GRIFFITH UNIVERSITY

Procedure

Managing Assessment of HDR Applicants: Sanctions and Export Controls Compliance

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1.0 Purpose

Griffith University is required to comply with Australian export controls and sanctions legislation. Non-compliance may incur significant penalties to the University and the individual, including prosecution for criminal offences.

This document sets out the procedure for managing HDR Admissions, and any changes to HDR research topics or activities to ensure that research conducted at Griffith University does not contravene or breach the legislative framework underpinning Australia's system of export controls and sanctions.

This procedure should be read in conjunction with documents listed in the Information Section.

2.0 Scope

Australia's international sanctions impose a set of restrictions upon the supply of a range of goods and services (including the supply of training and technology) to specific individuals, organisations, foreign nations, and their citizenry.

'Sanctions' refers to both the United Nations and Australian Autonomous Sanctions managed by the Department of Foreign Affairs and Trade (DFAT). Sanctions regimes are different depending on country and are regularly modified and updated. The list of countries and details of sanctions regimes are detailed in the *DFAT Sanctions website*.

Australia's export controls under the Department of Defence regulate the export and supply of military and dual-use goods and technologies. Defence Export Controls (DEC) support individuals and organisations including universities to meet their obligations under Australian law.

The University will take reasonable precautions, exercise due diligence, and raise awareness within the university community, to avoid contravening sanctions law. The University will also meet its compliance obligations with Australia's export control system in line with Australia's national interests and international obligations.

Due diligence includes to be properly informed about persons or entities connected directly or indirectly with the research activities proposed by HDR applicants. Due diligence checks must include searching the Consolidated List (a DFAT list of all 'designated' persons and entities subject to targeted financial sanctions under Australian sanctions law) to ascertain if the HDR applicant is listed or connected to a person or entity subject to sanctions.

a) The University will not deal with 'designated' persons or entities.

b) The University will avoid high-risk activity and will seek advice from DFAT to determine whether a sanction permit application might be submitted only in exceptional circumstances based on the relevance and quality of the involved HDR applicant and activity proposed.

c) The University will implement tools and measures to avoid breaches of Australia's export control legislation and will consult with DEC and apply for approval before exporting controlled goods, technology or activity listed under the DSGL.

All University staff and students, including HDR candidates, are responsible for complying with Australian Sanctions and export controls in the conduct of their university activities. All staff must exercise appropriate due diligence when considering any matter subject to their authority or care that may fall within the scope of this procedure. Individual staff, and potential HDR supervisors, must ensure appropriate approvals and permits are in place to conduct the research proposed.

Griffith's International Engagement Checking Tool supports staff to address compliance with Australian sanctions, foreign interference and transparency issues, prohibitions on the transfer of defence and strategic goods, weapons of mass destruction and weapons and arms related goods and technologies. This online tool must be used to determine whether any activity proposed with a foreign organisation or person could be a contravention of Australian law or require disclosure under Australian law.

a) the Sanctions Compliance Webpage (GU Export Trade Controls): an intranet site available to staff which publishes information about international sanctions applicable to Griffith University.

b) the HDR Sanctions Compliance Risk Assessment Form (SCRAF): A sanctions compliance form available to staff as a tool for assessing a range of university activities against current sanctions and an HDR applicant's suitability for enrolment.

3.0 Procedure

The process described below sets out a flow of duty to ensure sufficient and correct due diligence is performed during the assessment of applicants to Griffith University's HDR programs, upon which a decision on admission is made. This Procedure also applies to assessing and approving changes to research projects undertaken by active HDR candidates to ensure compliance is maintained in the case where project variation may occur.

The process comprises four steps followed by risk assessment and subsequent decision-making as described below.

Individuals who are Australian citizens, permanent residents or holders of Australian humanitarian visas do not require assessment.

3.1 Initial Identification

The Senior Manager, HDR Operations, Griffith Graduate Research School is responsible for ensuring that during the initial review of all HDR applications the following will occur:

- Applicants from a sanctioned country will be flagged in the application system as well as entered in the GGRS Sanctions spreadsheet.
- Applicants from a sanctioned country will be checked against the Consolidated List as outlined in the SCRAF.

3.2 Assessment by the Academic Group

The proposed HDR Principal Supervisor, with advice from the HDR Convenor, will assess the risk associated with the materials/technologies and equipment/tools that the proposed Applicant would be exposed to or be trained in during their proposed study. The proposal must include the required detail to identify materials, technology, activities and/or equipment; if insufficient, the proposal must be returned to the Applicant.

