



UNIVERSITY OF WISCONSIN - MADISON

EXPORT CONTROL
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Guidance Document on Interactions with Restricted Parties *August 16, 2016*

Purpose

This document recommends how staff from the University of Wisconsin-Madison (UW) should address situations where they intentionally or unintentionally have an interaction with a person or organization that is listed on one of the U.S. government's restricted party lists. Interactions with restricted parties are considered a "red flag" by the government for potential non-compliances.

Introduction

The United States federal government maintains lists of persons and organizations with which it has placed restrictions on interactions and transactions. Multiple departments of the federal government maintain these lists, including the Departments of State, Commerce and Treasury. Collectively these lists are called restricted party lists. Parties are on these lists for multiple reasons, including: (1) terrorism, (2) violations of export control laws, sanctions or embargoes, (3) national security, (4) WMD proliferation, and (5) narcotics trafficking.

Having an interaction with a restricted party should be done very cautiously. These interactions may: (1) not be allowed at all by the federal government, (2) require an export license before they can proceed, (3) require that information or data be managed in a manner to prevent the need for a license, or (4) not require a license. We strongly recommend that you contact Bethany Nelson or Tom Demke in the Export Control Office (ExCO) if you become aware of a potential or real interaction with a restricted party.

Violations of the restrictions placed upon these parties can result in fines and penalties levied against the university as well as the person responsible for the non-compliance. Depending on the nature of the non-compliance, fines can range from \$10,000s into millions of dollars. Penalties can include loss of export privileges, loss of federal funding and jail time for the responsible parties.

Interactions

The UW-Madison Export Control Office provides the following guidance regarding interactions with restricted parties. Please remember that ANY interaction with a restricted party is a "red flag" for a potential non-compliance and the types of activities that are allowable are totally dependent on the specific details of the interaction.

1. Restricted Individuals

1.1. Collaborations/Discussions

- 1.1.1. **Sensitive Government Information** – Classified information and "sensitive, but unclassified" information shall never be discussed with a restricted party.
- 1.1.2. **Export Controlled Information** – At a minimum, an export license will be required to transfer export controlled information to a restricted party.
- 1.1.3. **Research Collaborations** – It is not recommended that we enter into a research collaboration agreement with a restricted party. Such collaborations require a high degree of management oversight to ensure that a non-compliance does not happen, which is typically not desirable from an open research standpoint.

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- 1.1.4. **Information in the Public Domain** – Since information in the public domain is not regulated under the EAR (Export Administration Regulations), the transfer of information in the public domain is typically considered acceptable without a license.
 - 1.1.5. **Know-how/Application** – It is not permissible to discuss how to **apply** public domain information to develop, design, assemble, produce, maintain, troubleshoot or operate a product (or research) with a restricted party without receiving an export license first. Be particularly aware of potential military applications for your public domain information.
 - 1.2. **On-Campus Visits** – It is not recommended that restricted persons be allowed to visit campus. If such a visit is allowed, the visiting person shall be chaperoned at all times by someone knowledgeable of the department being visited to prevent accidental disclosure or access to export controlled information/equipment or intellectual property.
 - 1.3. **Shipments** – Shipments of any kind to a restricted person may require an export license or be denied all together. Contact the ExCO if you are planning a shipment to a restricted party.
2. **Restricted Organizations**
 - 2.1. **Conferences/Meetings** – Only information in the public domain may be discussed at a conference/meeting sponsored by or convened at a restricted organization. Export controlled information shall not be discussed, nor shall information regarding application of public domain information (see 1.1.5 and 2.2.5). This applies regardless of the manner in which the information is conveyed (formal presentation, as part of a scheduled session or in discussions outside the conference/meeting schedule, such as hallway, meal and after hour discussions). Note: An export license will be required for you to present a talk if the conference is in Iran.
 - 2.2. **Collaborations/Discussions**
 - 2.2.1. **Sensitive Government Information** – Classified information and “sensitive, but unclassified” information shall never be discussed with a restricted party.
 - 2.2.2. **Export Controlled Information** – At a minimum, an export license will be required to transfer export controlled information to a restricted party.
 - 2.2.3. **Research Collaborations** – It is not recommended that we enter into a research collaboration agreement with a restricted party. Such collaborations require a high degree of management oversight to ensure that a non-compliance does not happen, which is typically not desirable from an open research standpoint.
 - 2.2.4. **Information in the Public Domain** – See 2.1.
 - 2.2.5. **Know-how/Application** – It is not permissible to discuss how to **apply** public domain information to develop, design, assemble, produce, maintain, troubleshoot or operate a product (or research) with a restricted party without receiving an export license first. Be particularly aware of potential military applications for your public domain information.
 - 2.3. **On-Campus Visits by Representatives of a Restricted Organization** – It is not recommended that we invite, solicit or sponsor employees or other representatives of a restricted organization to visit the UW-Madison campus (even if they are not restricted persons themselves). If such a visit is allowed, the visiting representative shall be chaperoned at all times by someone knowledgeable of the department being visited to prevent accidental disclosure or access to export controlled information/equipment or intellectual property.
 - 2.4. **Shipments** – Shipments of any kind to a restricted organization may require an export license or be denied all together. Contact the ExCO if you are planning a shipment to a restricted party.