



Export Compliance Plan Standard Operating Procedure (SOP) Handling Export Violations & Corrective Actions	
Document Number:	ECP-20210110-SOP1
Issue Date:	10/04/2021
Revision Date:	09/10/2025

INTRODUCTION

This Standard Operating Procedure (“SOP”) outlines the processes used to foster a culture of compliance with U.S. Export Controls¹ and the University of California - Policy on Export Control (“Export Control Policy”)². This SOP is in furtherance of the local Export Compliance Program Plan (“ECP”) maintained and regularly reviewed and updated by the campus Export Control Office.

PURPOSE AND SCOPE

It is the policy of the University of California to respond promptly to all reports of suspected non-compliance, and to take appropriate action to correct and prevent future violations. Accordingly, this SOP outlines basic steps used by the Export Control Office in the assessment, escalation, and investigation of reported non-compliant activities concerning export controls that may lead to a potential violation, and warrant disclosure to the relevant U.S. Government agency.

PRELIMINARY ASSESSMENT

The purpose of a preliminary assessment is to attempt to identify whether a reported non-compliant activity violated any Export Control regulation, Export Control Policy, or is a result of a local procedure breakdown.

Preliminary assessments are led by the Export Control Office in consultation with the Locally Designated Official (“LDO”) and, as appropriate, other members of the Export Control Review Advisory Group (“ECRAG”), and if necessary, the Systemwide Export Control Officer (“SECO”), and UCOP Office of General Counsel (“OGC”).

Upon receiving a report of a suspected non-compliant activity, as a first step, the Export Control Officer (“ECO”) will perform a preliminary assessment of all known and readily available facts, and review applicable Export Control regulations, Export Control Policy, and local procedures to determine whether there is a likelihood that a violation has occurred.

N.B. In the event a preliminary assessment indicates that immediate investigation is warranted, or as required by the 2019 Escalation Protocols on Research Related Matters, the ECO will consult with the LDO on the appropriate actions to be taken.

Should a preliminary assessment identify the non-compliant activity is a result of a local procedure breakdown, then in consultation with appropriate members of the ECRAG, the ECO will develop a corrective plan of action to prevent any future occurrence of the same or similar activity.

¹ U.S. Export Controls include without limitation the Export Administration Regulations (“EAR”), International Traffic in Arms Regulations (“ITAR”), and regulations and orders administered by the Treasury Department’s Office of Foreign Assets Control (“OFAC”)

² University of California – Policy on Export Control dated June 21, 2018, as amended. <https://policy.ucop.edu/doc/2000676/ExportControl>



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Should a preliminary assessment identify that a violation of Export Controls or Export Control Policy most likely occurred, the Export Control Office will proceed with the escalation and investigation actions identified herein.

ESCALATION AND INVESTIGATION

In consultation with the LDO, the Export Control Office will undertake the following:

1. promptly notify the SECO, OGC, campus counsel and local leadership.
2. ensure appropriate actions are taken to stop any on-going non-compliant activity.
3. collect relevant documentation for review and investigation.
4. advise, participate in, or conduct further investigative activities as needed.

DISCLOSURE

In the instance of a confirmed violation, the Export Control Office will undertake the following:

1. for violations concerning an ITAR matter, the ECO will liaise with the SECO and OGC, with notification to appropriate members of the ECRAAG, campus counsel and local leadership, to determine appropriate steps for submitting a voluntary disclosure with the U.S. Department of State, Directorate of Defense Trade Controls.
2. for all other violations, the ECO will request a meeting with appropriate members of the ECRAAG to evaluate and confer with campus counsel and local leadership, with advance notification to the SECO and OGC, to determine appropriate steps for submitting a voluntary disclosure with the relevant U.S. Government agency.

CORRECTIVE ACTIONS AND IMPROVEMENTS OF INTERNAL CONTROLS

In consultation with the LDO and, as appropriate, other members of the ECRAAG, the Export Control Office will work with local leadership to ensure development and implementation of corrective actions and internal control improvements.

Corrective actions and internal control improvements may include:

1. Modification of procedures intended to prevent such error recurrence.
2. Required training on export controls and compliance.
3. Written confirmation of such procedural updates as part of the recordkeeping process.

If from an assessment or investigation, conduct by a UCR employee that may warrant disciplinary action shall be referred to the appropriate campus office or process in accordance with applicable personnel policies and procedures.



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RECORDKEEPING

All documents created or modified in the performance of this SOP shall be retained and managed in accordance with relevant Export Control regulations and as captured in the UC Records Retention Schedule³. In the event of conflict between the retention periods in the regulations and the UC Records Retention Schedule, the periods specified by the regulations shall take precedence. If the controlling agencies have no stated requirements, records should be kept no longer than as required by the UC Records Retention Schedule. To verify or obtain record retention information and instructions please contact the Export Control Office.

