



University of Maryland

Export Compliance Program

April 6, 2015

Message from the Vice President for Research

Export control is governed by a group of federal regulations intended to advance the national security, foreign policy, and economic interests of the United States. The primary regulations controlling export of technologies are the Export Administration Regulations (EAR) (15 CFR §730-774) administered by Department of Commerce, and the International Traffic in Arms Regulations (ITAR) (22 CFR §120-130) administered by Department of State. The Office of Foreign Assets Control of the Department of Treasury administers various sanctions programs which restrict financial transactions and services with certain countries. These export regulations can have severe penalties for non-compliance including criminal liability and potential incarceration for the individual and significant fines and other sanctions for the institution. More detailed guidance on the export laws can be found at the Export Compliance Office website:

www.umresearch.umd.edu/Export

The University of Maryland is committed to its mission of creating and disseminating knowledge for the good of all people. By Board of Regent's policy *IV-2.20-POLICY ON CLASSIFIED AND PROPRIETARY WORK*, the University does not enter into research agreements that bar the investigator(s) from publicly disclosing research findings. For this reason, University of Maryland research results are generally considered by export laws to be publicly available and excluded from export restrictions. However, this exclusion has limitations and may not carry over to certain research activities, materials, and proprietary information furnished from outside sources. Researchers and administrators need to be mindful of any export restrictions affecting their area of research.

The responsibility for compliance with U.S. export laws is shared between all university personnel. To provide the necessary guidance and tools for compliance, the University's Division of Research has an Export Compliance Program

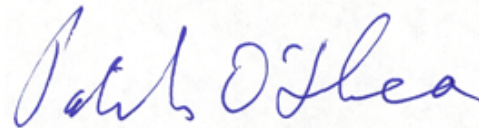
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administered by the Export Compliance Office. The mission of the Export Compliance Office is to promote research and an atmosphere of compliance with U.S. export laws in the most efficient and transparent manner possible. The purpose of this document is to define the goals of the Export Compliance Program, define the various roles and responsibilities, and outline the services and guidance provided by the Export Compliance Office to the various functional areas.

The Export Compliance Office and the Export Compliance Program have the full support of Senior Leadership at the University of Maryland.



Adam Grant
Export Compliance Officer



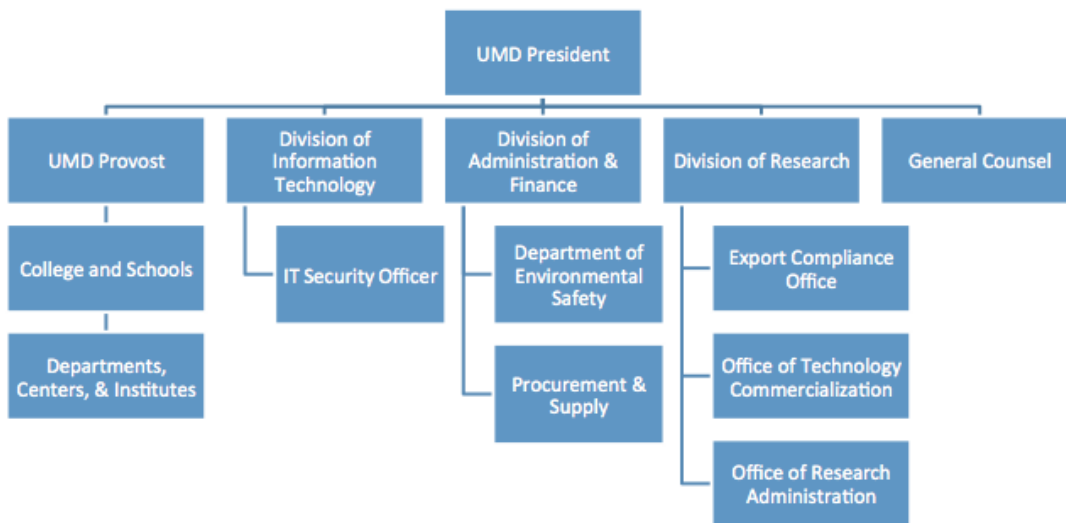
Dr. Patrick O'Shea
Vice President and
Chief Research Officer

I. Description of Program

The University of Maryland's Export Compliance Program consists of identifying and mitigating compliance risks at every stage of the research process. The responsibility for compliance is shared with all university faculty, staff, and students involved with activities subject to export laws. However, functional areas of specific compliance risks are identified herein along with the key roles and responsibilities for the faculty and staff having the greatest impact in the compliance process. Due to the ever-changing nature of technology as well as the regulatory climate, the Export Compliance Program is an evolutionary process and the Export Compliance Office continuously monitors the campus and external factors to identify areas of highest risk so the appropriate information, resources and tools can be made available to those affected, promoting an ongoing atmosphere of export compliance.

