ITAR Risk Matrix for Universities

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Universities are unique

- Universities are different from industry
- Universities are different from each other
- A risk matrix can help you assess your institution’s unique risk

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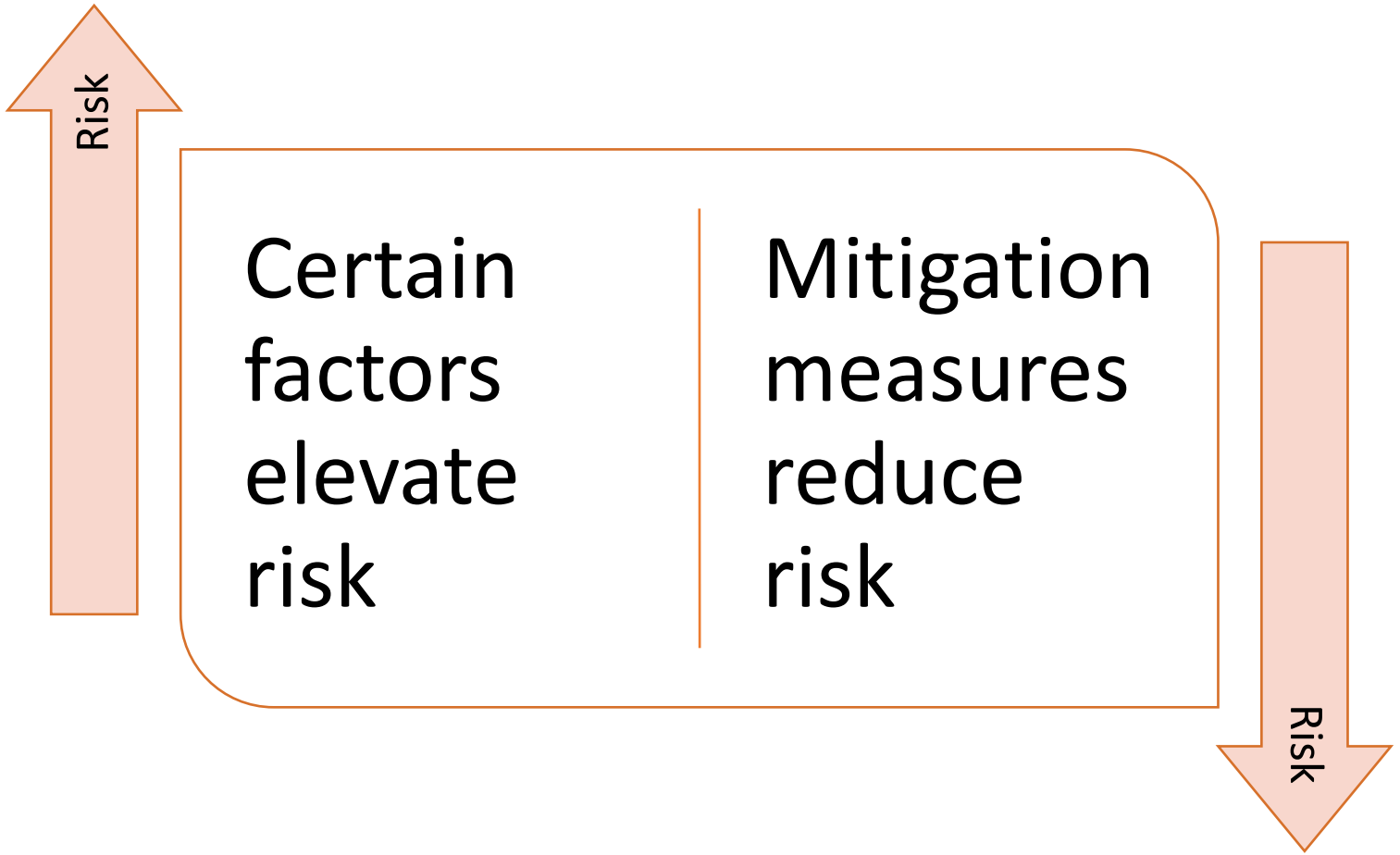
Exposure does not always equal risk



DTAG tasked with developing risk matrix

- Result: white paper with detailed risk matrix (50+ pages), including university-specific section
- Available on DDTC website - October 22, 2020 DTAG Plenary

