

# Managing Assessment of University Appointments: 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 new Griffith staff appointments, including the appointment of casuals and un-paid staff. The purpose of this procedure is to ensure that Griffith University adheres to and 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 Security Council and Australian Autonomous Sanctions managed by the Department of Foreign Affairs and Trade (DFAT). Sanctions regimes are different depending on the country or theme (e.g., human rights) and are regularly modified and updated. The list of countries and details of sanctions regimes are outlined 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.

Through the application Policies and Procedures, 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 activities proposed by the new staff appointee. 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 new staff appointee 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 in very exceptional circumstances based on the relevance and quality of the new staff appointee and the 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 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. Individuals must ensure appropriate approvals and permits are in place prior to commencing the relevant activity (e.g., research or exchange of resources).

- a) Griffith's [International Engagement Checking Tool \(IECT\)](#) 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. Note that, if the identified applicant is from a sanctioned country the Manager/Supervisor will search the DFAT Consolidated List ([Consolidated List](#)), providing confirmation in the IECT form. If the applicant and/or affiliated Institutions or places of previous employment are included in the Consolidated List, the appointment will not proceed.
- b) the [Sanctions Compliance Webpage](#) and the [Secure Engagement with International Parties Hub](#) an intranet site available to staff including information on the University commitment to ensuring secure and productive international engagement while minimising risks to Australia's national security.

### 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 all new Griffith staff appointments (Academic and Professional), if they originate from a sanctioned country, including the appointments of casual and unpaid appointments, upon which a decision of an offer is made.

The processes are dependent on the type of appointment and comprises of a risk assessment and subsequent decision-making process based on the full CV and/or further appropriate documentation provided by the applicant. Individuals currently residing in Australia who are Australian citizens, permanent residents or holders of Australian humanitarian visas do not require assessment.

#### 3.1 New fixed-term and continuing appointments following an advertised recruitment process

A Manager/Supervisor raises an advertising request to fill an established position with the Talent Acquisition Team via SmartRecruiter. As a part of the online application process, an applicant is asked the following screening questions:

- Question 1: Are you an Australian Citizen? Answer options: YES or NO

- Question 2: Are you a citizen of another country or a dual citizen, if 'yes' please indicate the countries that you hold citizenship with?

If the answer to Question 2 is Yes for the preferred appointee, who is a citizen from a Sanctioned country (*Please review the list of sanctioned countries via [Department of Foreign Affairs and Trade - Sanctions regimes](#)*), the Supervisor/Manager who has requested the appointment will complete the IECT questionnaire detailing the nature of the appointment and confirming that they have searched the DFAT Consolidated List. If the applicant and/or affiliated Institutions or places of previous employment are listed the appointment will not proceed.

### 3.2 New Direct Appointments, Secondments/Secondment Extensions, Unpaid Appointments

A Manager/Supervisor raises a 'direct appointment' request with the Talent Acquisition Team via SmartRecruiter for a candidate that they have pre-selected. As a part of the job details page in Smart Recruiter the Manager/Supervisor is asked the following questions about the candidate which they must complete:

- Question 1: Is the person an Australian Citizen? Answer options: YES or NO
- Question 2: Is the appointee a citizen of another country or a dual citizen, if 'yes' please indicate the country (s) where the citizenship is held? Answer options: YES or NO
- Question 3: Is the person a citizen or resident from a country that may be subject to Sanctions? Answer options: YES or NO (**Smart tip:** *'Please review the list of sanctioned countries via [Sanctions regimes](#)*).
- Question 4: Has the candidate spent considerable time (over 12 months) in a foreign country in the past 10 years? Answer options: YES or NO
- Question 5: Are they currently employed by a Foreign Institution? Answer options: YES or NO

After completing these five questions the Manager/Supervisor is advised, if they answer NO to question 1 above, or YES to any question from 2-5 above, they are required to complete the IECT form and attach a copy of the completed IECT form with agreed safeguards and risk mitigations as per Question 6 below:

- Question 6: A copy of the completed IECT form with agreed safeguards and risk mitigation is attached: Answer options: 'YES' or 'N/A – The candidate is an Australian Citizen and has answered NO to the four preceding questions.' (**Smart tip:** *'If the candidate is not an Australian Citizen or has answered YES to any of the four preceding questions, you are required to complete the [International Engagement Checking Tool](#). Further information can be found on the [Secure Engagement with International Parties Hub](#). Contact the Export Control and Security Manager with questions regarding the tool.'*)

Where the answers indicate that the IECT needs to be completed, the Manager/Supervisor must not proceed with submitting the appointment request to the Talent Acquisition team until they have completed the IECT assessment and received confirmation from the Office for Research. Please refer to section 2.4 for further instructions in relation to completion of the IECT.

The Talent Acquisition team will not progress with the appointment unless the evidence of this has been attached to the request.

### 3.3 Casual (Professional and Academic) and fixed Term appointment extensions

The Manager/Supervisor processes their request via the Peoplesoft payroll platform where they are asked whether the person is a citizen or resident from a country that may be subject to sanctions.

If the answer is YES, the Manager/Supervisor is directed to complete the IECT before progressing with submission of the casual or fixed term appointment extension in PeopleSoft. The Manager/Supervisor will

confirm that they have checked the DFAT Consolidated List. If the applicant and/or affiliated Institutions or places of previous employment are included in the Consolidated List, the appointment will not proceed.

### 3.4 Export Control and Security Manager review process for the IECT form

The completed IECT questionnaire is directed to the Export Control and Security Manager. If the appointment is research related or includes activities connected to dual-use technology controlled by the Defence Export Controls further checks and assessment is required (details in the IECT form).

If it is a research related appointment the Export Control and Security Manager will contact the Manager/Supervisor to request further detail of the research activity and identify keywords suitable for conducting an assessment of the activities, technology and training proposed by searching the Defence and Strategic Goods List (DSGL).

If the Export Control and Security Manager assesses that the research related appointment may be medium or high risk in relation to sanctions compliance the assessment is initially referred to the Group Dean Research and the Supervisor/Manager for further review.

- a) The Group Dean (Research) in consultation with the Supervisor/Manager can sign off and recommend to the Talent Acquisition Team to proceed with the recruitment process, or,
- b) The Group Dean (Research) may at their discretion elect to form a panel of experts to assess and recommend approval or rejection of the proposed appointment/offer of employment to the Director, HR through the Talent Acquisition Team.

## 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.

**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 Centres (as defined in Section 2.0 of the University's Research Centres and Institutes Policy) and colleges, and any Administrative Office within an Administrative Division.

## INFORMATION

Printable version (PDF) Downloadable version (Word)

Title	Managing Assessment of University Appointments: Sanctions and Export Controls Compliance
Document number	2023/0001037
Purpose	This document sets out the procedure for managing the appointment of Griffith Staff, including casuals and non-paid staff, to ensure that any new staff appointments do not contravene or breach the legislative framework underpinning Australia's system of export controls and sanctions.
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## RELATED POLICY DOCUMENTS AND SUPPORTING DOCUMENTS

Legislation	<a href="#"><u>Autonomous Sanctions Act 2011</u></a> <a href="#"><u>Defence and Strategic Goods List</u></a> <a href="#"><u>Defence Trade Controls Act 2012</u></a> <a href="#"><u>United Nations Act 1945</u></a> <a href="#"><u>Weapons of Mass Destruction Act 1995</u></a> <a href="#"><u>Consolidated List</u></a> <a href="#"><u>List of Critical Technologies in the National Interest</u></a>
Policy	<a href="#"><u>The Responsible Conduct of Research</u></a> <a href="#"><u>Code of Conduct</u></a>
Procedures	N/A
Local protocols	<a href="#"><u>Secure Engagement with International Parties Hub</u></a>
Forms	<a href="#"><u>International Engagement Checking Tool</u></a>