



# **EXPORT CONTROL PROGRAM SUMMARY**

**University of Wisconsin - Madison**

**Tom Demke, Export Control Officer  
Bethany Nelson, Export Control Coordinator**



# EXPORT CONTROL PROGRAM - SUMMARY



## Export Control Policy

*It is the policy of the University of Wisconsin-Madison to fully comply with U.S. export control laws. Even though openness in research and free dissemination of research results are core values at UW-Madison that are institutionalized in research policy, export control laws can still apply to many activities related to the teaching, research and service missions at UW-Madison. These activities include research with proprietary industry technology, international shipments of advanced scientific equipment and biological materials, participating in international research collaborations, space-related research, international travel, and use of computer software with encryption features. <sup>[1]</sup> <sup>[2]</sup> <sup>[3]</sup> <sup>[4]</sup> <sup>[5]</sup> <sup>[6]</sup> <sup>[7]</sup> <sup>[8]</sup> <sup>[9]</sup> <sup>[10]</sup> <sup>[11]</sup> <sup>[12]</sup> <sup>[13]</sup> <sup>[14]</sup> <sup>[15]</sup> <sup>[16]</sup> <sup>[17]</sup> <sup>[18]</sup> <sup>[19]</sup> <sup>[20]</sup> <sup>[21]</sup> <sup>[22]</sup> <sup>[23]</sup> <sup>[24]</sup> <sup>[25]</sup> <sup>[26]</sup> <sup>[27]</sup> <sup>[28]</sup> <sup>[29]</sup> <sup>[30]</sup> <sup>[31]</sup> <sup>[32]</sup> <sup>[33]</sup> <sup>[34]</sup> <sup>[35]</sup> <sup>[36]</sup> <sup>[37]</sup> <sup>[38]</sup> <sup>[39]</sup> <sup>[40]</sup> <sup>[41]</sup> <sup>[42]</sup> <sup>[43]</sup> <sup>[44]</sup> <sup>[45]</sup> <sup>[46]</sup> <sup>[47]</sup> <sup>[48]</sup> <sup>[49]</sup> <sup>[50]</sup> <sup>[51]</sup> <sup>[52]</sup> <sup>[53]</sup> <sup>[54]</sup> <sup>[55]</sup> <sup>[56]</sup> <sup>[57]</sup> <sup>[58]</sup> <sup>[59]</sup> <sup>[60]</sup> <sup>[61]</sup> <sup>[62]</sup> <sup>[63]</sup> <sup>[64]</sup> <sup>[65]</sup> <sup>[66]</sup> <sup>[67]</sup> <sup>[68]</sup> <sup>[69]</sup> <sup>[70]</sup> <sup>[71]</sup> <sup>[72]</sup> <sup>[73]</sup> <sup>[74]</sup> <sup>[75]</sup> <sup>[76]</sup> <sup>[77]</sup> <sup>[78]</sup> <sup>[79]</sup> <sup>[80]</sup> <sup>[81]</sup> <sup>[82]</sup> <sup>[83]</sup> <sup>[84]</sup> <sup>[85]</sup> <sup>[86]</sup> <sup>[87]</sup> <sup>[88]</sup> <sup>[89]</sup> <sup>[90]</sup> <sup>[91]</sup> <sup>[92]</sup> <sup>[93]</sup> <sup>[94]</sup> <sup>[95]</sup> <sup>[96]</sup> <sup>[97]</sup> <sup>[98]</sup> <sup>[99]</sup> <sup>[100]</sup>*

