# EXPORT CONTROLS
**UPR GV20 version 01.0**

**Policies superseded by this document**

This is a new policy.

**Summary of significant changes to the previous version**

This is a new policy and it should be read in full.

**Glossary**

A glossary of approved University terminology can be found in **UPR GV08**.

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# 1     Introduction

1.1     This policy has been developed in order to address the responsibilities of staff at the University of Hertfordshire in relation to complying with export control legislation.

1.2     In pursuit of its mission to undertake excellent research and provide world-class education, the University of Hertfordshire engages in international collaboration (both in terms of trans-national education and international research collaboration), global movement of researchers, and the exchange of new ideas.

1.3     The University recognises that some of the knowledge which it holds, the goods it uses, and the activities conducted by academic and research staff have the potential to be misused.

1.4     Some of the work carried out at the University is therefore subject to export control law and the Academic Technology Approval Scheme (ATAS), which requires certification of foreign students enrolled on certain advanced courses.

1.5     Controls over the export of strategic goods and/or technology have been enacted in the UK (and the US and EU) for decades via a consolidated list of controlled military and dual use items (in other words, civil technology that may be used for military purposes). In addition, all UN members have been required, since 2004, to maintain export controls to prevent the proliferation of weapons of mass destructions (WMDs). UN, EU, US and UK sanctions may also apply to certain states, institutions and individuals.

1.6     As a result, in some cases, academic and research staff may need an export licence from the UK Export Control Joint Unit (part of the Department for International Trade) to carry out an activity.  Failure to obtain such a licence is a criminal offence.

1.7     Export controls can cover not only tangible goods, but also software, data, technology and know-how.

1.8     The trend towards increased international collaboration – particularly research collaboration – requires University staff to become increasingly vigilant as to when export control law may apply.  Compliance with export control rules should be seen as part of the broader responsibility for research integrity.

1.9     As such, the University has produced this policy to raise awareness within the University of export control regulations, individual responsibilities, and the actions that the University will take to support staff, including the provision of guidance and advice, and assistance with due diligence and risk assessment.

## 2     Policy Statement

2.1     Export controls are most likely to apply in relation to scientific and technical research with military, nuclear, chemical, biological, missile and aerospace applications. However, institutions in certain countries may also be subject to sanctions and restrictions and should be assessed for risk prior to the commencement of any form of collaboration.

2.2     All staff involved in international collaboration work need to be aware of export control regulations (and applicable sanctions), but particularly those engaged in research in scientific and engineering disciplines.

2.3     The responsibility for compliance with export control regulations rests with the individual member of staff. All staff involved in international collaboration (and especially those engaged in research in scientific and engineering disciplines) should ensure that they:

    i       have read and understood this policy and the University's guidance on export controls (which can be found at: https://herts365.sharepoint.com/sites/Legal-and-compliance/SitePages/Export-Controls-Guidance.aspx);

    ii      are aware about whether their research areas may be subject to export control legislation;

    iii     consider the University's guidance on export control whenever embarking on an activity that could:

            a       lead to the physical or electronic export of goods, software or technology outside the UK;

b involve goods, software or technology with the potential for military or WMD use;

c involve the transfer of knowledge within the UK for use in a WMD programme outside the UK (including through teaching); and/or

d involve the transit of goods, software or technology through the UK; and

iv seek advice and apply for licences as appropriate and/or necessary.

2.4 In the vast majority of cases, export controls and/or sanctions will not apply, particularly as basic scientific research, and information that is already in the public domain, is exempt from the legislation (except where sanctions apply or the item or technology is intended for WMD use).

2.5 Nevertheless, should a member of staff suspect that export controls and/or sanctions may apply to their work or the organisation with which they intend to work, they should seek advice before proceeding with an activity.

2.6 In some cases, it will be necessary to apply for an export licence from the UK Export Control Joint Unit in order to be permitted to carry out an activity.

2.7 Although responsibility for compliance with export control regulations rests with individual staff members, the University will ensure that it takes adequate measures to support staff to achieve compliance and ensure that the University itself has complied with the law.  To achieve this, the University will:

i register with the UK Export Control Joint Unit web service so that export control queries and licence applications can be submitted;

ii make available clear guidance, training and sources of information and advice for staff seeking further information;

iii provide particular support as necessary to those working in disciplines most likely to be affected by export control law; and

iv provide support and advice to support licence applications, where required.

# 3 Procedure

3.1 All staff involved in international collaborative work (particularly collaborative research) need to know whether their activities may be subject to export control legislation.  As a first step, all staff should refer to the guidance published by the University here:

https://herts365.sharepoint.com/sites/Legal-and-compliance/SitePages/Export-Controls-Guidance.aspx.

3.2 If, having considered the published guidance, staff consider that any projects or activities may be subject to or affected by export control regulations and/or sanctions, they should contact the University Legal & Compliance Services team for further advice and guidance.

3.3     In all circumstances, and in line with the University's approach to risk assessment management (see UPR FR03 Risk Assessment and Management), staff should ensure that appropriate due diligence is undertaken before entering into any new activities which could undermine or prove detrimental to the University's compliance with applicable legislation or its reputation.  For example, before entering into any arrangements with an entity in a country that is subject to UK sanctions requirements, the members of staff involved in the proposed arrangements should check that that entity is not subject to restrictions.

# 4      Roles and Responsibilities

4.1     As noted above, responsibility for ensuring that University activities comply with export control regulations sits with individual members of staff involved in such activities.

4.2     Advice and guidance in relation to this policy and applicable regulations shall be available from the Legal and Compliance Services team.

# 5      Advice and Guidance

5.1     The University has published guidance here:

        https://herts365.sharepoint.com/sites/Legal-and-compliance/SitePages/Export-Controls-Guidance.aspx.

5.2     Further advice and guidance in relation to this policy can be sought from the Legal and Compliance Services team.

5.3     If you have any concerns about compliance with the Act and this policy and wish to speak to someone confidentially about those concerns, please contact the Whistleblowing Hotline: 01707 285842 or contact the Head of Internal Audit directly. Further information regarding whistleblowing is set out in the **Whistleblowing Policy** (**UPR GV16**).

# 6      Failure to Comply

6.1     Members of the University must comply with the terms of this policy.  Any breach of this policy will be regarded as a serious matter.

6.2     The University may take disciplinary action in cases where it is alleged that this policy has been breached.

# 7      Review

        This policy will be reviewed by the Audit and Risk Committee on an annual basis, and recommendations for amendment may be made by the UH Security Advisory Group.


Sharon Harrison-Barker
Secretary and Registrar
Signed: **10 May 2022**

**Alternative format**
If you need this document in an alternative format, please email us at
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