II. Organizational Chart and Responsibilities

UMD Export Compliance Organization Structure



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Vice President for Research

The Vice President for Research has undertaken the task to ensure that adequate resources are provided to mitigate export compliance risks at the University of Maryland. The Export Compliance Office is funded by the Division of Research and, on an annual basis, the Vice President for Research meets with the Export Compliance Committee to review the campus risk assessment and recommendations by the Export Compliance Officer for policy, guidelines, and resources needed to support an atmosphere of compliance. The Vice President for Research will also be available on an ad hoc basis to review specific concerns or issues related to export compliance brought forward by the Export Compliance Officer. The Vice President for Research helps disseminate Export Compliance Office guidance to the affected faculty and staff as requested by the Export Compliance Officer.

Export Compliance Officer

The Export Compliance Officer serves as the Empowered Official for the Division of Research and is responsible for managing and administering the Export Compliance Program herein including conducting an annual campus risk assessment which is reported to the Vice President for Research. The Export Compliance Officer's primary responsibility is to facilitate research while promoting compliance with export laws in the most efficient and transparent manner possible. Key areas of responsibility include:

- Identifies areas at the University of Maryland that are impacted by export control regulations
- Develops export control procedure guidance to assist the University in remaining in compliance with export control regulations
- Educates inventors, principal investigators, research centers and academic units about export control regulations and procedures at the University of Maryland
- Monitors and interprets export control legislation
- Assists investigators, researchers and offices at the University of Maryland when research involves export-controlled equipment or information
- Provides proposal support to researchers for solicitations involving potential export restrictions
- Seeks advice from the Office of Legal Affairs in analyzing and handling export control compliance issues
- Applies for export licenses, commodity jurisdiction and commodity classification requests
- Provides support for departments needing to ship items overseas
- Advises and assists with record keeping for export controlled activities at the University of Maryland

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- Investigates potential export violations on campus
- Maintains the Export Compliance Office website

IT Security Officer

Security of information is closely related to the mission of export compliance. The IT Security Officer will coordinate IT initiatives that may impact the security of export controlled information with the Export Compliance Officer. The Export Compliance Officer will also share regulatory information or other information that may impact information security on campus with the IT Security Officer.

Export Compliance Committee

The Export Compliance Committee is an ad hoc committee, appointed by the Vice President for Research, consisting of a faculty chair, the Export Compliance Officer, and the liaisons from the Office of Research Administration and the Office of Legal Affairs. Other faculty members are appointed on an ad hoc basis as needed. The primary responsibility is to participate in the annual risk assessment meeting and to provide as needed support to the Export Compliance Officer for the development of guidelines and review of other compliance issues.

Faculty

Faculty members involved in applied research activities with cutting edge technologies (especially technologies with a possible military application) have an increased potential for interaction with export restrictions. Collaborations with foreign entities and especially sanctioned countries such as Cuba, Syria, North Korea, Sudan, and Iran also have an increased potential to be impacted by export restrictions. Faculty possess the most knowledge of the technical scope of their research as well as whether they are in receipt of proprietary technical information furnished by outside sources. For these reasons, faculty have one of the most important roles in the compliance process. Faculty responsibilities include:

- Understanding how their technology (and potential applications) are classified under export laws (The Export Compliance Office can provide consultation)
- Understanding whether export laws, including sanctions, may place restrictions on their academic activities (The Export Compliance Office can provide consultation)
- Ensuring that accurate information is provided to departmental business administrators to use on Routing Form questions when initiating agreements or proposals

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- Understanding and abiding by applicable export laws during international travel
- Ensuring, in consult with the Export Compliance Office, that all international shipments are compliant with US export laws
- Abiding by the terms and conditions of their sponsored research agreements
- When necessary, working with the Export Compliance Officer to establish a Technology Control Plan and properly administering the agreement after execution
- Consulting with the Export Compliance Office if they receive any export controlled information or ITAR hardware not covered by a Technology Control Plan or if their sponsor conveys any export control requirements related to their research activities
- Maintaining records associated with export activities in accordance with document retention guidelines herein

Deans/Chairs/Directors/Unit Heads

Deans, Chairs, Directors, and Unit Heads are responsible for promoting an atmosphere of compliance by disseminating key messages from the Export Compliance Office to affected faculty and assisting the Export Compliance Office in coordinating training activities. Deans, Chairs, Directors, and Unit Heads are also responsible for reviewing and approving Technology Control Plans and understanding the implications and legal risks associated with research involving restricted technology.

