



UNIVERSITY *of* WASHINGTON

Export Controls Management Plan

Policy and guidelines for controlled projects and activities

University of Washington Export Controls Management Plan

Contents

Export Controls Policy Statement	3
Who Is Affected by This Policy	3
U.S. Government Export Controls.....	3
Definitions.....	4
Management Plan Statement.....	5
Procedures	6
Export Controls Management Plan.....	7
Export Controls and University Activities	7
Responsible Parties.....	8
Operational Procedures and Guidelines.....	9
A. Shipment Review	9
B. Review of Research Projects and Agreements	9
C. Sanctioned Countries.....	10
D. Restricted Party Screening	10
E. Visa Review	10
F. Technology Control Plans.....	11
G. Obtaining Export Licenses	11
Training and Awareness.....	12
Recordkeeping	12
Risk Assessment.....	12
Monitoring and Auditing.....	13
Internal Audits.....	13
External Audits.....	13
Reporting of Problems and Violations	13
Internal Reporting.....	13
Investigation of Potential Export Control Violations	13
External Reporting (to Government Authorities)	14

NOTE: Definitions for words that appear in **bold** are included in the Definitions section.

Export Controls Policy Statement

The University of Washington (“UW” or “University”) has a global vision which supports the free dissemination and open publication of research results as well as a culture of inclusion, diversity and nondiscrimination within its research community¹.

The results of UW research projects generally qualify for the **fundamental research exclusion** to export control regulations². Research projects with publication restrictions of research results normally require approval by the Faculty Council on Research. Although most academic research activities at the University qualify for the **fundamental research exclusion** and therefore are not subject to the export control regulations, there are other situations in the course of fundamental research in which the **export** or **deemed export** is either prohibited by law or requires an **export license** or other government approval.

U.S. government export control regulations are designed to protect the national security, economic security and foreign policy interests of the United States. It is important that University faculty, researchers, staff, and students be familiar with the regulations to ensure that the University remains in compliance with the regulations while continuing to succeed in its teaching and research activities.

Penalties for violations of export control regulations vary and may include loss of export privileges, damage to the individual’s or University’s reputation, criminal and/or civil penalties.

Who Is Affected by This Policy

All UW faculty, researchers, staff, and students must understand their responsibilities regarding these laws and the role they serve in ensuring export control compliance.

U.S. Government Export Controls

The Department of State, through the Directorate of Defense Trade Controls (DDTC), and the Department of Commerce, through the Bureau of Industry and Security (BIS), have implemented regulations governing the **export** of certain technologies, information, and software. U.S. export controls also apply to the **re-export** of items, software, and **technology** from one foreign country to another. In addition, the Department of Treasury, through its Office of Foreign Assets Control (**OFAC**), maintains targeted economic sanctions programs that restrict or prohibit a wide range of **export** and other transactions, including educational services, involving designated countries, entities, and individuals. There are other regimes which regulate the import and export of goods, technology, and software, including the Nuclear Regulatory Commission, Center for Disease Control, Animal and Plant Health and Inspection Service, Convention on the International Trade of Endangered Species of Flora and Fauna, US Patent Office, among others. Several agencies maintain “debarred lists” which may restrict or limit interaction with foreign individuals or entities.

¹ UW’s [Presidential Order No. 8](#) – Classified, Proprietary, and Restricted Research Executive order states, “The most fundamental commitment of the University is to the maintenance of an open academic environment that fosters intellectual creativity, freedom, and the open dissemination of research results. In order to maintain such an environment, faculty, staff, and students must be free to carry out research in an open and unrestricted manner. They must have freedom to select research topics, to participate in research, and to publish or otherwise disseminate the results of their research. This freedom is undermined by restrictions on participation that are based on factors other than interest or competence, by restrictions on access to research facilities that disrupt the overall climate of openness on campus, and by restrictions on publication or dissemination of research findings.”

² Fundamental research is defined in the export control regulations at 15 CFR 734.8 and 22 CFR 120.34, as well as set forth in National Security Decision Directive 189 ([NSDD 189](#)).

Few **exports** at UW require an **export license**. Even in situations where an item or **technology** appears on one of the lists of export-controlled items, there may be an exemption from license requirements, subject to certain documentation requirements. If an **export license** is required, UW will apply for such a license if the activity will not adversely affect the University's research programs and international activities.

