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## CONTROLLED GOODS PROGRAM POLICY

### 1. PURPOSE

- 1.1.** The purpose of this Policy is to define the authority, obligations and procedures established and maintained by the University to achieve compliance with Canada’s Controlled Goods Program, the *Defence Production Act*, the *Controlled Goods Regulations*, and the *International Traffic in Arms Regulation*.
- 1.2.** To provide a framework for the responsible management of controlled goods and/or controlled technology as identified under the Controlled Goods Program of the Canadian Federal Government for the prevention of the proliferation of weapons of mass destruction, and conventional weapons, and goods that have military or national security significance.

### 2. DEFINITIONS

For the purposes of this Policy the following definitions apply:

**“Access”:** means to possess, transfer or examine controlled goods and/or controlled technology. This may include the direct or indirect involvement in the acquisition, repair, modification, transfer or disposal of controlled goods and/or controlled technology, or the transmission, reception, interpretation, manipulation or safe keeping of controlled goods and/or controlled technology information.

**“Authorized Individual”:** is an individual that is responsible for ensuring that a designated official is appointed for each University worksite in Canada where controlled goods and/or controlled technical data are examined, possessed or transferred; and has signing authority to approve any changes in any of the information contained in the application for registration.

**“Controlled Goods”:** means as listed in the schedule to the *Defence Production Act*, are those military, strategic, and military-related goods and technology, as well as dual-use goods and technology as identified in Group 2 (not all items), Item 5504 and Group 6 (all items), of the *Export Control List (ECL)* made under authority of the *Export and Import*

*Permits Act*, and any US-origin good or technology that is a “defence article” as defined under the ITAR or a non-US origin good that is manufactured using “technical data” of United States origin, as defined under the ITAR if the “technical data” is a “defence article”.

- **Group 2 Goods (Munitions List):** Includes, but is not limited to, automatic weapons, firearms, ammunition, components, projectors, bombs, fighter jets, tanks, missiles, chemicals, explosives, and related equipment and components, etc.
- **Group 5 Goods-Item 5504 (Strategic Goods):** Includes but is not limited to, global navigation satellite systems, ground control stations, and nuclear weapon design and testing equipment.
- **Group 6 (Missile Technology Control Regime):** Includes but is not limited to, missile technology-rocket systems, unmanned air vehicle systems, propulsion components and equipment.

A complete list of Groups 2, 5, & 6 can be found on the University’s Controlled Goods website.

**“Controlled Goods Guide”:** means the guide to the Controlled Goods List that provides a simplified listing of the items that are identified as Controlled Goods. The guide helps identify whether or not an item is included on the Controlled Goods List, but the detailed *Controlled Goods List* takes precedence over this guide.

**“Controlled Goods List”** means the list of goods set out in the schedule to the Defense Production Act as defined above in “Controlled Goods”.

**“Controlled Goods Program”:** is an industrial security program that is authorized by the *Defence Production Act*. The Canadian Government’s Controlled Goods Directorate administers the Controlled Goods Program to prevent the proliferation of tactical and strategic assets and to build up Canada's defence trade controls. Public Services and Procurement Canada is the federal agency responsible for this program.

**Controlled Technology:** Technology necessary for the development, production or use of a controlled good. These technologies include information necessary for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of Controlled Goods. This information may take the form of Technical Data or Technical Assistance. Controlled Technology does not include general scientific, mathematical or engineering principles commonly taught in a school, college or university, information in the public domain, basic marketing information or general system descriptions.

**“Designated Official(s)”:** means an official responsible for ensuring compliance with the Controlled Goods Program, with responsibility within certain an area of the University.

**“Examination”**: means to investigate controlled goods and/or controlled technology by any means so as to provide a person with detailed knowledge of the controlled goods and/or controlled technology inherent properties and performance characteristics that would allow that person to use this knowledge so that the good could be reproduced or replicated, or the performance of a similar article could be improved.

