

DRAFT

POLICY TITLE: Interim Policy for International Travel Safety and Compliance

EFFECTIVE DATE: April 1, 2012

POLICY SPONSOR: Leslie Tolbert, Milton Castillo

INTRODUCTION

This policy applies to all University of Arizona (UA) faculty, staff, students and volunteers who travel internationally as part of University of Arizona research, education, service or employment.

International travel applicable to this policy includes, but is not limited to, travel in the course and scope of UA employment; travel within the scope of a UA sponsored research grant or contract; travel that is eligible for UA approved course credit as well as travel under UA auspices for non-credit experiences; student or volunteer travel under the direction or supervision of UA faculty or staff.

Compliance with this policy is necessary to:

- Receive reimbursement for travel expense, if eligible.
- Be covered by applicable insurance programs during international travel.
- Receive UA academic credit for international coursework, if eligible.
- Receive available university assistance in the event of an emergency during your international travel.
- Avoid significant personal fines and potential prison sentences, internationally.
- Avoid disciplinary action and/or limitations on future UA travel
- Adhere to related applicable UA, state, and federal policies.

PURPOSE

The University of Arizona supports and encourages international travel and collaborations, and recognizes that a global perspective is essential to its academic mission. To this end, the UA has established a broad global presence through programs involving international study, research, partnerships, faculty-led trips, and student opportunities for study abroad and student exchange. The UA endeavors to balance the value of participation in international activities against the potential risks to its students and employees, and to ensure institutional compliance with applicable regulatory programs.

This policy establishes UA requirements for international travel with the goal of maximizing personal safety as well as compliance with applicable regulations. Among the purposes served by this policy:

- Provision of information, resources, and guidance to UA travelers to maximize their safety and health while traveling abroad
- Facilitation of immediate access to data on the location of UA international travelers and ability to communicate rapidly with UA travelers to verify well being and to provide instructions or guidance if needed
- Evaluation of applicability of state and federal regulatory requirements in advance of international travel to provide direction on compliance and avoid potential penalties including imprisonment and severe fines.

CONTENTS

1. REQUIRED ACTION IN ADVANCE OF TRAVEL
2. TRAVEL WARNING AREAS
3. TRAVEL RESTRICTIONS AND EXPORT CONTROLS
4. INTERNATIONAL INSURANCE COVERAGE
5. APPENDIX A – INTERNATIONAL TRAVEL SAFETY OVERSIGHT COMMITTEE (ITSOC)
6. APPENDIX B – EXPORT CONTROLS OVERVIEW

1. REQUIRED ACTION IN ADVANCE OF TRAVEL

- a. **Employee Travel Authorization** - UA employee travel and funding must be authorized **in advance** by the traveler's department in accordance with established UA travel policies and procedures, outlined in FRS Manual, Chapter 14 <http://www.fso.arizona.edu/fso/deptman/14/>. The first step is completion of a Travel Authorization Form by the traveler's home department.
- b. **Travel Itinerary Registration** – An online system has been established for travelers to provide their travel dates and locations in advance of their trip. This information is used to locate and communicate with UA employees and students in the event of an emergency. Additionally, travel information is used to identify situations when additional travel approval or regulatory review is required, as described below.
- c. **Travel Warning Areas** – All UA travel by employees and students to countries and/or areas designated as Travel Warning Areas requires advance review and approval as described in Section 2. below.

- d. **Student travel as part of a UA program must be authorized in advance** as follows depending on the type of travel:
- i. Participation in study abroad programs for UA academic credit requires registration through the Office of Study Abroad and Student Exchange (OSASE).
 - ii. UA study abroad programming in a Travel Warning Country/Area requires approval from **the International Travel Safety Oversight Committee (ITSOC)** and the Office of the Provost. Information about ITSOC is included in Appendix A.
 - iii. Independent student travel as part of a UA academic program in a Travel Warning Area: For example, clinical rotation, internship, service learning, and/or research abroad requires approval of the faculty advisor and from ITSOC and the Office of the Provost.
 - iv. Faculty-led student study/travel abroad (non-Travel Warning Country/Area) requires approval of the faculty member's department head, college dean, and the OSASE director.
 - v. Students who take a leave of absence from UA enrollment to travel on their own, or through non-UA study abroad programs are not subject to this policy.
- e. **Export Control regulations** and their applicability must be evaluated during the planning process for international travel (see Section 3. below)
- f. **Defense Base Act Insurance** - UA international travel by employees (not applicable to students or volunteers) under a **federal agency service contract or for work performed on US military bases abroad** must be evaluated to determine if Defense Base Act (DBA) insurance coverage is required (see Section 4. below).
- g. **In-Country Local Regulations and Laws** - For all UA related international travel by students and employees, particularly if local research is planned, Principal Investigators are responsible for obtaining in advance of any research activity on foreign soil all special visas and/or permits that may be required, and are encouraged to contact the local embassy for assistance if any concerns arise during the trip. Travelers are required to comply with applicable laws and regulations imposed by or relevant in the country to be visited. Failure to comply with the laws of a foreign country can result in arrest, jail and prosecution by foreign governments. The UA may have limited ability to intervene or assist in the event of arrest abroad, and UA costs incurred for legal counsel, fines, etc. will be the responsibility of the traveler's home department.
- h. **Policy For Non-Compliance** - Failure to submit required international travel information and obtain applicable reviews, approvals, permits and licenses in advance of the trip may result in having the trip designated as non-UA