UW accepts Classified information³ (e.g., secret, top secret, etc.). This manual does not address classified research but works in tandem with research security concerns. Certain circumstances may require a **Technology Control Plan** to be implemented to ensure compliance with **ITAR** or **EAR** regulations even when the research is not classified.

Violations of export control regulations may result in significant civil or criminal liabilities for the University and the individuals involved, as well as damage to national security and to the University's standing as a premier institution of research and learning.

Definitions

Deemed Export: A deemed export occurs when **technology** or software source code is revealed, through visual, oral, written, or other inspection, to a **Foreign Person** within the U.S. Such **exports** are deemed to be an **export** to the home country of the **foreign person** since the **foreign person** could return home and recreate the **technology** or software. Such releases of export-controlled **technology** or software may require an **export license**.

Export: As defined in the Export Administration Regulations (EAR, 15 CFR 734.13), an export is an actual shipment or transmission of items subject to the Export Administration Regulations out of the United States, or release or transfer of **technology** or software subject to the EAR to a **foreign national** in the United States (also known as a **deemed export**.) This definition includes sending or taking an item out of the United States in any manner, including by shipping or hand-carrying. The ITAR has a similar definition but is more restrictive.

Export Controls Management Plan: An Export Controls Management Plan (ECMP) is a document that lays out the integrated system of controls that an organization has developed to ensure compliance with export control regulations. The ECMP documents the compliance checkpoints throughout an organization to ensure consistent export decisions and thorough due diligence.

Export License: An export license is written authorization from the relevant U.S. government agency for an **export** to occur.

Foreign Person(s): Someone who is not a US Citizen or a US Permanent Resident ("Green Card Holder"). The EAR defines a foreign person as any natural person who is not a lawful permanent resident of the United States, citizen of the United States, or any other protected individual as defined by 8 U.S.C. 1324b(a)(3). It also means any corporation, business association, partnership, trust, society or any other entity or group that is not incorporated in the United States or organized to do business in the United States, as well as international organizations, foreign governments and any agency or subdivision of a foreign government (e.g., diplomatic mission). "Foreign person" is synonymous with "foreign national," as used in the EAR, and "foreign person" as used in the International Traffic in Arms Regulations (22 CFR 120.16).

³ [UW Classified or Restricted Research webpage](#)

Fundamental Research Exclusion: The Fundamental Research Exclusion states that “technology” or “software” that arises during, or results from, fundamental research and is intended to be published is not subject to the EAR. **Fundamental research** means research in science, engineering, or mathematics, the results of which ordinarily are published and shared broadly within the research community, and for which the researchers and/or the University have not accepted restrictions for proprietary or national security reasons. **A requirement for publication or foreign national approvals by the sponsor will nullify the fundamental research exclusion. There are limited exceptions, such as approval to publish in order to ascertain that the publication does not inadvertently disclose sponsor proprietary data or to delay publication in order to seek Intellectual Property Protection.**

Re-export: An actual shipment or transmission of items subject to export regulations from one foreign country to another foreign country. A re-export also occurs when releasing or otherwise transferring “**technology**” or software source code subject to the EAR to a **foreign person** of a country other than the foreign country where the release or transfer takes place (a deemed re-export). For the purposes of the **EAR**, the export or re-export of items subject to the **EAR** that will transit through a country or countries to a new country, or are intended for re-export to the new country, are deemed to be exports to the new country and may require an **export license**.

Technology/Technical data: Technology that may require an **export license** is information necessary for the “development,” “production,” or “use,” of an item.

“Development” is related to all stages prior to serial production, such as: design, design research, design analyses, design concepts, assembly and testing of prototypes, pilot production schemes, design data, process of transforming design data into a product, configuration design, integration design, layouts.

“Production” means all production stages, such as: product engineering, manufacture, integration, assembly (mounting), inspection, testing, quality assurance.

“Use” includes operation, installation (including on-site installation), maintenance (checking), repair, overhaul **and** refurbishing. **“And” is the key word. Mere operation of an item controlled by the EAR is not an export of “use” technology.** It must include “repair” knowledge. **In the ITAR, mere operation is an export.**

United States Export Control Laws and Regulations:

EAR: Export Administration Regulations of the Department of Commerce (15 CFR 730-780). The Commerce Control List (CCL) enumerates items that require an **export license** from the Department of Commerce’s Bureau of Industry and Security.