Office of Legal Affairs

The Office of Legal Affairs reports to the Office of the President at the University of Maryland. The Office of Legal Affairs will provide a liaison to review the annual risk assessment of the Export Compliance Office as well as recommendations, findings, and other matters when requested by the Export Compliance Officer. Export Compliance Office records will be made freely available to the Office of Legal Affairs, and the Export Compliance Officer will notify the Office of Legal Affairs if it becomes aware of any potential violations or enforcement activities on campus related to export laws. To the extent allowable by law and confidentiality provisions, the Office of Legal Affairs will notify the Export Compliance Officer if it becomes aware of any potential violations or enforcement activities on campus related to export laws.

Office of Research Administration

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Since the greatest potential for export compliance risk areas comes through sponsored research activities, the Office of Research Administration has a key role in export compliance during their review of proposals and incoming awards for conditions that may require negotiation to remove problematic clauses or a more in-depth export compliance review by the Export Compliance Officer. The Export Compliance Officer provides annual training to Office of Research Administration staff on recognizing export compliance concerns. The Office of Research Administration will appoint an Export Compliance Office liaison to help coordinate and formulate communications, guidelines, and training efforts with Office of Research Administration staff.

Procurement

Procurement personnel are responsible for reviewing information provided by suppliers and vendors and notifying the Export Compliance Office for guidance if any material subject to the ITAR will be shipped to campus or if vendors will be sending proprietary technical data. Procurement terms and conditions contain a clause requiring vendors to notify the University before providing any technology to campus subject to the ITAR. Procurement personnel are also responsible for screening international vendors against restricted party lists and maintaining associated records in accordance with the record retention requirements herein.

Office of Technology Commercialization

Office of Technology Commercialization personnel consult with the Export Compliance Office for any contemplated licensing activity with foreign parties and anytime non-standard terms are used related to export compliance on licensing or non-disclosure agreements.

Institutional Biosafety Committee

Dual Use Research of Concern (DURC) is defined as *“life sciences research that, based on current understanding, can be reasonably anticipated to provide knowledge, information, products, or technologies that could be directly misapplied to pose a significant threat with broad potential consequences to public health and safety, agricultural crops and other plants, animals, the environment, materiel, or national security.”*

The US Government policy for DURC can be found at the following site:
<http://www.phe.gov/s3/dualuse/Documents/durc-policy.pdf>

The policy requires institutions conducting research that meet the criteria for DURC to have an Institutional Review Entity empowered to execute the requirements of the Policy. The Vice President for Research has delegated this authority to the

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Institutional Biosafety Committee. The Export Compliance Officer will serve as an ad hoc committee member for DURC reviews.

Departmental Business Administrators

Departmental administrators are key liaisons between faculty, the Export Compliance Office, and the Office of Research Administration. Departmental business administrators are generally aware of research projects requiring shipping out of the country, collaborations with foreign entities, international travel, and other research activities with potential export compliance concerns. Typical areas of responsibilities include:

- Consulting with the Export Compliance Office for activities with potential compliance concerns
- Assisting the Export Compliance Officer in identifying areas of risk that could benefit from additional Export Compliance Office training efforts
- Ensuring, in consult with the faculty and the Export Compliance Office, that all international shipments are compliant with US export laws and any required records are maintained in accordance with record keeping policies
- Ensuring that the individuals completing H-1B screenings and Routing Forms for sponsored research or unfunded agreements have attestations from the appropriate faculty members as to the accuracy of the information

Departments with significant export related activities may appoint an Export Liaison to receive direct training from the Export Compliance Officer. The Export Compliance Officer works with the Export Liaison to help facilitate a process for quick review of activities with export compliance concerns.

III. Specific Processes and Guidelines

Overview

The Export Compliance Office has established export compliance guidelines for activities on campus identified as having elevated export compliance risks. These special guidelines identified here will also be maintained on the Export Compliance Office website: <http://www.umresearch.umd.edu/Export/overview.html>.

