Te Pōkai Tara
Universities
New Zealand

TRUSTED RESEARCH
Protective Security Requirements

GUIDE FOR
Senior University Leaders
in Aotearoa New Zealand

Contents

Preface

This guide will help senior leaders in Aotearoa New Zealand's eight universities start the conversation about Trusted Research—Protective Security Requirements among themselves and with their staff and students.

The guide provides high-level advice about how senior leaders should consider their university's ongoing response to the ever-changing and increasingly complex geopolitical environment.

Individual universities will adapt the advice differently depending on their structure and existing systems and processes.

Introduction

In an ever-changing and increasingly complex geopolitical environment, the need for sovereign countries to protect their people, knowledge and national interests is growing.

For universities, this means considering how we manage risks concerning research activities, especially those that involve international partnerships.

Universities acknowledge we have a responsibility to protect what is in the national interest, which includes adhering to legislation (e.g., export controls of technologies that can be used for nefarious or dual purposes[1] or to support repressive regimes), honouring international treaties and maintaining the security of Aotearoa New Zealand.

In this guide, we outline how Aotearoa New Zealand universities should consider their response to this operating environment. In doing so, universities need to consider how we protect academic values – academic freedom of staff and students, freedom of speech and protecting the rights, interests and cultural values of Māori. These are in addition to the risks of misappropriation or misuse of research for military applications and foreign interference.

International collaborations are essential to a rich research environment; therefore, we have chosen to label this area of activity 'Trusted Research – Protective Security Requirements' (TR-PSR) to reflect an enabling rather than restrictive approach.

For efficiency and because of the significant amount of pan-university collaboration, we must be largely consistent in our approach. However, universities are autonomous institutions, so this guide provides high-level advice and tools for senior leaders to adapt to their specific circumstances.

Aims and objectives

Although there can be implications for teaching, the guide focuses specifically on TR-PSR in the Aotearoa New Zealand research context.

It aims to help senior university leaders:

- Consider how our academic values and Aotearoa New Zealand's national interests, including those of tangata whenua, can be protected.
- Manage and minimise potential risk of international partnerships regarding misappropriation or misuse of research or foreign interference in research activities.
- Develop consistent responses to export controls and government protective security requirements.

Who is the audience?

Senior university leaders are the intended primary audience of the guide.

However, each section can be shared with relevant faculties, departments and service divisions as appropriate. Similarly, some aspects of the advice refer to the role of university councils and specifically council audit and risk subcommittees.

> This guide and its accompanying tools can be adapted by each university to suit their internal governance structures, policies and risk management processes.

Three sections

The guide contains three main sections:

1 The values and principles that underpin implementing this work.

2 High-level policy advice in the form of guidance for senior leaders of Aotearoa New Zealand universities that focuses on how to consider TR-PSR in the areas of:

- Te Tiriti o Waitangi
- Good governance
- Policy, planning and risk assessment
- Legal and regulatory compliance
- Protecting people, assets and reputation:
  - o Staff and students
  - o Campus assets
  - o Partnerships
- Communication and training.

3 Tools for universities to support establishing appropriate TR-PSR arrangements, including:

- A Risk Management Framework that features risk assessment and reporting tools for research contracts.

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[1] "Dual-use goods are goods and technologies developed for commercial purposes, but which may be used either as military components or for the development or production of military systems or weapons of mass destruction." https://www.mfat.govt.nz/en/trade/trading-weapons-and-controlled-chemicals/which-goods-are-controlled/.

1.

Values and principles for implementing TR-PSR and the Aotearoa New Zealand context

Values and principles for TR-PSR

- Give proper recognition to the principles of Te Tiriti o Waitangi[2] and the relationship between tangata whenua and tangata Tiriti.
- Provide guidance about enabling cooperative, collaborative, domestic and international research (including research integrity).
- Comply with all Aotearoa New Zealand legislation and regulations relevant to export control of sensitive technologies and intellectual property.
- Recognise our obligations as good global citizens to protect what is in the national interest, support relevant international treaties and agreements[3], maintain the security of Aotearoa New Zealand and operate in line with contemporary foreign policy.
- Promote open and collaborative research, academic freedom and research designed and conducted independently by individuals, communities and organisations.
- Balance risk management, openness to collaboration and the pursuit of opportunities.
- Promote trusted research collaborations and acknowledgement of responsible research, codes of conduct, ethics and integrity, etc.
- Provide greater recognition of te ao Māori, including mātauranga Māori.[4]
- Acknowledge Aotearoa New Zealand's context, including our place in the Pacific.
- Encompass all research disciplines and Indigenous research.
- Safeguard our researchers and the people and communities involved in or affected by our research by protecting intellectual property, mātauranga Māori, research data, personal information and the welfare of staff and students.
- Raise awareness and knowledge among staff and students through education and information sharing.
- Recognise the need to continually review and update guidance in response to dynamic and constantly evolving local, national and international legislative environments.
- Adopt a country-agnostic, context-aware geopolitical view.

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[2] Modern Principles 1987: New Zealand Māori Council v Attorney General (1987). 1 NZLR 641, 6 NZAR 353.
[3] For instance, the Wassenaar Arrangement. https://www.wassenaar.org/.
[4] (a) taonga tuku iho, (b) the relationship of iwi and hapū, and their tikanga and traditions, with their ancestral lands, water, sites, wāhi tapu and other taonga, (c) the interrelationship of iwi and hapū to the mana and mauri of the natural environment, (d) cultural heritage is identified, protected and sustained through tikanga and kawa customs and practices, (e) customary rights are a collective right and recognised accordingly.

The Aotearoa New Zealand context

OUR RESEARCH ENVIRONMENT

Aotearoa New Zealand's world-leading research and innovation sector values open and collaborative research, academic freedom and research designed and conducted independently by individuals and organisations.

As part of the global knowledge creation and exchange ecosystem, we engage in a significant number of international collaborations. These contribute to the success of the sector at home and abroad, and deliver substantial economic, technological, social, health and cultural benefits in the national interest.

The case for applying TR-PSR

For Aotearoa New Zealand to continue to participate in the international research arena, we must ensure the integrity and security of our collaborations, while also protecting intellectual property (IP) interests, research infrastructure assets, Indigenous knowledges, research data, personal information and researchers, research-related personnel, students and visitors.

