schools listed more than one process in development

The following processes are listed as in development:

7 trainings

7 online courses

6 Visitors

6 Travel

5 shipping

4 purchases

2 procurement

2 restricted party policy/guidelines

2 international travel

2 MTAs

2 Vendor screening

2 All of the above processes

Steps to take If potential party on RPS list

eship roll out

More comprehensive screenings of incoming J1s and F1s

More screening for shipments

Screening process for un-official visitors (where we don't sponsor the visa)

Online learning business processes

Visa hires

How to get export control review

International shipment intake and review process

Bulk screening of employees

Sponsored projects related training

Engineering outreach

Outreach for departments to cover screening procedures

Sponsor screening

Travel disclosures

International purchases

Building a better relationship with different departments

Foreign sponsors

Online student reviews

Screening of all visa applicants

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Student screening

RPS in additional offices

Invention disclosures

FFS

Foreign influence

Entity list engagement

Classified Research Acceptance

78 responses

Accepts classified	22	28%
Does not accept classified	53	68%
Other	3	4%

Schools that indicated Other sated that they conduct classified research off campus.

Breaking down the numbers as Universities who accept classified research vs. those that don't

Percentages were based on that category total only (i.e classified was based on 26 total etc.).

	Accepts classified-26 total	Does not accept classified-48 total
H-1B	22 (100%)	51 (96%)
O-1	15 (68%)	35 (66%)
J	20 (91%)	47 (89%)
F	12 (54%)	27 (51%)
Other	8 (36%)	15 (28%)
Undergrad US	12 (55%)	18 (34%)
Grad US	13 (59%)	23 (43%)
Post-doc US	14 (63%)	22 (42%)
Undergrad International	13 (59%)	27 (51%)
Grad International	18 (82%)	44 (83%)
Post-doc International	19 (86%)	46 (87%)
Allow travel to Restricted Parties	6 (27%)	14 (26%)
Allow Visitors from Restricted Parties	5 (23%)	15 (28%)
Allow contracts with restricted parties	2 (9%)	9 (17%)
Allow students from restricted parties	9 (41%)	16 (30%)
Incoming Domestic MTAs	10 (45%)	29 (55%)
Outgoing Domestic MTAs	10 (45%)	31 (58%)
Incoming Foreign MTAs	17 (77%)	44 (83%)

Outgoing Foreign MTAs	19 (86%)	47 (87%)
Grants	18 (82%)	50 (94%)
FFS	16 (73%)	38 (72%)
NDA	19 (86%)	44 (83%)
Purchases by the University from Domestic sources	14 (63%)	28 (53%)
Purchases by the University from Foreign sources	21 (95%)	41 (73%)
Purchases from the University by Domestic sources	11 (50%)	21 (40%)
Purchases from the University by Foreign sources	19 (86%)	32 (60%)
Foreign Travel	22 (100%)	51 (96%)
Foreign shipments	19 (86%)	43 (81%)
Conference visitors	15 (68%)	28 (53%)
Regular visitors	14 (64%)	35 (66%)
Mandatory Training	22 (100%)	50 (94%)

Other comments:

Lack of commitment to export controls which is discouraging. There us insufficient staffing to fill the need

Could use additional person

Additional staffing delayed because of COVID

With the increased governmental oversight, RPS is the low hanging investigation

Export control duties paired with contracts officer duties

Office manages two other programs in addition to export control

In process of hiring another full time staffer

Need more resources to handle the increasing workload and protect university from risk