authorized, which may result in disciplinary action, non-reimbursement of travel expenses, ineligibility for UA insurance during the trip, and limitations on future travel. Non-compliance with U.S. and foreign regulations may also result in severe penalties, including criminal prosecution, attorneys' fees, personal fines, and jail.

2. TRAVEL WARNING AREAS

- a. Travel Warning Area– The UA relies on information from multiple sources to evaluate travel risks. For purposes of this policy, the following criteria will result in designation of a country as a Travel Warning Area:
 - i) A current Travel Warning issued by the US State Department <http://travel.state.gov/>
 - ii) A current Travel Health Warning issued by the US Centers for Disease Control <http://wwwnc.cdc.gov/travel/notices.aspx>
 - iii) Designation of any country or region as restricted for UA travel by the Office of the Provost.

- b. For Travel Warning Areas the following provisions apply:
 - i. The Provost may authorize or restrict UA travel to specific regions within a Travel Warning Country/Area.
 - ii. No UA student or employee shall be required to travel to a Travel Warning Area.

- c. All UA travel to Travel Warning Countries/Areas requires advance review and approval by the Provost's Office or designee. The International Travel Safety Oversight Committee (ITSOC) serves as the review body for travel proposals and provides a recommendation to the Provost concerning whether the proposed travel should be approved. See Appendix A to this policy.

3. TRAVEL RESTRICTIONS AND EXPORT CONTROLS

- a. UA travel to the following countries is prohibited: Iran, Syria

- b. UA travel to Cuba, Libya, North Korea, and Sudan must be coordinated through the Export Control Office and licensed by the appropriate government agency well in advance.

- c. UA travelers are expected to participate in a compliance assessment of their travel for applicability of Export Control regulations. For ALL destinations outside the U.S., software; information (data, technology, schematics, etc); and equipment (including laptops, cell phones, etc); or service (including gratis conference presentation) should be vetted prior to travel for possible

export control issues. See the University's Export Control website for guidance: <http://orcr.vpr.arizona.edu/export-control> and/or contact the University's Export Control Officer (see [Appendix B](#)) for guidance well in advance of committing to the trip. Failure to comply with export control regulations may result in substantial personal fines and prison sentences.

- d. Travel outside the United States can trigger the need for a **federally-issued** License, or multiple Licenses, or documentation of License exceptions, depending on the proposed destination, equipment or materials to be taken on the trip or from the foreign locale, the nature of the project associated with the travel, and individuals and organizations to be contacted. The primary federal agencies that oversee the administration of export control regulations are the Department of Commerce's Bureau of Industry and Security (BIS); the Department of State's Directorate of Defense Trade Controls (DDTC) (for International Traffic in Arms Regulations – ITAR); and the Department of Treasury's Office of Foreign Assets Control (OFAC). The UA Export Control Officer is designated as the UA Liaison to all federal agencies on Export Control issues.
- e. Export – For purposes of this policy, an export means sending or taking an article outside the U.S. in any manner; disclosing through visual, oral, email, fax, or other means, any export-controlled technical data or information whether in the United States or abroad. Export Control regulations also include proscriptions on providing “anything of value” including professional presentations and professional advice/consulting to certain OFAC sanctioned countries.
- f. The consequences of violating these regulations can be severe, ranging from loss of research contracts to monetary and criminal penalties for the individual and/or organization violating these regulations.
- g. See [Appendix B](#) for more information.

4. DEFENSE BASE ACT (DBA) REQUIREMENTS

- a. Defense Base Act - A federal requirement governing insurance benefits which employers must provide to employees who travel abroad under the provisions of a federal contract or subcontract (does not include grants). Reference is CFR Title 42, Chp.11, §1651.

- b. For international travel where the UA is a contractor or subcontractor to any agency of the US Federal Government, or when work will be conducted on any U.S. military base abroad, a requirement for Defense Base Act (DBA) insurance coverage may be applicable. DBA is a specialized form of worker's compensation insurance that responds to injury, disability, or death of employees working abroad.

