**Date Submitted:**

***Approved by:***

**Approval Date:**

**Audit Review Date:**

**TECHNOLOGY CONTROL PLAN (TCP)**

A TCP outlines procedures to follow when a project requires a plan to protect information and the material is identified under applicable federal directives that govern the control and export of critical information or technology. The plan explains how the controlled information is protected and secured and to also ensure that no transfer of technical information or data or a defense service (defined in ITAR 120.10 &120.9) occurs unless authorized by the Department of State Office of Defense Trade Controls or Department of Commerce, Bureau of Industry and Security.

The procedures contained in this plan apply to all elements of the research activity conducted at University of Massachusetts Boston (UMASS Boston). Disclosure of information to foreign persons in a visitor status or in the course of their employment by UMASS Boston may be considered an export disclosure under the International Traffic in Arms Regulations (ITAR) or Export Administration Regulations (EAR) and requires a license or approval of either a Technical Assistance Agreement or a Manufacturing License Agreement. For questions, contact Tracey L. Poston, PhD traceyposton@umb.edu Associate Director of Research Compliance & Integrity.

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**SECTION A. General Information**

|  |  |
| --- | --- |
| **Pl Name**:      | **Phone**:      |
| **Email address**:      |
| **Department**:      | **Dept. Address**:      |
| **Location covered by TCP (Building and Room No.)**:      |
| **Responsible Individual (Project Manager) Name:****Contact Information:**  |
| **Effective dates of TCP: Start Date**       **Estimated End Date**       |

**1. Project Title**:

 **Sponsored Research:** [ ] Yes [ ] No

 If yes, Sponsor Name and Contact Information:

 **UMASS Boston Proposal/Project Tracking Number:**

 **Reason for Control as noted in award:**

**2. Technical Description of Item/Technology/Equipment/Software to be Transferred and Controlled:**

**3. Is a non-disclosure agreement involved?** [ ] Yes [ ] No

If yes, all persons involved must sign and acknowledge that controlled or sensitive information will not be further disclosed, exported, or transferred unless authorized to do so.

**4. List specific elements of export-controlled information (controlled or sensitive) that can be disclosed to foreign nationals and the program the foreign national is supporting. If no such information can be disclosed, please indicate N/A.:**

**5. Does the contract provide for the prior approval of any release of information?** [ ] Yes [ ] No

If yes, describe how you will comply with this requirement:

**6. Project Close-Out. Please notify Office of Research & Sponsored Programs (ORSP) at the completion of the project and expected next steps.**

**SECTION B. Required Elements**

**1. Commitment:** *Describe the laboratory/department’s export compliance reporting structure and identify the supervisor(s) responsible for implementing the TCP*:

**2. Physical Security**: *Describe how equipment, items, and data are shielded and secured from access by unauthorized persons.*

 **a) Physical location(s) for each controlled item or activity that involves a controlled item.** *(Include* ***every*** *building and room number.)*:

**b) Physical Security** *(Describe**the plan specifically designed to protect your item/technology from unauthorized access such as how doors are secured, signage to limit access, security badges, etc.)*:

**c) Perimeter Security Provisions** *(Describe additional perimeter security features of the location of the protected technology/items, include who has access to the area and how access will be limited*):

**3. IT and Information Security Plan**: *Describe measures taken to secure controlled electronic information and implement access controls, including user ID and password controls, data discard policy, database and software access, and network security. Security measures must follow UMass Policies as well as all state and federal laws. Audit and enforcement of these elements will be conducted periodically throughout the life of the TCP.*

**a) Description of IT security setup /system for each location covered by this TCP**:

**b) Describe IT security plan for data for this project** *(password access, firewall protection plans, encryption, etc.)*:

**c) IT Security Management for Active and Terminated Employees** *(Describe how employees are managed to be added and removed from IT access)***:**

**d) Conversation Security** *(describe where/how project discussions will occur to avoid a deemed export or transfer of any information to unauthorized personnel)*:

**e) IT Administrator(s)** *(For ITAR projects, this must be a US person and is the only person(s) authorized to assist with IT security for this project)*: List names and contact information:

**4. Item Security**

 **a) Item Marking***(describe how export controlled items or information is clearly marked and identified)***:**

 **b) Item Storage** *(describe how data, notebooks, reports and research materials are stored.)*

|  |  |  |
| --- | --- | --- |
| **Item Type** | **Security Measures** | **Storage Notes** |
|       | [ ] Key-Controlled Access Room[ ] Locked File Cabinet[ ] Other, describe:       |       |
|       | [ ] Key-Controlled Access Room[ ] Locked File Cabinet[ ] Other, describe:       |       |
|  | [ ] Key-Controlled Access Room[ ] Locked File Cabinet[ ] Other, describe:  |  |
|  | [ ] Key-Controlled Access Room[ ] Locked File Cabinet[ ] Other, describe:  |  |
|  | [ ] Key-Controlled Access Room[ ] Locked File Cabinet[ ] Other, describe:  |  |
|  | [ ] Key-Controlled Access Room[ ] Locked File Cabinet[ ] Other, describe:   |  |

