



Interim Export Control Procedure

Responsible Official:	Assistant Vice Chancellor for Research
Responsible Office:	Office of Research & Economic Development
Issuance Date:	August 1, 2021
Effective Date:	August 1, 2021
Summary:	This procedure addresses UC Merced's compliance with U.S. Export Control laws in research and non-research activities
Scope:	All members of the UC Merced community, including faculty and other academic appointees, visiting scholars, staff, students, and non-employee participants in University programs.

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I. REFERENCES AND RESOURCES

Federal Laws and Regulations

- [International Traffic in Arms Regulations](#)
- [Export Administration Regulations](#)
- [U.S. Department of the Treasury: Office of Foreign Assets Control \(OFAC\)](#)

UC Policies

- [UC Policy on Export Control](#)

Guidelines/Resources

- [UC Merced Export Control Website](#)
- [UC Export Control Website](#)
- [UC Export Compliance Plan](#)

II. PROCEDURE SUMMARY & SCOPE

Consistent with the UC Export Control policy, all campus community members must be aware of and comply with all U.S. export control laws and any applicable policies and procedures prior to engaging in any activities that may trigger export control compliance issues. The University is committed to complying with all U.S. export control laws, including the Export Administrative Regulations (EAR), the International Traffic in Arms Regulations (ITAR) and the regulations of the Office of Foreign Assets Control (OFAC).

Prior to commencement of any activity that may trigger export control compliance issues members of the UC Merced community should consult with the campus Export Control Officer, who will assist in obtaining an export license where a license is required. No University activity requiring an export license shall be commenced prior to obtaining a license. The consequences of violating export control regulations can be severe and can result in both civil and criminal penalties for the individual and for the institution. Suspected violations must be reported to the ECO. Additionally, the university will respond promptly and effectively to any reports of non-compliance, and take the necessary action to prevent, correct or discipline behavior that violates the Export Control policy.

This procedure describes responsibilities for university compliance with U.S. export control laws, including laws restricting unlicensed shipping or transmission of certain types of physical items, sensitive information and technologies (including software) out of the U.S. or providing access to certain controlled information and technologies to non-U.S. individuals within the U.S. Compliance with the export control regulations requires the cooperation and shared responsibility of many offices and persons. This procedure applies to all members of the campus community (including faculty and other academic appointees, visiting scholars, staff, students and non-employee participants in university programs) for all university activities (research and non-research) including, but not limited to, international travel, shipping, agreements and collaborations, educational activities, purchasing, and other activities, including activities related to federally- embargoed countries that may create export control risk.

AREAS OR ACTIVITIES REQUIRING REVIEW BY ECO:

- Physical international shipments
- Classification of materials, software, equipment, or technical data to be exported
- Exports (or deemed exports) to restricted entities or individuals
- International travel
- Purchase of export restricted items
- Positive "hits" on Restricted Party Screening
- Research contracts and agreements; specifically, those that contain access/dissemination restrictions or export control language
- Access to or use of ITAR-controlled technology of equipment
- Material transfer agreements, license agreements, sales and services agreements and other agreements with international entities/organizations or export control language

III. DEFINITIONS

Responsible Party: The person who assumes primary responsibility for ensuring compliance with a license or Technology Control Plan.

Technology Control Plan (TCP): A documented plan that outlines how access and dissemination of export-controlled information, technology or equipment will be controlled to prevent access by unauthorized persons.

Additional definitions of terms are available in the [UC Export Control policy](#).

IV. PROCEDURES

Prior to commencing any activity that may trigger export control compliance issues, members of the UC Merced community should consult with the campus Export Control Officer. The Export Control Office will determine if an activity is regulated under export control laws. This includes making the following determinations:

1. Determine if action falls under export control regulations by reviewing the appropriate regulations, policies and guidance for the activity. If the activity is determined to fall under export control regulation, the ECO will proceed with any or all of the following actions:
 - a. Conducting restricted party screening when appropriate, for foreign vendors, foreign sponsors, foreign donors, H1-B and J1 Visa holders, foreign collaborators, and any other relevant entity or individual.
 - b. Applying for a license from the federal government
 - i. Determine whether the activity requires a general license, or qualifies for an exception or exemption, and provide the appropriate documentation.
 - ii. If a license is required, authorize and submit a request to the appropriate regulatory authority, and/or, in the case of ITAR licenses, coordinate with the Systemwide Export Control Officer to do so.
 - iii. Provide a copy of the approved license or letter of exception or exemption to the responsible party.
 - iv. Monitor the license expiration date and inform the responsible party prior to expiration.
 - v. ECO will obtain ITAR licenses through coordination with UCOP.
 - c. Implementing a Technology Control Plan
 - i. Determine the responsible party
 - ii. Determine who will have access to the technology
 - iii. Determine how the technology will be secured
 - iv. Determine how the technology will be disposed or transferred
 - v. Create the Technology Control Plan document and obtain responsible Party signatures
 - vi. Monitor compliance with TCP annually

V. ROLES AND RESPONSIBILITIES

A. EXPORT CONTROL OFFICER (ECO):

1. Develop, maintain, monitor, and oversee the Export Control Compliance Program.
2. Administer the Export Control workgroup and serve as the central authority and resource for compliance with applicable export control laws and regulations.
3. Ensure compliance with all U.S. regulatory recordkeeping requirements as well as adherence to the [UC Records Retention Schedule](#).
4. Determine the applicability of export regulations to proposed campus activities, including options for export licensing, exceptions, exemptions, or control plans to mitigate risk based on review of applicable regulations and polices.
5. Respond to reports of suspected violations, including, as deemed necessary, halting transactions, taking appropriate action to correct and prevent future violations, and reporting suspected violations to the Systemwide Export Control Officer and to UC Legal.
6. Coordinate with local leadership, including the local compliance officer and counsel (and, in the case of ITAR matters, with the Systemwide Export Control Officer) to determine whether/when to report a compliance violation to the appropriate government agency via a self-disclosure.
7. Develop education, training, and outreach for the university to promote Export Control Compliance Program awareness.
8. Coordinate with appropriate stakeholders, update training materials, and ensure employees and students engaged in export-controlled activities receive the appropriate briefing.

B. EXPORT CONTROL WORKGROUP:

1. Chaired by the ECO; include staff and faculty representatives from applicable campus departments
2. Meet at least quarterly to provide high level oversight on export compliance
3. Evaluate and recommend potential solutions for implementing, maintaining and tracking export control compliance
4. Review suspected violations and recommend corrective actions
5. Advise on complicated or special export control matters

C. ALL MEMBERS OF THE CAMPUS COMMUNITY INVOLVED IN ACTIVITIES THAT ARE POTENTIALLY SUBJECT TO EXPORT CONTROL:

1. Ensure activities comply with UC Export Control policies, regulations, and the Export Control Compliance Program (ECCP), and seek guidance from the ECO as necessary before undertaking any activities that may trigger export control compliance issues
2. Coordinate requests for export licenses with the ECO
3. Report suspected or actual export control violations to the Export Control Office
4. Complete training and/or attend outreach sessions regarding export control compliance and regulations

VI. PROCEDURE REVISION HISTORY

Date	Action/Summary of Changes
August 1, 2021	Interim Procedure Issued