

Internal Audit Report

Visiting Scholars

March 2020

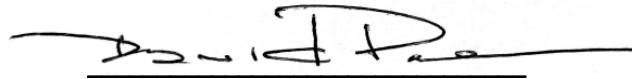
Distribution – Visiting Scholars

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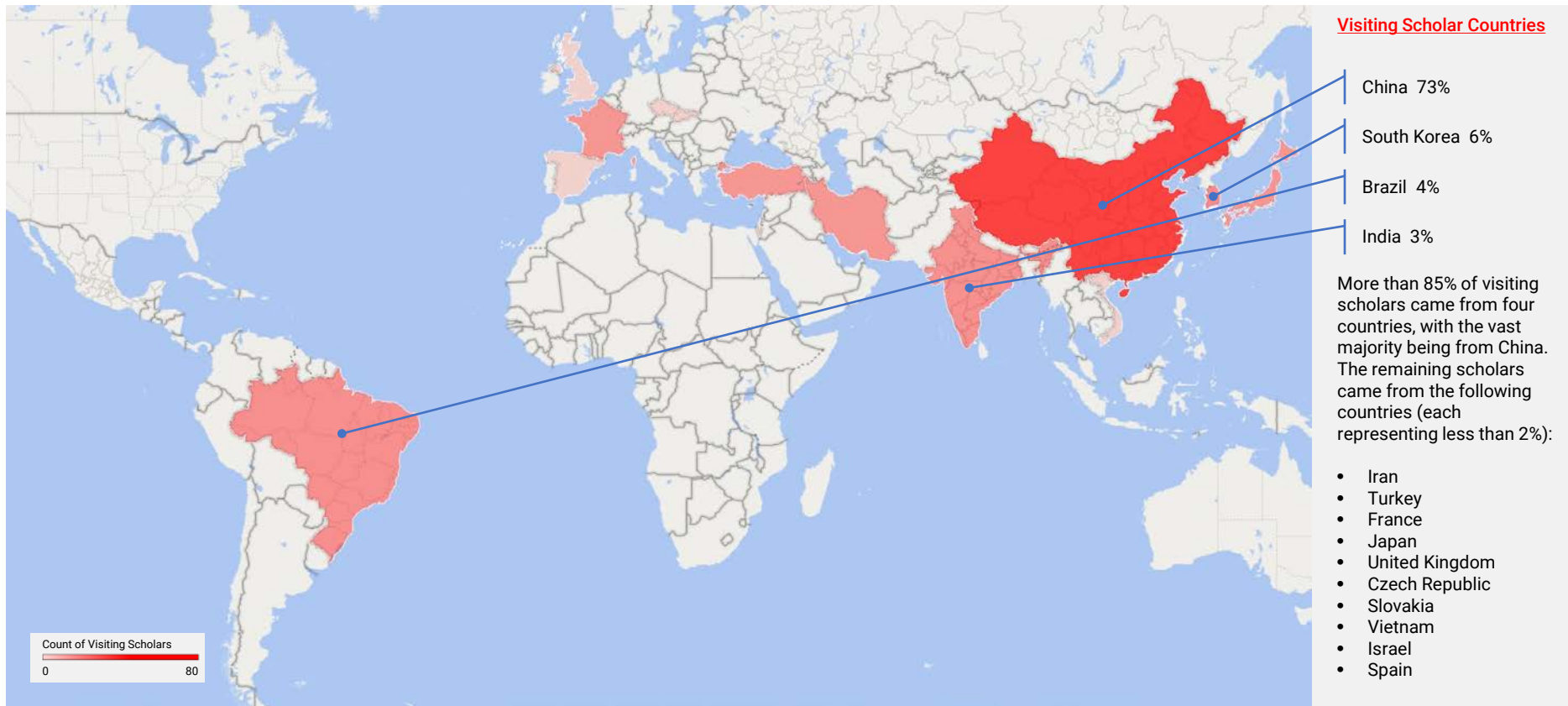
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Background

Visiting Scholars

The University of Texas at Arlington (UTA) participates in the J-1 Exchange Visitor Program (Program) to advance and promote collaboration and diversity in research. The purpose of the Program is to foster the exchange of ideas between Americans and foreign nationals and to stimulate international collaborative teaching, lecturing, and research efforts.

During the period January 2018 through March 2019, there were 110 visiting scholars from 14 countries who came to UTA as part of the Program as either a short-term scholar, research scholar, or student intern.



Background – Continued

Export Controls

Some research may involve export-controlled information and/or materials that are regulated by the U.S. Government. Export control regulations restrict the transfer of information, commodities, technology, and software. For national security and foreign policy reasons, the U.S. maintains controls and sanctions on transferring export-controlled information or materials to any non-U.S. person. This includes foreign nationals in the U.S., such as visiting scholars.

Non-compliance with export control regulations can result in monetary and criminal penalties, including fines exceeding \$1 million and imprisonment up to 20 years per violation. Additionally, it can result in the loss of research contracts, governmental funding, and the ability to export items.