		LOW RISK	MEDIUM RISK	HIGH RISK
5. University-Specific Risks				
Universities and similar organizations have a number of peculiar areas of ITAR risk that differ from private industry. While some areas are topically consistent with industry areas of concern, they apply differently in the university context. Similarly to sections 1-4 above, this University portion of the risk-matrix is split into two sub-parts. The first covers ITAR exposure as it relates to controlled activities. The second covers University's compliance program and whether it is appropriately robust to address vulnerability level. The two parts of the matrix should be considered together - high level activity can still be low risk if your Compliance Program is robust, while low levels of activity can be high risk if not properly mitigated. A robust risk-based Compliance Program should be appropriately tailored to your University's specific risk. In reviewing the following, bear in mind that if the applicable University has multiple campuses or separate institutes, centers or affiliated entities, each may have a different risk exposure level and the compliance program that covers each should be separately weighed against the applicable exposure. Note that your status as an FRE or non-FRE university is not determinative of your ITAR vulnerabilities and the factors below should be considered regardless of the type of research you perform.				
		LOW RISK	**MEDIUM RISK**	**HIGH RISK**
ITAR Exposure				
	Type of research performed	Only accepts research that either falls within the Fundamental Research Exemption ("FRE") (CFR 120.11) or is otherwise not subject to the ITAR.	Occasionally accepts ITAR-controlled research that falls outside the FRE (i.e., basic and applied research in science and engineering, ordinarily published	Frequently accepts ITAR-controlled research that falls outside the FRE (i.e., basic and applied research in science and engineering, ordinarily published and performed at an

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ITAR Exposure - Examples

Lower	Medium	Higher
Fundamental research only	Accepts export-controlled tech data and/or research on a case-by-case basis	Routinely accepts export-controlled tech data and/or performs export-controlled research
Primary focus is education with little research activity. Research largely excludes items or technologies that may be found on the USML	Performs research in a variety of areas, including some that may be found on the USML	Very high research activity, including in areas that may be found on the USML
Key functions centralized with robust oversight	Some key functions centralized	Few key functions centralized, key areas operate with autonomy and very little oversight

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ITAR Mitigation - Examples

Higher	Medium	Lower
Robust policies and procedures to identify and mitigate export control issues	Policy but little/no procedures in place	Weak or no policy or procedures
Dedicated, knowledgeable personnel with appropriate resources	Export control compliance is only part of a person's responsibilities, resources for training or other support are minimal, difficult to get	No dedicated personnel, roles and responsibility unclear
Robust training and outreach program tailored to various populations (students, PIs, staff etc.) Training required for controlled projects.	Training is available but is not required and/or is not tailored to the audience	Little to no training available or offered
Strong leadership commitment to export control compliance that is communicated broadly	General statements of support for compliance from leadership	Compliance not treated as a priority, little support for making difficult and/or unpopular decisions