**“ITAR”**: International Traffic in Arms Regulations. Individuals who are registered with ITAR may be exempt from registration with the Controlled Goods Program pending documentation is provided to the Designated Official in support of the exemption.

**“Possession”**: means to actually possess, wherein the person has direct physical control over a controlled good at a given time, or constructive possession, where the person has the power and the intention at a given time to exercise control over a controlled good either directly or through another person or persons.

**“Principal Investigator”**: means a University Member responsible for a research project that involves Controlled Goods and supervises University Members who have access to Controlled Goods.

**“Security Assessment”**: is a risk assessment that is required by law for anyone examining, possessing or transferring controlled goods. Through this assessment, the Controlled Goods Program or the designated official determines the extent to which the individual poses a risk of transferring a controlled good to a non-registered or exempt individual.

**“Security Breach”**: A security breach is the unauthorized examination, possession or transfer of Controlled Goods.

**“Security Plan”**: is a written document that sets out: procedures to control examination, possession and transfer of controlled goods, identifies individuals responsible for security, responsibilities of a security organization, procedures for reporting and investigating security breaches; and contents of training programs and security briefings.

**“Technical Assistance”**: includes assistance provided in the form of instruction, skills, training, working knowledge or consulting services and may involve the transfer of Technical Data.

**“Technical Data”**: includes Technology in the form of blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, manuals and instructions.

**“Transfer”** means, in respect of a Controlled Good, to dispose of it or disclose its content in any manner. This would include sharing or giving access (physical, verbal or

electronic) to controlled Technology, Technical Data, software or providing Technical Assistance in respect of a Controlled Good.

**“University” or “Ontario Tech University”** means the University of Ontario Institute of Technology (operating as Ontario Tech University).

**“University Member”** means any individual who is:

- Employed by the University (including temporary workers, researchers, contractors, and subcontractors);
- Registered as a student, in accordance with the academic regulations of the University (including international students);
- Holding an appointment with the University, including paid, unpaid and/or honorific appointments; and/or
- Otherwise subject to University policies by virtue of the requirements of a specific policy (e.g. Booking and Use of University Space) and/or the terms of an agreement or contract.

### **3. SCOPE AND AUTHORITY**

**3.1.** This Policy applies to all University Members. Any University Member who may be involved in the examination, possession or transfer of; or, may have any form of access to any Controlled Good at, related to, on behalf of or in connection with Ontario Tech University will do so in accordance with this Policy.

**3.2.** The Vice-President responsible for Research and Innovation, or successor thereof, is the Policy Owner and is responsible for overseeing the implementation, administration and interpretation of this Policy.

### **4. POLICY**

Ontario Tech University is committed to managing and safeguarding Controlled Goods used in research, scholarly work and other University activities. This Policy is intended to manage the University’s obligations in accordance with applicable statutes, regulations, directives, policies and instructions, including Canada’s Controlled Goods Program. This Policy applies to the entire life cycle (from acquisition/creation through to disposal/destruction) for any Controlled Goods that the University may have access to, examine, transfer or have in its possession.

### **5. ROLES AND RESPONSIBILITIES**

See Attachment 1 of this policy.

## **6. Requirements of Canada's Controlled Goods Program**

Individuals or organizations, including universities such as Ontario Tech University, that wish to examine, possess, or transfer Controlled Goods must:

- 6.1.** Register in Canada's Controlled Goods Program (**or** be exempt from registration) and appoint and train Designated Officials;
- 6.2.** Comply with the requirements of the *Defence Production Act* and the *Controlled Goods Regulations* including:
  - a)** Having processes in place to identify, manage and protect Controlled Goods and to ensure that they are not examined, possessed or transferred to unauthorized persons;
  - b)** Conducting security assessments and training for all University Members who wish to examine, possess or transfer any controlled goods and/or technology;
  - c)** Developing and implementing a Security Plan for every work site where Controlled Goods are examined, possessed or transferred;
  - d)** Reporting Security Breaches; and
  - e)** Conducting Training.