ITAR: International Traffic in Arms Regulations of the Department of State (22 CFR 120-130). The U.S. Munitions List (USML) lists items that require an **export license** from the Department of State’s, Directorate of Defense Trade Controls prior to **export**.

OFAC: Office of Foreign Assets Control, Department of Treasury (31 CFR 500-599). The OFAC sanctions and embargo regulations apply to specific countries and may impose restrictions on imports, exports, or financial transactions.

Management Plan Statement

UW is committed to complying with **U.S. export control laws and regulations**. The University recognizes the importance of these laws and regulations, and each University community member is expected to support this commitment by being responsible for their obligations under University policies and US

law. No member of the UW community may engage in any activity, or commit the University to engage in any activity, that is contrary to **U.S. export control laws and regulations**, including the Export Administration Regulations (EAR, 15 CFR 730-780); International Traffic in Arms Regulations (ITAR, 22 CFR 120-130); and Office of Foreign Assets Control (OFAC, 31 CFR 500-599) regulations. Any inconsistency between the content of this manual and **U.S. export control laws and regulations** is unintentional. In all cases the requirements of the applicable law or regulation shall take precedence.

Procedures

Before engaging in activities that involve an **export**, members of the UW community must understand and identify any potential **export** limitations. Most activities at the University will qualify for an exclusion to export control regulations (see [Export Controls and University Activities](#) in this document), such as the public domain exclusion⁴ or the **fundamental research exclusion**. However, there are some situations in which export controls may still apply. Examples of such situations include:

- Where **Foreign Persons** may be exposed to **technical data** related to export-controlled equipment;
- Where UW will interact with agencies of foreign governments;
- Where UW hosts foreign scholars for the purpose of participating in research that is not subject to the fundamental research exclusion;
- Where tangible articles will be **exported** (i.e., shipped or accompany the traveler). For example, equipment, research materials, or other items.
- Where UW provides services to an outside entity relating to the development or production of an item.

Many university activities are eligible for one of the EAR, ITAR, or OFAC exclusions, meaning that no license will be required. However, when a research or educational activity involves an export, UW must document its analysis of export control issues, including the availability of any exclusion or exemption.

The export control analysis should be undertaken with the assistance of the University's Export Controls program in the Office of Research (OR.) It is important to note that if a license will be required, this analysis must be done prior to engaging, or agreeing to engage, in the activity. Furthermore, the process for obtaining a U.S. government **export license** may be lengthy, so ample time should be allowed for obtaining an **export license**.

In rare cases, UW may decide not to seek an export license, such as when there is insufficient time to obtain a license, a presumption of denial, or the University is unable to take appropriate measures to properly protect export-controlled information, controlled unclassified information, or otherwise sensitive technical data. In such cases, the export activity may not proceed.

If anyone employed by, acting on behalf of, or associated with the University receives information identified as "export controlled," the information should not be disclosed to any **Foreign Person**, until an export control analysis has been completed to determine licensing requirements, if any, for such information. Even if the information is not identified as being export controlled, it is the obligation of UW and its faculty, researchers, staff, and students, to protect export-controlled information. Thus, it is necessary for all UW personnel to understand the export control regulations and how they may impact their activities on and off campus. Training is available through the Office of Research.

⁴ Information, technology, or software is not subject to the Export Administration Regulations (15 CFR 734.7) when it has been made available to the public without restrictions upon its further dissemination.

If an anticipated UW research or educational activity involves a country subject to U.S. government sanctions (i.e., **OFAC** regulations), the faculty member or researcher will also need to consult with OR through the Director, Export Controls before entering into any negotiations or agreements involving, or before traveling to, such countries.

There are additional UW approvals required for contractual obligations with individuals or entities from countries identified by US government to abate “foreign influence.”

Whenever possible, the University will assist any member of the University community in complying with **U.S. export control laws**, including pursuing **export licenses** as required, and if approved by appropriate authorities (Chair, Dean, Provost, Faculty Council on Research, etc.) However, the primary responsibility to follow the policy and abide by the applicable regulations rests with the University community member, as the individual most informed about the contemplated project.

