Export Control Program
Summary

University of Wisconsin - Madison

Tom Demke
Export Control Compliance Officer
SSEC Quality & Safety Manager
Export Control Policy

The University of Wisconsin-Madison (UW) is committed to compliance with all export control regulations administered by the U.S. Departments of State (ITAR, International Traffic in Arms Regulations), Commerce (EAR, Export Administration Regulations) and Treasury (FACR, Foreign Assets Control Regulations). This commitment extends to promoting strict compliance on an ongoing basis with these regulations.

It is the UW’s policy that all employees and contractors comply with the United States export policies and regulations. Under no circumstances will exports be made contrary to U.S. export regulations by any individual operating on behalf of the University of Wisconsin.

Employees outside the United States may not re-export any commodity, technology, or software unless appropriate authorization has been obtained. This includes foreign-produced items that are the direct product of U.S. technology and software or foreign-made items that are subject to national security controls of the United States.

Please note that it is university management’s desire to maintain all information, software, hardware and services completed at the UW within the public domain (for items within the public domain are not subject to export controls).

Failure to comply with these regulations may result in the imposition of criminal and/or civil fines and penalties, including jail time. These penalties may be imposed at the university, school, center or personal level. Employees that fail to comply with the export control regulations may be subject to disciplinary action and/or termination.
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
Management Commitment

- **Sponsor:** Bill Mellon, Associate Dean Graduate School
- **Compliance Officer (ECCO):** Tom Demke, SSEC Quality & Safety Manager
- **Backup ECCO:** Ben Griffiths, UW Senior Legal Counsel
- **Program covers following regulations:**

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

- **Initially plan to assess:**
  - 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

<table>
<thead>
<tr>
<th>CALS</th>
<th>Engineering</th>
<th>Letters &amp; Science</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicine &amp; Public Health</td>
<td>PSL</td>
<td>Safety</td>
</tr>
<tr>
<td>SSEC</td>
<td>Veterinary Medicine</td>
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</table>
Compliance Program

• Written plan
• Approved by Graduate School & UW Administration
• Reviewed & updated annually
• Includes operational processes for program (i.e., the content of this document)
• Publicly accessible
Training

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

<table>
<thead>
<tr>
<th>Level</th>
<th>L1</th>
<th>L2</th>
<th>L3</th>
<th>L4</th>
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</thead>
<tbody>
<tr>
<td><strong>Type of Training</strong></td>
<td>Policy notification (by letter)</td>
<td>Project assessment</td>
<td>Information management</td>
<td>Compliance plan</td>
</tr>
</tbody>
</table>
| **Who Gets Trained** | All affected staff | • PIs, PMs  
• Lead scientists | Staff of project requiring export control | • UW, GS Administration  
• Directors of affected organizations  
• Compliance staff |
| **What Gets Trained** | Export control policy | • Export control security  
• Recordkeeping  
• Reporting issues | Management of:  
• Paper documents  
• Electronic information  
• Data | Entire export control plan |

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

- **Project Assessments:**
  - Assess new projects for export control impact
    - Conduct assessment pre-award or early in the post-award period
  - Assessments by PIs, PMs or designated organizational staff
    - Documentation reviewed & maintained by organizational POC
  - Projects need to be reassessed if scope, destination or staffing changes
  - Assessment tool available to conduct ITAR, EAR & FACR impact

- **Export licenses:**
  - Written by knowledgeable technical staff
  - Reviewed & submitted by ECCO

- Registrations with federal agencies
Recordkeeping

- **Shared responsibility between UW ECCO & organizational POCs**

<table>
<thead>
<tr>
<th>Records Maintained (official versions)</th>
<th>Organizational Points of Contact</th>
<th>UW ECCO</th>
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</thead>
<tbody>
<tr>
<td>• Organizational risk assessment of affected projects &amp; groups</td>
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<tr>
<td>• Project assessments</td>
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<tr>
<td>• Shipping paperwork</td>
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<tr>
<td>• Training attendance &amp; materials</td>
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<tr>
<td>• Audit report &amp; action items</td>
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<td></td>
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<tr>
<td>• Action plan for non-compliance reports</td>
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<td></td>
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<tr>
<td>• Master Export Control Plan</td>
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<tr>
<td>• Campus risk assessment</td>
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<td></td>
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<tr>
<td>• Registration applications &amp; certs</td>
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<td></td>
</tr>
<tr>
<td>• Export license applications &amp; certs</td>
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<td></td>
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<tr>
<td>• Audit schedule</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Training attendance &amp; materials</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Non-compliance reports &amp; follow-up</td>
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</tbody>
</table>

- **Records shall be:**
  - Easily retrievable
  - Legible
  - Secure
  - Backed up

- **Retention period - 7 years typical for most records**
Program Audits

- **Each affected organization audited yearly**
  - Audits conducted by persons independent of audited organization
  - Audit schedule completed by ECCO

- **Items To Audit**
  - Completion of tasks described in export control plan
  - Compare actual practice to written procedure
  - Resource allocation & support

- **Audit Reports**
  - Including corrective action plans & closure

- **Audit Program Review**
  - Completed yearly
  - Report forwarded to Associate Dean Graduate School
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 ECCO**
  - **UW & organizational management notified of report**
Status Reports

• Periodic program status reports as summarized below:

QuickTime™ and a decompressor are needed to see this picture.