- c. These requirements are applicable only to employees, not students or volunteers, and the following provisions apply:
 - i. Risk Management Services will provide guidance and training for departments to identify the need for DBA coverage during contract review and project planning
 - ii. Itinerary and payroll data must be submitted by the traveler's home department and approved for DBA coverage to be established well in advance of the travel.
 - iii. DBA premiums are calculated based on payroll data and the number of days abroad. If funding for DBA premiums is not included in the federal contract, the traveler's home department will be required to provide funding for premium payments.

- d. Failure to obtain DBA coverage when required may result in financial penalties assessed against the UA, which will be the responsibility of the UA employee's home department.

APPENDIX A
To the Interim Policy for International Travel Safety and Compliance

1. An International Travel Safety Oversight Committee (ITSOC) established by the Provost will perform the following tasks:
 - a) Establish a format and required information template for written proposals to travel to Travel Warning Areas. Define timelines for submittals and review.
 - b) Conduct review and risk assessment of proposals for trips to Travel Warning Areas. Provide recommendation to Provost for final decision.
 - c) Evaluate emergency conditions that arise abroad from natural disasters, civil unrest or violence, health threats, or other hazardous conditions, and develop action plans as described below.
 - d) Work with the Office of Study Abroad and Student Exchange (OSASE) and other academic units to perform risk assessment and evaluation of proposed new international programs.
 - e) Monitor global developments that may increase travel risks or otherwise impact UA programs and travel abroad.
 - f) Periodically assess existing policies and procedures concerning international travel and recommend changes as needed.

2. Action Plans for Emergencies or New Travel Warning Areas
 - a) When a country or region becomes newly designated as a Travel Warning Country/Area, or if safety conditions in a country deteriorate or are otherwise compromised due to emergency, natural disaster, health crisis, civil unrest, or other hazardous condition, the ITSOC will evaluate the situation and prepare a recommended action plan for immediate implementation.
 - b) The action plan will include at a minimum:
 - 1) Identification of all UA travelers in the affected region, and initial well-being verification via email, phone, or text message.
 - 2) Decisions regarding continued presence of current UA travelers in the country or region in question, and instructions for travelers.
 - 3) Decisions regarding the operational status of existing UA programs or activity in the country or region in question.
 - 4) Decisions regarding whether to restrict or postpone UA travel planned for the country or region in question.
 - 5) Review of emergency assistance and insurance options for travelers, including evacuation assistance if warranted.
 - 6) Decisions regarding financial considerations such as reimbursement of program fees.

APPENDIX B

To the Interim Policy for International Travel Safety and Compliance

EXPORT CONTROLS OVERVIEW

1. U.S. Federal regulations and sanctions promulgated and enforced by various federal agencies including the **Department of Commerce** - Export Administration Regulations (**EAR**), the **Department of State** -International Traffic in Arms Regulations (**ITAR**) and the **Department of Treasury** – Office of Foreign Assets Control (**OFAC**) prohibit the unlicensed transfer of specific technologies and items and payments to certain entities and individuals for reasons of national security or protection of trade.

2. While most research conducted on U.S. college and university campuses is excluded from these regulations under the Fundamental Research Exclusion, **university research involving specified technologies controlled under the EAR and/or ITAR, or transactions and exchanges with designated countries, individuals and entities may require the University to obtain prior approval in the form of a license** or to document a license exception from the appropriate agency before allowing foreign nationals to participate in controlled research, collaboration with a foreign company and/or sharing research—verbally or in writing—with persons who are not United States citizens or permanent residents.

3. Additionally, some international interactions are prohibited because of OFAC regulations proscribing the provision of anything of value to certain countries. Pursuant to these regulations, “anything of value” includes conference presentations and professional conversation (with or without payment).

4. The consequences of violating these regulations can be severe, ranging from loss of research contracts to monetary and criminal penalties for the individual and/or organization violating these regulations.

5. EXPORT CONTROL IMPLICATIONS FOR YOUR INTERNATIONAL UA TRAVEL DEPENDS ON:

- a) What you take (laptop, cell phone, software, data, schematics, equipment)
- b) With whom you associate or do business (denied lists) and
- c) The country you are traveling to

Travel to Iran, Syria, Cuba, Sudan, North Korea, Libya are the most restrictive!

UA travel to Iran and Syria are not permitted. Travel to the other four destinations noted (Cuba, Sudan, Libya and North Korea) is subject to significant export control restrictions and other economic sanctions and embargoes.

More information on export controls can be found at: <http://orcr.vpr.arizona.edu/export-control> and by contacting Kay Ellis, Export Control Officer, at 520-626-2437 or via email ellisk@email.arizona.edu