## **7. Identifying Controlled Goods**

- 7.1.** It is the responsibility of each University Member to understand the requirements and restrictions of the University's Controlled Goods Program;
- 7.2.** It is also the responsibility of each University Member to assess the goods, including components, parts, technology, technical data or technical assistance that they may examine, possess or transfer to determine whether it is a Controlled Good. This assessment must be conducted prior to any examination, possession or transfer of a Controlled Good and/or Technology;
- 7.3.** The *Controlled Goods List* and the Controlled Goods Guide will be used by the University Member for the purposes of this assessment; and
- 7.4.** If the University Member identifies a Controlled Good, they are required to contact the Designated Official before the examination, possession or sharing of any Controlled Good.

For further information or assistance, please contact the Designated Official.

## **8. Security Assessments**

**8.1.** Any University Member wishing to examine, possess or transfer Controlled Goods for any purpose, including research or study, must first undergo a security assessment, successfully complete Controlled Goods training and be authorized by a Designated Official to examine, possess and/or transfer the identified Controlled Goods.

Note: that it is the individual, not the research project, which must be security assessed.

**8.2.** Security Assessments will be conducted in accordance with the process set out by the Controlled Goods Program.

**8.3.** Security Assessments can be accepted up to five years, as long as the individual remains in the employment of the University. A security reassessment can be made any time prior to the five year period should the Designated Official consider it appropriate to do so in view of particular circumstances.

**8.4.** Security assessments conducted by the Designate Official are subject to inspection by the Controlled Goods Directorate at any time over the period of registration and for a period of two years after the day on which the person ceases to be an employee, officer, or director of the University.

**8.5.** A University Member is not permitted to share or provide access to Controlled Goods to any person, within or outside of the University (including visitors, research partners or contractors) unless that person has been security assessed, registered or exempt under, and is in full compliance with the requirements of Canada's Controlled Goods Program and the University's Controlled Goods Policy and related procedures.

## **9. Security Plan**

**9.1.** For each work site where Controlled Goods are examined, possessed or transferred, a Security Plan must be developed. A Security Plan is a written document that must include the following information:

- a)** Procedures to control the examination, possession and transfer of controlled goods at each applicable worksite;
- b)** Procedures for reporting and investigating security breaches;
- c)** Descriptions of the responsibilities of the security organization, and identification of individuals responsible for the security of controlled goods;
- d)** Contents of training programs given to officers, directors, employees, temporary workers and international students; and
- e)** Contents of security briefings given to visitors.

## **10. Security Breach Reporting**

**10.1.** A Security Breach is the unauthorized examination, possession or transfer of Controlled Goods. All breaches, suspected or confirmed, must be reported immediately to a Designated Official. The University is required to report any such breach to the Canada Controlled Goods Directorate within three (3) days upon discovery. The Designated Official will coordinate with the Office of the General Counsel to deliver the required report.

**10.2.** Security breaches involving Controlled Goods include:

- a) Loss of Controlled Goods, such as by theft or disappearance, including a breach of controlled Technical Data as a result of computer hacking or cyber attack or the theft of a device on which Controlled Goods are stored;
- b) Unauthorized Examination, Possession or Transfer of Controlled Goods, including its controlled Technical Data, or software by anyone, including unauthorized University Members;
- c) Appearance of willful damage or tampering to Controlled Goods/Technology; and
- d) Witness of unauthorized persons Examining Controlled Goods and/or Controlled Technology.

## **11. Controlled Goods Training**

**11.1.** Every University Member who will Examine, Possess or Transfer Controlled Goods for any purpose is required to successfully complete the applicable Controlled Goods Program Training.

## **MONITORING AND REVIEW**

This Policy will be reviewed as necessary and at least every three years. The Research Board, or successor thereof, is responsible to monitor and review this Policy.