A Sanctions Compliance Risk Assessment Form (SCRAF) must be completed and forwarded to the Dean GGRS. The following steps are required:

(a) The Principal Supervisor to complete and sign the SCRAF on behalf of all supervisors.
(b) The Principal Supervisor and HDR Convenor to refer the completed and signed SCRAF for HDR Applicants to the appropriate Group Dean (Research) for review.
(c) If the application is assessed as requiring modification to ensure it stays under sanctions thresholds, the modified research proposal needs to be approved by the Group Dean (Research). If the Applicant accepts to proceed based on the modified research proposal, then the application will be dealt with in accordance with (d) below.
(d) The Group Dean (Research) can endorse and forward to the Dean GGRS; or recommend a Griffith HDR Sanctions Assessment Panel review based on the rank given based on the established Risk Matrix below. If the application is ranked:

- **Low Risk** (no aspect of the research proposed involves supply or export of sanctioned technology or services, and/or the proposed research involves no access to controlled equipment and materials including DSGL listed items, and no access to technologies or material related in any manner to weapons of mass destruction), then the Group Dean (Research) recommends the application to the Dean GGRS for further consideration.

- **Medium Risk** (the research proposed is unlikely to involve supply or export of sanctioned or controlled technology or services but falls within a discipline or University area in which the proposed research needs to managed in a manner that removes possibility of access to controlled equipment and materials including DSGL items), then the Group Dean (Research) might a) request modification of the research proposal until it is deemed 'Low Risk' and reassess, and/or b) recommend a HDR Sanctions Assessment Panel review.

- **High Risk** (the research proposed involves supply or export of sanctioned technology or services and/or involves access to controlled equipment and materials including DSGL listed items, and/or access to technologies or material related in any manner to weapons of mass destruction); then the Group Dean (Research) a) recommends rejection of the HDR application to the Dean GGRS on the ground of exposure to unacceptable risk of breaching Australian Sanctions, and high management costs for the University; or b) only under exceptional circumstances (e.g. outstanding quality of applicant and research proposed; unique expertise) recommends to consider the cost, benefit and risk of submitting a DFAT sanctions permit application, in consultation with the proposed Principal Supervisor, the HDR Convenor and the Export Control and Security Manager. The Group Dean (Research) makes a recommendation to the Dean GGRS.

The Dean GGRS either signs off on submission of a DFAT sanctions permit application or rejects the HDR application on the grounds of the high risk and costs for the University.

3.3 Group Sanctions Review Panel

Upon receipt of a completed and signed SCRAF for HDR Applicants, the Group Dean (Research) may convene, form, and chair a Group HDR Sanctions Assessment Panel comprised of designees versed in the subject matter of the proposed research. The Panel will invite the University's Export Control and Security Manager.

The Group HDR Sanctions Assessment Panel may meet and deliberate in any manner the members of the panel see fit.

The Group HDR Sanctions Assessment Panel will review the completed and signed SCRAF for HDR Applicants and either verify the proposed Supervisor's assessment or, at their discretion and after consulting with the proposed Supervisor, reassess the risk of the Applicant's proposal. The Critical Technologies List in review by the Department of Industry Science and Resources might be considered by the Panel when evaluating risk, however noting: *"This List itself does not imply any recommended or prohibited actions —inclusion of a technology on the List does not imply guaranteed prioritisation or that there is a real or perceived risk to national security from that technology".*

The Group HDR Sanctions Assessment Panel will recommend to the Dean GGRS to progress with offering candidature only if, after assessment and deliberation, the Panel agrees the risk is low and contained. Their assessment together with their recommended outcome will be dealt with in the following manner:

(a) The assessment and recommended outcome will be referred to the Dean GGRS by the Group HDR Sanctions Assessment Review Panel.
(b) The Dean GGRS will consider the Panel's assessment, evaluate, and rank the application according to the established Risk Matrix described in Section 3.2. The Dean GGRS will notify the relevant Group Dean (Research) of the final decision; and
(c) The Senior Manager HDR Operations, Griffith Graduate Research School will implement Dean GGRS's decision.

In the exceptional circumstance of submitting a sanctions permit application to DFAT, the Export Control and Security Manager will facilitate the application submission and be the point of contact for DFAT regarding the application. The outcome of the assessment (a lengthy process that usually takes months) will be forwarded to the Group Dean (Research) to be communicated internally to the HDR Principal Supervisor.