Any forms referenced here are available on the website, where the most current version will be maintained. This document will only be updated for significant

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changes in process or policy. The processes described here are not intended to cover every export compliance scenario on campus and it is the responsibility of all faculty and staff to recognize situations that may require specific consultation with the Export Compliance Office.

Sponsored Research Review

The process of reviewing sponsored research for export compliance concerns starts with faculty and departmental administrators because they have the greatest understanding of the funding opportunity and potential scope of work. The Office of Research Administration routing forms *INTERNAL ROUTING FORM FOR PROPOSALS* and *INTERNAL ROUTING FORM FOR NON-FUNDED AGREEMENTS* have sections designed to help the Office of Research Administration and the Export Compliance Office identify projects that should have an additional review by the Export Compliance Officer to determine if there are any conditions requiring additional risk mitigation procedures:

INTERNAL ROUTING FORM FOR PROPOSALS

Refer to umresearch.umd.edu/Export/overview.html for more information about Export Control .	
18. a. <input type="checkbox"/> yes <input type="checkbox"/> no	Are any export controls indicated in the solicitation or in discussions with the sponsor, or does the research relate directly to a military technology ?
18. b. <input type="checkbox"/> yes <input type="checkbox"/> no	Does the scope of work involve fabrication of a prototype that meets given specifications or requirements?
18. c. <input type="checkbox"/> yes <input type="checkbox"/> no	Will your project involve the shipment of equipment outside of the US ?
18. d. <input type="checkbox"/> yes <input type="checkbox"/> no	Will your project involve collaboration with a foreign entity ?
If yes to any of the above, please provide additional documentation with the following information: full name of foreign collaborator(s), country or countries of citizenship, affiliation (e.g. employer). Use additional pages as necessary.	
19. a. <input type="checkbox"/> yes <input type="checkbox"/> no	Will this project require the use of another party's proprietary (restricted) information or materials?
19. b. <input type="checkbox"/> yes <input type="checkbox"/> no	If yes to 19a, will such information be subject to a nondisclosure agreement or any other agreement authorizing a sponsor or other party to withhold from publication information provided to UM?
19. c. <input type="checkbox"/> yes <input type="checkbox"/> no	Will this project involve any other restrictions on the ability of the PI, Co-PI and/or other UM researchers to publish the results of their research or information provided to them or UM?
19. d. <input type="checkbox"/> yes <input type="checkbox"/> no	Will the researchers need to generate any data that will be considered confidential or proprietary ?

The Office of Research Administration relies on the accuracy of the response to these questions in order to help determine if an Export Compliance Office review is required. In some cases, the Export Compliance Officer can provide input to the proposal to help insure that any resulting award will not have terms and conditions that the University cannot accept due to policy or other specific concerns.

Once the routing is received at the Office of Research Administration, the **ORA Pre-Award Export Compliance Review Process** is initiated by the Contract Administrator. Written guidelines for the Office of Research Administration are maintained on the intranet under *ORA Internal Forms & Information* and generally

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involve reviewing the Routing Form, solicitation and proposal documents for items of concern

- *Any term creating a **restriction or limitation on publication or dissemination of research results**. [Occasionally, this can be hidden in the Scope of Work!]*
- *Any term **restricting participation of researchers** based on nationality for reasons of security or requiring identification of foreign researchers to the sponsor.*
- *The title of project and/or technical narrative include references to **military or space systems** (e.g. tanks, missiles, satellites, or guns).*
- *Any terms for receiving and handling **export controlled equipment** or information.*
- *Any contract for a DoD or NASA sponsor (including subcontracts) that involves a **hardware deliverable**.*
- ***International shipments**.*
- *Research that incorporates or otherwise requires the use of another party's **proprietary** (restricted) information or materials covered by a separate non-disclosure agreement(NDA/PIA), material transfer agreement (MTA) or teaming agreement (includes USG's For Official Use Only (FOUO) and Sensitive Unclassified Information (SUI).*
- *Items 18a-d on the **Routing Form** answered "Yes"? (see above)*

Pre-Proposal Export Compliance Review:

- 1) Review Routing Form, proposal documents, and solicitation for red flags.
- 2) If a red flag is identified:
 - a. If time allows, gather more information to help determine whether there is a potential issue.
 - b. For foreign collaborations, submit a Restricted Party Screening Request to the Export Compliance Office.
 - c. Add an Export Compliance Hold in COEUS (unless the only red flag is due to foreign collaboration and screening has been cleared by the Export Compliance Office).
 - d. Contact the Export Compliance Office if the solicitation requires any narrative on export compliance to be submitted with proposal.
- 3) Proceed with proposal submission in consultation with the Export Compliance Office. Ensure standard fundamental research language is used in proposal forwarding letter.

