FORT HAYS STATE UNIVERSITY

University Policies
www.fhsu.edu/policies/

POLICY TITLE: International Travel and Activities Policy

POLICY PURPOSE: Fort Hays State University recognizes the need, benefits and opportunities presented for its employees and students to travel and conduct activities abroad on official university business. This policy is designed to encourage responsible international engagement, help ensure compliance with federal export control laws and regulations and applicable safety, security, and risk management policies and practices maintained by the Kansas Board of Regents and FHSU, and otherwise aid university employees and students in the planning of their international travel and activities when they are conducted on behalf of the university or as part of a university program

BACKGROUND:

APPLIES TO: All university employees and students while traveling on university-sponsored international travel, regardless of the funding source. This policy sets forth the requirements that employees and students must meet before and during university-sponsored international travel. This policy does not apply to personal international travel when it is neither on behalf of the university nor as a participant in a university-sponsored program

DEFINITIONS:

1. **Elevated Risk Location:** A country or region identified by the university as presenting elevated risk for international travel, based upon information from the U.S. Department of State and the Centers for Disease Control and Prevention.

2. **Export:** The actual shipment or transmission of items out of the United States. It also refers to the release of technology or source code ("technology") to a foreign national within the U.S. or abroad, commonly referred to as "Deemed Export."

3. **Deemed Export:** Technology released to a foreign national regardless of location. Technology is released when it is made available to a foreign person in the form of visual inspection such as reading technical specifications, plans, blueprints, etc., verbal or oral exchange, or by practice or application under guidance of a person with knowledge of the technology. This transfer of information is an export because it is 'deemed' to have been exported to the person's country or countries of origin.

4. **International travel and/or activity:** Any activity conducted abroad, or which otherwise involves an international collaboration, funding or other component, that is sponsored by the university, including for example:

4.1. Conducting research through a university grant, or otherwise at the direction of the university, in a foreign country or otherwise involving persons, materials, or natural resources in a foreign country.
4.2. Engaging in university work while residing in a foreign country.
4.3. Traveling with students in a foreign country within the scope of a university employee's job responsibilities.
4.4. Setting up an office or leasing space in a foreign country.
4.5. Contracting or otherwise collaborating with a foreign government or private entity.
4.6. Making or receiving payments from a foreign entity.
4.7. Training persons in foreign countries.

5. **Employee:** Any person employed by the university in any capacity, including faculty and staff.

6. **Volunteer:** Any person engaged by the university to provide services on a volunteer basis without compensation. Throughout this policy, "employee" requirements may encompass requirements of "volunteers" when participating in university-sponsored international travel or other international activity, where it is not focused on employee benefits or compensation.

7. **Student:** Any person currently enrolled in an academic program of the university, including but not limited to degree programs, credit bearing non-degree programs, and professional certificate or executive education programs.

8. **University-sponsored:** Any program or activity authorized by the university and/or supervised by a university employee within the context of employee's university employment, regardless of funding source, including but not limited to those programs or activities hosted by a university office, department, departmental student organization or other university units. An employee traveling while on leave of any type is generally not university-sponsored. Questions about whether a particular activity or travel is university-sponsored should be directed to the employee's supervisor, who may consult with Study Abroad, the Office of Global Affairs, Administration and Finance, and/or the Office of General Counsel, as needed.

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POLICY STATEMENT:

<u>International Travel Registration</u>

The university requires all employees and students engaged in university-sponsored international travel to register their travel with the Office of Global Affairs prior to traveling. Travel registration is mandatory and travelers who fail to register their travel may face disciplinary action, which could include their travel reimbursement not being approved. Note: for domestic and international travel, travelers on university-sponsored travel must still obtain trip approval, prior to travel, via a spend authorization in Workday.

International travel requires completion of appropriate university waiver documentation, and review and consideration of any travel advisories posted on the U.S. Department of State and Centers for Disease Control website (see below) by each traveler or such traveler's supervisor or dedicated staff unit.

Travel registration provides the university with the information it needs to conduct risk assessments, export controls compliance review, locate travelers, and provide information or assistance in the event of a crisis or emergency. Students and employees participating in programs administered by the Study Abroad Office have their travel registered through the Study Abroad Office (see below, and Educational Travel Policy). Students and employees not participating in international travel administered by the Study Abroad Office need to use the university travel registration system. Additional information is required for all employees and students planning to travel to Elevated Risk Locations, which is discussed below. In cases of group travel, the university department, college, or administrative unit that is supporting the travel is responsible for complying with this policy and identifying an individual to complete the paperwork on behalf of the group. Any questions related to travel registration can be directed to the Office of Global Affairs at 785-628-5818.

Travel to Elevated Risk Locations

The U.S. Department of State has a website which provides travel advisories, as well as safety and security information, for every country in the world. FHSU strongly recommends each traveler register on the website or download the mobile app to gain access to real-time information.