**5. Project Personnel**: *List all personnel who will have access to the controlled technology and include citizenship status. All personnel are required to provide proof of citizenship to acquire TCP approval. No foreign persons are to be given access to any controlled or sensitive material on any project or program that involves the disclosure of technical data as defined by ITAR or EAR until that individual’s license authority has been approved, if appropriate. UMASS Boston employees with supervisory responsibilities for foreign persons must receive an export control/licensing briefing that addresses relevant ITAR and EAR requirements as they pertain to controlled or sensitive information.*

**a)**

|  |  |  |
| --- | --- | --- |
|  |  | **FOR OIC USE ONLY:**  |
| **Personnel w Access to Controlled Materials** | **US Citizen?**  | **Method of Verification**  | **Visual Compliance Screen and Status** |
| 1)      | [ ] Yes [ ] No  |       | Cleared [ ]  Not Cleared [ ] Date:       Note:       |
| 2)      | [ ] Yes [ ] No  |       | Cleared [ ]  Not Cleared [ ] Date:       Note:       |
| 3)      | [ ] Yes [ ] No  |       | Cleared [ ]  Not Cleared [ ] Date:       Note:       |
| 4) | [ ] Yes [ ] No  |  | Cleared [ ]  Not Cleared [ ] Date:       Note:       |
| 5) | [ ] Yes [ ] No  |  | Cleared [ ]  Not Cleared [ ] Date:       Note:       |

Additional personnel:

*Note: Additional personnel may* ***not*** *be added to this project unless specifically authorized by the Associate Director of Research Compliance & Integrity* *tracey.poston@umb.edu* *. Please file an amendment to this TCP by submitting a memo to ORSP with the name of the person(s), citizenship information, and anticipated start date. Official authorization will be sent from ORSP when the person is approved to work on the project.*

**b) Foreign National Approval** (*If the contract requires approval for foreign national personnel, describe the process of how that requirement will be met*):

List the name(s) and citizenship of foreign nationals for which you are requesting a license or regulatory approval to participate in the project:

**c) Third Party Contractors** (*describe security screening procedures for temporary employment agencies, contractors, etc.*):

**6. Training and Awareness** (*Describe how ongoing export compliance training is provided.):*

All employees participating on this PROJECT will be made cognizant of and responsible for adherence to the PROJECT security rules and procedures stipulated in this TCP by undergoing export control compliance training conducted by ORSP

a) Describe training schedule and requirements for persons with access to controlled information:

**7. List any attachments included with this TCP**

**[ ] Company Nondisclosure Statements**

**[ ] TCP Nondisclosure Agreement**

**[ ] Material Transfer Agreement(s)**

**[ ] Other**:

**SECTION C. Employee Responsibilities and Briefing Acknowledgement**

I understand my responsibilities in regards to this TCP and the procedures to be followed for activities related to this work. By signing below, I acknowledge that I have received and reviewed a copy of this TCP, have been briefed on export compliance requirements, and agree to comply with all of the elements of the TCP and the UMass Boston Export Control Compliance Guidelines. Including:

* I acknowledge and understand that any technical data related to items on the Commerce Control List or defense articles on the U.S. Munitions List to which I have access or which is disclosed to me in the course of my employment or assignment at/by UMASS Boston, is subject to export control. I hereby certify that such data or services will **not** be further disclosed, exported, or transferred in any manner to any foreign national or any foreign country without prior written approval of the U.S. Department of Commerce or the U.S. Department of State and in accordance with U.S. government regulations.
* A copy of this TCP has been provided to me.
* I understand that NO documents, materials, items, or technology under my control that contain technical data or controlled information will be released to or shared with any unauthorized foreign national.
* If an export authorization is required or I have a question about one, I will contact the Office of Research & Sponsored Programs (ORSP) (tracey.poston@umb.edu).
* I understand that no technical information or defense service may be forwarded or provided to a foreign national regardless of the foreign national’s location (unless an export authorization has been approved and issued to UMASS Boston in accordance with the ITAR or EAR).
* I have been informed and understand that violations of security procedures and UMASS Boston regulations are subject to UMASS Boston sanctions as outlined in the Export Control Guidelines, in addition to any possible civil and criminal penalties imposed by the U.S. government. In recognition of the seriousness of non-compliance with export control regulations, UMASS Boston will address non-compliance with the PI, UMASS Boston Office of Human Resources, Provost, and as necessary the Office of General Counsel.
* As a UMASS Boston employee, I agree to be responsible for export control compliance, and am aware of the substantial criminal and civil penalties imposed for violation of the export regulations, including personal liability, monetary fines, and imprisonment.
* I agree to report immediately to the Associate Director of Research Compliance & Integrity, Tracey Poston, PhD tracey.poston@umb.edu , if I become aware of any violations of this TCP and/or any suspicious activities or contacts that appear to be of an intelligence gathering nature.