UTA Initiatives

On April 30, 2019, UTA released a report titled *Plan to Address Foreign Influence and the Potential Theft of University Research and Intellectual Property (Plan to Address Foreign Influence)* in response to the UT System's request for an institutional plan for the protection of intellectual property. This plan describes the integrated framework of management and technical controls that are currently deployed/planned for implementation, or proposed in order to comprehensively address and mitigate foreign influence and the potential theft of UTA's research information, technical data, or intellectual property. On November 1, 2019, UTA released an addendum to the *Plan* to update the new, existing, or planned control enhancements as part of the ongoing monitoring and evaluation of the controls described in the *Plan*.

Audit Objective, Scope & Ranking Criteria

Audit Objective

The audit's objective was to conduct a review of the effectiveness of processes for international visiting scholars and export controlled research. Specifically, we were to determine whether:

- Internal controls over visiting scholar appointments, separations, as well as physical and system access were in place, operating effectively, and in compliance with program requirements.
- Internal controls over export controlled research were in place, operating effectively, and in compliance with export control regulations.

Audit Scope

The audit period was from January 1, 2018, through March 31, 2019 and included review of activities in the Office of International Student and Scholar Services (ISSS), Office of Research Administration (ORA), Office of Regulatory Services (ORS), and the five academic departments that sponsored the most visiting scholars:

1. Mathematics,
2. Electrical Engineering,
3. Physics,
4. Computer Science and Engineering, and
5. Mechanical and Aerospace Engineering.





Audit methodology included interviewing key personnel, reviewing processes, and performing testing of supporting documentation. The following regulations and policies were the basis for testing:

- Code of Federal Regulations Title 22 Part 62: Exchange Visitor Program
- Code of Federal Regulations Title 22 Parts 120-130: International Traffic in Arms Regulations (ITAR)
- Code of Federal Regulations Title 15 Parts 730 through 774: Export Administration Regulations (EAR)
- UTA Procedure CO-ID-PR3: Sponsored Affiliate Identification Cards
- UTA Procedure CO-PD-PR10: Key and Lock Control
- UTA Procedure HR-E-PR26: Employee Separation and Clearance Process
- OIT Internal Procedure: Affiliate Account Request Procedure

Audit Objective, Scope & Ranking Criteria – Continued

Ranking Criteria

All findings in this report are ranked based on an assessment of applicable qualitative, operational control and quantitative risk factors, as well as the probability of a negative outcome occurring if the risk is not adequately mitigated. The criteria for these rankings are as follows:

	Priority	An issue identified by an internal audit that, if not addressed on a timely basis, could directly impact achievement of a strategic or important operational objective of UTA or the UT System as a whole.
	High	A finding identified by an internal audit that is considered to have a medium to high probability of adverse effects to UTA either as a whole or to a significant college/school/unit level.
	Medium	A finding identified by an internal audit that is considered to have a low to medium probability of adverse effects to UTA either as a whole or to a college/school/unit level.
	Low	A finding identified by an internal audit that is considered to have minimal probability of adverse effects to UTA either as a whole or to a college/school/unit level.





None of the findings from this review are deemed as a "Priority" finding.

Summary – Visiting Scholars

As outlined below, the observations included in this report are related to [Visiting Scholars](#) and [Export Controls](#). As a result, the report was divided into these two sections.




Visiting Scholars

The J-1 Exchange Visitor Program could be improved by developing comprehensive policies and procedures and by establishing centralized oversight and recordkeeping. Specifically, the following opportunities were identified:




1. Centralized oversight, formal policies and procedures, and documentation standards are needed Page 8 
2. Visiting scholars' participation in new scholar orientation was not consistently documented Page 11 
3. Access privileges for visiting scholars were not consistently removed at the end of their program Page 12 
4. Visiting scholars were not required to sign a visiting scholar agreement Page 16 

Export Controls

Export Controls could be improved by strengthening the review, monitoring, and contents of the Technology Control Plans (TCP). Specifically, the following opportunities were identified:

5. Certain elements of TCPs need additional verification of review Page 18 
6. Additional monitoring of TCPs is needed Page 22 
7. The Information Security Plan was not described in sufficient detail Page 24 

Further details are outlined in the *Observation* section. Other less significant opportunities for improvement were communicated to management separately.

7 Observations	 High	2
	 Medium	5
	 Low	0

We appreciate the courtesy and cooperation received from the Office of International Student and Scholar Services, Office of Research Administration, and Office of Regulatory Services throughout this audit.

Observation 1 – Centralized oversight, formal policies and procedures, and documentation standards are needed

Centralized oversight, formal policies and procedures, and documentation standards are needed to help ensure UTA consistently meets Program sponsor requirements. As a Program sponsor, UTA is required to ensure:

1. the visitor is eligible for Program participation
2. the Program is suitable to the visitor's background, credentials, needs and experience
3. the visitor has English-language proficiency
4. the visitor has proof of funding
5. the visitor has a J-1 visa
6. the visitor maintains adequate medical and related insurance coverage while participating in the Program, and
7. the visitor attends new scholar orientation and signs a related attestation.

These requirements are met through the process outlined in **Exhibit 1** of this report and are performed by the inviting Academic department, ISSS, ORS and the visiting scholar. Our review of this process disclosed the need for additional oversight, formalized policies and procedures as well as documentation standards to help ensure UTA is fulfilling all of its Program sponsor requirements.