Certain types of sensitive research require additional risk assessment and ongoing monitoring and review to meet national and international legal and cultural compliance requirements. These actions are designed to prevent our research being used in ways that damage national and institutional reputations, undermine Indigenous rights, are contrary to the national interests and security, or violate international treaties.

Collaborative and applied research are particularly vulnerable to misappropriation or misuse by foreign individuals and organisations with different interests and motives from ours, as well as by those from countries with political, cultural, policy and research integrity systems different from Aotearoa New Zealand's. Such misappropriation or misuse of research is considered by governments around the world to be a form of foreign interference.

Protecting what is important to Aotearoa New Zealand

As many other countries develop systems and processes to protect their interests, the Government is focusing more attention on raising awareness of the risks associated with research collaborations involving partners in, or with links to, countries whose laws, policies and practices differ in ways that may:

- Lead to loss of IP, mātauranga Māori and Indigenous knowledges.
- Undermine Indigenous rights, interests and cultural values.
- Be environmentally destructive.
- Be counter to Aotearoa New Zealand's national interests.
- Pose a higher risk of research being misappropriated or misused.
- Result in significant reputational damage to organisations and individuals.

Educating the sector's current and future staff and students is the best way to manage the risks associated with legal, cultural and compliance frameworks and foreign interference within the context of our research system. High-level policy guidance that considers new legislation and regulations affecting dual-use, politically risky and culturally sensitive technologies research, as well as research more broadly, will also be developed and updated as required. *Trusted Research: Guidance for Institutions and Researchers* and *Due Diligence Assessments for Espionage and Foreign Interference Threats* have already been developed by the Government's Protective Security Requirements team in collaboration with Universities New Zealand and other organisations. These resources complement this guide and should be read in parallel.

Balancing needs of the research system from a government perspective

The Government is actively seeking to increase the research, science and innovation (RSI) sector's international connectedness. The Ministry of Business, Innovation and Employment, for example, supports several major international RSI partnerships[5] and issues calls for funding proposals involving bilateral research partners via its Catalyst programme, including:

- The Aotearoa New Zealand–Germany Green Hydrogen Research Partnership.
- The Aotearoa New Zealand–Korea joint research partnerships.
- The Aotearoa New Zealand–China joint research partnerships 2020/2021 in support of the Aotearoa New Zealand–China Strategic Research Alliance.
- The Aotearoa New Zealand–Singapore Data Science Research Programme.
- With the Health Research Council of New Zealand, the 2021 Aotearoa New Zealand–China Biomedical Research Alliance.

An indication of how seriously the Government is taking security risks is its education and awareness campaign Protection Against Foreign Interference. This targets, in the first instance, the RSI sector, Members of Parliament, locally elected representatives and government officials travelling overseas[6].

The Government has also strengthened the country's legislative and compliance frameworks in ways that more directly impact researchers and research organisations, notably in the areas of export controls and the Privacy Act 2020's requirements for securing information transferred offshore. The Government is emphasising the need for researchers and universities to consider the local policies, laws and compliance responsibilities that apply to our international research collaborators.

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[5] For more information, see https://www.mbie.govt.nz/science-and-technology/science-and-innovation/international-opportunities/international-science-partnerships/.

[6] NZ Protective Security Requirements Campaigns: Protection Against Foreign Interference. https://protectivesecurity.govt.nz/campaigns/protection-against-foreign-interference/. *Trusted Research: Guidance for Institutions and Researchers* and *Due Diligence Assessments for Espionage and Foreign Interference Threats* form part of this campaign.

2.

What to consider

The nature of TR-PSR is complex and evolving and requires universities to consider how they balance protecting people, knowledge, assets, reputation and national interests while upholding their commitment to academic freedom, international collaboration and Te Tiriti o Waitangi.

The introduction of expanded export controls by government has brought many of these issues into sharp focus, resulting in universities being required to evaluate the research environment in far greater detail. Moreover, greater emphasis on transdisciplinary research in tertiary education, with researchers increasingly partnering with community, industry and other stakeholders, highlights the importance of safeguarding the broad range of people and communities involved in or affected by our research by protecting IP, mātauranga Māori, research data and personal information. A more complex matrix of factors needs to be considered that applies not only to the nature of the research being undertaken, but also to who we collaborate with and, in some cases, potential end users of our research.

We have focused on the areas that follow to reflect Aotearoa New Zealand's unique research context, the relationship with tangata whenua and giving effect to Te Tiriti o Waitangi, and the importance of academic values held by our research sector.

TE TIRITI O WAITANGI

Why protect.
What to protect.
How to protect.

POLICY, PLANNING & RISK ASSESSMENT

All areas of research should conform to the highest standards of ethics and integrity.

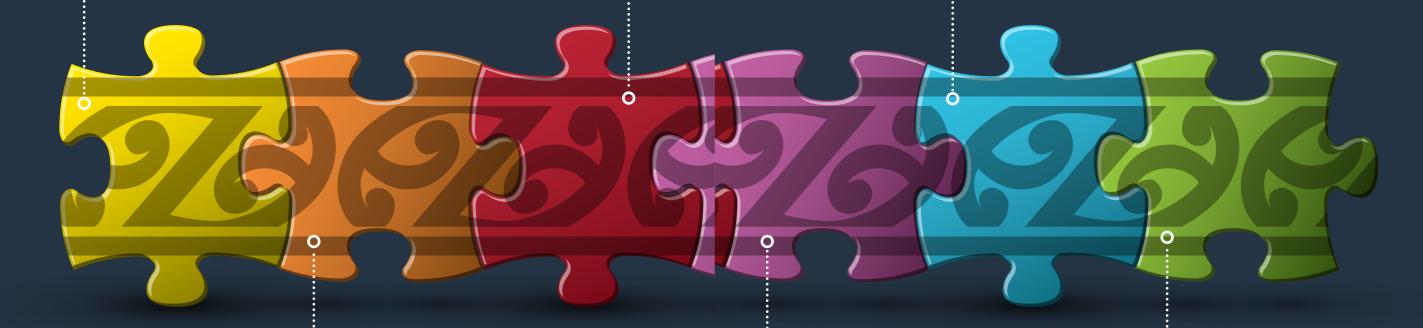## PROTECT PEOPLE, ASSETS & REPUTATION

Universities are responsible for protecting their people, both students and staff, as well as visitors and communities involved in research activities.

