



## Procedure: Student sanctions

### Purpose

To set in place procedures for undertaking risk assessments in relation to prevailing sanctions of applicants for admission to Higher Degree Research Programs, and applications from continuing candidates to change Higher Degree Research Program or change of research topic.

### Procedure

1. This document should be read in conjunction with the Research Awards Rule, United Nations Security Council and Australia's Autonomous Sanctions Higher Degree Research – Compliance Assessment Form (HDR Student Sanctions Form), and the Department of Foreign Affairs and Trade website.

### Information about sanctions laws

2. Australian autonomous sanctions and multilateral sanctions are based on resolutions made by the United Nations Security Council and decisions of the Australian government. Sanctions are implemented through Australian laws and regulations and Ministerial orders having the force of law and place restrictions on universities' interactions with persons, organisations and countries that are subject to those sanctions, and include restrictions on Financial Transactions and other autonomous sanctions. Key risk activities for the University are:

- a. candidate admission and enrolment;
- b. receipt of fees, particularly tuition fees;
- c. the conduct of education, research training and research collaboration activities; and
- d. access to and use of Sanctioned Goods held by the University.

3. Sanctions measures of particular relevance to the university include general prohibitions on providing a sanctioned service and dealing with a 'designated person or entity'.

4. The University must take reasonable precautions and exercise due diligence to prevent its conduct breaching the Australian Sanctions Laws.

5. The [Department of Foreign Affairs and Trade](#) website contains comprehensive information on:
- a. the countries, entities and individuals subject to United Nations Security Council Sanctions;
  - b. the countries, entities and individuals subject to Australian Autonomous Sanctions;
  - c. the goods, services and other transactions that these sanctions apply to; and
  - d. information on how to make an enquiry, or apply for a permit.

### **Sanctions awareness and training**

6. The Deputy Vice-Chancellor (Research & Innovation) (DVC(RI)) will co-ordinate the provision of sanctions training to Associate Deans HDR (AD (HDR)), or equivalent, and relevant academic and professional staff.
7. AD (HDR) or equivalent and all members of supervisory Panels of candidates from sanctioned countries are required to undertake training provided.
8. GRO will provide AD (HDR) and College HDR Administrators with updated information about sanctioned countries and the monitoring requirements imposed by the Australian Government (Department of Foreign Affairs and Trade) for all applicants and current HDR candidates from those countries, and will update the HDR Student Sanctions Form as necessary.
9. The College must ensure all members of supervisory panels of candidates from sanctioned countries are provided with updated information as necessary.

### **New HDR applicants**

10. Applicants whose projects are assessed as Medium or High Risk will not be permitted to be external candidates.
11. Before an offer of admission can be made to the applicant, the College must undertake a risk assessment using the HDR Student Sanctions Form. The form must be endorsed by the Chair of Panel, and Delegated Authority (DA), and approved by the College Dean, or delegate.
12. An application will be considered Low Risk if:
- a. It is clear that it does not involve access to, use or development of any sanction affected goods or technologies and is not otherwise sanctions-affected; ie there are no positive responses to items in Section C of the form;
- or

- b. The research is classified as basic scientific research/ experimental/ theoretical work and is insufficiently specialised to constitute technical training; or
- c. The research relates to information that is in the public domain, that is, technology that has been made available without restrictions upon its further dissemination.

13. Where the application is assessed as Low Risk, following the approval of the HDR Student Sanctions Form by the College Dean, or delegate an offer may proceed.

14. An application will be considered Medium Risk if it may involve access to, use or development of any sanction affected goods or technologies or may be otherwise sanctions affected; i.e. when it is not clear from the responses in Section C of the form that a project has any implications for dual use.

15. However, an application will not be considered Medium Risk if:

- a. The research is classified as basic scientific research/ experimental/ theoretical work and is insufficiently specialised to constitute technical training; or
- b. The research relates to information that is in the public domain, that is, technology that has been made available without restrictions upon its further dissemination.

16. Where an application is assessed as Medium Risk GRO will, after consultation with the ANU Legal Office, submit an Inquiry for assessment via the Online Sanctions Administration System (OSAS). An offer cannot be made without a positive response or other resolution of the case (e.g. a conclusion being reached that the research is or is not sanctions affected).

17. An application will be considered High Risk if it is concluded that the research does or is likely to involve access to, use or development of sanction affected goods or technologies or otherwise appears to involve infringement of sanctions. If an application is assessed as High Risk then the College will either:

- a. identify an alternative project ; or
- b. deny admission.

18. For candidates from countries affected by sanctions, the ANU Admissions Office will conduct a final check prior to processing any offers for admission to ensure that:

- a. A sanctions consideration has been undertaken; and
- b. The candidate does not appear on the DFAT database of persons or entities who are under sanction.

## **Continuing HDR candidates**

19. Sanctions also apply to current Higher Degree Research candidates who seek to make changes to their current research topic or change their research program.

## **Change to research topic**

20. AD (HDR) will require Chairs of Panels of candidates from sanctioned countries who are changing research topic or research direction to complete the HDR Student Sanctions Form and to (re)assess the risk category of the proposed research.

21. If the change is deemed Low Risk, it may be approved.

22. If the change is deemed Medium Risk, the College will deal with the matter as set out in paragraph 16. The candidate is expected to continue work on the current topic unless a positive response is given to an application to change the research topic, or research program.

23. If the change is deemed High Risk, it will not be approved.

## **Change of research program or research program transfer**

24. If a candidate from a sanctioned country seeks to change/transfer research program and undertake a topic that has not already been assessed, in this case the HDR Student Sanctions Form is to be completed by the new Chair of Panel. In addition, the new Chair of Panel must complete the sanctions training.

## **Financial transactions**

25. Sanctions Laws apply to the receipt of international funds transfers and other transactions in foreign currency with a Proscribed Person or Entity.

26. Financial transactions need to be considered in conjunction with the Foreign Interference guidelines.

## **Acceptance deposits**

27. If an acceptance deposit is paid by another party for a candidate from a sanctioned country, that person or entity must be checked against the Department of Foreign Affairs and Trade's Consolidated List of designated persons and entities. The University's bank undertakes these checks.

## **Tuition fee payments**

28. If tuition fee payments are made by another party for a candidate from a sanctioned country, that person or entity must be checked against the Department of Foreign Affairs and Trade's Consolidated List of designated persons and entities. The University's bank undertakes these checks.

## **Tuition fee sponsorships**

29. Before a new international sponsor is approved, the details of the sponsor must be sent to International Strategy and Partnerships (ISP) to check against the Department of Foreign Affairs and Trade's Consolidated List of designated persons and entities.

30. In instances where a match occurs, further transactional work will be ceased and the matter referred to the Australian Federal Police using the form Referral of possible payment associated with a Terrorism payment.

## **Annual statistical reporting to DVC(R&I)**

31. Colleges will provide an annual statistical summary of Autonomous Sanctions actions to the DVC(R&I) ([eo.dvcr@anu.edu.au](mailto:eo.dvcr@anu.edu.au)) by 31 October each year.

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