*Each UW-Madison employee and student has the obligation to determine how export controls might apply to their activities, and to work cooperatively with the University export control management structure to ensure export control compliance. <sup>[1]</sup> <sup>[2]</sup> <sup>[3]</sup> <sup>[4]</sup> <sup>[5]</sup> <sup>[6]</sup> <sup>[7]</sup> <sup>[8]</sup> <sup>[9]</sup> <sup>[10]</sup> <sup>[11]</sup> <sup>[12]</sup> <sup>[13]</sup> <sup>[14]</sup> <sup>[15]</sup> <sup>[16]</sup> <sup>[17]</sup> <sup>[18]</sup> <sup>[19]</sup> <sup>[20]</sup> <sup>[21]</sup> <sup>[22]</sup> <sup>[23]</sup> <sup>[24]</sup> <sup>[25]</sup> <sup>[26]</sup> <sup>[27]</sup> <sup>[28]</sup> <sup>[29]</sup> <sup>[30]</sup> <sup>[31]</sup> <sup>[32]</sup> <sup>[33]</sup> <sup>[34]</sup> <sup>[35]</sup> <sup>[36]</sup> <sup>[37]</sup> <sup>[38]</sup> <sup>[39]</sup> <sup>[40]</sup> <sup>[41]</sup> <sup>[42]</sup> <sup>[43]</sup> <sup>[44]</sup> <sup>[45]</sup> <sup>[46]</sup> <sup>[47]</sup> <sup>[48]</sup> <sup>[49]</sup> <sup>[50]</sup> <sup>[51]</sup> <sup>[52]</sup> <sup>[53]</sup> <sup>[54]</sup> <sup>[55]</sup> <sup>[56]</sup> <sup>[57]</sup> <sup>[58]</sup> <sup>[59]</sup> <sup>[60]</sup> <sup>[61]</sup> <sup>[62]</sup> <sup>[63]</sup> <sup>[64]</sup> <sup>[65]</sup> <sup>[66]</sup> <sup>[67]</sup> <sup>[68]</sup> <sup>[69]</sup> <sup>[70]</sup> <sup>[71]</sup> <sup>[72]</sup> <sup>[73]</sup> <sup>[74]</sup> <sup>[75]</sup> <sup>[76]</sup> <sup>[77]</sup> <sup>[78]</sup> <sup>[79]</sup> <sup>[80]</sup> <sup>[81]</sup> <sup>[82]</sup> <sup>[83]</sup> <sup>[84]</sup> <sup>[85]</sup> <sup>[86]</sup> <sup>[87]</sup> <sup>[88]</sup> <sup>[89]</sup> <sup>[90]</sup> <sup>[91]</sup> <sup>[92]</sup> <sup>[93]</sup> <sup>[94]</sup> <sup>[95]</sup> <sup>[96]</sup> <sup>[97]</sup> <sup>[98]</sup> <sup>[99]</sup> <sup>[100]</sup>*

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



# EXPORT CONTROL PROGRAM - SUMMARY



## Purpose

- ***To ensure that products, technology & services that are exported to foreign persons or organizations are transferred in compliance with United States export control laws***
  - ***Appropriate export licenses are obtained prior to the transfer of items to foreign entities***
  - ***Organizations & staff affected by these regulations have been identified & appropriately trained on these regulations & procedures***
  - ***Non-compliances are reported & addressed quickly & effectively***
  - ***Deemed exports are treated in the same manner as an export to a foreign country***
    - ***Deemed export = Transfer of technology, articles, information & data to a foreign national within the United States***



# EXPORT CONTROL PROGRAM - SUMMARY



## Management Commitment

- ***Sponsor: Amy Wendt, Associate Vice Chancellor for Physical Sciences, Office of The Vice Chancellor for Research and Graduate Education***
- ***Export Control Officer: Tom Demke***
- ***Export Control Coordinator: Bethany Nelson***
- ***Legal: Ben Griffiths, UW Senior Legal Counsel***
- ***Program covers following regulations:***

Regulation:	Regulated By:	Controls:
ITAR - International Traffic In Arms Regulations	Dept. of State	Military equipment (designated as such in USML)
EAR - Export Administration Regulations	Dept. of Commerce	Dual use items (potential military or terrorism use; listed in CCL)
FACR - Foreign Asset Control Regulations	Dept. of Treasury	Assets (such as bank accounts)



# EXPORT CONTROL PROGRAM - SUMMARY



## Risk Assessment

- ***Determine which colleges, schools, centers & institutes are conducting affected research***
  - *Apply program to labs conducting affected research*
  - *Designate Point of Contact (POC) in each affected organization*

### ***Initial assessment:***

Business Services	CALS	Engineering
Letters & Science	Medicine & Public Health	
VCRGE	Veterinary Medicine	

- ***Reassessment annually***
  - *Review what processes are affected*
  - *Review where there are vulnerabilities & risks (i.e., DOD or spaceflight projects, projects with foreign agencies, foreign nationals working in labs)*
  - *Establish safeguards*



# EXPORT CONTROL PROGRAM - SUMMARY



## Compliance Program

- *Written plan*
- *To be approved by VCRGE*
- *Reviewed & updated annually*
- *Includes operational processes for program (i.e., the content of this document)*
- *Publicly accessible*



# EXPORT CONTROL PROGRAM - SUMMARY



## Training

- ***Training for affected staff***
- ***Type of training dependent on needs of staff***