GOOD GOVERNANCE

Good governance and effective risk management processes will help protect individuals, institutions and communities involved in or affected by our research from the cultural, environmental, legal, financial and reputational consequences of security-related risks.

LEGAL & REGULATORY COMPLIANCE

Certain types of sensitive research need additional risk assessment and ongoing monitoring and review to comply with national and international legal and cultural compliance requirements.

COMMUNICATION & TRAINING

Addressing TR-PSR and foreign interference risks and supporting the safety of staff and students requires shared knowledge, effective communication and educational support.

Te Tiriti o Waitangi

Broadly speaking, TR-PSR is about the protection of what is valued by Aotearoa New Zealand's society, communities and cultures. Te Tiriti o Waitangi is uniquely Aotearoa New Zealand and therefore warrants dedicated consideration in a TR-PSR context.[7] To do this, the first step is to consider **why** Te Tiriti is relevant in this context. The second step is to understand **what** needs to be protected, before considering **how** your university will respond.

Why protect

In a TR-PSR context, universities, as Crown Entities, must act in good faith towards Māori when developing their TR-PSR policies, processes and systems. This is emphasised in the first article of Te Tiriti, where kāwanatanga requires the Crown to act in good faith in the active protection of Māori rights and interests.

What to protect

All Māori research activities, outputs (e.g., data) and people, including Māori researchers (staff and students), mātauranga, cultural heritage, taonga (anything of cultural value to tangata whenua) and genetic resources, should be protected in TR-PSR policies, processes and systems.
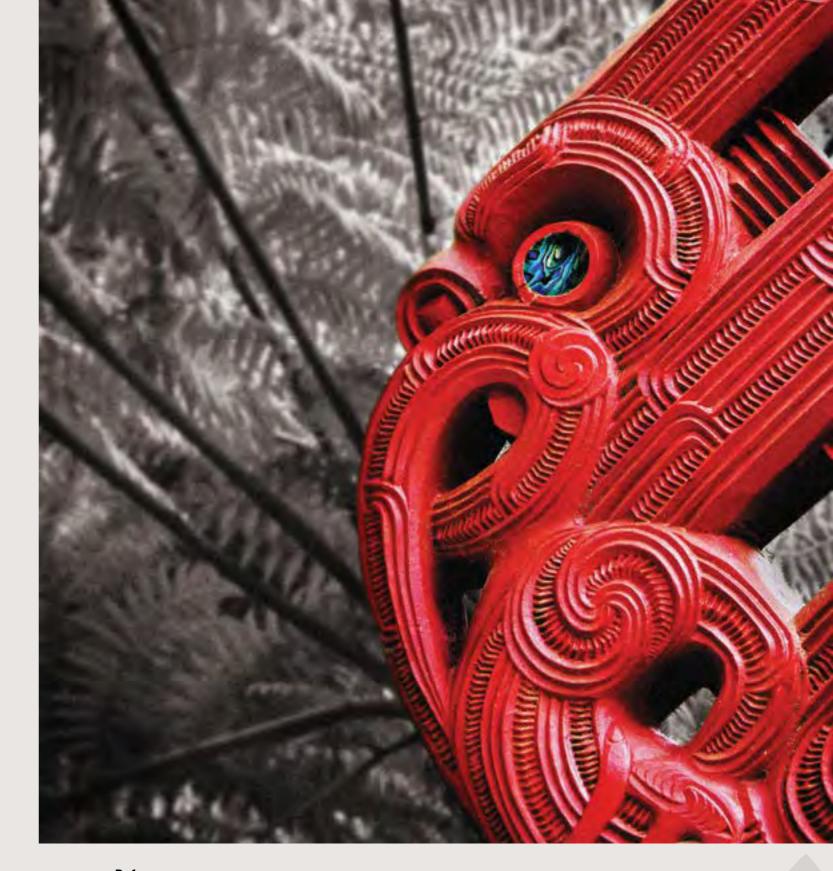
How to protect

From an institutional perspective, Te Tiriti is best pursued through a coordinated, systems change approach (Came & Griffith, 2017; Came & McCreanor, 2015) achieved through "political will, organisational and sector commitment and courageous leadership" (Berghan et al., 2017, p27). When designing TR-PSR systems and policies, the same principles apply. Commitment to protection needs to be embedded across the university.

Tino rangatiratanga emphasises Māori determining transformational change and control over their own culture and aspirations.

When universities are co-designing their TR-PSR systems and processes with iwi, hapū, Māori researchers or Māori entities, below is a list of questions they should consider. The list is not exhaustive and the questions are intended as prompts to give effect to rangatiratanga.

Te Tiriti o Waitangi	Description	Application	Prompt questions
Article I Kāwanatanga: Partnership with the Crown	Kāwanatanga requires the Crown to act in good faith in the active protection of Māori rights and interests.	For Tiriti partners, it enables rangatiratanga and offers greater possibilities for mutually defined success. It requires the Crown and Māori working together, sharing power in a relationship of equals and co-designing and co-determining research opportunities that meet the needs of Māori communities.	• How are the university's research processes and activities informed and shaped by Māori worldviews and perspectives? • How is the university protecting the rights and interests of Māori?
Article II Tino rangatiratanga: Māori-governed system	As part of the mutual recognition of kāwanatanga and ōritetanga, a Māori-governed system as an expression of tino rangatiratanga guarantees to protect Māori autonomy and their ability to govern themselves and determine their own strategic priorities.	It should involve Māori communities and hapū to ensure accountability and that research impacts are meeting the needs of Māori communities.	• How is Māori data sovereignty being protected? • How does the university engage in whanaungatanga with mana whenua in its research activities?
Article III Ōritetanga: System equality	Ōritetanga considers both historic and contemporary determinants of inequality and imagines a system in which Māori participate with the same capacity for influence as other citizens collectively determining pathways towards equality of outcomes.	It aims to restore balance between Māori and the Crown by achieving equitable outcomes for Māori through explicit statements, clear targets, a commitment to research deliverables and resourcing.	• How is the university protecting mātauranga, cultural heritage, taonga and genetic resources?