Oversight

The Program does not have an office dedicated to ensuring that all required Program sponsor tasks are properly performed and documented. As outlined in **Exhibit 1**, the program's multiple departments and steps coupled with the lack of oversight for the Program as a whole, creates a risk that required step(s) are not consistently performed and/or documented.

Policies and Procedures

There are no policies and procedures that detail the process or requirements for sponsoring exchange visitors. Currently, ISSS provides general instructions, Program requirement information, as well as links to applicable forms on its website; however, UTA does not have comprehensive policies, procedures, and documentation standards to help ensure compliance with the requirements of a Program sponsor. As a result, a risk exists that required steps may not be consistently performed or documented.

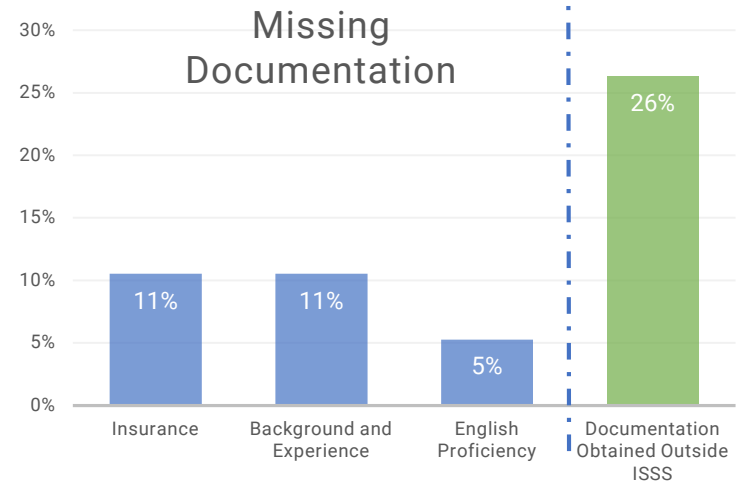
Observation 1 – Centralized oversight, formal policies and procedures, and documentation standards are needed (Continued)

Additionally, there is not a standardized, formal method for academic departments to screen and select prospective exchange visitors. The academic departments use their own screening process, which includes review of the scholar's curriculum vitae (CV) or resume. Without a formalized screening process, there is a risk of not consistently documenting a visitor's eligibility as required.

Documentation

During the audit period, 110 scholars visited UTA on a J-1 visa as a short-term scholar, research scholar, or student intern. Our review of the documentation for 19 visiting scholars disclosed:

- For 2 of 19 (11%) visiting scholars, documentation could not be provided to determine whether the scholar obtained insurance that met the minimum requirements. (In one instance, the visiting scholar's exchange Program was extended; however, insurance was not obtained to cover the extended Program until after audit inquiry. As a result, this scholar did not maintain the required insurance for a period of 57 days.)
- For 2 of 19 (11%) visiting scholars, documentation could not be provided to validate that the visiting scholar possessed the appropriate background and experience to participate in the Program.
- For 1 of 19 (5%) visiting scholars, documentation of the scholar's English proficiency could not be provided.



Additionally, there was no centralized repository for the academic departments to submit all documentation to validate a scholars' academic eligibility for the Program. As a result, we obtained supporting documentation from the academic department, supervising professor, or visiting scholar for 5 of 19 (26%) visiting scholars. This included support of the visiting scholar's background and experience and documentation supporting an interview that occurred to assess the scholars' English proficiency. In most instances, there was no formal documentation of the interview; however, there was either a note within the invitation letter, the Information About Exchange Visitor form, or through emails that indicated if the scholars' English proficiency was sufficient for the Program.

Observation 1 – Centralized oversight, formal policies and procedures, and documentation standards are needed (Continued)

UTA's *Plan to Address Foreign Influence* identified the need for enhancements to faculty education and awareness related to visiting scholars. An addendum to the *Plan*, issued November 1, 2019, indicated that guidance for visiting scholars' protocols were currently in draft form.

Without maintaining all documentation supporting that visiting scholars met eligibility and Program requirements, UTA cannot demonstrate compliance with federal regulations.

Recommendation:

We recommend that ISSS continue to develop and implement comprehensive policies and procedures to document the process for sponsoring visiting scholars that includes specific Program requirements, responsibilities of involved departments and offices, and required documentation. These policies and procedures should establish ISSS as the central record holder and provide guidance for the entire visiting scholar process, including granting and terminating physical and system access.

Additionally, these policies and procedures should require academic departments participating in the Program to establish a departmental or college liaison responsible for ensuring compliance with the policy. ISSS should assist the departments by providing training for department liaisons and timely reminders for specific visiting scholar appointments.

Management Response:

ISSS agrees to continue to develop and implement comprehensive policies and procedures to document the process for sponsoring visiting scholars, including responsibilities of involved departments and offices. This guidance will be shared with respective departments and offices.

Hosting academic departments will be responsible for granting and terminating physical and system address. ISSS will keep record of terminations in the Sunapsis System.

Target Implementation Date: May 1, 2020

Responsible Party: Director, International Student and Scholar Services

Observation 2 – Visiting scholars’ participation in new scholar orientation was not consistently documented

Medium

Federal regulations require that exchange visitor sponsors offer and document participation in an appropriate orientation for all exchange visitors. The regulations also state information that must be included in the orientation, such as life and customs in the U.S., local community resources, available healthcare, and sponsor rules that exchange visitors are required to follow while participating in the Program. Upon arrival to UTA, visiting scholars are to report to ISSS to attend new scholar orientation. ISSS then has the scholar sign a statement indicating they have attended the orientation and have received and understand required Program information.