It is important to note that any **export** from the U.S. is an import to another country. In addition to complying with U.S. laws and regulations, it is the responsibility of the University community member to identify and comply with the applicable import laws and regulations of foreign countries when **exporting** on behalf of the University by contacting the recipient prior to exporting any goods, technical data, or software subject to the EAR or ITAR. (Note: All software developed for military or space application is highly regulated from disclosure to foreign nationals. Object code (not source code) that is non-military and/or non-space may be shared with foreign nationals, including common academic software programs such as Matlab.

Export Controls Management Plan

This **Export Controls Management Plan** states the policies, procedures, and resources that the University uses to ensure compliance with U.S. government export control regulations. It is OR’s responsibility through the Director, Export Controls to assist the University community with export control and licensing issues in support of authorized UW activities to the extent permitted and allowed by **U.S. export control laws and regulations**.

Export Controls and University Activities

U.S. government export control laws and regulations contain specific exclusions or exemptions for certain types of information and activities related to academic pursuits. They generally exclude information that is published, or provided as part of academic catalog courses. In addition, the regulations exclude the results of research projects conducted at academic institutions provided that the University has accepted no restrictions on the publication of the research results, or access and dissemination controls (such as foreign national restrictions) (see also the definition of “**Fundamental Research**”). Research results may be submitted to a sponsor prior to publication in order to identify any inadvertently incorporated sponsor technical data or to pursue intellectual property rights.

Notwithstanding these exclusions/exemptions, a number of situations may require the University to address export control issues, including the need to obtain **export licenses**. The following examples are not a comprehensive list of situations in which an export license may be required.

- The shipment of equipment, software, or **technology** to a foreign country is an **export** from the U.S. In some cases, such **exports** may require an **export license**. The **ITAR’s** USML and the **EAR’s** CCL both list items that may require an **export license**. However, as noted above, the University may be able to take advantage of certain license exceptions or exemptions.

- Providing assistance to a foreign government’s military or space organizations or manufacturers may qualify as a “defense service.” Under the **ITAR**, a defense service can be provided using solely information in the public domain. Any assistance to a foreign government’s military or space operations will likely require US government authorization.
- The transfer of export-controlled **technical data** to a **foreign person** in the U.S. is deemed to be an **export** to the home country of the **foreign person** (i.e., a **deemed export**.) This includes the release of non-public source code or information related to the “development”, “production”, or “use” of a CCL-listed item to a **foreign person**, entity or country. Such transfer or release may be made through oral, visual, or other means. **Deemed exports** are particularly relevant to university researchers given the nature of the activities that normally take place at a university. Whenever teaching or research activities involve export-controlled equipment, **technology**, or software, the involvement of foreign students or researchers, the activities may trigger export control compliance issues. While most deemed exports will not require an export license, the following are examples of situations in which an export license may be required:
 - Involving foreign nationals in research projects where unallowable publication, foreign national, or national security restrictions are incorporated into a sponsored project;
 - Allowing a **foreign person** to have visual or physical access to an item that is export controlled;
 - A demonstration, briefing or presentation where export-controlled information will be shared and a **foreign person** is present;
 - A conversation with a **foreign person**, whether in person, virtually through electronic means or by phone in which export-controlled information will be shared with the foreign person;
 - Laboratory visits by **foreign persons** in which they may be exposed to export-controlled technical data on laboratory equipment;
 - Viewing of documents, hardware or technical drawings related to export-controlled equipment by a **foreign person**.
 - Saving export controlled information on a shared server or a cloud server;
 - E-mailing technical data to a person in a foreign country.

In these situations, the University may:

- Determine that no **export license** is required;
- Determine that while an **export license** is ordinarily required, an exception to that requirement exists;
- Be required to obtain an **export license** (which may ultimately be approved or denied by the government); or
- Halt work on the project if the University determines it is unable or unwilling to seek an **export license**.

Responsible Parties

UW is committed to compliance with export control regulations and understands the importance of export controls in protecting the national security and foreign policy interests of the United States. The University Provost is charged with oversight of all aspects of UW’s compliance with export controls.