Level	L1	L2	L3
Type Of Training	Policy	Regulations & Project Assessment	Compliance Plan
Who Gets Trained	<ul style="list-style-type: none"> <li>• Principal Investigators</li> </ul>	<ul style="list-style-type: none"> <li>• Research administration</li> </ul>	<ul style="list-style-type: none"> <li>• University &amp; VCRGE Leadership</li> </ul>
Frequency			
Current staff	Every two years	Every two years	Every two years
New/reassigned staff	Trained within 3 months of reassignment (on appropriate training)		
What Gets Trained	Policy notification (see App. B)	<ul style="list-style-type: none"> <li>• Regulations</li> <li>• Export compliance</li> <li>• Project assessments</li> </ul>	Overview of: <ul style="list-style-type: none"> <li>• Regulations</li> <li>• Compliance program</li> <li>• Project assessments</li> </ul>

- ***Training completed every 2 yrs (new employees w/in 3 months of assignment)***
- ***Maintain records of trainings***



# EXPORT CONTROL PROGRAM - SUMMARY



## Export Compliance Security

- ***Project Assessments:***
  - ***Assess new projects for export control impact***
    - ***WISPER Screening Tool in use***
    - ***Conduct assessment pre-award or early in the post-award period***
  - ***Assessments by Pls, PMs or designated organizational staff***
  - ***Projects need to be reassessed if scope, destination or staffing changes***
- ***Export licenses:***
  - ***Technical information supplied by knowledgeable technical staff***
  - ***Drafted & submitted by Export Control Office***
- ***Visa certifications & screenings***
- ***Project Reviews***
- ***Registrations with federal agencies***





# EXPORT CONTROL PROGRAM - SUMMARY



## Recordkeeping

- ***Shared responsibility between Export Control Office & organizational POCs***
- ***Records shall be:***
  - ***Easily retrievable***
  - ***Legible***
  - ***Secure***
  - ***Backed up***
- ***Retention period - 7 years typical for most records***



# EXPORT CONTROL PROGRAM - SUMMARY



## Program Audits / Program Reviews

- *Program audit or review conducted every two years*
- *Program Audits*
  - *Auditors independent of Export Control Program*
  - *Scope determined by Audit Staff & Export Control Program Staff*
  - *Audit report created by lead auditor*
  - *Audit action plan to address findings*
- *Program Reviews*
  - *Information for review collated by Export Control Office*
  - *Attendees noted in Export Control Plan*
  - *Content of review defined in Export Control Plan*
    - *Includes policy, resources, risk assessment, training, licenses, non-compliances*
  - *Minutes taken, including action items*



# EXPORT CONTROL PROGRAM - SUMMARY



## Non-Compliance Reporting

- *Non-compliances reported as regulatory complaints*
  - *Reporting form available*
  - *Complaint process describes tasks for issue description, investigation, action plan & closure*
  - *Reporting may be anonymous*
- *Non-compliances reported to applicable federal agency by Legal Affairs or Export Control Office*
  - *UW & organizational management notified of report*

		<b>UNIVERSITY OF WISCONSIN – MADISON</b>		Report #: _____
		<b>Compliance Complaint Form</b>		Sheet 1 of _____
				Report Date: _____
<b>SECTION 1 – DESCRIPTION OF ISSUE</b>				
DATE OF DISCOVERY:	TYPE OF COMPLAINT (preliminary): <input type="checkbox"/> Export Control <input type="checkbox"/> Other Regulatory			
DESCRIPTION:				
Other Contributing Circumstances:				
Applicable Regulation:				
Has Anything Been Done to Remedy This Issue: <input type="checkbox"/> Yes <input type="checkbox"/> No				
<b>SECTION 2 – STAFF / FACILITY INFORMATION</b>				
PROJECT:	DEVICE:	LOCATION OF ISSUE:		
REPORTER'S NAME:			REPORTER'S TEL:	
<i>Complete First 2 Sections &amp; Submit To: Export Control Organizational Point Of Contact</i>				
<b>SECTION 3 – INVESTIGATION</b>				
Date Of Investigation:	Investigator's Name:	Investigator's Tel:		
INVESTIGATION RESULTS / ROOT CAUSE:				
TYPE OF COMPLAINT: <input type="checkbox"/> ITAR <input type="checkbox"/> EAR <input type="checkbox"/> FACR <input type="checkbox"/> Other Regulatory				
<b>SECTION 4 – ACTION PLAN</b>				
ACTION PLAN		TASKS COMPLETE	ACTIONS VERIFIED	
Include Corrective & Preventive Actions:				
REPORTABLE: <input type="checkbox"/> Yes <input type="checkbox"/> No; see attached rationale				
<b>SECTION 5 – APPROVALS</b>				
The above action plan is acceptable.		This complaint has been resolved appropriately, all associated tasks are complete and the actions have been verified.		
EC POC:	DATE:	EC POC:	DATE:	



# EXPORT CONTROL PROGRAM - SUMMARY



## Status Reports

- *Export Control Office submits monthly report to Associate Vice Chancellor for Physical Sciences*