Sanctions Procedure

Section 1 - Purpose and Scope

(1) The University of Queensland (UQ or the University) must comply with Australian sanctions legislation. The University must also consider the sanctions frameworks of other countries that we collaborate or conduct business with.

(2) Non-compliance with Australian sanctions legislation may incur significant penalties to the University and the individual, including prosecution for criminal offences.

(3) This Procedure sets out the requirements for complying with Australian sanctions legislation as well as considerations for complying with the sanctions' requirements of other countries.

(4) This Procedure outlines processes and controls for staff appointments, Higher Degree by Research student admissions, coursework student admissions, collaborations and contract work, and certain other activities.

(5) This Procedure applies to all University staff, title holders and students.

Sanctions legislation and frameworks

(6) Australia implements the United Nations Security Council (UNSC) sanctions and Australian Autonomous sanctions.

(7) Sanctions frameworks are a set of measures targeting a specific country or group, or in relation to a specific theme.

(8) Sanctions measures may target a whole country or region, a group, or a designated individual or entity. They generally involve placing restrictions or prohibitions on specific activities, including:

- the supply, sale or transfer of 'export sanctioned goods' (i.e. goods whose export is prohibited or restricted under sanctions law),
- the import, purchase or transport of 'import sanctioned goods' (i.e. goods whose import is prohibited or restricted under sanctions law),
- the provision of certain services, including:
    - technical advice, assistance or training,
    - financial services, or
    - financial assistance related to the supply, import, manufacture, maintenance or use of a sanctioned good,
- engaging in sanctioned commercial activities,
- providing an asset to, or dealing with the assets of, a designated individual or entity, and
- facilitating the entry or transit through Australia of individuals subject to a travel ban.

(9) Further information about Australia's sanctions legislation, sanctions frameworks and sanctions measures can be found on the Department of Foreign Affairs and Trade's website - Legislation and Sanctions Frameworks | Australian Government Department of Foreign Affairs and Trade

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Impact on University activities

(10) Australian sanctions law may impact on a range of University activities. The most common activities affected are:

a. employing a person with a connection to a sanctioned country,

b. enrolling a student with a connection to a sanctioned country,

c. collaborating with another person or entity (including a foreign university) with a connection to a sanctioned country,

d. hosting a conference, symposium or other event at UQ that may be attended by individuals with connections to sanctioned countries or entities,

e. travel for research collaboration or to present at conferences, either inside or outside Australia, where sharing certain material may breach sanctions laws, and

f. visits from individuals who are designated or who have connections to designated entities.

Section 2 - Key Controls

(11) Individuals who conduct or manage any of the activities listed above (Impact on University activities) must ensure appropriate due diligence is exercised to determine whether the activity may breach sanctions law.

(12) Due diligence generally involves seeking a sanctions assessment from UQ's International Safeguards team (International Safeguards) and, in some cases, seeking a sanctions permit from the Australian Sanctions Office. International Safeguards handles all permit applications.

(13) Overarching procedures for handling sanctions assessments are set out at Section 3. Further details on sanctions assessments are available on the International Safeguards page of UQ's website.

(14) All continuing and fixed term academic staff are required to disclose certain research in the Sensitive Research Register. This includes making declarations in relation to sanctions. See: Disclosure and management of interests

Section 3 - Process and Key Requirements

Staff appointments

(15) Hiring managers should be mindful of potential sanctions restrictions on activities when recruiting new staff.

(16) Staff includes all occupation types, paid and unpaid, including academic, professional, visiting academic, visiting student, honorary, adjunct, industry fellows, academic title holders and volunteers.

(17) Human Resources is responsible for identifying staff candidates who require a sanctions assessment and referring the case to International Safeguards.

(18) International Safeguards conducts sanctions assessments. This may include referring the case to the candidate's line-manager or other subject matter expert for an assessment of the proposed activity.

(19) If the activity is impacted by sanctions legislation, restrictions may be placed on the activity or a recommendation made that the appointment does not proceed. Any conditions imposed on an activity resulting from a sanctions assessment and/or a sanctions permit must be adhered to.

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(20) Recommendations on sanctions cases are made by the Director, Research Ethics and Integrity or their delegate.