During the audit period, there were 62 visiting scholars who were sponsored by the five academic departments. Our review of orientation and training documentation disclosed that for 6 of 11 (55%) visiting scholars, a signed statement of understanding could not be provided.

ISSS management indicated that the forms may not have been collected at the end of the orientation, but stated they would not validate a J-scholar’s Program participation unless they reported to ISSS, submitted all necessary documentation, and participated in the new scholar orientation. Without maintaining the signed attestation statements, ISSS cannot demonstrate that the visiting scholar attended orientation or that the required information was provided to the scholar.

Recommendation:

We recommend that ISSS develop and implement procedures to help ensure documentation is maintained evidencing all visiting scholars attended the new scholar orientation and have received and understand required Program information.

Management Response:

ISSS will continue to maintain documentation evidencing all visiting scholars attended the new scholar orientation and/or that returning visiting scholars have visited OIE and submitted proof of required documentation for program validation. ISSS will ensure that visiting scholars understand required Program information.

Target Implementation Date: May 1, 2020

Responsible Party: Director, International Student and Scholar Services

Observation 3 – Access privileges for visiting scholars were not consistently removed at the end of their exchange program

Medium

When visiting scholars arrive at UTA, they receive a Mav Express card for basic physical access, which is limited to library access, and an affiliate account for basic system access, which includes access to the UTA Network and WIFI, unencrypted lab computers, and library resources (i.e. research articles). We reviewed user access privileges of visiting scholars to determine whether access was programmed to end when the scholars' Programs ended, and for those exiting the Program, whether their access was terminated on a timely basis. Since user access is determined at the department level, we limited our testing to the five academic departments. For these departments, there were 62 visiting scholars who entered the Program and 71 who exited the Program during the audit period.

Visitor Appointments

Additional physical access can be requested as needed by the sponsoring department through the Mav Express Access Wizard portal and can include access to exterior building doors, classrooms, and laboratories. This portal also allows departments to assign an access expiration date in advance. Affiliate accounts are credentials for University visitors that require access to some UTA services and can be requested through the Service Now self-service site. Any faculty or staff of UTA can request an affiliate account; however, each request must be approved in writing by a department manager or higher. While all system access was programmed to end (as this is a required field for access requests), our review of 11 scholars entering the program disclosed:

- Additional physical access privileges were granted to 4 visiting scholars; however, that access was not programmed to expire at the end of the scholars' Programs. For 2 scholars, access was not programmed to expire. For the other 2 scholars, access was programmed to expire 27 and 30 days after the scholars' Program end dates.
- System access was granted to 10 visiting scholars; however, for 5 of these visiting scholars, access was programmed to end between 1 and 55 days (an average of 23 days) after the scholars' Program end dates.

Visitor Separations

The requesting department is responsible for promptly notifying the Mav Express office when a patron is no longer eligible to receive any additional access privileges previously granted. Any access termination requests would also be completed through the Access Wizard. As a secondary control, Mav Express will automatically remove all access privileges when a visiting scholar is in an inactive status for 10 consecutive days.

Observation 3 – Access privileges for visiting scholars were not consistently removed at the end of their exchange program (Continued)

Medium

To change the programmed end date or terminate IT access for affiliate accounts, a request should be sent through the Service Now self-service site. Our review of 13 scholars exiting the Program disclosed:

- Additional physical access privileges were granted to 8 visiting scholars; however, that access remained for 6 to 289 days (an average of 82 days) after the scholars' Program end dates. For 6 scholars, access was not programmed to expire at the end of their Programs and was effectively deactivated by their accounts moving to an inactive status. For the other two scholars, access was programmed to expire 13 and 27 days after the scholars' Program end dates.
- System access was granted to 11 visiting scholars exiting the Program; however, for 6 of these visiting scholars, that access remained for 1 to 258 days (an average of 57 days) after the scholars' Program end dates.

Physical Keys

When a visiting scholar needs access to a location that requires the use of a physical key, the sponsoring department submits a Key Request Issuance and Receipt form to the Key Control Office in order to obtain a key. When the visitor no longer requires that access, the key is returned to the Key Control Office and a receipt is issued documenting the key return.

Our review of 13 scholars exiting the Program disclosed physical keys were issued to 4 visiting scholars; however, the keys were not returned to the Key Control Office when the scholars' Programs ended. For three of these scholars, keys were not returned for 41 to 332 days (an average of 168 days) after their Programs ended. The fourth scholar left the key with the administrative assistant to avoid paying for another key when returning as a Graduate Teaching Assistant several months later. In response to our audit inquiry, Department management indicated that in most cases the visitor will return the key to the faculty member and the faculty member will return the key.

While the Key Request Issuance and Receipt form includes a space to add a key return date, this field is only required for keys requested for students. Additionally, we noted that the Key and Lock Control procedure does not address keys issued to visiting scholars or guests.