The University Provost has delegated to the Director, Export Controls the authority to seek **export licenses** from the relevant government agencies in support of UW activities. The Director, Export Controls is also the designated “Empowered Official” as per [22 CFR §120.67](#)

If a proposed activity may violate U.S. export control regulations, the Director, Export Controls, has the authority to halt the activity. If a violation has occurred, the Director, Export Controls also has the

authority and responsibility to submit disclosures to the relevant regulatory agencies on behalf of the University, in consultation with the University Provost and/or Vice Provost for Research and Attorney General's Office of the State of Washington.

UW's Director, Export Controls and their team are responsible for the following functions:

- Develop procedures to ensure the University's compliance with **U.S. export control regulations**;
- Perform regular risk assessments to evaluate the relative strengths and weaknesses of the University's export compliance programs and providing assessment results to the Sr. Associate Vice Provost for Research;
- Serve as the University's principal point of contact for agencies with regulatory or enforcement authority under the export control regulations;
- Provide assistance and training to University community members regarding the laws, regulations, and University procedures associated with export controls; and
- Prepare **export license** applications, and submission of applications to the relevant U.S. government agencies, as necessary.

Operational Procedures and Guidelines

A. Shipment Review

With the exception of personal effects, the export of university-related items (i.e., articles, materials, compounds, goods, etc.), whether shipped or hand-carried, should be reviewed prior to **export**. ITAR data should never be taken or shipped overseas without an export license. The shipper ultimately remains responsible for export documentation related to international shipping including filing Electronic Export Information (EEI) documents or other declarations. The Director, Export Controls is an available resource to ensure compliance with export control laws.

APL Shipments:

The Applied Physics Laboratory of the University of Washington has a dedicated shipping dock that works with the Director, Export Controls for any international shipments.

Freight Forwarder/Customs Broker:

UW has established relationships with freight forwarders/customs brokers authorized to act on the University's behalf for international shipments, including submission of export documentation to U.S. Customs. Customs brokers are authorized to file EEI documents with U.S. Customs. In all cases, UW remains responsible for compliance with **U.S. government export control regulations**.

Environmental Health and Safety:

Export Controls partners with the Office of Environmental Health and Safety (EHS) to conduct reviews of shipments that require both export control review and EHS review.

B. Review of Research Projects and Agreements

The Office of Sponsored Programs (OSP) reviews sponsor solicitations, research proposals, award documentation and other related agreements to identify situations which may trigger export control issues, such as publication or foreign national restrictions, shipments of equipment overseas, the presence of emerging and foundational technologies, **deemed exports**, foreign influence, etc.

OSP negotiates a variety of sponsored program agreements to ensure that research projects at UW qualify for the **fundamental research exclusion** to export control regulations. Proposals are reviewed

for physical exports, interaction with sanctioned countries, the inapplicability of the fundamental research exclusion, defense services, etc. Award terms and conditions are subsequently reviewed to ensure compliance with export control laws (e.g., open publication of research results, no national security restrictions, etc.) Any agreements which contain language impacting the export control status of the project will be referred for evaluation to Export Controls. In some circumstances, a Technology Control Plan may need to be agreed upon with the Principal Investigator.

C. Sanctioned Countries

In addition to University review of “foreign influence” for any engagements with sanctioned countries, UW cannot execute any agreements with sanctioned countries without an assessment as to whether a **license** is required. Any sponsored project involving a sanctioned country should be identifiable from responses to the Non-Fiscal Compliance Questions of an eGC1. Other activities involving countries subject to **OFAC** sanctions are identified through various means, including UW’s CoMotion Office, coordination with UW’s travel registry through the Office of Global Affairs, and collaboration with the Office of University Advancement, among others. In addition, regularly provided export control training sessions include information related to **OFAC** sanctions, where faculty and staff are made aware of the need to contact Export Controls if activities involve these countries.

D. Restricted Party Screening

Restricted Party Screening is an essential component of complying with government regulations concerning persons debarred or excluded from participation in certain activities. Restricted Party Screening seeks to identify parties that are prohibited from receiving some or all items subject to export control regulations unless the exporter secures a license. Depending on the list in which the match was found, a match may indicate one of the following: a strict export prohibition; a specific license requirement; or the presence of a "red flag".

UW contracts with a third-party vendor, *Visual Compliance*, which compiles multiple U.S. government debarment lists into one searchable database. In addition, some offices at UW utilize other vendors, such as *SanctionCheck*, to perform Restricted Party Screening.