(21) The final decision on whether the appointment should proceed rests with the individual responsible for the appointment (as per the UQ Schedules of Human Resources Sub-Delegations). The decision must comply with sanctions legislation.

(22) A work role may be modified to comply with sanctions legislation. This may include ensuring the candidate does not have access to sanctioned goods or technology and/or does not receive technical advice or training on a sanctioned good or technology.

(23) The appointment should not proceed until the sanctions assessment is completed. Any exceptions to this must be discussed with International Safeguards.

(24) Changes to the individual's activities after the initial sanctions assessment must be evaluated for compliance with sanctions legislation and may necessitate completion of a new assessment by International Safeguards.

Higher Degree by Research student admissions

(25) Principal Advisors should be mindful of potential sanctions restrictions on research activities when recruiting new Higher Degree by Research (HDR) students.

(26) Principal Advisors should be mindful of sanctions restrictions that may apply to Associate Advisors on the advisory team who are not affiliated with UQ.

(27) The Graduate Research School is responsible for identifying HDR applicants and advisors who require a sanctions assessment and referring the case to International Safeguards.

(28) International Safeguards conducts sanctions assessments. This may include referring the case to the HDR candidate's Principal Advisor for an assessment of the proposed research activity.

(29) If the research activity is impacted by sanctions legislation, restrictions may be placed on the research or a recommendation made that the admission does not proceed. Any conditions imposed on the research resulting from a sanctions assessment and/or a sanctions permit must be adhered to.

(30) Recommendations on sanctions cases are made by the Director Research Ethics and Integrity or their delegate.

(31) The final decision on whether the HDR candidate should be admitted rests with the Dean of the Graduate Research School. The decision must comply with sanctions legislation.

(32) A HDR project may be modified to comply with sanctions legislation. This may include ensuring the student does not have access to sanctioned goods or technology and/or does not receive technical advice or training on a sanctioned good or technology.

(33) The admission of the student should not proceed until the sanctions assessment is completed. Any exemptions to this must be discussed with International Safeguards.

(34) Changes to the HDR candidate's research activities after the initial sanctions assessment must be evaluated for compliance with sanctions legislation and may necessitate completion of a new assessment by International Safeguards.

Coursework student admissions

(35) The admission of coursework students is considered lower risk than HDR student admissions due to the decreased likelihood that coursework students will interact with sanctioned goods or technology or receive sanctioned services. Nonetheless, sanctions legislation must still be considered.

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(36) UQ International (not the International Safeguards team) is responsible for identifying coursework student applicants who require a sanctions assessment. This is based on the prospective student's citizenship and birth country.

(37) For all prospective coursework students who require a sanctions assessment, UQ International must check the Department of Foreign Affairs Trade's (DFAT) Consolidated List to determine if they are designated. If they are, the case must be referred to the International Safeguards team.

(38) If the prospective student is applying for admission to a 'sanctions restricted program', which are programs identified as carrying higher sanctions risks, the offer letter must include information about the restrictions on the courses the prospective student can enrol in.

(39) Certain sanctions affected coursework students will be prevented from self-enrolling. These students receive an automatic notification when attempting to enrol advising that they must contact International Safeguards so their chosen courses can be assessed.

(40) If the courses do not present a sanctions risk, International Safeguards will advise the enrolling unit that they can proceed to enrol the student. If a course is deemed to be a sanctions risk, International Safeguards will advise the enrolling unit.

(41) Final responsibility for deciding whether a student may enrol in a sanctions affected course rests with the enrolling unit. The decision must comply with sanctions legislation.

Collaborations and contract work

(42) UQ staff entering into external collaborations or planning to undertake contract work must be mindful of the potential impact of sanctions legislation on the activity.

(43) Collaborations include researcher to researcher collaborations, including co-authoring publications.

(44) If the collaboration or contract work is with an individual or an entity based in, or with a connection to, a sanctioned country, International Safeguards must be contacted for assistance.

(45) International Safeguards will conduct a sanctions assessment on the collaboration or contract work. This will usually involve the UQ staff member completing an assessment form to provide details of the activity and the names of the individuals and entities involved.

(46) International Safeguards will check all individuals and entities involved in the collaboration or contract work against DFAT's Consolidated List.

(47) International Safeguards will also conduct an assessment of the activity to determine if it may be impacted by relevant sanctions legislation.