Observation 3 – Access privileges for visiting scholars were not consistently removed at the end of their exchange program (Continued)

Medium

In general, the academic departments indicated that they were either too busy to submit a request for access removal, did not have the scholar's information, or thought access would be removed automatically. Removing visiting scholars' physical and IT access at the end of their Program reduces the risk of unauthorized access and use of UTA facilities, systems, and networks. Additionally, returning physical keys to the Key Control Office rather than a faculty member helps ensure appropriate accountability over issued keys.

The *Plan to Address Foreign Influence* identified the need to enhance physical and access controls for STEM and medical research areas. This involves developing guidance to assist faculty on various physical and access controls for operating their laboratory and safeguarding their research and IP, including implanting the practice of need-to-know. The *Plan* also includes a number of technical controls to be implemented; although, it does not address controls for ensuring access is terminated on a timely basis.

Recommendation:

We recommend that Mav Express require departments to include an expiration date with access requests for visiting scholars that correspond to their Program end date.

Management Response:

The Mav Express department will implement this recommendation by policy, and we will alert our requesting departments of this requirement at least annually. If possible, Mav Express will also implement this recommendation using the software tool (Access Wizard) in partnership with our software provider. Mav Express have already begun discussions with our provider, though we are unable to predict if a suitable software solution is able to be delivered and if so, when.

Target Implementation Date: May 1, 2020

Responsible Party: Executive Director, IT for Campus Operations

Observation 3 – Access privileges for visiting scholars were not consistently removed at the end of their exchange program (Continued)

Medium

Recommendation:

We recommend that ISSS verify with the departmental liaisons that all Mav Express and IT access has been terminated at the end of the scholar's Program.

Management Response:

ISSS agrees to verify with the academic department liaison that the access privileges have been removed appropriately.

Target Implementation Date: November 1, 2020

Responsible Party: Director, International Student and Scholar Services

Recommendation:

We recommend that the Key Control Office update policies and forms to require a key return date for visiting scholars and follow-up with the visiting scholars and academic departments to ensure keys are returned to the Key Control Office at the end of the visiting scholar's Program.

Management Response:

The Key Control Office had, before the audit, been in the process of updating the Key Request form to include due dates for all requests that were not for faculty or staff members. This included the addition of due dates for visiting scholars. This change went into effect October 1, 2019.

The Key Control Office was in the process of updating our current policy before the audit. The final stages of approval for our updated policy are currently in the works and this project will be complete by 3rd Quarter 2020

Target Implementation Date: May 1, 2020

Responsible Party: Key Control Manager, Police Department

Observation 4 – Visiting scholars were not required to sign a visiting scholar agreement

Medium

A visiting scholar is an individual employed or affiliated with another organization who has been invited and approved by UTA to come to the campus for an extended period of time to collaborate on specific research, clinical, or other scholarly activities. There are fundamental issues to consider when bringing in a visitor. As a result, many universities require visiting scholars to sign an agreement to establish the roles and responsibilities of each party and address confidentiality and ownership of intellectual property. These agreements typically include provisions addressing:

- Period of Agreement,
- Behavior and Expectations,
- Confidentiality,
- Access to Information and Materials,
- Publication,
- Project Intellectual Property Rights, and
- Indemnification and release from liability

ORA management indicated that agreements are used for visiting scholars or scientists who are part of an organized research activity, and the type of agreement is determined based on the purpose of their visit or the type of research they will be conducting while at UTA. If it is determined that an agreement is necessary, ORA will use one or more of their eleven agreement templates and modify it for the visitor's purpose (for example, a Non-Disclosure Agreement, Memorandum of Understanding, or Sponsored Research Agreement). Our request for agreements for eleven visiting scholars disclosed that there was no agreement in place for ten (91%) of the visiting scholars. The agreement that was in place was related to a sponsored project and identified the visiting scholar.

UTA's *Plan to Address Foreign Influence* identified the need for a new visiting scientist agreement to help identify planned activities and exchanges to protect UTA research and intellectual property. The November 1, 2019 Addendum to the *Plan* indicated a visiting scientist agreement has been drafted and will be incorporated in processes for all visiting scholars. Without a basic visiting scholar agreement in place for all visiting scholars, there is a risk that the visiting scholars will not understand their responsibilities and there is an increased risk of liability to UTA.

Observation 4 – Visiting scholars were not required to sign a visiting scholar agreement (Continued)

Medium

Recommendation:

We recommend that the Office of the Vice President for Research (VPR) develop and coordinate with stakeholders to implement a basic visiting scholar agreement and require all visiting scholars to sign the agreement as part of their participation in the Program.

Management Response:

A visiting scholar agreement template and implementation is part of the Plan and already in development. The Office of the VPR has drafted a visiting scholar agreement along with a Visiting Scholar Questionnaire, Intake Form, and Procedure. These will be vetted with all stakeholders (Office of International Education, college Deans, department Chairs). Although the Office of the VPR will help develop the plan and coordinate with stakeholders, implementation and enforcement will be the responsibility of stakeholders since this encompasses all visiting scholars. The goal is that all visiting scholars (domestic and foreign) are appropriately documented and sign a visiting scholar agreement. This may be in addition to the visiting scholar agreements already processed by ORA that involve a sponsored project, MOU, or other type of organized research engagement.