[7] The advice in the guide is informed by Te Taura Here – Te Tiriti o Waitangi Responsiveness Framework currently under development by Universities New Zealand's Te Kāhui Amokura and New Zealand Vice-Chancellors' Committee as a tool to support any related work a university is already undertaking.

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Good governance

Good governance and effective risk management processes will help protect individuals, institutions and communities involved in or affected by our research from the cultural, environmental, legal, financial and reputational consequences of security-related risks. The complexities involved in assessing and managing risks associated with TR-PSR are best overseen at the whole-of-institution level in collaboration with key university research stakeholders, including Māori and Pacific research leaders. Some heads of higher-risk divisions and senior managers will also play a significant operational role.

The university's governing body and senior leadership team should establish a clear governance structure, identifying the staff members who will be responsible for managing the risks identified in these guidelines. The senior leadership team needs to be satisfied the university has effective arrangements in place that are operating properly. This is likely to include cultural change, as well as changes to institutional systems, processes and policies. Robust governance structures will enable universities to fully realise the benefits of diverse research collaboration with a range of partners.

UNIVERSITIES SHOULD:

- Consider existing institutional governance structures and identify where high-level oversight and decision making for TR-PSR matters should sit. This may include the roles and responsibilities of university councils, audit and risk subcommittees, academic boards/senates, research committees and senior executive committees.
- In some cases, create a new governance committee or group to oversee and coordinate university-wide approaches to foreign interference and security, particularly in the early phases of implementing TR-PSR and other foreign interference mitigation protocols.
- Identify a member of the senior leadership team to be responsible for institutional oversight and coordinating TR-PSR requirements.
- Ensure senior leadership visibility of the security of international collaborations and partnerships.
- Discuss reputational, ethical and national interest risks associated with collaborations regularly at a senior leadership level.
- Ensure the line management (direct or dotted) and cross-portfolio resourcing needed to achieve aims.

Policy, planning and risk assessment

All areas of research should conform to the highest standards of ethics and integrity. In the Aotearoa New Zealand context, this includes acknowledging research must take place "within a general framework that recognises human and civil rights, the principles of free inquiry and an open society, and obligations arising from the Treaty of Waitangi".[8]

In some circumstances, participants (universities, staff, students, communities) need to consider additional steps to protect the integrity and security of various aspects of research. Universities should pay particular attention to instances where IP rights, including mātauranga Māori and other Indigenous knowledges, may be lost. Appropriate measures must be in place to protect sensitive information or data, both on campus and during international travel, while universities should also consider potential environmental impact, including on communities involved in or affected by research activities. Applied research, certain emerging dual-use, culturally sensitive technologies research and some end users to technologies could result in harm or reputational damage.

The recommended approach to policy, planning and risk assessment focuses on managing potential risks and protecting people, assets and reputation while maintaining a strong commitment to upholding academic freedom and promoting the broad benefits of international collaboration. The following recommendations outline suggested initial steps universities can take to ensure they have the necessary policy, planning and risk assessment in place.

UNIVERSITIES SHOULD:

- Review existing institutional policy frameworks and ensure clear policies and procedures to help staff identify high-risk research or collaborations and communicate these to senior leaders.
- Create new polices or modify existing ones as needed, noting that areas to be reviewed and updated will be much broader than just research policies. HR, finance, cybersecurity, ITS, IP, ethics, research data management and admission (especially for postgraduate research) policies and practices are just a few areas likely to be affected.
- Use a risk assessment and management approach that aligns with existing university practices, including senior leaders being able to assess tolerance for risk and the cost/benefit involved in high-risk activities.
- Conduct an audit to identify research that needs higher protection and why.
- Identify potential threats, noting international collaborations are only one factor to consider, and ensure policies and processes so staff know how to report issues or concerns.
- Promote academic freedom, open access, innovation and knowledge transfer while protecting sensitive or high-risk research. Academic freedom comes with responsibilities for both individuals and institutions and a TR-PSR approach that uses wider research integrity frameworks will be more meaningful and effective than a compliance-based one.
- Ensure an agile approach to policy, planning and risk management and recognise the need to 'future proof' approaches given the rapidly changing geopolitical and local legislative and compliance contexts.
- Consider how best to assess and mitigate potential reputational, legal, financial and insurance-related risks connected to research collaboration and protecting commercially sensitive research. A values-based approach[9] to assessing and setting risk tolerance levels will help decision making that aligns with university strategic aims and values.
- Ensure those responsible for decision making are clear about the scope of their responsibilities, are supported, and know when and how to escalate matters to senior staff. In some higher risk matters, committee or joint decision making may be desirable.
- Ensure direct and open engagement between universities and research partners regarding any identified risks and how these can be mitigated jointly and amicably.

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[8] Research Charter for Aotearoa New Zealand. Royal Society Te Apārangi, 2020.
[9] With reference to the values and principles of section 1.

Legal and regulatory compliance

Certain types of sensitive research need additional risk assessment and ongoing monitoring and reviewing to comply with national and international legal and regulatory compliance requirements. These actions are designed to prevent research being used in ways that damage national and institutional reputations, undermine Indigenous rights, are contrary to national interests and security, or violate international treaties or obligations.

It is important universities clearly understand domestic and international legal and regulatory compliance obligations as they relate to research. This includes being aware of any tensions or conflicts between Aotearoa New Zealand's legal frameworks and those of other jurisdictions.

UNIVERSITIES SHOULD:

- Assess the impact of changes to Aotearoa New Zealand's export controls regime made in 2020 and be prepared to communicate how new requirements will impact researchers.
- Develop an export controls management model.
- Audit existing research activities and contracts that may fall under export controls regulations.
- Ensure mechanisms for ongoing engagement with the Ministry of Foreign Affairs and Trade, particularly regarding catch-all controls[10] implementation and communication channels.
- Develop an understanding of, and resources for, international legal frameworks affecting research collaboration and ensure institutional processes and oversight take these into account.
- Ensure risk management practices are aligned with Public Records Act 2005 requirements.

into consideration the relevant laws and customs of the countries visited, noting that many jurisdictions have laws that give authorities the right to access all data and other information brought into, or accessed by visitors while entering, staying and leaving, the country. Where appropriate, ensure staff and students are given clear advice about taking and using IT equipment, mobile phones and removable media. In some situations, accessing sensitive data held in cloud-based storage may also be affected.