(48) If there is a risk the activity may breach sanctions legislation, the activity may need to be modified or, if risk cannot be mitigated, not undertaken. Any conditions imposed on the research resulting from a sanctions assessment and/or a sanctions permit must be adhered to.

(49) Recommendations on sanctions cases are made by the Director, Research Ethics and Integrity or their delegate.

(50) For formal agreements, the final decision on whether the collaboration or contract work should proceed rests with the person authorised to sign the agreement (per the UQ Contract Sub-delegations Schedule). For informal collaborations, the final decision rests with the Chief Investigator for the project. All decisions must comply with sanctions legislation.

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Other activities

(51) Other activities that may require sanctions consideration include travelling to a sanctioned country, hosting conferences or other events that may involve individuals or entities from a sanctioned country, hosting visits by a person or group from a sanctioned country and presenting at a conference in a sanctioned country.

(52) Individuals organising or leading such activities must exercise due diligence, proportionate to the sanctions risks involved. Sanctions advice and assistance may be sought from International Safeguards.

Sanctions frameworks of other countries

(53) UQ may be required to comply with the sanctions' frameworks of other countries. This usually occurs when entering into a contract or agreement that contains clauses requiring UQ to comply with the sanctions' laws of the country in which the other party to the agreement is based.

(54) All contracts or agreements containing clauses requiring compliance with the sanctions laws of another country should be referred to International Safeguards for advice.

(55) International Safeguards will assess the contractual requirement and determine if there are any compliance issues. If there are, International Safeguards will advise on the best course of action. This may include screening staff against international sanctions lists and/or ensuring certain goods or technologies are safeguarded.

(56) The final decision for whether the contract or agreement should be executed rests with the person responsible for signing the agreement (per the UQ Contract Sub-delegations Schedule).

Section 4 - Roles, Responsibilities and Accountabilities

Research Ethics and Integrity

(57) The International Safeguards team in Research Ethics and Integrity is responsible for conducting sanctions assessments and providing a written recommendation for the relevant decision maker.

(58) The International Safeguards team is also responsible for other aspects of managing sanctions compliance at UQ, including:

a. Responding to sanctions queries and providing advice on sanctions law to the research community

b. Liaising with the Australian Sanctions Office and applying for sanctions permits when required

c. Investigating potential breaches of sanctions legislation at UQ and escalating these as required by UQ policy and the relevant legislation

d. Providing training on sanctions and maintaining the UQ sanctions website

e. Maintaining records on sanctions assessments, queries and other sanctions related matters

f. Monitor the Sensitive Research Register for compliance and training purposes

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Human Resources and the Graduate Research School

(59) Human Resources and the Graduate Research School are responsible for identifying staff and HDR candidates, respectively, who require a sanctions assessment and referring the case to International Safeguards.

Supervisors and Principal Advisors

(60) Supervisors of staff candidates and Principal Advisors for HDR candidates who are subject to a sanctions assessment are, where requested, required to assist with higher risk sanctions assessments as they are recognised as having the required knowledge to understand the activities the candidate will undertake.

Associate Deans (Research) and Institute Deputy Directors (Research)

(61) Associate Deans (Research) and Institute Deputy Directors (Research) may be asked to review higher risk sanctions assessments for research projects in their faculty/institute. Based on this review, they may either endorse the proposed research activity as representing lower risk or recommend further assessment.

UQ International

(62) UQ International is responsible for identifying coursework students who require a sanctions assessment and following the process set out at clauses 34 to 40.

Section 5 - Monitoring, Review and Assurance

(63) The Deputy Vice-Chancellor (Research and Innovation) is responsible for the development, compliance monitoring and review of this Procedure.

(64) Suspected breaches of this Procedure will be investigated and any system issues reviewed. Immediate corrective action will be taken, including notification to the appropriate authorities and/or referral to other University processes where necessary.

(65) International Safeguards identifies higher risk sanctions cases for monitoring and assurance purposes to ensure activities comply with sanctions law and this Procedure. Activities that are found not to comply with this Procedure will be addressed immediately.

(66) International Safeguards monitors the Sensitive Research Register to identify research involving goods and technology that may be impacted by sanctions legislation. If the research project is deemed to be potentially impacted by sanctions, the Chief Investigator is contacted to ensure compliance with sanctions law and this Procedure.