The U.S. State Department ranks travel advisory levels in four categories: 1) Exercise normal precautions; 2) Exercise increased caution; 3) Reconsider travel; and 4) Do not travel. The Centers for Disease Control and Prevention (CDC) has three travel health notice levels: 1) Practice Usual Precautions; 2) Practice Enhanced Precautions; and 3) Avoid Nonessential travel.

Excluding travel to and from China for our cross-border partnership programs, which is subject to separate policies and protocols that are unique to those programs, the university generally disfavors employees or students participating in university-sponsored international travel to any locations categorized as Level 3 or Level 4 by the U.S. Department of State or classified as Warning Level 3 by the Center for Disease Control. The supervisor — or in the case of student travel that is faculty led, the supervisor or faculty — must seek prior approval before registering and booking any travel, by completing the elevated risk section of the international travel registration form.

In the case of Study Abroad programs managed by the Study Abroad Office, such as faculty-led, university exchange, third-party provider or direct enroll, the faculty and/or student planning to travel must meet with a Study Abroad staff member prior to submitting their request for approval, and must follow the Study Abroad and Educational Travel policies and procedures.

The International Risk Advisory Working Group will convene a small group to

review the information and will make a recommendation to the applicable Vice President, who will make the final decision on behalf of the university to approve or disapprove the travel. That decision may include additional risk mitigation requirements, including, but not limited to, enhanced planning and support measures, training on personal safety tailored to the specific destination (which may or may not be provided by a university-contracted travel assistance provider) and requiring the traveler/travelers to sign a special Assumption of Risk and General Release Form.

For international travel to elevated risk locations outside of those programs managed by the Study Abroad Office, the supervisor and/or faculty should typically be notified of the decision on whether or not travel is approved within five (5) business days of submitting the travel request. Once the travel has been approved, the traveler should then register their travel with the Office of Global Affairs and proceed with booking their trip.

Employees Traveling with or Facilitating Travel for Students

Any employee arranging or otherwise facilitating university-sponsored international travel for students must register the university travel and/or activities through the university Study Abroad Office and follow the Study Abroad and Educational Travel policies and procedures. The purpose of this is to ensure appropriate planning, approvals, and registration and to help address any questions or issues relating to risk management, insurance, and emergency support purposes. Additionally, Study Abroad is responsible for facilitating contracts and processes for any services, lodging, programs, and other arrangements for student international travel that is managed by Study Abroad; all contracts should first be reviewed by the unit, then submitted to Study Abroad for review, which will forward them to the Office of General Counsel and Administration and Finance for review.

If the proposed student travel includes going to an Elevated-Risk Location, the process set forth above must also be followed.

Extended Travel and Employees/Independent Contracts Working Abroad

Questions or issues regarding the potential hiring, transfer, or assignment of university employees, or engaging an independent contractor, outside of the

U.S. should be directed to Human Resources, who will confer with other relevant university personnel.

International Accident and Health Insurance and Travel Health Consultations
Insurance

Accident, health, and other travel-related insurance coverage while traveling abroad on university sponsored travel is generally recommended, and may be required. Individual travelers or departments are financially responsible for insurance costs, and any costs that are not covered by the policy.

Travel Consult

The university strongly encourages all travelers to participate in a travel

consult from Health and Wellness Services or from their primary care physician prior to their departure. This may help travelers reduce the risk of contracting a vaccine-preventable disease in the country that they are visiting. Without proper health preparedness before traveling, the traveler risks becoming ill and having to seek medical care which might be substandard depending upon their location. The university also recognizes that certainly faculty who frequently travel abroad and are familiar with the country or countries that they visit may not need to repeat a travel consult prior to each foreign travel visit.

Reasonably in advance of traveling, schedule a travel consultation, which may include:

- Individual review of vaccination requirements for the region being visited.
- Travel recommendations for the region based on current health and safety precautions.
- Worksheet completion listing requirements and recommendations.
- Referral to a physician for any medications, health assessment, or needed instruction.
- Available vaccinations, which may be initiated at the time of the initial consult.

Information about health risks and suggested preventative measures is based on recommendations by the Centers for Disease Control and Prevention and the U.S. Department of State. Appointments should be scheduled well in advance (2-3 months) of the desired travel date because some vaccination requirements may take several months to be completed. This will help ensure that you have the opportunity to receive any vaccinations, anti-malaria treatment (if indicated), medications, and other protective measures in advance to provide adequate protection by your departure date.

Export Controls

Employees and students engaged in university-sponsored international travel and/or traveling with university property are responsible for complying with export control laws and regulations, as well as any KBOR or FHSU policies and procedures relating to export controls. Export control regulations may restrict or prohibit some travel related activities or destinations, and/or may require licenses for others. The Office of General Counsel can help travelers assess what export control requirements apply to ensure institutional and individual compliance. Advance consultation helps ensure compliance with export control regulations, sanctions, and embargoes. When travelers register for international travel, they will be required to complete the Export Controls Review Form, and an export control review of the proposed travel is mandatory for all travelers prior to departure.

Additional information and policy requirements concerning export controls

and restricted party screening are available here.