Restricted Party Screening is conducted by multiple offices according to their roles in the academic enterprise.

E. Visa Review

The U.S. Department of Homeland Security’s Immigration and Customs Enforcement requires that a visa sponsor conduct an initial export control review and certify whether the **foreign person** requires an **export license** to conduct activities at the sponsor organization. This policy applies only to H-1, O-1 and L-1 visa applicants. Export Controls conducts this review and notifies the Office of Academic Personnel/International Student Services of the determination.

I-129 Certification:

Many visa applications can be approved by Export Controls based upon a review of the notification provided by the Office of Academic Personnel/International Student Services. The notification includes the following information: department sponsoring the individual, the supervisor of the individual, country of citizenship, country of permanent residence, the purpose of stay, and sponsored funding.

In some cases, Export Controls sends an e-mail questionnaire to the supervisor requesting additional information about research projects that the **foreign person** may be involved in, access to export-controlled equipment, etc. Based upon the responses to the questionnaire, Export Controls may notify the Office of Academic Personnel/International Student Services that no **export license** is required, seek an **export license** for the individual to have access to export-controlled equipment/data, or put in place a **Technology Control Plan** (see next section) for a specific research project.

Persons from Sanctioned Countries:

In addition to the above visa applications, Export Controls is also responsible for reviewing all visa applications, regardless of the type of visa, for **foreign persons** from countries subject to comprehensive sanctions. It is expected that the majority of cases will not require an **export license** for the individual to study/work at UW. However, it may be necessary to seek a license in some situations.

F. Technology Control Plans

In those rare situations where specific data is subject to export control regulations and therefore may not be shared with **foreign persons**, a **Technology Control Plan** may be put in place. In general, a **Technology Control Plan** is not required for UW research projects because UW normally conducts only projects that qualify for the **fundamental research exclusion**.

If the project or activity involves inputs that are export-controlled, but the research results remain eligible for the **fundamental research exclusion**⁵, the Principal Investigator will be primarily responsible for implementing and maintaining appropriate access controls so that a **Foreign Person** who is a part of the project team does not have access to information that the foreign person is not authorized to receive. The faculty member/researcher may be required to attest to implementation of such controls by completing a **Technology Control Plan**.

A **Technology Control Plan** is drafted by Export Controls based on regulatory requirements, University policies, and research agreement language, as applicable. **Technology Control Plans** address the nature of the restriction (e.g., foreign national restriction) and the steps required to be taken by the research team in order to ensure compliance with any contract terms and export control regulations. The **Technology Control Plan** may address physical access, access to IT resources, and/or training requirements for the research group. In all cases, the faculty member/researcher remains responsible for ensuring compliance with the provisions of the **Technology Control Plan**.

G. Obtaining Export Licenses

If a University community member determines, with the assistance of the Director, Export Controls, that a particular project or activity is subject to export controls and no exemption is available, the University community member is responsible for securing the items, software or **technology** against disclosure or transfer to any **Foreign Person**, within or outside the United States, until a license or other authorization is obtained.

Securing the appropriate license is a complex process and may take a significant amount of time. When an **export license** is required, it is the responsibility of the University community member to work with Export Controls to prepare the required license application. License applications may only be submitted by the Director, Export Controls.

⁵ As previously stated, UW does not typically conduct research projects that are ineligible for the fundamental research exclusion.

Training and Awareness

University has partnered with the Collaborative Institutional Training Initiative (CITI) to provide web-based export control training modules for faculty, researchers, students, departmental staff, and central administration staff. Multiple “levels” of export control training are offered, depending upon the job responsibilities of the audience and their areas of expertise. For example, while departmental business managers, faculty assistants, and others can complete training modules covering a wide array of export control-related issues across multiple technical areas (e.g., **ITAR**-controlled equipment, biological pathogens, controlled lab equipment, etc.), faculty researchers have access to more directed training modules.

Export Controls may also conduct other types of training sessions in order to focus on particular topics of concern to the University community. For example, presentations made to individual researchers are more focused, and will emphasize compliance risks related to the specific technologies, geographical regions, or external entities involved.

Recordkeeping

Records related to export shipments are to be maintained by the sender of the package, or the traveler in cases where the item(s) is hand-carried.