UNIVERSITIES SHOULD:

- Identify and refer any TR-PSR-related risk management issues to HR and relevant student services units. Note that visiting researchers will most likely also be affected. Consider risks related to 'insider threat', conflict of interest/disclosure of outside interests, multiple affiliations, outside work and/or funding sources. Ensure university polices and processes have been reviewed and updated to manage these risks effectively.
- Ensure staff and students who travel overseas are briefed and trained in relevant TR-PSR protocols and export controls, including catch-all controls. In some cases, international legal and regulatory frameworks will also need to be considered and may restrict the types of information or data that can be taken outside Aotearoa New Zealand or accessed while offshore.
- Ensure staff and students can access advice on mitigating risks involved with international travel and the security of any sensitive information or data they take with them.
- Develop resources and training (including as part of recruitment, onboarding and induction programmes) for researchers, including students, and the professional staff who support them in navigating research-related risk assessments.
- Develop policies and processes to conduct due diligence when hiring staff, recruiting research students and inviting guest researchers from overseas. See the guide *Due Diligence Assessments for Espionage and Foreign Interference Threats*.
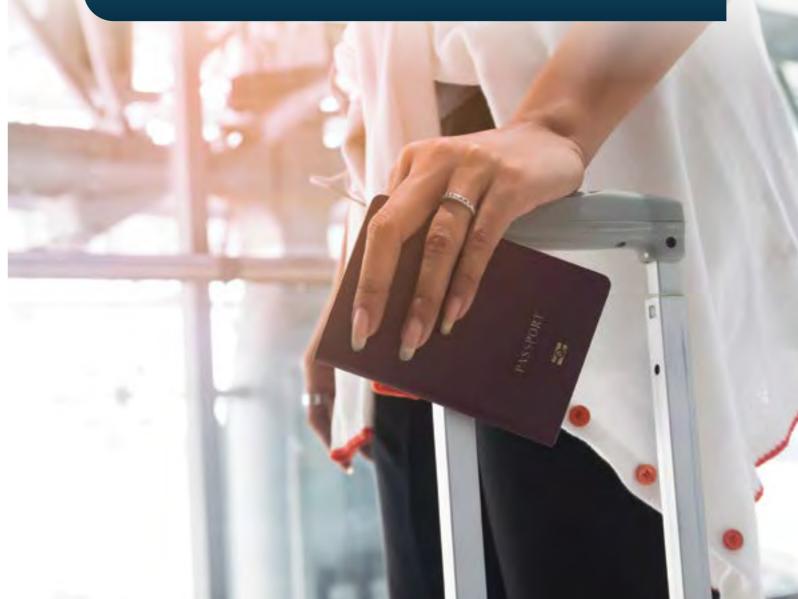
Protect people, assets and reputation

People

Universities are responsible for protecting their people, both students and staff, as well as visitors and communities involved in research activities. This includes in a teaching setting where foreign national students may be intimidated. Universities should aspire to build and sustain a culture that enables staff and students to raise concerns and take responsibility for protecting their research activities and engagement.

Our universities are dynamic, diverse and international, bringing together staff, students and visitors from across the globe. To ensure we continue to enjoy the broad benefits of global engagement, universities should ensure appropriate systems and guidance to support recruiting and retaining international staff, postgraduate research students and visiting scholars. It is important to provide information and training to all staff and students on their compliance responsibilities, the Aotearoa New Zealand regulatory framework and university policies and procedures.

Staff and students travelling overseas should be briefed, trained and equipped to keep themselves and any sensitive information secure. This is especially important where export controls may be an issue or there are contractual commitments to the university (e.g., to protect IP, mātauranga Māori and other Indigenous knowledges).

Universities should have processes that are proportionate and applied to all international travel. This should take

[10] Catch-all controls apply to goods and technologies that are not regulated items under Aotearoa New Zealand's export controls regime for military and dual-use goods, but which could be put to military or police uses or used to support military or police operations.

Reputation

Aotearoa New Zealand's world-leading research is increasingly open and collaborative. Our commitment to this across borders and with a range of partners is central to our success. However, it also presents risks and challenges that require universities to consider safeguards to protect partnerships while ensuring our research continues to benefit from engagement and collaboration.

Instituting a TR-PSR framework is likely to be viewed positively by collaborators. Industry partners value collaborators committed to the security of research and its products. Funders in Aotearoa New Zealand and internationally expect researchers and their institutions to be aware of the risks involved in certain kinds of sensitive research. Māori as research partners are also likely to view the TR-PSR framework positively as a mechanism to protect Māori rights and interests in mātauranga Māori. Furthermore, many partnerships include national ones across multiple universities and therefore universities depend on one another to be equally responsible.

UNIVERSITIES SHOULD:

- Consider ways to conduct effective due diligence on all prospective research partners, especially when they are based overseas.
- Develop and support assessment processes proportionate to risk, including when and how to consult relevant government agencies.
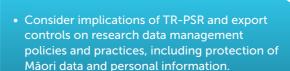
Assets

Open access to university campuses and their associated sites is an important aspect of academic life and our commitment to community engagement and partnership. This commitment needs to balance with the need to protect our universities by ensuring they are built on a foundation of secure cyber networks, physical assets and campus buildings.

Protecting our universities may require restricting access to some facilities and data. Universities should consider proportionate measures to ensure staff, students, visiting scholars and external partners have access only to the buildings, information and networks necessary. Higher levels of restricted access may be necessary where sensitive areas of research are involved.

Universities should ensure guidelines and training are available to staff and students who engage in online research collaborations, particularly those that involve international partners. Education and training in security considerations that apply to collaborative IT platforms, particularly those where third parties have access, should be given to staff and students where appropriate. Please note that many of these issues will dovetail with existing cybersecurity guidelines and practices.