QUESTIONS

Should you have questions or concerns regarding the applicability of the contents of this SOP, please contact the Export Control Office at exportcontrol@ucr.edu for assistance.

³ University of California – Records Retention Schedule <https://recordsretention.ucop.edu/>



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APPENDIX A – REVISION HISTORY

Date	Reason	Notes
10/04/2021	Final Version Release	Initial release
09/10/2025	Updated headers to include title of document. Revised naming convention of UC Policy to Export Control Policy where cited. Revised document format and renamed Appendices throughout.	



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APPENDIX B – ASSESSMENT CHECKLISTS

Preliminary Assessment

- **Determine if there is an export violation**
 - Is the classification of the item, information or software in question correct?
 - Is a license required for the recipient, destination, service, payment or end-use in question?
 - Are any license exceptions available?
 - Was there an administrative error such as failure to decrement a license or file in AES?
- **Determine if there is a violation of policy**
 - Consider corrective actions you need to take on a violation of policy so that it does not become potentially a violation of law in the future.

Escalation and Investigation

- **Stop the activity**
 - What are some considerations?
- **Notify appropriate personnel**
 - Leadership (Associate Vice Chancellor for Research, Vice Chancellor for Research, Vice Chancellor for Administration)
 - Locally Designated Official (LDO)
 - Campus counsel
 - ECAS Export Control (if ITAR or classified)
 - UCOP Office of General Counsel (OGC)
- **Start taking notes and create a plan**
 - Have a review file template. Open a new one and write out an incident report.
 - Ascertain and clarify the issue to be evaluated. Leverage your network of ECO's for their experiences.
 - Track what happened when, who you talk with and about what.
 - Determine if the issue requires an investigation directed by campus counsel under privilege or directed by the LDO.
 - Create a timeline for completion including any government-mandated timelines.
 - Determine if you need to hire a consultant or outside counsel for assistance.
 - As applicable
 - Identify responsibilities for document gathering, interviewing, communications, etc.
 - Identify relevant document custodians and stakeholders.
 - Prepare questions before talking to stakeholders.
 - Keep campus counsel apprised during the process and consider Attorney Client Privilege
- **Review contract terms**
- **Interview all personnel involved**
 - Remind everyone to keep it confidential. May not be a violation at all. Need to conduct a review to make that determination.
- **Gather information**

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- What is the issue? What happened? When and where? Has activity ceased? Who was involved?
- **Create a list of meetings with dates, times and attendees**
 - Where did meetings take place? Was any information shared verbally? Were notes taken?
- **Review parties to the transaction**
 - Who are the foreign parties involved? What countries are they from? Screen all parties.
- **Review electronic files, analyze documentation and document sharing**
 - Were documents shared? What are they? How were they transferred? Have they (and all copies) been returned and/or deleted?
 - Discuss electronic storage. Was anything downloaded to personal computers, thumb drives, etc? Was the information backed up on external hard drives or servers? Is access restricted to authorized individuals only? Can access by any individual to any document stored on a server be determined, and if so, can the foreign nationals accessing the information be identified?
- **Review shipments**
 - What went out? To where? To whom? How? For what purpose? Where is the shipping documentation? Was it properly shipped? Packed? Screened? Do we need a license? Did we have one? Was it decremented?
- **Determine if a single instance or systemic**
 - If systematic, you may need to expand review.
- **Document**
 - When your review is complete write a summary of what you have found. Share that with your escalation group. If you determine a disclosure will be submitted in consultation with your escalation group, that will serve as your summary.

Disclosure

- **Write disclosure if applicable and in coordination with appropriate parties**
 - Torres Law handbook can be used as a resource for agency specific regulations and considerations

Corrective Actions and Improvements of Internal Controls

- **Identify corrective actions if applicable**
 - Make sure they address the real issue.
 - Make sure they can be implemented.
 - Get department/school/project buy-in.

Assume you will be asked in the future if you have implemented the corrective actions and that you will be required to provide proof.



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APPENDIX C – ELEMENTS OF A DISCLOSURE

Although each U.S. Government agency has slightly different requirements, the following information is generally required as part of a voluntary disclosure:

1. A precise description of the nature and extent of the violation(s) e.g., an unauthorized shipment or activity, doing business with a restricted entity, individual or sanctioned country etc.
2. The exact circumstances surrounding the violation(s) e.g., a thorough explanation of why, when, where, and how the violation(s) occurred.
3. The complete identities and addresses of all individuals or entities, whether foreign or domestic, involved in the activities giving rise to the violation(s).
4. Export license numbers, if applicable.
5. Item descriptions, quantities, and characteristics of the commodities or technical data involved.
6. A description of any corrective actions already undertaken.
7. The name and address of the person(s) making the disclosure and a point of contact, if different, should further information be needed.