

August 21, 2013

EXPORT CONTROLS ACTION PLAN

All employees, students and other persons working at UA must conduct their affairs in accordance with applicable U.S. laws and regulations, and consistent with the highest standards for research integrity and ethics. UA is committed to complying with U.S. export controls laws and regulations that apply to its activities, including the International Traffic in Arms Regulations (ITAR), the Export Administration Regulations (EAR), and the Office of Foreign Assets Control (OFAC) regulations. All individuals working at UA who work with, or have access to, export-controlled technical data, information, materials and equipment are required to be familiar with and fulfill the requirements of the U.S. export controls laws and regulations. UA also recognizes that a critical component of UA's mission is supporting fundamental research as well as developing relationships and participating in the worldwide academic and business community to further the pursuit of knowledge.

The EAR and the ITAR govern not only the shipment or transfer of export-controlled technical data, information, materials and equipment to destinations outside the United States, but also the provision of access to certain export-controlled technical data, information, materials or equipment to non-U.S. persons **within** the United States. In addition, the OFAC regulations impose sanctions and embargoes on transactions or exchanges with designated countries, entities and individuals. The export regulations are in place to protect not only the economic vitality of the United States, but also to ensure that our technologies are not diverted and used against us. Violations of the export controls laws can undermine efforts to protect against attack or prevent international criminal activity. The UA recognizes that these laws support vital national security, economic and foreign policy interests.

The University of Arizona's Strategic Plan mandates the rapid growth of our research capabilities, including: increased access to new and existing sources of research support; the recruitment, training and maintenance of world-class faculty and students; and the transfer of new knowledge and technologies into Arizona's economy and throughout the world. As a public institution of higher education, UA will continue to expand its contacts with international scholars, employ foreign nationals, collaborate with international partners on research, education and services, and host foreign visitors in connection with international exchange programs and other business and academic collaborations. Achieving each of these goals, while also assuring that U.S. export controls laws are observed, requires that UA's export controls policy and procedures be clearly expressed and broadly understood throughout the institution.

In order to attain our strategic research goals, the UA's research activities must not be derailed, nor scarce resources be diverted, by responding to potential civil or criminal liability for export controls violations. All persons working in areas subject to export controls risks must be aware not only of the restrictions, but also have knowledge of the scope of the fundamental research

exclusion and other exemptions that support university research and educational activities in the public interest.

Penalties for export controls violations are substantial, including significant fines, debarment from participation in federal contracting, loss of export privileges, and in some cases imprisonment. In addition to these severe penalties, the potential reputational damage to an institution from violation of these laws could be difficult to repair, possibly resulting in lost opportunities for attracting world-class researchers and/or decreased access to research funding through private industry and government sources.

To support sustained rapid growth toward research excellence in our decentralized and increasingly collaborative research environment, UA requires a broader vision in support of a more nimble, transparent and systemic approach to export controls. A clearly organized and collaborative culture for responsible conduct of research is aligned with, and is a critical element of, UA's strategic plan. To achieve the critical balance necessary to fulfill UA's export controls obligations while advancing our research goals, the University's export controls program will be refocused and enhanced. This initiative includes the following key elements:

1. Institutional management and oversight of export controls compliance by the University's Office of the Vice President for Research, through the University's Export Controls Office ("UECO");
2. Increased collaborative involvement from leadership in all research and administrative units affected by export controls issues, including the designation of a network of export controls Liaisons to coordinate the flow of relevant information to and from UECO;
3. Development by UECO, in conjunction with college and departmental leadership, of an enhanced and updated Export Controls Policy that includes the foregoing elements, as well as provisions for: mandatory export controls training for high-risk units; regular internal quality assurance reviews and self-audits; establishment of a campus-wide mechanism for reporting suspected violations to the Empowered Official; and the development and monitoring of corrective action plans in the event of non-compliance.
4. The Office of the Vice President for Research, through the Office for the Responsible Conduct of Research and in collaboration with college and department leadership, will develop a Strategic Plan for export controls, with a timeline for implementation and attention to obtaining adequate resources to support these efforts.

The Director of UECO has been designated as UA's primary Empowered Official for export controls with the authority to make export controls determinations on behalf of the institution. The Director will provide day-to-day management and training for an expanded staff of export

controls analysts who will be strategically deployed to manage the UA's diverse export controls requirements in close coordination with college and departmental export controls Liaisons. The Director has been charged with the following tasks as part of the enhanced institutional export controls Program:

1. Managing communications on behalf of UA with federal agencies charged with export controls responsibilities, in conjunction with UA's Office of the General Counsel;
2. Creating an updated University Export Controls Manual that establishes clear procedures and guidelines, consistent with UA's Export Controls Policy;
3. Providing training and educational materials, including web-accessible content, that address both general requirements and the specific needs of colleges and departments affected by export controls;
4. Establishing collaborative relationships with college and departmental leadership and export controls Liaisons to address export controls issues;
5. Developing a clear process for responding to potential export controls violations that are reported to the Empowered Official;
6. Creating well-defined record-keeping and tracking protocols; and
7. Participation in regular quality assurance reviews, including the development, implementation and monitoring of appropriate corrective actions.

If you have any questions or concerns regarding export controls issues, please contact the Director of UECO, the Associate Vice President for Research Compliance and Policy, or UA's Office of the General Counsel.