UNIVERSITIES SHOULD:

- Consider implications of TR-PSR and export controls on research data management policies and practices, including protection of Māori data and personal information.
- Consider and implement cybersecurity risk management and infrastructure needed for sensitive research, including research that can be commercialised.
- Consider how to restrict and manage levels of access (to physical spaces and systems and data) to meet TR-PSR needs.
- Note that these areas may be best addressed via case studies and collaborating with IT and facilities staff.

Communication and training

Addressing TR-PSR and foreign interference risks and supporting the safety of staff and students requires shared knowledge, effective communication and educational support. Universities should create a TR-PSR culture visibly endorsed and supported by senior leaders, research committees and researchers.

This involves building and sustaining a culture of transparency that enables staff to raise concerns. Appropriate education and training should equip staff and students to take responsibility to protect their research activities and engagement. This should include adequate training that ensures staff and students understand the relevant policies and codes of conduct and supports them to self-manage their risk.

UNIVERSITIES SHOULD:

- Consider internal and external strategies and resources for communicating and training staff, students, visiting scholars and relevant stakeholders.
- Develop and coordinate internal communications and training across the relevant responsible organisational units (e.g., HR, research offices, schools of graduate research, etc.).
- Establish and maintain communication channels with iwi, hapū and mana whenua groups.
- Establish and maintain communication channels with relevant government agencies.
- Establish and maintain communication channels with international universities and research sector bodies to share resources and updates on local developments in matters related to TR-PSR.
- Develop and embed mechanisms for sharing knowledge and experience both internally and externally.

3.

Tools for
universities

Risk Management Framework

Introduction

Risk in the context of TR-PSR is the potential loss of national and/or institutional assets, i.e., the possibility of something occurring that could result in undesirable consequences.

This Risk Management Framework takes a preventative approach by raising awareness among university staff and students of the potential risks. The framework encourages risk management to be integrated into roles and responsibilities to achieve university objectives and enhance opportunities.

The foundation of this framework comprises five interrelated parts, with Te Tiriti o Waitangi and good governance at the centre:

- Policy, planning and risk assessment.
- Legal and regulatory compliance.
- Te Tiriti o Waitangi and good governance.
- Protect people, assets and reputation.
- Communication and training.

THE GUIDING PRINCIPLES OF TR-PSR RISK MANAGEMENT ARE:

- Give proper recognition to the principles of Te Tiriti o Waitangi and the relationship between tangata whenua and tangata Tiriti.
- Balance risk management, openness to collaboration and the pursuit of opportunities, while reflecting the university's level of risk appetite.
- Minimise cost and administration as far as possible.
- Adhere to accepted international standards of practice (including ISO 31000:2018 and COSO - ERM - Integrating with Strategy and Performance).
- Respect university autonomy and promote open and collaborative research, academic freedom and research designed and conducted independently by individuals, communities and organisations.
- Promote trusted research collaborations and acknowledge responsible research, codes of conduct, ethics and integrity.
- Encompass all research disciplines and Indigenous research.
- Adapt this framework to your university's own internal operating environment.
- Recognise continuous improvement is an accepted component of risk management.

Risk culture

Each university will have its own threshold of risk appetite as it undertakes risk mitigation in the pursuit of opportunities. It is therefore important that, as each university adapts this framework and embeds it into all relevant activities, it carefully considers the impact this will have on the culture of the university.
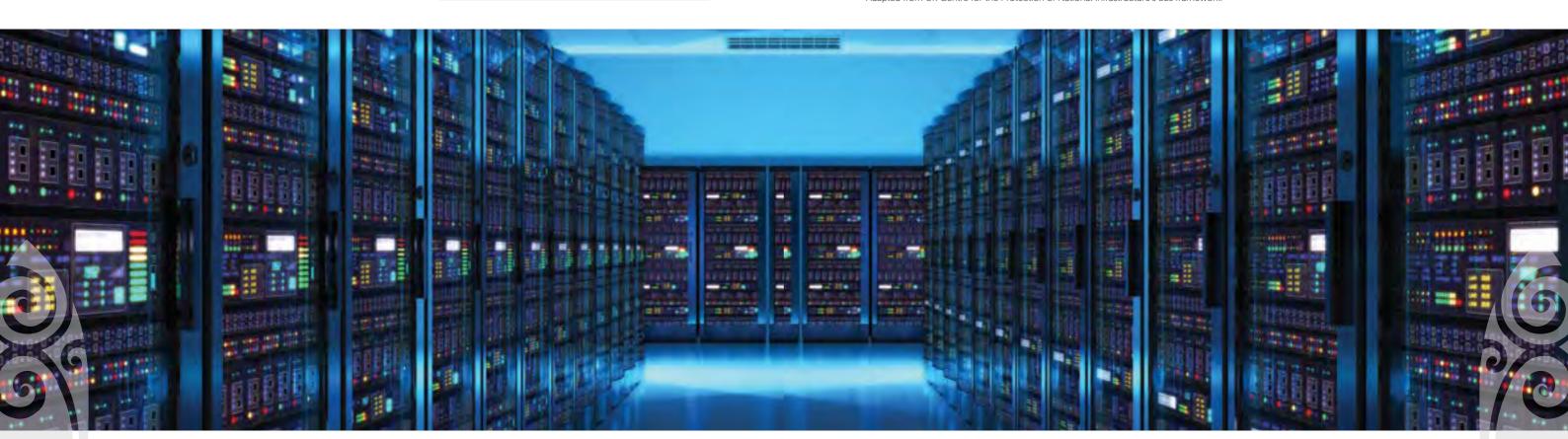
Core values of collaboration, innovation, internationalisation, academic freedom, research integrity and the principles of Te Tiriti o Waitangi should be preserved when embedding the framework. Upholding these values can be achieved by balancing risk management with an openness to collaboration and opportunity.

Each university needs to define the roles and responsibilities that best serve it to manage TR-PSR. It is also recommended that continuous improvement is accepted as part of the risk culture.