Export Compliance Review at Award:

- 1) Review award documents (including Scope of Work) for red flags.

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- 2) If a red flag is identified:
 - a. Gather more information/attempt to negotiate out problem clauses with sponsor.
 - b. For foreign collaborations, confirm Restricted Party Screening has been approved by the Export Compliance Office.
 - c. For unresolved red flags, forward award documents and proposal to the Export Compliance Office for review.
- 3) **Before** the account is created, the Export Hold must be approved by an email from the Export Compliance Office. Reference to the approval email should be made in the comment field in the special review tab in COEUS. Save the approval email with the contract file.

When a red flag is identified, a more in-depth review is conducted by the Export Compliance Officer which may include contacting the PI, sponsor, subcontractors or other parties to the transaction. A “Hold” is placed on the account through COEUS and requires written approval by the Export Compliance Office before the hold can be released. The Export Compliance Officer, in conjunction with the PI, the Sponsor, and the Office of Research Administration (if necessary) will work together to make a determination on whether the compliance risks are acceptable and whether any strategy (i.e. a Technology Control Plan) can be utilized to mitigate risks. In situations where the Export Compliance Officer determines the level of risk is unacceptable and cannot be mitigated, the Export Compliance Officer will first notify the PI. If the PI is not in agreement, the Export Compliance Officer will consult with the Office of Legal Affairs and/or the Export Compliance Committee and make a recommendation to the Vice President for Research. The Vice President for Research will review the recommendations, discuss with the applicable Dean, Chair, Director, or Unit Head as necessary, and then make a final determination on whether or not to accept the Agreement.

Incoming Technical Data and Restricted Hardware

All agreements for incoming proprietary technical data and incoming hardware are reviewed by the Export Compliance Office to determine whether export controlled information or material will be received. For the initial screening, the Export Compliance Office relies on the information furnished by the department to determine if a more comprehensive assessment is needed. Section 9 of the Routing Form for non-funded agreements addresses the basic export control concerns:

INTERNAL ROUTING FORM FOR NON-FUNDED AGREEMENTS

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9. Refer to umresearch.umd.edu/Export/overview.html for more information about **Export Control**.
- a. yes no Are there any **export controls indicated** in the solicitation or in discussions with the sponsor, or does the research relate directly to a **military technology**?
- b. yes no Does the scope of work involve **fabrication of a prototype** that meets given specifications or requirements?
- c. yes no Will your project involve the **shipment of equipment outside of the US**?
- d. yes no Will your project involve **collaboration with a foreign entity**?
- e. yes no Will the researchers need to receive or generate any data that will be considered **confidential** or **proprietary** to the sponsor?

If any of the questions are answered “Yes” the Export Compliance Officer will review the activity in more detail to determine if the agreement may involve a “deemed export” of a restricted material. The Export Compliance Officer, in conjunction with the PI, the Sponsor, and the Office of Research Administration (if necessary) will work together to make a determination on whether the compliance risks are acceptable and whether any strategy (i.e. a Technology Control Plan) can be utilized to mitigate risks. In situations where the Export Compliance Officer determines the level of risk is unacceptable and cannot be mitigated, the Export Compliance Officer will first notify the PI. If the PI is not in agreement, the Export Compliance Officer will consult with the Office of Legal Affairs and/or the Export Compliance Committee and make a recommendation to the Vice President of Research. The Vice President of Research will review the recommendations, discuss with the applicable Dean, Chair, Director, or Unit Head as necessary, and then make a final determination on whether or not to accept the Agreement.

Technology Control Plan

When researchers need to take custody of hardware or technical data that are subject to export restrictions, a Technology Control Plan (TCP) can be created to mitigate the risk of an inadvertent export violation. A typical TCP will 1) define the controlled items including any restrictions on access or dissemination, 2) establish the appropriate security controls for protecting the items, and 3) identify the authorized and responsible individuals. The Export Compliance Office can assist researchers in creating a TCP and provide training to authorized individuals on the plan. Contact the Export Compliance Office for a template TCP and for assistance creating a customized TCP.

