GUIDELINES FOR THE IMPLEMENTATION OF OBLIGATIONS IN THE SANCTIONS COMPLIANCE POLICY

1. All research activity

1.1. All staff are responsible to ensure no research that is believed or suspected on reasonable grounds to assist a weapons of mass destruction program is undertaken at Monash. All staff are responsible to immediately report concerns such research is taking place to the Associate Dean Research for investigation.

2. Monash Staff

2.1. Each year on 30 September Monash HR will obtain a list of all personnel (employees, contractors, adjuncts and affiliates) and compare this list with the consolidated DFAT List to identify potential matches, with potential matches further investigated in accordance with the Sanctions Compliance Procedures.

2.2. Monash HR will provide to the Faculty Associate Dean Research (or equivalent) a monthly report of newly commencing academic and research support staff, contractors and adjuncts (ie, commencing since the last review) working in their Faculty who hold citizenship with a sanctioned country and are not a permanent resident or citizen of Australia, for a sanctions risk assessment. For staff and personnel previously the subject of a risk assessment, an updated risk assessment will only be done if there is a change in the sanctions applicable to the person or a change in their teaching or research activity.

2.3. Using this list the Faculty Associate Dean Research will implement the following procedures, including setting timeframes for completion:

2.3.1. For all staff on the list – instruct the relevant Head of School/Department to conduct a sanctions compliance risk assessment for the staff member’s teaching and research activities, to identify any arms or related material, and provide a report of the outcome to the Associate Dean Research; and

2.3.2. For staff who are citizens of a harsher sanction law country\(^1\) – instruct the relevant Head of School/Department to conduct a sanctions compliance risk assessment for the staff member’s teaching and research activities, to identify activity related to export sanctioned goods for that country, and provide a report of the outcome to the Associate Dean Research. A risk assessment form can be found by selecting the following link - Sanctions Compliance Form.

2.4. The Associate Dean Research will consider the reports and, for any sanctions compliance risk identified and not eliminated, seek University Solicitor’s Office advice. Any risk that cannot be eliminated or be adequately managed should be escalated to the appropriate decision maker identified in the Sanctions Compliance Procedures.

3. Monash Students

3.1. MIGR will maintain procedures for all PhD and Masters by Research students, and will require the student’s supervisor to conduct a risk assessment of the student’s research proposal prior

\(^1\) In 2013 harsher sanction law countries are Iran, Syria and North Korea.
to issuing a confirmation of enrolment where it may assist a WMD program, and where the student is a citizen of a sanctioned country, and not a citizen or permanent resident of Australia. For the latter group consideration must be given to whether their research program may involve arms or related material and, where a student is a citizen of a harsher sanction law country\(^2\), whether the research will involve export sanctioned goods for that country. A risk assessment form is found in a link at http://www.policy.monash.edu/policy-bank/management/audit-risk/sanctions-compliance-policy.html. Such assessment will be repeated if there is a change in the research proposal.

3.2. For all other students undertaking research activity (e.g. an honours research program, or an undergraduate research unit), the Associate Dean Education (or equivalent) will require the student’s supervisor to conduct a risk assessment of the student’s research proposal prior to research commencing where it may assist a WMD program and where the student is a citizen of a sanctioned country and not a citizen or permanent resident of Australia. For the latter group consideration must be given to whether their research program may involve arms or related material and, where a student is a citizen of a harsher sanction law country\(^3\), whether the research will involve export sanctioned goods for that country. A risk assessment form is found in a link at http://www.policy.monash.edu/policy-bank/management/audit-risk/sanctions-compliance-policy.html. Such assessment will be repeated if there is a change in the research project.

3.3. All completed risk assessment forms are to be filed on the student’s file.

4. **Monash visitors**

4.1 For visitors staying 21 days or more, the Monash HR process in 2.1 will apply.

4.2 For visitors, prior to the visit commencing the staff member hosting the visitor is responsible to consider if:

4.2.1 research the visitor may be exposed to involves arms or related material and, if so, must identify the citizenship of the visitor prior to the visit commencing. If citizenship is of a sanctioned country and not a citizen or permanent resident of Australia, the staff member must conduct a risk assessment in accordance with the Sanction Compliance Procedures;

4.2.2 the visitor is a citizen of a harsher sanction law country\(^4\) and not a citizen or permanent resident of Australia, the risk assessment must include consideration of whether the visit may involve use by the visitor of export sanctioned goods for that country. A risk assessment form is found in a link at http://www.policy.monash.edu/policy-bank/management/audit-risk/sanctions-compliance-policy.html.