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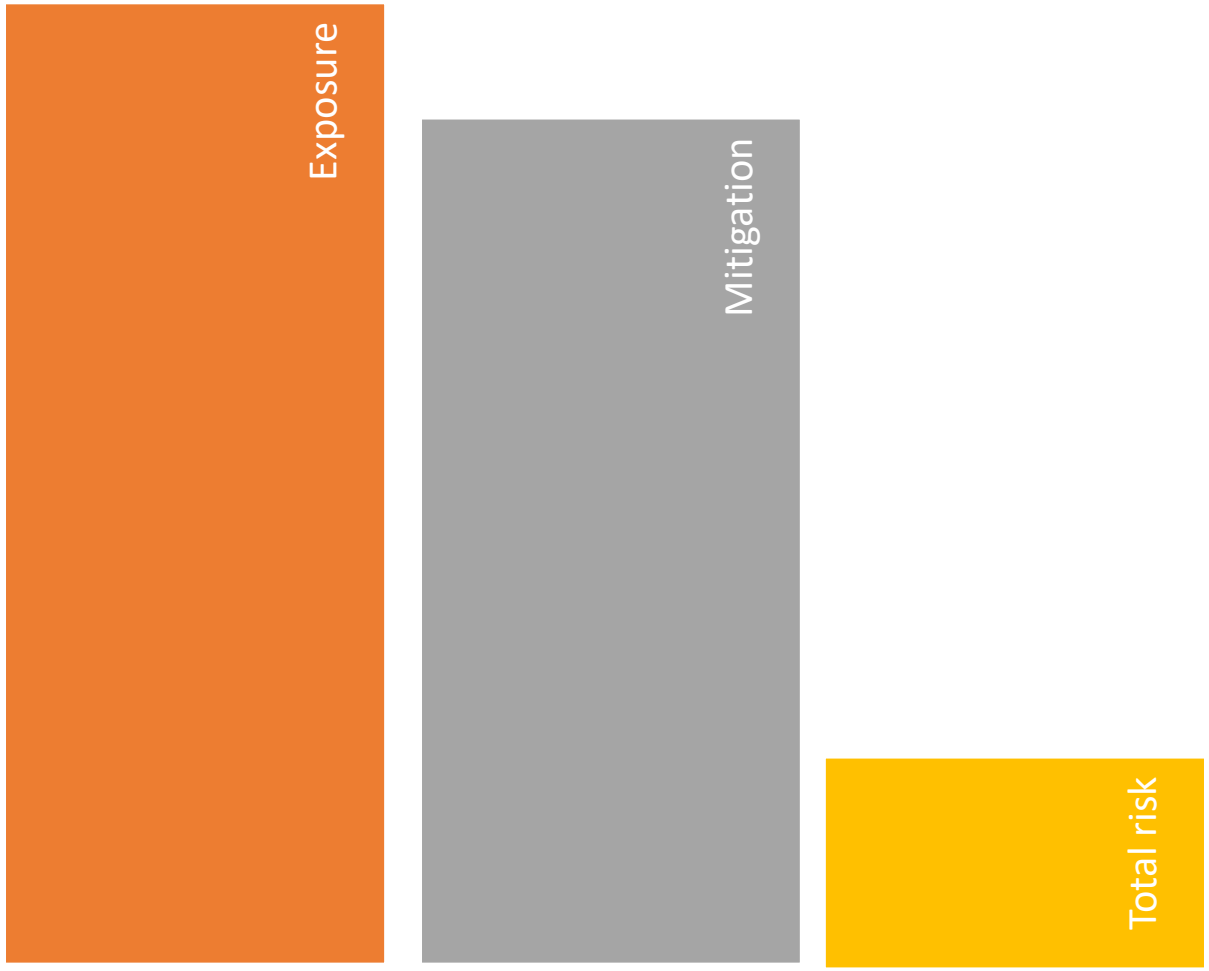
Risk is reduced by compliance measures



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Scenario One

“Fundamental research” project involving use of ITAR-controlled equipment

HIGHER RISK

- No compliance plan
- No/insufficient training
- No/insufficient processes to identify and manage ITAR defense articles, etc.

LOWER RISK

- Compliance plan that is communicated broadly
- Training for administrators, faculty/high risk departments
- TCP in place to describe and document compliance including physical and electronic access, training, reporting violations, etc.

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Scenario Two

DOD contract with DFARS 7000 clause

HIGHER RISK

- No process or training for sponsored programs and/or project personnel
- No systems in place to identify and protect controlled inputs/ outputs
- Little/no institutional support and guidance regarding accepting and managing restrictions, etc.

LOWER RISK

- Process and training for sponsored programs for flagging and holding projects with restrictive or export clauses
- Institutional policy and support covering the acceptance of export-controlled projects, etc.

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Scenario Three

Visiting scholar from Entity-List university hosted by faculty member performing export-controlled research

HIGHER RISK

- No restricted party screening process
- No review process for visiting scholar or deemed export risk
- No training for sponsoring faculty, no TCP in place, etc.

LOWER RISK

- Robust restricted party screening resources and processes
- Visiting Scholar process includes export review
- TCP in place for export-controlled research, etc.

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Scenario Four

ITAR-controlled technical data stored on university server

HIGHER RISK

- No method to identify ITAR-controlled technical data
- Insufficient cyber-safeguards in place to prevent inadvertent access/exports
- No TCP in place for the technical data, etc.

LOWER RISK

- Process to identify and protect export-controlled technical data
- Robust IT security measures
- TCP in place describing and documenting the necessary IT security measures
- Training for IT personnel, etc.

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Thank you!

- Questions?

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