Outgoing Proprietary Technical Data

When researchers need to send proprietary technical data to a non-US individual (not a US citizen or Permanent Resident) or location, the transaction is considered a “deemed export” and treated by export regulations similarly to sending a physical item to the location for which the individual is a citizen. For certain technologies, an export license may be required in order legally transmit the information. The Export Compliance Office is available to help make the licensing determination. The process for initiating this review can be found on the Export Compliance Office website at the following location:

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www.umresearch.umd.edu/Export/Export%20Request.html. Due to the long lead-time needed for obtaining export licenses, researchers are encouraged to contact the Export Compliance Office as soon as they become aware of a potential need.

Physical Exports

When research equipment or specimens are sent out of the country, it is the responsibility of the shipper to verify whether there is an export licensing requirement for the particular item combined with its destination. This determination requires understanding whether the item is subject to ITAR or EAR jurisdiction by determining whether it is listed on the United States Munitions List (USML) (22 CFR Part 121) or the Commerce Control List (CCL)(15 CFR Part 774). Items not on either list are usually designated “EAR99” and can be shipped to most locations, excluding Iran, Syria, N. Korea, Cuba, Sudan, and other restricted entities, without a license. For items that are on the USML (military and space technologies) a license is generally required for every location outside of the US. Items on the CCL are designated with an Export Control Classification Number (ECCN) and have a licensing requirement for certain locations depending on the controls associated with the specific ECCN. There are also certain foreign entities including foreign academic institutions that are subject to special restrictions not otherwise applicable to their country. In addition to the licensing determination, the shipper is also responsible for complying with the Record Retention section herein.

Making the licensing determination requires significant expertise in the technology and export laws. Upon request, the Export Compliance Office can assist departments in making these determinations which includes helping to assess the item’s export jurisdiction and classification, screening foreign locations for restrictions, and making a licensing determination.

Departments that deal with a significant volume of international shipments of technology items may designate an Export Liaison. The Export Compliance Officer provides annual training to the Export Liaisons on identifying shipments that may require a license.

The Export Compliance Office is available to help make the licensing determination and assist with the export activity. The process for initiating this review can be found on the Export Compliance Office website at the following location: www.umresearch.umd.edu/Export/Export%20Request.html. Due to the long lead-time needed for obtaining export licenses, researchers are encouraged to contact the Export Compliance Office as soon as they become aware of a potential need.

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Foreign Travel

When researchers travel to overseas locations, any accompanying equipment or technical data (stored on electronic devices or in hard copy) is considered by export laws to have been “exported” to their destination and any interim locations. Certain countries also have sanctions programs administered by the Office of Foreign Assets Control which may prohibit travel activities, services, or other exchanges. Currently, Cuba, Syria, North Korea, Iran, and Sudan have the most restrictive sanctions impacting travel, shipment or carrying of items, and provision of services. Travelers are advised to contact the Export Compliance Office prior to planning a trip to any of these locations. It is the responsibility of the traveler to understand any regulations that could impact their travel activities. The Export Compliance Office is available to provide guidance to travelers as well as to help provide documentation to travelers exporting materials under an exemption. Pre-approval via the University Travel Management System is required for University of Maryland employee and sponsored visitor international travel. Travel Approving Authorities must not approve any trip that is not first in full compliance with Export Compliance policy. University Travelers Guide:

http://www.dbs.umd.edu/travel/policy/umtravel/trav_guide.php

The “International Travel” tab on the Export Compliance Office website (www.umresearch.umd.edu/Export/internationaltravel.html) provides additional guidance on export compliance and travel as well as a form that can be utilized by travelers for temporarily carrying equipment to locations where it is necessary to have an export license or documented exemption (i.e. §740.9 Temporary imports, exports, reexports, and transfers (in-country) “TMP”).

Visiting Researchers

The Bureau of Industry and Security maintains a list of foreign entities and individuals that are forbidden by law access to certain materials and data of U.S. origin. The reasons for these prohibitions can vary but are generally due to national security concerns. The University of Maryland hosts foreign visitors on campus for many reasons. For visitors that have the potential to access technical information, the Export Compliance Office verifies that neither the visitor, nor their affiliated institution are on any of the lists. If the visitor is on a list, the Export Compliance Officer works with the department to determine whether it is still possible to allow the visit and maintain compliance with U.S. export laws. The resolution will vary depending on the nature of the visit and the applicable restrictions associated with the list. It is important to understand that approval of a visit request by the Export Compliance Office does not confer any approval to transmit proprietary technical information to the visitor. Faculty and administrators should contact the Export Compliance Office if there is a need to transmit proprietary technical information to a non-US person.