## **RELEVANT LEGISLATION**

*Defence Production Act*, R.S.C., 1985, c. D-1

*Controlled Goods Regulations*, SOR/2001-32

Controlled Goods List (Schedule 35 of *Defence Production Act*)

Guide to the schedule to the *Defence Production Act*

*Export and Import Permits Act, R.S.C., 1985 c. E-19*

A Guide to Canada's Export Controls

*International Traffic in Arms Regulations, 22 CFR 120-130*

## **RELATED POLICIES, PROCEDURES & DOCUMENTS**

- Access Control policy and procedure
- Adjunct Professors Policy
- Biosafety Program Manual
- Booking and Use of University Space;
- Contract Management Policy
- Cotutelle Policy
- Creation of Research Entities Procedure;
- Document Imaging Policy;
- Information Security;
- International Agreements Procedure;
- International Travel, High Risk;
- International Travel, Student;
- Personal Use of University Resources;
- Procurement of Goods and Services;
- Technology Use;
- Radiation Safety Manual
- Records Disposition;
- Records Management;
- Responsible Conduct of Research and Scholarship;
- Risk Management Policy;
- Student Conduct Policy; and
- Safe Disclosure Policy.



## Register of Designated Officials

[NTD: For information only, not for approval by the Approval Authority.]

a) Automotive Centre of Excellence:  
Warren Endel Karlson  
905 721 8668 (ext 5705)  
[warren.karlson@ontariotechu.ca](mailto:warren.karlson@ontariotechu.ca)

b) Stephanie Lisa Walter  
905 721 8668 (ext 5701)  
[stephanie.walter@ontariotechu.ca](mailto:stephanie.walter@ontariotechu.ca)

Area of Responsibility: Automotive Centre of Excellence

c) Vice-President Research and Innovation:  
Francis Arnaldo  
905.721.8668 (ext. 6316)  
[francis.arnaldo@ontariotechu.ca](mailto:francis.arnaldo@ontariotechu.ca)

Area of Responsibility: University Faculties and Researchers

d) University Secretariat & General Counsel:  
Shay Babb  
905-721-2000 (ext 6752)  
[shay.babb@ontariotechu.ca](mailto:shay.babb@ontariotechu.ca);

Area of Responsibility: University Faculties and Researchers (Back Up)

## ATTACHMENT 1

### 1. Role of the Deans

**Deans will take all reasonable care to ensure that:**

- a) Administrative structures, programs and resources are in place and demonstrate due diligence in complying with the Controlled Goods Program;
- b) Orders and requirements of regulatory inspectors and directors are complied with;
- c) Orders of the Public Services and Procurement Canada, as legislated by the *Defence Production Act* and the *Controlled Goods Regulations* are complied with;
- d) Any charges related to controlled goods offenses under the Act and Regulations are responded to and defended in an appropriate manner.
- e) Provide the resources and direction necessary to support department in developing and implementing programs and practices that ensure compliance with the Controlled Goods Program.
- f) Assist the Principal Investigator in the performance of the Principal Investigator's roles and responsibilities.
- g) Cooperate with the Designated Official in the performance of the Designated Official duties.

### 2. Designated Official(s) will:

- a) Be certified under the Controlled Goods Program by completing the Designated Official Certification Program;
- b) Answer questions about export controls for their area of responsibility;
- c) Conduct security assessments and security briefings for all University Members who wish to examine, possess or transfer any Controlled Goods;
- d) Submit applications for exemptions to the Minister in respect of temporary workers or visitors in accordance with Section 18 of the *Controlled Goods Regulations*;
- e) Develop and implement a security plan for every work site where Controlled Goods are examined, possessed or transferred;
- f) Authorize work sites, individuals and new uses of Controlled Goods;

- g)** Keep and maintain a record of Controlled Goods, security assessments and supporting documentation, information on the identity of exempt individuals and evidence regarding the classes of exempt individuals;
- h)** In conjunction with the Office of the General Counsel, develop a report of all security breaches;
- i)** Advise the Controlled Goods Program of any security breaches in relation to Controlled Goods and/or Controlled Technology;
- j)** Conduct training or make training available for University Members seeking to use Controlled Goods;
- k)** Maintain recordkeeping obligations required under the Controlled Goods Program; and
- l)** The Designated Officer will also maintain compliance with the Controlled Goods Program and allow for inspections of the institution to ensure conformity with the legislation.