All relevant staff and students must be provided with appropriate training and support to enable relevant TR-PSR risk considerations[11] to be top of mind. It is recommended training and support across the university encompasses the following elements:[12]

- **Educate** to achieve a consistent base level of understanding of the principles of the TR-PSR threat of foreign interference through research activities.
- **Enable** staff and students to adopt appropriate TR-PSR practices through easily accessible training materials.
- **Ensure** your university facilitates staff and students to easily follow TR-PSR processes as part of their daily activities.
- **Encourage** and sustain appropriate TR-PSR behaviour through constructive feedback and incentives.
- **Evaluate** the effectiveness of current TR-PSR practices and determine if enhancements are needed.
- **Endorse** and strengthen TR-PSR through credible champions (e.g., senior academics with international collaboration experience, subject matter experts in areas such as hostile states, cybersecurity, Indigenous research and risk management).
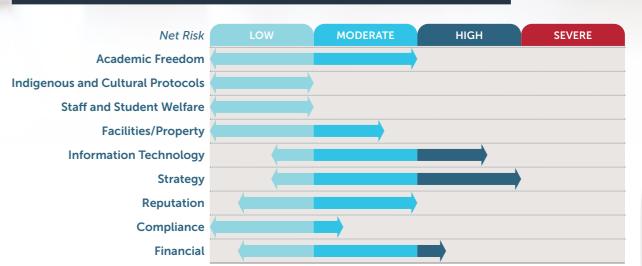
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[11] Risk categories encompass academic freedom, Indigenous protocols, financial, environmental, information loss, IT, institutional reputation, operational disruption, political/national identity, research strategy, security and wellbeing (staff and students), legal/regulatory. See the TR-PSR Risk Matrix available on the Universities New Zealand website at https://bit.ly/3nU8ha2.

[12] Adapted from UK Centre for the Protection of National Infrastructure's 5Es framework.

Research strategy and objectives

TR-PSR risk assessment and management must consider the university's overall research strategy (e.g., targeting international markets for commercialised research) and the associated objective(s) set at the local level of a business unit, department, team or individual.

Research strategies and objectives are informed by the university's overall strategy and its operating environment. Ongoing consideration for risk appetite, ownership, assessment and response is required in a dynamic TR-PSR context.

Risk appetite

The risk appetite across several risk categories may need to be considered collectively when evaluating research strategies and opportunities. The following table outlines an example of the level of risk a university is prepared to seek or accept in pursuing its strategic research objectives. Risk pursued outside these parameters will need to be approved by the appropriate level of management or governance.

An example of a university's risk appetite across several categories

Net Risk	LOW	MODERATE	HIGH	SEVERE
Academic Freedom				
Indigenous and Cultural Protocols				
Staff and Student Welfare				
Facilities/Property				
Information Technology				
Strategy				
Reputation				
Compliance				
Financial				

This table is for illustrative purposes only

Risk ownership

The type and nature of risk determines its ownership.

All members[13] of the university community, including researchers, research offices, senior management and councils, have specific accountabilities for risk management. This table describes where the ownership of risk routinely lies in a university environment.

MEMBER	RESPONSIBILITY
Audit and Risk Committee	• Ensures all material risks are identified. • Monitors the management of material organisation risks and ensures appropriate procedures and conducts are in place. • Reviews the risk management policy and framework. • Endorses risk appetite.
Senior Leaders	• Endorse and champion the application of the risk management policy and framework. • Advocate awareness of interdependency between strategy and risk. • Take ownership of risks in area of responsibility and ensure such risks have response plans. • Establish risk appetite.
Risk Office	• Leads development and application of risk management systems. • Implements the risk management policy and framework. • Promotes awareness of interdependency between strategy and risk. • Develops risk management policy, framework, strategy and principles and delivers associated education. • Coordinates awareness of interdependency between strategy and risk. • Coordinates timely delivery of relevant risk management information to stakeholders. • Advises university community on risk management and response plans.
Management	• Manage risk effectively within organisational units. • Report on risk management activities. • Take ownership of risk in area of responsibility and ensure such risks have response plans.
All Other Members	• Proactively identify and report risks. • Support establishing response plans for identified risks. • Proactively identify and report risks. • Support risk management practices.

[13] Members include all council members, members of committees and boards, staff members, honorary and adjunct appointees, students, contractors, subcontractors, consultants, associates and business partners of a university.
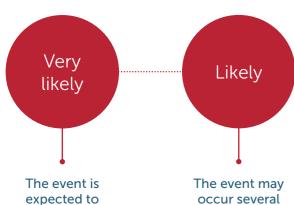
Research delivery

Risk assessment

The risk assessment process in the TR-PSR context is much the same as for the assessment of other risks in that it can be broken down into three steps: risk identification, analysis and evaluation. Perpetual risk identification is the responsibility of all staff and students. Note that for research collaborations specifically, conducting due diligence is also a critical part of risk assessment. Further information on this can be found in the guide *Due Diligence Assessments For Espionage and Foreign Interference Threats*.

The evaluation of risks can be done using a TR-PSR Risk Matrix (available on the Universities New Zealand website at https://bit.ly/3nU8ha2) that provides a rating based on the likelihood and consequence of the risk materialising. This Matrix will help in categorising risks as Low, Moderate, High and Severe across some of the categories most often connected to TR-PSR, such as academic freedom, financial, Indigenous and cultural protocols, institutional reputation, and the security and wellbeing of staff and students.

The Matrix has four levels of likelihood:

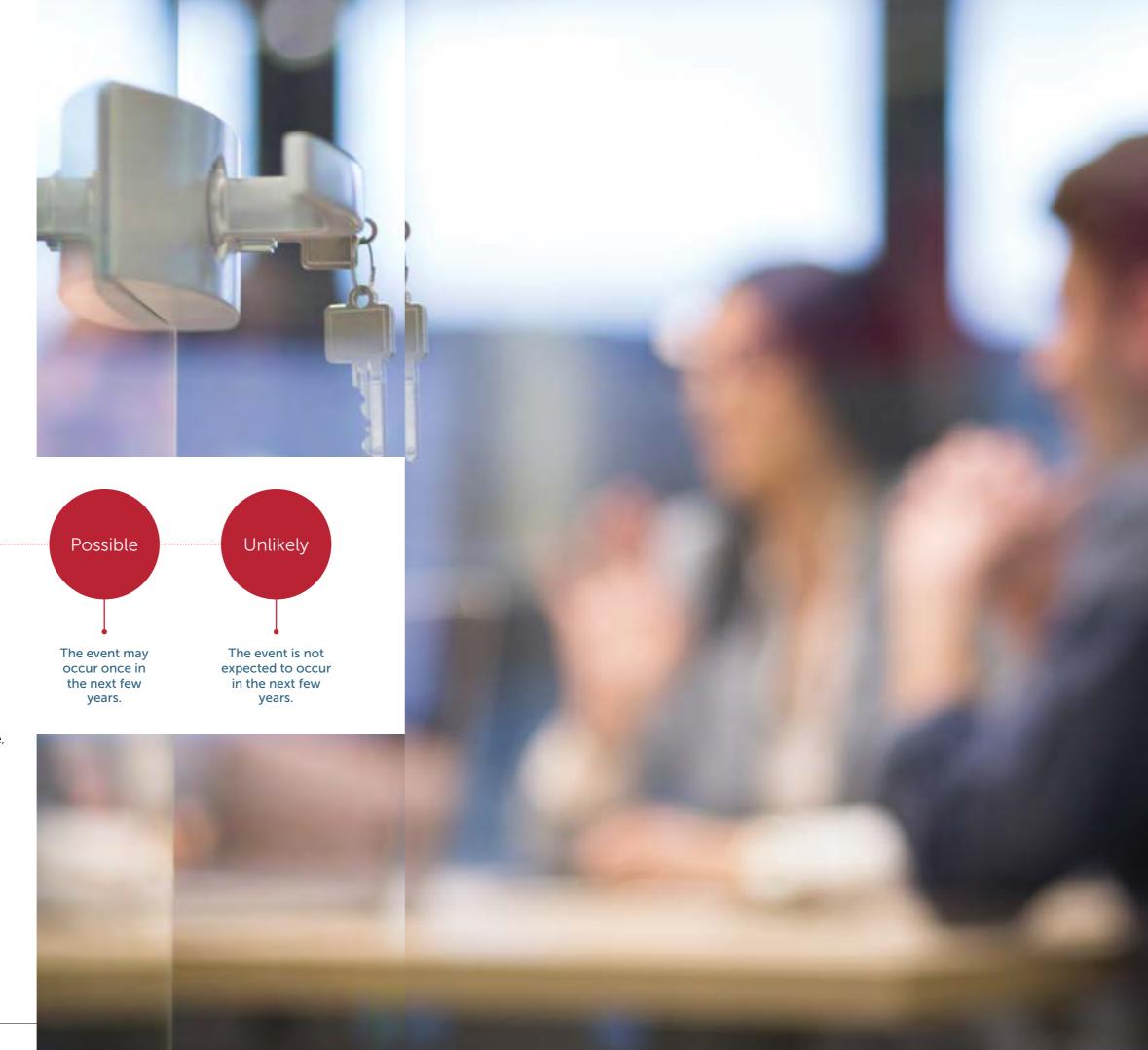| Very likely	Likely	Possible	Unlikely
The event is expected to occur in the next few years.	The event may occur several times in the next few years.	The event may occur once in the next few years.	The event is not expected to occur in the next few years.

There are four levels of consequence (Minor, Moderate, Major and Severe) that can be mapped against each risk category. Together, these ratings will reflect the inherent risk rating (i.e., the level of risk that exists before any controls/mitigations are introduced to manage it).

Once the level of inherent risk has been determined, the effectiveness of appropriate controls/mitigations can be considered (using the Risk Register and Treatments of Risk Matrix available on the Universities New Zealand website at https://bit.ly/3nU8ha2) in order to establish the residual risk rating:

- **Effective:** the controls/mitigations in place are excellent.
- **Moderate:** there are some controls/mitigations in place.
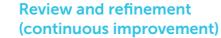- **Poor:** the controls/mitigations in place are minimal.

Risk response

The plan developed in response to the risk assessment can encompass one or more of the following options:

Avoid	Reduce	Increase	Transfer	Accept
Decide not to proceed with activity that results in unacceptable risk.	Reduce risk to an acceptable level through altering the likelihood or consequence (or both).	Increase risk to take advantage of an identified opportunity.	Risk is transferred or shared through insurance, contracts and/or outsourcing.	Accept risk based on informed decisions.

Selecting the appropriate response should consider the opportunity or benefit expected, the associated cost and the residual risk rating. All risk response plans should have an identified owner, a timeframe, proposed actions, resources, performance measures, a required review date and a reporting period. A high-level guidance tool for capturing key aspects of a risk response plan is the TR-PSR Risk Register (available on the Universities New Zealand website at https://bit.ly/3nU8ha2).

Review and refinement (continuous improvement)

Assessing and responding to TR-PSR risk is an iterative process given the dynamic TR-PSR operating environment.

TR-PSR requires regular monitoring of the risk environment, including legislative changes (such as export controls). The purpose of monitoring and reviewing is to deliver and enhance the quality and effectiveness of process design, implementation and outcomes. The results of this review should be embedded through continuous improvement and reporting activities, including performance measurement.

Information gathering, communication and reporting

Information about the TR-PSR risk management process and its outcomes should be communicated and reported through appropriate university channels[14] as part of expected checks and balances.

Reporting should consider internal and external stakeholder requirements, cost, frequency and timeliness, method, and relevance. The aim of such reporting is to:

• Communicate at appropriate levels (e.g., Vice-Chancellor, university council, government agencies) progress on achieving research strategy/objectives, including remediations and the role of TR-PSR Risk Management Framework activity.

• Provide information for university decision making.

• Enable continuous improvement across all TR-PSR activity.

• Build an appropriate risk culture with staff and students.

Decisions around creating, retaining and handling information should consider intended use, the sensitivity of the information and its context.

Additional tools

The TR-PSR Risk Matrix, Risk Register and Treatments of Risk Matrix referred to in this guide, along with a Roadmap for addressing TR-PSR, are available on the Universities New Zealand website at https://bit.ly/3nU8ha2.

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[14] Reporting channels are recommended to include a confidential whistleblower line.

Development of this guide

Preparing this guide, Universities New Zealand has worked across the university sector and with government agencies to develop a pan-university response to TR-PSR. Our TR-PSR working group has reviewed and considered international examples of responses to these issues and engaged closely on the new policies and guidelines developed (and continuing to be developed) by the Government. This has resulted in opportunities to develop guidance that reflects our specific research context and the needs of our sector.

Te Pōkai Tara
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