(67) This Procedure will be reviewed every three years, or earlier as required, to ensure it remains accurate and relevant.

Section 6 - Recording and Reporting

(68) International Safeguards maintains a central register of sanctions assessments, permits, approvals and compliance with any conditions that may be required.

(69) Records or documents relating to an application for an authorisation (such as a sanctions permit application) must be kept in accordance with the Autonomous Sanctions Act 2011 and the Charter of the United Nations Act 1945.

(70) Records must be kept in accordance with the Information Management Policy and its related procedures.

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Section 7 - Appendix

Definitions

Term	Definition
Asset	An asset of any kind or property of any kind, whether tangible or intangible, movable or immovable, however acquired; and a legal document or instrument in any form (including electronic or digital) evidencing title to, or interest in, such an asset or such property.
Connection to a sanctioned country	A substantive connection to a sanctioned country that is current, ongoing and significant through, for example, residence, employment, business ties, study, research collaborations, or affiliations with a university, company or government, in the sanctioned country.
Consolidated List	A list, managed by the Department of Foreign Affairs and Trade, that includes all individuals, entities and vessels subject to Australian sanctions, including targeted financial sanctions, travel bans, arms embargos and maritime sanctions.
Designated entity	Entities that are subject to sanctions under Australian sanctions law, including entities sanctioned by the United Nations Security Council.
Designated individual	A person that is subject to sanctions under Australian sanctions law, including persons sanctioned by the United Nations Security Council.
Sanctioned good	Goods explicitly mentioned in Australian sanctions law as sanctioned goods for a sanctioned country or part of a country.
Sanctioned service	The provision to a person of technical advice, assistance or training, or financial assistance, or a financial service, or another service, if it assists with, or is provided in relation to, a sanctioned supply.
Sanctioned supply	The supply, sale or transfer of a sanctioned good that results in the direct or indirect supply, sale or transfer of the good to a sanctioned country, or for use in that country, or for the benefit of that country.
Sanctions framework	A set of sanctions measures imposed in response to a particular situation of international concern. A sanctions framework may be aimed at a country, group or theme.
Sanctions legislation	Includes:

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	• United Nations Security Council sanctions, which are imposed by the UNSC and which Australia is obligated to implement as a matter of international law, and • Australian Autonomous sanctions, which are imposed and implemented by the Australian Government as a matter of Australian foreign policy.
Sanctions measures	Sanctions measures generally fall into two categories: • **Targeted financial sanctions** prohibit making assets available to designated persons or entities and dealing with assets owned or controlled by them. These sanctions may also include travel bans • **Restrictions on certain goods, services and commercial activities** generally prohibit the export and/or import of certain goods, the provision of certain services, and engaging in certain commercial activities with specific countries or regions.
Staff	Includes all occupation types, paid and unpaid, including academic, professional, visiting academic, visiting student, honorary, adjunct, industry fellows, academic title holders and volunteers.

Section 8 - Meta Data for Document Management

Metadata

Associated Information	**Legislation** Autonomous Sanctions Act 2012 Charter of the United Nations Act 1945 **Documents** Export Controls Procedure Higher Degree by Research Admission Procedure Information Management Policy Responsible Research Management Framework Policy Travel Policy **Website Links** Department of Foreign Affairs and Trade
Area of responsibility	International Safeguards, Research Ethics and Integrity

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Policy Owner	Deputy Vice-Chancellor (Research and Innovation)		
Unit Head	Pro-Vice-Chancellor (Research)		
Document Author	Simon Pengilly, Senior Manager International Safeguards		
Enquiries contact	Research Strategy and Performance		
Document Category	Research and Innovation		
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Target Audience (select all applicable)	☒ Staff	☒ Students	☐ Community
Next review date	3 years		

Change summary

Amendment summary	Substantial revision to reallocate information on Sanctions and Export Controls into two separate documents The revised procedure also: - Clarifies roles and responsibilities - Ensures alignment with current processes - Provides more information on processes and controls for staff appointments, Higher Degree by Research student admissions, coursework student admissions, collaborations and contract work, and certain other activities.
Other Notes	[if required]

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