Target Implementation Date: May 1, 2020

Responsible Party: Assistant Vice President, Office of the Vice President for Research

Observation 5 – Certain elements of Technology Control Plans need additional verification of review

High

Any project that involves the use of export-controlled information or materials must have a TCP in place outlining the procedures required to handle and safeguard the controlled item. As part of the TCP, project personnel must meet certain requirements including criminal background check (CBC), citizenship, and training requirements prior to being authorized to participate in a project involving export-controlled items. Once these requirements have been met, the Export Control Officer (ECO) signs the Project Personnel Certification Statement page to document review and approval of the TCP.

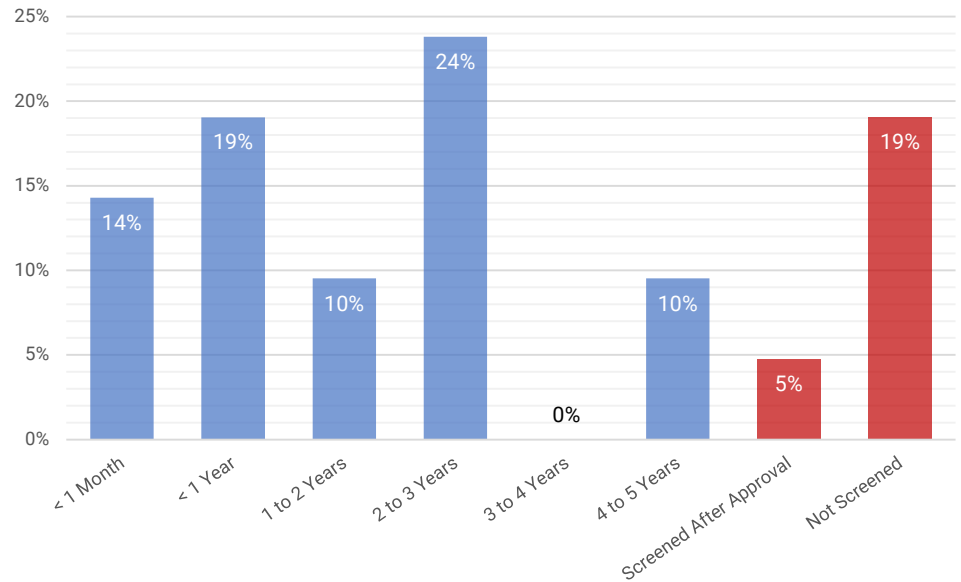
Criminal Background Checks

All project personnel must undergo a CBC. UTA policy requires a CBC be conducted for all employees before the employee begins work, which the Project Personnel Certification Statement lists each person and their role within UTA (i.e. faculty, staff, student, non-UTA collaborator). If any project personnel is not an employee of UTA, a CBC will be performed before the person is authorized to participate in the project involving export-controlled items.

Our review of two of three TCPs approved during the audit period disclosed for 5 of 21 (24%) project personnel, documentation could not be provided demonstrating CBCs were performed prior to the approval of the TCP. Specifically:

- Two project personnel were student workers in which one was hired in 2017 without receiving a CBC, the other was added to the TCP in 2018 through an amendment prior to being hired and receiving a CBC.
- For the other three project personnel, HR indicated that these employees were likely screened in 2010 because all UTA employees were screened at that time; however, documentation evidencing this occurred was no longer available.

Age of CBC as of TCP Approval Date



Observation 5 – Certain elements of Technology Control Plans need additional verification of review (Continued)

High

Additionally, we noted the TCP amendment form did not contain a field to identify the roles of project personnel.

ORS management stated they do not verify whether CBCs were performed for UTA employed project personnel as they rely on the proper execution of UTA's CBC policy for all employees along with the Principal Investigator's (PI) certification on the TCP attesting to the project personnel's role.

Citizenship

The Project Personnel Certification Statement lists each person on the project and includes a field for their citizenship status. By signing the certification, project personnel are certifying their citizenship status as provided. If any project personnel are not U.S. citizens or Permanent Residents, a license may be required. Our review disclosed that ORS management does not verify project personnel citizenship status as they rely on the PI's certification on the TCP attesting to this information.

Export Control Training

All project personnel must complete export control training and the date of completion is included on the Project Personnel Certification Statement page. Our review of training completion certificates disclosed for 5 of 21 (24%) project personnel, the export control training module was not completed until after the approval of the TCP.

- For two of the five project personnel, training was completed 151 and 861 days after the approval of the TCP. For one of the project personnel, ORS indicated that the project PI previously completed the training but stated that their electronic system does not have a method to view previous training completion dates.
- The other three project personnel were later added to the TCP through an amendment; however, they did not complete the training until after audit inquiry, 37 days after the approval of the TCP amendment. ORS stated they did not confirm successful completion of the training before seeking approval of the Amendment.

Additionally, we noted the TCP amendment form did not contain a field to document the date project personnel completed the export control training module.

Observation 5 – Certain elements of Technology Control Plans need additional verification of review (Continued)

Certification

The PI is responsible for developing the TCP and must ensure all project personnel have read and understood the TCP by signing the Project Personnel Certification Statement. Our review disclosed 1 of 21 (5%) project personnel did not sign the Project Personnel Certification Statement prior to the approval of the TCP. This occurred on an amendment to a TCP which included the addition of three project personnel. In response to audit inquiry, the PI forgot to have the individual sign the certification prior to submission of the TCP amendment and it was also not identified by ORS prior to approval by ECO.