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The specific screening criteria and screening process is listed below and can be found at: www.umresearch.umd.edu/Export/foreignvisitrequest.html

1) WHEN TO REQUEST FOREIGN VISITOR SCREENING

The foreign visitor screening process must be completed before sending an invitation, submitting an unpaid or paid appointment to the Academic Resource System (ARS) and before OIS applies for a visa.

2) FOREIGN VISITORS WHO DO NOT REQUIRE SCREENING

A. Screening is not required for students who have applied, been accepted and/or are enrolled in any degree granting program that the University of Maryland offers;

B. Screening is not required for foreign visitors who provide documentation they hold permanent resident alien status in the U.S. (i.e., hold a green card) or have been granted asylum or refugee status by the U.S.

3) FOREIGN VISITORS WHO MUST BE SCREENED (IF NEITHER OF THE ABOVE CRITERIA APPLY)

A. Visitors who are nationals/citizens of Iran, Sudan, Syria, Cuba or North Korea must undergo foreign entity screening regardless of length of stay and regardless of the activity in which they will be participating at UMD.

B. All other foreign visitors, regardless of length of stay, who will collaborate or participate in University research or training in the biological or physical sciences, engineering, mathematics, information security (including encryption), software development, or related technologies and fields, whether or not the collaboration occurs within the scope of a sponsored research agreement, must also undergo screening. This generally would not include visitors attending scientific conferences.

C. All visitors who will be the subject of an H-1B, H-1B1 Chile/Singapore, L1, or O-1A nonimmigrant worker petition to be filed by UMD.

4) SCREENING NOT REQUIRED?

If the answer to either 2A or 2B is “Yes”, or the answers to 3A, 3B and 3C is “No”, then a screening is not required for the visitor. The department should insert a note in the ARS comment screen that “No entity screening is required because [citing the applicable reason set forth above].” Then route the appointment through the normal ARS process.

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5) HOW TO INITIATE A FOREIGN VISIT REQUEST

The visit request form is currently accessible at the following link:
<https://umdsphosts.umd.edu/sites/ORA/export/Lists/screening/NewScreeningForm.aspx>

Record Retention

Export laws generally require the retention of all documents related to export activities for a period of 5 years from the activity date or date of expiration of an agreement. Documents requiring retention include but are not limited to: Agreements, awards, contracts, Technology Control Plans, export determinations, export transmittal records, exemption records, licenses, and shipping documentation.

The Office of Research Administration is responsible for maintaining all documentation related to sponsored research agreements in the COEUS system. The Export Compliance Office is responsible for maintaining all documentation related to export determinations, trainings, Technology Control Plans, unfunded agreements, licensing, and exemptions. Faculty and Departmental Administrators are responsible for maintaining all records related to shipping documentation, export transactions, and exemption use resulting from activities under their control.

Reporting of Violations

Even when best efforts are employed to ensure compliance with export laws, there is always the potential for incidents to occur which may result in a violation of an export law. An important aspect to this compliance plan is to identify potential violations early and take action to prevent recurrence. All parties have the responsibility to be vigilant and to report any potential issues to the Export Compliance Office. When the Export Compliance Office is notified, the Export Compliance Officer works with the Office of Legal Affairs to investigate the concern and make a determination, in coordination with the Vice President of Research, Export Compliance Committee, PI, Dean, Chair, Director, or Unit Head (as required), as to whether any remedial actions are necessary. Remedial actions could include creating or revising a Technology Control Plan, training, disciplinary actions, and/or reporting of the violation to the appropriate federal agency.

In the unlikely event that there is ever a suspected violation due to willful misconduct of an individual, the University has a Whistle Blower Protection Plan in

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place to protect the individual(s) reporting such behavior. The plan can be found at the following site:

<http://www.ora.umd.edu/sites/default/files/documents/news/guidance-umd-whistleblower-procedure.pdf>

Although individuals are encouraged to make reports related to Export Compliance directly to the Export Compliance Office, the program also includes a hotline for reports.

The program hotline is available at:

<http://www.usmd.edu/usm/IAO/ReportFraud/index.php> or 877-330-2320.