4.3 Where following the risk assessment in 4.2 a risk is identified, the visit must not proceed until a management plan is put in place to eliminate or adequately manage the risk. Records of the risk assessment should be sent to the Associate Dean Research to be included in faculty records.

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\(^4\)In 2013 harsher sanction law countries are Iran, Syria and North Korea.
5. **Research partners/collaborators**

5.1. For collaborative research within Monash, the lead Chief Investigator is responsible to conduct the sanctions risk assessment, or ensure it is done by a delegate for both the project, generally, and all Monash personnel (i.e., academic and research support staff, contractors and adjuncts) involved in the project.

5.2. For research in partnership/collaboration with persons outside Monash, the lead Monash researcher is responsible to conduct a sanctions risk assessment considering the activities of the project and all researchers on the project, or satisfy themselves that this was done by a delegate at Monash (including an external person) and record the outcome of the assessment and where the assessment records are held.

5.3. Records of any risk assessment should be sent to the Associate Dean Research and included in the faculty records.

6. **Monash IP exploitation**

6.1. The Faculty Business Development Manager is responsible to ensure that a sanctions risk assessment is done to identify any sanctions compliance risk related to:

   6.1.1. the identity of any third party (person or entity) who will be given access to intellectual property/research outputs;

   6.1.2. the known purposes for which the intellectual property/research outputs may be used by that third party; and

   6.1.3. providing to the third party intellectual property/research outputs that include arms or related material or export sanctioned goods for a harsher sanction law country, including the need for additional end user safeguards.

6.2. Records of the assessment and outcomes are to be retained on the Industry Engagement & Commercialisation file for the transaction.

7. **Faculty laboratories**

7.1. Each laboratory manager will identify if the laboratory usually contains export sanctioned goods, and have laboratory access and induction procedures include mention that the laboratory contains such goods.

7.2. A person undertaking a sanctions risk assessment for laboratory based personnel should, as part of that assessment, consider the equipment and materials in the laboratory that may assist a WMD program, be arms or related material, or be listed as export sanctioned goods for a harsher sanction law country. Where a sanctions compliance risk is identified, sanctions compliance risk management should be considered to ensure laboratory access provided to the person complies with the sanction laws.

7.3. The person should notify any affected laboratory manager where a sanctions compliance risk management plan is in place. The laboratory manager will assist to implement that plan in cooperation with supervisory staff.
8. **Faculty Recordkeeping**

8.1. The Associate Dean Research will maintain records in the faculty of the risk assessments and outcomes for reporting purposes. For assessments that cover activity in more than one faculty, a faculty record may refer to records held by the other faculty involved.

8.2. Upon request, the Associate Dean Research will provide an annual report of the sanctions compliance activity to the PVC(R) according to the Sanctions Compliance Procedures.

9. **Definitions**

9.1. In these Guidelines the following terms are used:

9.1.1. “**Visitor**” means a person hosted at a Monash University campus from another Australian and international university or another level of education, research organisation or industry to undertake one of the following activities:

- research; delivering workshops; presenting an occasional lecture;
- participating in a conference; sharing of knowledge and information;
- attending meetings; observing Monash University activities; providing consultancy services;

9.1.2. “**Staff**” means a person holding an academic and professional position at the University, however employed by the University;

9.1.3. “**Sanctioned country**” means a country that is subject to sanctions imposed under the Charter of the United Nations Act or the Autonomous Sanctions Act;

9.1.4. “**Harsher sanction law country**” means of the sanctioned countries, those countries where extensive lists of export sanctioned goods are the subject of sanctions;

9.1.5. “**Export sanctioned goods**” means any goods listed as being sanctioned for a nominated sanctioned country, which means it is prohibited to provide services such as education or training in the manufacture, maintenance or use of the listed good;

9.1.6. “**Arms or related materiel**” means weapons, ammunition, military vehicles and equipment, spare parts or accessories, and paramilitary equipment;

9.1.7. “**Weapons of mass destruction program**” or “**WMD program**” means a plan or program for the development, production, acquisition or stockpiling of nuclear, biological or chemical weapons or missiles capable of delivering such weapons.

10. **Updates**

10.1. It is anticipated the lists of export sanctioned goods for sanctioned countries will be updated from time to time. Staff will be notified of changes to significant these lists likely to impact University activities.