SOP FOR TECHNOLOGY CONTROL PLANS

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Effective Date: June 21, 2013

Revision History: Noted Below

Responsible University Officer: Office of Research Administration

Responsible Offices: Office of Research Administration

Purpose

The University of Miami (UM) may be in possession of items that are considered export-controlled, confidential, restricted, proprietary or sensitive but unclassified. These items may also be subject to U.S. export control laws and regulations. It is the intent of UM to employ foreign nationals and host international visitors, both long and short term, in the most welcoming manner possible, while maintaining compliance with U.S. laws and regulations governing the export of certain commodities and technical data as well as protecting sensitive data.

The purpose of a Technology Control Plan (TCP) is to outline the characteristics of the project and to define the controls necessary to ensure that the transfer of identified items to visitors, employees, and students during the performance of research activities or other University endeavors occurs in an authorized and approved manner. While the research or University endeavor may not be subject to U.S. export controls, the items used in or resulting from such activities may be subject to such controls, which may also require a formal license from the appropriate U.S. federal agency. No release of classified information (i.e., confidential, secret, top secret) is permitted to any person without the proper security level clearance and a documented "need to know" for that specific information.

Definitions

Please refer to the University's Export Control Compliance website for a list of terms and their definitions.

Responsibility

Each UM employee is personally responsible for safeguarding the items identified as export-controlled, confidential, restricted, proprietary or sensitive but unclassified. Violations of the Arms Export Control Act can be ascribed to the person(s) involved in the violations, as well as to the University. Thus, it is the employee's responsibility to be clear about all University policies[1] and to exercise reasonable care in using and sharing export-controlled items and activities.

Principal Investigators (PIs) and/or department heads are responsible for ensuring that TCPs are maintained and kept current, and that their employees are properly instructed in the handling of export-controlled, confidential, restricted, proprietary or sensitive but unclassified items.

Administration of the TCP will be the responsibility of the University's Director, Export Control Compliance within the Office of Research Administration. The Director will work with the PI to develop the TCP and apply for export license(s) where needed. Attending Export Compliance live-training sessions will be required for all persons identified within the TCP. Renewal of training will be required biennially.

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[1] Policies on the similar topics may be issued by multiple University departments. Please visit the University's Export Control Compliance website for some internal links.

Procedure

This SOP applies to all University activities in which control or protection of items and/or work areas is necessary.

Establishing a TCP is a multi-step process and a TCP takes time to develop, implement, and maintain. While a TCP is beneficial under any condition, it is required before application for an export license can be submitted. The U.S. Government processing time for applications varies from as little as 6 weeks to more than 6 months. Therefore it is vital that the TCP be thoroughly detailed with as much supporting documentation as can be provided in order to mitigate additional delays in the license application process.

1. Determine whether a TCP is needed

Answer the questions noted below. If you are unsure how to answer the question, contact the University's Director for assistance. *DO NOT ASSUME* **that the answer is "NO" if you do not know the answer.**

		NO	YES
1	Does your contract or award contain an export control statement / clause?		
2	Does your contract or award contain a DFAR 252.204-7000 clause? *(federally funded research)*		
3	Does your contract or award contain foreign national participation restrictions?		
4	Is your project being funded by NASA, U.S. Department of Defense, U.S. Department of Energy, SERDP, Nuclear Regulatory Commission, or a branch of the U.S. military?		
5	Will the Sponsor or other entity identified receive or possibly receive items / information that are considered export-controlled, confidential, restricted, proprietary or sensitive but unclassified?		
6	Will your project include working with software source code or object code? *(in whole or in part)*		
7	Will your project include software or equipment with encryption technologies?		
8	Will you be working with items that appear on the Commerce Control List (CCL) or U.S. Munitions List (USML)? This information can be supplied by the manufacturer/vendor – reference EXPORT-F-002.		
9	Will any equipment need to be exported outside of United States territory?		
10	Will the project require deployment and/or retrieval of equipment outside U.S. territorial waters or airspace?		
11	Will the project require the use of satellite images or data?		
12	Will you be working with the select agents or toxins that are part of the Dual Use Research of Concern (DURC)?		
13	Will the research / activity take place in an access controlled area?		

If you answered "YES" to any one question above, a TCP is required.

2. Complete Export Compliance Training

PIs and/or department heads who will be overseeing the project will first need to complete the CITI export control modules (Introductions to Export Control, Export Control for Researchers Part I and II).

3. Develop a TCP

A TCP is project-specific. When the need for a TCP has been identified, the PI or department head will contact the Director who will assist with development of a TCP that is appropriate to the project. When the terms of the project end, so does the associated TCP.

The PI or department head is to review EXPORT-P-002 "Export Control Policy" prior to completing the TCP. This document is also to be reviewed by all project / department personnel listed in the TCP.

The TCP will include elements such as project information, personnel identification, technology and technical data, security, and international travel. More specifically, the TCP will include a thorough description of the information and/or items to be protected; specific measures to control access within the facility; procedures for control of access to equipment; and certification by personnel.

To fully understand the items being protected, documentation such as export classifications, equipment spec sheets, contracts/agreements, etc. may need to be included with the TCP as appendices. Other University departments, such as campus Security, may also need to be included, especially where area access controls are needed.

All personnel, regardless of citizenship, who are listed in the TCP as authorized for inclusion on the project must undergo restricted party screening. This process will be conducted by the Director.

4. Implement TCP

Once the TCP has been developed and approved by the Director, it is the responsibility of the PI and/or department head to implement the security measures defined within the TCP. This includes diligence in overseeing employees so that they understand and follow the security measures and processes to be implemented.

In addition, all individuals affected by the TCP will be required to have completed CITI export control training. Registration for the live sessions must be completed through ULearn. This training, and review of the TCP, will be conducted by the Director in a special session coordinated by the PI/department head prior to the start of the project.

5. Monitor TCP

The TCP is to be a living document. Changes within the project, whether it is the scope of work, authorized personnel, equipment, work spaces, etc., will affect the TCP. Thus, when such changes occur the TCP is to be updated in order to maintain appropriate compliance.

The Director will conduct periodic reviews to ensure that the TCP is being monitored and followed as defined within the documentation itself.

Records retention: A copy of the TCP will be maintained by the PI in the Regulatory Binder through the duration of the project. An official copy of the TCP will be maintained by the responsible department for 5 years from project completion or from expiration of the license (as applicable)[2]. A copy of the TCP will remain on file with the Office of Research Administration.

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[2] Retention requirements under the EAR can be found under 15 CFR Ch. VII, §762.2 - 762.7 For ITAR, see 22 CFR §122.5 Maintenance of records by registrants and §123.26 Requirement for exceptions. See also 15 CFR § 30.10

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Documentation

EXPORT-P-002: University of Miami's Export Control Policy
VPR-P-001 Vice Provost for Research Policy - "Disciplinary / Professional Conduct in the Course of Compliance"
Export Control Compliance Policies and Forms

References

University of Miami's Export Control Compliance website

Templates / Forms

EXPORT-F-004 "Technology Control Plan"

Signature

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Signature		Date

History

Effective Date	Revision Date	Authors	Description
2013-June-21	N/A	Epley, Wendy	Develop SOP for TCP
	2016-Nov-9	Perrin-Steinberg, Michelle	Update form to reflect change to office, title and training information