Without thorough review and verification of all items contained within the TCP, there is an increased risk that controlled information or materials could be disclosed or transferred to a non-U.S. person.

Recommendation:

We recommend that ORS verify all TCP requirements have been met prior to sending it to ECO for approval, including verifying the citizenship status of project personnel and ensuring CBCs have been performed. Consideration should be given to screening project personnel if a CBC has not been performed within 3 years.

We also recommend that ORS update the TCP amendment template to include fields for the project personnel role and export control training completion date.

Management Response:

Criminal Background Checks – ORS relied on Human Resources (HR) to execute CBCs in accordance with its policy for employees. ORS will evaluate if CBCs will remain a requirement for TCPs by comparing processes of other institutions. In the interim, ORS will submit the names of all personnel listed in a TCP to HR to confirm CBCs are complete and current in accordance to UTA HR policy. HR will be advised of Internal Audit's recommendation regarding frequency of CBCs. ORS will ensure HR's adherence to the CBC policy for TCP personnel through this new process. As of 10/31/2019, the TCP template has been revised to clearly indicate employment status of TCP personnel, in order to identify non-employees when a CBC request needs to be conducted outside of the policy for employees (for example, students).

Observation 5 – Certain elements of Technology Control Plans need additional verification of review (Continued)

Citizenship – ORS relies on the certification of the individual. ORS will review practices of other institutions and consult with Legal to determine the appropriateness of this practice and the ramifications of asking for supporting documentation. In the interim, ORS will submit the names of all personnel listed in a TCP to HR to confirm citizenship status.

Export Control Training and Investigator Certification – This deficiency has been addressed/completed as of 10/31/2019. ORS completed an audit of all approved TCPs to confirm training completion and certification of all personnel. Export Control Staff have received re-training for proper review of TCPs. An SOP/checklist for reviewing TCPs has been developed and implemented and the TCP template and amendment form have been revised to incorporate documentation of training dates.

Target Implementation Date:

CBCs

Verification of CBCs for current TCP personnel: May 1, 2020

Evaluation of requirement for CBCs: May 1, 2020

Citizenship

Evaluation of citizenship review: May 1, 2020

Verification of citizenship for current TCP personnel: May 1, 2020

Training and Certifications

Completed October 31, 2019

Responsible Party: Director, Office of Regulatory Services

Observation 6 – Additional monitoring of Technology Control Plans is needed

Medium

The TCP requires that all project personnel receive site-specific training and it is the responsibility of the PI to discuss the procedures of the TCP with all project personnel to ensure they understand their responsibilities. Additionally, as part of the TCP, the PI is required to develop a self-evaluation schedule, an audit checklist of items to be reviewed during the self-evaluation, and action items and corrective procedures if deficiencies are identified during the self-evaluation.

During the audit period, ECO approved three TCPs. Our review of two of these TCPs disclosed ORS did not monitor the projects to evaluate compliance with the TCP. Specifically:

- For both TCPs, ORS did not verify controls detailed in the plan were in place and operating effectively, such as physical and system security.
- For both TCPs, documentation could not be provided to support that project personnel received site-specific training.
- For one TCP, self-evaluations were not documented as to the date the evaluations occurred and the results of the evaluations.

Per ORS management, the self-evaluations are the method of monitoring in order to minimize access to the PI's lab and controlled materials. They also stated the PI is responsible for completing and documenting site-specific training and self-evaluations. In response to our inquiry, ORS management revised the TCP template to clarify those requirements. Independent periodic monitoring of TCPs would help ensure compliance with the controls outlined in the TPC and reduce the likelihood of controlled information or materials being disclosed or transferred to a non-U.S. person.

Recommendation:

We recommend that ORS develop and implement monitoring procedures to help ensure controls detailed in the TCP are in place and operating effectively.

Observation 6 – Additional monitoring of Technology Control Plans is needed (Continued)

Medium

Management Response:

ORS has required and relied on Investigator self-monitoring. For clarification of investigator responsibilities, the TCP template was revised to clearly indicate the investigator's current and ongoing responsibility for performing and documenting site specific training and self-monitoring.

Self-monitoring was consistent with industry standard at the time TCPs were initiated at UTA; however, ORS will review practices of other institutions to determine appropriate procedures for monitoring of TCPs. At a minimum, a monitoring program will be initiated whereby periodic monitoring of TCPs will occur at the discretion of the Export Control Officer. Monitoring may include activities such as lab visits, verification of controlled inventory, re-review of information security plans, or informational meetings specific to the plan. In addition to this in-depth monitoring, ORS will check in with each TCP PI on an annual basis to verify the status of the project, check accuracy of the current personnel list, and verify that the PI has completed and documented the self-monitoring in accordance with their TCP requirements.

Target Implementation Date:

Revision of TCP to clarify investigator responsibilities: Completed October 31, 2019

Evaluation of practices for monitoring TCPs: May 1, 2020

Implementation of periodic monitoring and annual check-in: May 1, 2020

Responsible Party: Director, Office of Regulatory Services

Observation 7 – The Information Security Plan was not described in sufficient detail

Medium

The TCP requires an Information Security Plan be developed for any export-controlled projects that involve the use of IT resources. The PI is responsible for providing a description of the IT structure for the project and a detailed security plan to ensure access controls are in place. The plan should address system backup, transmission procedures, who will have access, how computers will be sanitized upon completion of the project, and other procedures to provide necessary security. Additionally, the Information Security Plan must be reviewed and approved by the Chief Information Security Officer (CISO) prior to the approval of the TCP.