Information Technology and Data Security While Traveling

University travelers should be aware of the risks to their data while traveling abroad. FHSU's Office of Technology Services ("Tech Services") provides recommendations for employees and students engaged in university-sponsored international travel and/or traveling with university property. University travelers should consult with FHSU's Tech Services about standard practice, cyber hygiene, and limiting the amount of data at risk. Key recommendations include:

- Do not travel with any moderate or high-risk data.
- Use the virtual private network (VPN) when accessing any university systems.
- Avoid public Wi-Fi networks that do not require a login or password.
- Confirm with staff (at your hotel, conference center, host, etc.) the correct name of the network and exact login procedures to ensure that the network is legitimate.
- To prevent theft and unauthorized access or loss of sensitive information, never leave equipment — including any USB or external storage devices— unattended in a public place.
- Keep your devices secured in taxis, at airports, on airplanes and in your hotel room. Also be aware that government officials and hotel staff will likely have access to the safe in your hotel room.
- If you travel with a mobile phone, do not use the public charging kiosks; the connecting cable may open access to whatever you have stored on the phone.

IT Loaner Laptop Program

Traveling with a loaner laptop and cellphone and limiting the data contained therein (or otherwise available in an approved cloud environment during travel) may reduce the risk of data and identity theft and can be helpful to protecting university property. Contact FHSU's Tech Services thirty (30) days prior to departure to determine availability of loaner laptops and cellphones (for those issued university cell phones) to be checked out by employees engaged in university-sponsored international travel to high-risk countries, and to ensure that data on such devices is removed upon return. The unit of the employee, or the employee borrowing the laptop or cellphone, as applicable, will be responsible for replacement costs due to damage, loss or theft. IT is not responsible for any lost data.

Foreign Corrupt Practices Act and State Ethics Rules

Generally, state ethics rules govern what state employees can receive, and the Foreign Corrupt Practices Act (FCPA) is more focused on what can be

given to foreign officials — who are quite broadly defined, to potentially include such individuals as faculty members at public universities abroad. Employees traveling abroad must be familiar with these rules.

Accepting or requesting gifts, meals, entertainment and travel offered because of your official position is generally prohibited, with limited exceptions. The State Governmental Ethics Commission's guidelines have different rules for each of those categories. State of Kansas employees are subject to these rules, and violations can result in a civil fine of up to $5,000 and/or removal from state service. You must be familiar with the rules, know where to find answers, and adopt a practice of asking questions when in doubt. Compliance with these ethics rules are personal obligations and subject to fines and criminal penalties against the individual.

The FCPA generally prohibits the university and its employees (among others) from paying, authorizing, or promising to pay money *or anything of value* to a foreign official to influence the foreign official or to secure any improper advantage in order to assist in obtaining or retaining business. Foreign officials include an expansive group of people. Notably, foreign officials can include employees and agents of government-owned and government-controlled universities and businesses, such as faculty, administrators and other employees (and their family members) at counterpart public universities around the globe.

There is no exception to the FCPA simply because the meal, entertainment, gift or other payment is small; rather, the focus of the FCPA remains on the purpose of the payment.

Any plans to provide gifts, travel, meals or entertainment to any foreign official should be scrutinized closely for FCPA compliance by the employee and the employee's supervisor. If the person to whom the payment or anything of value is going to is assisting you or the university in conducting or retaining business or other benefits (such as in association with a university contract) or relieving you or the university from a legal requirement, you should consult with Administration and Finance and the Office of General Counsel prior to making any payment or gift, regardless of size. You can read more about the FCPA from the Department of Justice's resource guide.

International Contracts, Agreements, Collaborations

Any business, research or other similar services received by or provided to the university (or its employees) while in country should be documented within a university contract prior to traveling. Remember that time for review and approval of international activities contracts by the offices of General Counsel and Administration and Finance generally is more extensive due to necessary due diligence.

International Risk Advisory Working Group

The charge of the International Risk Advisory Working Group (IRAWG) is to review and assess risk of international programs and activities and to develop, implement and evaluate risk control strategies to manage

international risk. This includes periodic review of this policy and other related recommended input. The IRAWG's input will be aimed at preserving academic freedom and the university's robust research agenda, while considering risks and protecting the safety of the university's students and employees.

Training

Employees and students are responsible for completing any required training prior to departure. Such training could include, but is not limited to, responsible conduct of research, IACUC, IRB, and/or IBC training, export controls, anti-discrimination/anti-harassment, FCPA, political activity, and state ethics. Employees shall consult with the Office of Scholarship and Sponsored Services and/or Office of General Counsel for training requirements related to research and export controls prior to travel.

EXCLUSIONS OR SPECIAL CIRCUMSTANCES:

RELATED DOCUMENTS:

Policies: Educational Travel, Official Travel, Export Controls

Forms:

Other:

KEYWORDS: Elevated risk, export, International Risk Advisory Working Group

RESPONSIBLE OFFICE: Office of Global Affairs

RESPONSIBLE UNIVERSITY OFFICIAL: Assistant Provost of Internationalization & Strategic Initiatives

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