All documents related to **export licenses** and **Technology Control Plans** are retained and stored in OR by the Director, Export Controls and in the unit by the individual involved in the transactions. The records are typically retained electronically, but are reproducible in hardcopy.

In accordance with the export control regulations, records related to export control compliance are required to be retained for a minimum of **five years** after the latest of the following times: the export of the item; any known reexport, transfer (in-country), transshipment, or diversion of the item; termination of the transaction or end of the funding period. In situations where records are related to a multi-year project, records are retained for a minimum of five years after the conclusion of the research project.

Risk Assessment

The Director, Export Controls will conduct scheduled risk assessments to highlight where risks exist within the export control arena as identified by management. The risk assessments will serve to:

- 1) Identify risk areas;
- 2) Assess the severity of a given risk;
- 3) Assess the likelihood of occurrence for a particular issue;
- 4) Prioritize risk areas;
- 5) Develop mitigation strategies for risk areas.

UW Internal Audit may also conduct internal assessments of the export control compliance program (see next section).

Monitoring and Auditing

Internal Audits

UW's Office of Internal Audit has authority to conduct reviews and audits of the export compliance program. The reviews and audits may include a review of UW's export procedures, as well as selected export transactions and how University departments handled these transactions in relation to the compliance procedures. The following areas may be reviewed in an audit:

- a. Screening practices
- b. International shipments
- c. Use of **export licenses** and license exemptions
- d. Corrective action procedures
- e. **Deemed exports** and release of **technical data**
- f. Compliance with the terms of TCPs
- g. Recordkeeping
- h. Other areas at the discretion of the Office of Internal Audit.

External Audits

In addition to audits performed by its Office of Audit and Compliance, UW may choose to periodically have an audit conducted by an outside auditor or third-party consultant. Audits may also be conducted or directed by the federal government.

Reporting of Problems and Violations

Internal Reporting

UW community members working with export controlled equipment or **technical data** assume responsibility for conducting their activities in compliance with **U.S. export control laws and regulations**, as well as UW policies.

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. Supervisors, managers, department chairs, or deans can provide guidance regarding the concern.
- 2) Raise the concern with the Director, Export Controls. The Director, Export Controls has responsibility to review and investigate all non-compliant activities related to export control regulations. The University community may submit a concern directly to exports@uw.edu.
- 3) Contact the Office of Research or any UW Compliance Hotline.

Investigation of Potential Export Control Violations

In the event an investigation of a possible export control violation is to be launched, the following steps will occur:

1. Inform the UW Attorney General's Office
In the event than an export control violation is suspected, the Attorney General's Office of the State of Washington must be notified.

2. Cease activities
In the event that it is determined that an export control violation has occurred, or is about to occur, the activities related to the violation must be ceased immediately. Continuing to carry-out the activity after it has been identified creates the opportunity for continued violation of export control regulations, and commensurate penalties.
3. Conduct investigation
The Office of Research, Attorney General's Office, and other University personnel may be involved in investigating the possible violation. These personnel will determine the scope of the investigation and identify the "who, what, where, when and how" of the possible violation. The investigatory team may prepare a report on the investigation for submission to the relevant University administrators and/or departments, including any corrective actions that have already been implemented, as well as additional recommended corrective actions.
4. Inform stakeholders of possible violation
UW personnel involved in the possible violation must be notified that an investigation of the possible violation has been launched and their assistance may be required during the course of the inquiry, unless doing so may impede the investigation.
5. Disciplinary Action
Members of the UW community who engage in illegal activity are subject to disciplinary action, up to and including termination of employment or student status, in addition to any penalties the federal government may impose.

External Reporting (to Government Authorities)

1. Internal Disclosure (Voluntary Self Disclosure)
When a noncompliant event is determined to have occurred, University will determine whether a disclosure of the event to the relevant government authority is warranted, erring on the side of disclosure. Such disclosures are considered a mitigating factor in any export enforcement administrative action. In the event of an ITAR violation, the Empowered Official of the University has the legal obligation to disclose without University approval, as prescribed by law.
2. Access to governmental hotlines
The UW community is not discouraged from contacting federal authorities directly if an export violation may have occurred and University contacts have not pursued the issue.
3. Penalties
The penalties for export control violations can be severe, including personal civil liability, monetary fines, the denial of export privileges, and imprisonment. Penalties for the institution may include fines and debarment.