If DFAT approval is granted, the conditions and requirements of the permit will need to be accepted and monitored at least on an annual basis by the HDR Principal Supervisor. The Export Control and Security Manager will implement a monitoring schedule.

3.4 Failsafe Review

As a component of the admission recommendation process undertaken in line with the Higher Degree Research Admission Procedure, the Group Dean (Research) must complete the GGRS Sanction spreadsheet and confirm to Dean GGRS that all recommended applicants for admission for the relevant Academic Group have been assessed for sanctions and export controls compliance. The Dean GGRS will also conduct a failsafe review of the list of applicants in the GGRS Sanction spreadsheet (or cause such a review to be conducted) and will flag any application which appears to be an assessable HDR Application but was not assessed during the process.

3.5 Ongoing Compliance

Compliance with sanctions and export trade controls legislation for each admitted and enrolled HDR candidate from a sanctioned country will be conducted on annual basis. The review will confirm that the candidate has not changed their topic or research activities as approved at admission unless formal approval has been sought and obtained.

The review will be undertaken by the milestone decision maker. Where the decision maker has cause for concern regarding a change to the candidate's research topic or research activity, the decision maker will refer the matter to the Group Dean (Research) who will seek advice from the Export Control and Security Manager as needed.

3.6 Assessment of compliance for non-HDR admissions

Assessment of compliance with sanctions and export trade controls legislation for students admitted and enrolled in other University programs are under the *Admission Policy*.

4.0 Definitions

Academic Group means the highest level of academic organisational unit of the University as designated by the University from time to time, including each of the Offices of the Pro Vice Chancellor of:

a) Arts, Education and Law;

b) Griffith Business School;

c) Griffith Health; and

d) Griffith Sciences. Applicants affiliated with the Institute for Glycomics (under the Deputy Vice Chancellor (Research) portfolio) are assessed as part of Griffith Sciences.

Assessable HDR Applications means an application by a prospective international student for an HDR Program and includes applications for changes of research topic made by a student enrolled through an Assessed HDR Application.

Assessed HDR Applications means each application referred for assessment pursuant to sections 3.2 to 3.4.

Australian Sanctions means *Autonomous Sanctions Act 2011*, the *Defence Trade Controls Act 2012*, the *United Nations Act 1945* or the *Weapons of Mass Destruction (Prevention of Proliferation) Act 1995* and any other sanctions from time to time in force in accordance with the laws of the Commonwealth of Australia ("Australian Sanctions").

Element means any School, Faculty, or Department within an Academic Group and includes all Griffith University Research Entities (as defined in the *Research Entity Policy*) and colleges, and any Administrative Office within an Administrative Division.

Enrol, Enrolled or **Enrolment** means the act of a student accepting an offer of admission and registering for courses at the University, by carrying out the specified enrolment procedures of the University.

GGRS Spreadsheet of Relevant Applications means a spreadsheet to be kept and maintained by Dean, GGRS for all HDR Applications from prospective international students from countries subject to Australian Sanctions.

HDR Program means a program described in section 2 of the *Higher Degree by Research Policy*.

SCRAF or Sanctions Compliance Risk Assessment Form means the form so called and made available through the IECT and the Sanctions webpage, as updated from time to time.

5.0 Information

Title	Managing Assessment of HDR Applicants: Sanctions and Export Controls Compliance
Document number	2023/0000463
Purpose	This document sets out the procedure for managing Higher Degree Research Admissions, and any changes to HDR research topics or activities to ensure that HDR activity conducted at Griffith University does not contravene or breach the legislative framework underpinning Australia's system of export controls and sanctions.
Audience	Staff
Category	Academic

Subcategory	Learning and Teaching
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Policy advisor	Deputy Director, Research Strategy, Systems and Policy
Approving authority	Deputy Vice Chancellor (Research)

6.0 Related Policy Documents and Supporting Documents

Legislation	Autonomous Sanctions Act 2011 Defence and Strategic Goods List Defence Trade Controls Act 2012 United Nations Act 1945 Weapons of Mass Destruction Act 1995 Consolidated List List of Critical Technologies in the National Interest The Australian Code for the Responsible Conduct of Research 2018
Policy	Research Entity Policy Responsible Conduct of Research Policy Risk and Resilience Management Policy Admission Policy Assessment Policy Higher Degree by Research Policy
Procedure	Assessment Procedure for Students
Local protocol	Register of Compliance Obligations
Form	Sanctions Compliance Risk Assessment Form