**3. Office of the University Secretary and General Counsel will:**

- a)** Designate at least one Individual to be the Authorized Individual registered with the Controlled Goods Directorate.
- b)** Maintain a register of Designated Officials along with proof of training and certification to serve as a Designated Official under the Controlled Goods Program.
- c)** Maintain a register of activities, work sites and Controlled Goods that are authorized and registered under the Controlled Goods Program.
- d)** Support a University website with links to relevant legislation, training materials and list of Designated Officials to support compliance with this Policy.
- e)** Designate at least one individual to serve as Designated Official for the University's Faculties and Researchers as backup to the Designated Official in the Office of the Vice-President Research and Innovation.
- f)** Support the development of the supporting procedures, guidance and training materials.
- g)** Monitor legislative changes and recommend revisions and/or updates to supporting policies and procedures to maintain the effectiveness of the Controlled Goods Program.

#### **4. Office of the Vice-President Research and Innovation**

- a) Designate at least one individual to be the Authorized Individual registered with the Controlled Goods Directorate.
- b) Oversee the implementation, administration and interpretation of this Policy.
- c) Maintain the University's registration in the Controlled Goods Program.
- d) Coordinate the monitoring and review of this Policy with the Research Board, or successor thereof.
- e) Coordinate the development of supporting procedures and training materials to support compliance with this policy.
- f) Designate at least one individual to serve as Designated Official for the University's faculties and researchers.
- g) Arrange training and retraining for Designated Officials.

#### **5. Office of Research Services**

- a) Assist with the execution of the roles and responsibilities of the Office of the Vice-President Research and Innovation.

#### **6. Automotive Centre of Excellence will:**

- a) Designate one or more individuals to serve as Designated Official for the Automotive Centre of Excellence and for industry partners seeking to use Controlled Goods.
- b) Establish and implement a security plan for the Automotive Centre of Excellence.

#### **7. Principal Investigators will:**

- a) Perform all the roles and responsibilities of a University Member.
- b) Ensure and enforce the compliance of this Policy by all University Members under their supervision.
- c) Identify new University Members under their supervision who fall under this Policy and immediately inform the Designated Official.
- d) Promptly correct any identified Policy non-compliances and immediately advise the Designated Official(s).
- e) Inform the Designated Official(s) of his/her anticipated, current examination, possession or transfer of controlled goods and/or technology. Submission of registration/application to the Designated

Official is recommended at least two months prior to receiving goods and/or technology;

- f) Complete a security assessment with the Designated Official and provide same to the Designated Official in accordance with section 15 of the *Defence Production Act* and the *Controlled Goods Regulations*. Where applicable, provide the Designated Official with the information necessary for registration exemptions as identified under the legislation;
- g) Cooperate with the Deans in the performance of the Dean's roles and responsibilities; and
- h) Cooperate with the Designated Official in the performance of the Designated Official's roles and responsibilities.

**8. University Members will:**

- a) Refrain from the use of Controlled Goods without prior authorization from a Designated Official;
- b) Follow all prescribed practices and procedures related to the Controlled Goods Program, including ITAR requirements (if applicable);
- c) University Members must sign a Non-Disclosure agreement with the University prior to having access to Controlled Goods.
- d) Avoid circumventing any technical or administrative safeguards in the use of Controlled Goods.
- e) Completed the Controlled Goods training; either, if you, your faculty or department have been identified as a mandatory participant;
- f) Report changes related to the handling of controlled goods or technology at the institution, security breaches and personal background changes to the applicable Designated Official.
- g) Cooperate with the Designated Official(s) in the performance of the Designated Official duties.

The University is registered in Canada's Controlled Goods Program. Any addition of Controlled Goods, individuals, or work sites requires prior review, a security assessment and authorization by a Designated Official.

If any University Member wishes to examine, possess or transfer Controlled Goods please contact a Designated Official.