Our review of the Information Security Plan disclosed sufficient information was not included to describe the security plan in detail. Specifically, the plan indicated certain activities would be in compliance with UTA Office of Information Technology (OIT) policies; however, specific details were not included to describe how compliance would be achieved. For example, the plan indicated it would comply with the data storage policy; however, that policy refers back to the TCP to see how to address data storage. Additionally, portions of the plan were copied from the CISO's email without being modified to fit in the plan, including the use of ambiguous language, such as "should."

ORS management stated that OIT policies explain how to fulfill each of those items, so they do not require researchers to restate the policy. ORS includes the policy links in the TCP to ensure PIs are aware of them and they will add any additional or alternate requirements designated by the CISO. A sufficiently detailed Information Security Plan clarifies the procedures necessary to comply with applicable OIT policies and helps ensure proper execution of the plan.

Recommendation:

We recommend ORS ensure Information Security Plans are sufficiently detailed and appropriately address all critical items prior to the approval of the TCP.

Observation 7 – The Information Security Plan was not described in sufficient detail (Continued)

Medium

Management Response:

UTA OIT has many existing policies and procedures that address protection of controlled electronic information, and these are still worthwhile to incorporate and reference in TCPs. Additional details in a TCP should address details or requirements above and beyond existing policies/procedures, or address exceptions that are recommended or approved by the Information Security Office. ORS relies on the expertise and authority of Information Security Office to review and approve these plans for sufficient measures. ORS will work with the Information Security Office and Internal Audit to ensure that information security plans are presented in an acceptable format, avoid the use of ambiguous language and that they provide any details necessary that are lacking in existing policies or guidance documents.

Target Implementation Date: May 1, 2020

Responsible Party: Director, Office of Regulatory Services

Exhibit 1 – Exchange Program Process Steps

Responsible Party	Exchange Program Process Steps						
Academic Department	<ol style="list-style-type: none"> 1. Need for international scholar identified 2. Select candidate 3. Verify background and credentials 4. Send an invitation or offer letter to prospective visitor 5. Complete Memorandum for DS-2019 (Memo) <ol style="list-style-type: none"> a. Memo signed by Department Chair and Dean of School/College 6. Complete Information About Exchange Visitor for Preparation of DS-2019 form (Bioform) which includes: <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">a. Sponsoring department, supervisor, and position</td> <td style="width: 50%;">d. Visitor's country</td> </tr> <tr> <td>b. Program start and end dates</td> <td>e. Description of activity at UTA (or purpose)</td> </tr> <tr> <td>c. Visitor's position at home and at UTA</td> <td>f. English proficiency certification by supervisor</td> </tr> </table> 7. Submit Memo and Bioform with supporting documentation to ISSS 	a. Sponsoring department, supervisor, and position	d. Visitor's country	b. Program start and end dates	e. Description of activity at UTA (or purpose)	c. Visitor's position at home and at UTA	f. English proficiency certification by supervisor
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c. Visitor's position at home and at UTA	f. English proficiency certification by supervisor						
International Student and Scholar Services	<ol style="list-style-type: none"> 8. Starts the Certificate of Eligibility (DS-2019) process using the following documentation: <ol style="list-style-type: none"> a. Memorandum for DS-2019 b. Biform c. Proof of funding 9. Sends prospective scholar information to the ORS for verification through Visual Compliance (only applicable for visiting scholars from China that will be working in the colleges of science or engineering) 						
Regulatory Services	<ol style="list-style-type: none"> 10. Checks visiting scholar's name and associated entity in Visual Compliance to determine whether they have been debarred by the US Government or are on any watch lists. 11. Notifies ISSS of Visual Compliance results 						
International Student and Scholar Services	<ol style="list-style-type: none"> 12. Completes the Certificate of Eligibility (DS-2019) 13. Sends completed DS-2019 and documentation package back to Academic Department 						
Academic Department	<ol style="list-style-type: none"> 14. Academic Department sends DS-2019 to prospective scholar. 						
Prospective Scholar	<ol style="list-style-type: none"> 15. Prospective scholar obtains J-1 visa which requires they complete the following: <ol style="list-style-type: none"> a. Pay the SEVIS fee b. Fill out an Online Nonimmigrant Visa Application Form DS-160 and pay visa application fee c. Go to the U.S. embassy or consulate for visa interview with all required documentation 						
International Student and Scholar Services	<ol style="list-style-type: none"> 16. Once the Visiting scholar arrives in the U.S., they must report to the Office of International Education 17. Visiting scholar must attend New Scholar Orientation 18. Visiting scholar signs a document attesting they have attended orientation and understand the requirements of the program 19. Visiting scholar must submit remaining documentation for verification: <ol style="list-style-type: none"> a. Immigration documentation (ISSS verifies they arrived with correct visa type and has J visa stamp in passport) b. Health insurance documentation 20. ISSS validates the J scholar's program in SEVIS 						