     \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_      \_\_\_\_\_\_\_\_\_\_\_

Print Name of Individual Signature Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_      \_\_\_\_\_\_\_\_\_\_\_

Print Name of Individual Signature Date

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Print Name of Individual Signature Date

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Print Name of Individual Signature Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

Print Name of Individual Signature Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

Print Name of Individual Signature Date

**SECTION D. Office of Sponsored Research & Programs Approval and Documentation**

[ ]  All personnel provided proof of citizenship and have been briefed about export compliance regulations and UMASS Bosotn Policies, and have been informed of their obligations to not disclose any information to foreign persons.

[ ]  TCP documentation is on file with the Office of Research & Sponosred Programs.

[ ]  TCP spreadsheet has been updated with this new TCP and ORSP notified.

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SECTION E. Office of Research & Sponsored Progra,s Audit Process:**

 a) Frequency for TCP review:

 b) Audit findings:

 c) Action items and corrective procedures to address audit findings:

 d) Additional notes:

**SECTION F. TCP Close-out**

[ ]  PI has indicated that project is complete and all controlled materials have been returned to source.

[ ]  Project is completed and UMASS Boston is retaining controlled or sensitive data/materials until       (enter date) and TCP will remain in effect while data/materials are at UMASS Boston.

[ ]  Results of the project have been published in accordance with the sponsor's specifications. TCP is no longer necessary.

[ ]  TCP spreadsheet has been updated and Office of Research & Sponsored Programs notified.

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attachment A

**University-Industry Guidelines**

Tradition has long held that university researchers must be free to publish their research results. This freedom is essential if the university is to be the source of new knowledge for society. Therefore it must be vigorously guarded. At the same time, good business practice requires that sponsors protect their proprietary rights, trade secrets, or other confidential information. These separate and legitimate interests may diverge on questions relating to publication. Clearly, it is in both the researcher's and the sponsor's best interests to find ways to protect academic freedom while at the same time meeting the nondisclosure requirements of the sponsor.

Policy: Final determination of what may be published or not published shall remain with the university. The university will also retain the right to make a final determination with respect to publication of computer programs. Exceptions may be granted by the Provost only after detailed review and upon the advice of the Vice Provost for Research.

Policy: Agreements to treat as confidential information generated by research done at the university are ordinarily unacceptable. There may, however, be situations where exceptions to these guidelines are consistent with the university's education, professional, scholarly principles. Such exceptions are granted by the Provost only after detailed review and upon the advice of the Vice Provost for Research.

Policy: It is also the responsibility of each individual researcher to protect freedom to communicate with colleagues and to refuse to enter into a sponsored agreement that will restrict that freedom in unreasonable or unacceptable ways.

Policy: In general, students shall not participate in projects which, because of confidentiality or other factors, might constrain their right to publish or communicate freely. Exceptions to this policy must be approved in writing by the student's department chair (or chairmen, if the faculty member is in a second department) or dean (or deans if the faculty member is in a second school). The student shall also sign this document to signify understanding of the issues involved. Copies of the signed document must be sent to both faculty member and student before the student may become involved in the project.

### **Policy on Classified and Restricted Research**

The University does not conduct research for federal or industrial sponsors which is classified, requires security clearance for the investigators or a University facility, or is subject to other restrictions which are not compatible with University policies. This policy is intended to preserve the academic integrity of research, and therefore no research shall be carried out under the auspices of the University which in any way restricts or unduly delays the publication of the results of the research or in any way restricts the selection of employees of the University who can work on the research. The University of Massachusetts Boston does not have any level of institutional security clearance, nor can it arrange security clearance on behalf of its faculty.

The University will ensure that the results of research will always be permitted to be published in a scholarly manner without unduly long delays, and researchers shall always have the right to engage in scholarly discussion with their colleagues without restriction.

No member of the faculty, no employee, no student, no fellow, nor any agent of UMass Boston, shall receive, directly or indirectly, any form of compensation from, or use any of the resources and facilities of, UMass Boston for research which violates this policy.

 This policy shall not preclude faculty members from arranging, on an individual basis, to participate as consultants in projects involving classified or restricted research through other institutions. The prohibition against the use of University resources and facilities shall not preclude their occasional or incidental use in the conduct of faculty members’ independent projects.