

International Travel Liability Issues
Guidance for Faculty, Staff and Students
Colorado State University

Introduction:

There are several specific areas of institutional concern when Colorado State University employees and students travel and work abroad. Each of these categories creates institutional liability concerns that must be addressed prior to travel. The areas are outlined, below.

Category A: Travel to countries subject to trade sanctions, insurance exclusions, travel advisories, or high security risks;

1. Countries excluded from the CSU insurance policy;
2. Countries or regions subject to US and UN economic and trade sanctions;
3. Countries or regions under a US State Department travel advisory;
4. Countries or areas with an unusually high level of insecurity or danger for travelers;

Category B: Export/import of controlled items;

Category C: Hiring foreign nationals for work abroad;

Category D: Intellectual Property considerations; and

Category E: Travel abroad with students as part of any CSU program.

Before traveling under the auspices of CSU to an international destination you must have a pre-trip travel authorization form on file, signed by the designated person in the Provost's office (Senior Vice-Provost for Faculty and Academic Affairs). This is a requirement for all international travel whether or not you will be seeking reimbursement from CSU. Failure to get your travel approved in advance could lead to your reimbursement being denied, or to other sanctions from the Provost's Office. Travel on sponsored programs is also subject to this requirement. You may submit an individual travel document or a group travel document that includes the names and identification number of all those traveling with you.

Overview:

If you are traveling internationally please read this document carefully and contact the appropriate office(s) for further guidance.

- If you are traveling to a country that has a US economic or trade sanction, or that is included on the CSU international insurance program's excluded country list you are required to contact the CSU Office of Risk Management and Insurance and request a special endorsement to get insurance coverage for travel to that location. (The current list is included in this document.)
- If you are traveling to a country with a travel warning or alert you may be required to sign a waiver of liability with the Office of Risk Management and Insurance. You may also be asked to write further justification for travel to an unusually dangerous area for the Provost's Office review.
- If you travel to a location that is unusually dangerous, or engage in activities that potentially pose a risk to the participants you may be asked to write a justification for the necessity of the travel and, if the travel is approved, seek an insurance endorsement for coverage on the CSU international travel policy. If you are taking students abroad to any country you must work with the appropriate unit within the CSU Office of International Programs and complete all required documentation.
- Hiring third country nationals, or foreign nationals based in another country creates insurance and possibly tax implications not only for that employee but also for the university. If you are hiring foreign nationals abroad you must be sure that all university requirements are met, including an insurance endorsement for the university international travel policy, waivers for travel warnings and alerts, tax documents, etc. You are required to contact the Office of Risk Management & Insurance to make sure that the necessary institutional insurance is in place for these employees *prior* to travel. Consultations with offices such as Business and Financial Services/Payroll/Travel/Purchasing, Human Resource Services, the Provost's Office or others may be necessary to determine the requirements for legally hiring and managing employees or consultants abroad.
- CSU Employees carrying technologies, encrypted software or data on the list of federally controlled items must become familiar with import/export controls and intellectual property guidelines that govern

their use. The laws apply to sharing this information with international visitors or researchers on campus and off. Technologies as common as wireless devices in laptop computers or data on sensitive topics being carried abroad on a computer may fall under the export/import control requirements.

Guidance on International Travel Liability Issues for Faculty and Staff

Insurance Coverage Provided Through CSU

Colorado State University's international insurance program covers CSU faculty and employees who are working overseas on behalf of the university. It provides liability, auto liability, employers' liability coverage, as well as accidental death or dismemberment (ADD) coverage, medical evacuation, repatriation of mortal remains and some limited political/ security evacuation coverage. For details of this coverage and contact information for assistance overseas please contact Sally Alexander at the Office of Risk Management and Insurance. (970) 491-6745.

Please note that ***this policy covers only current employees and official volunteers***, and does *not* provide coverage for students, retirees or people who are not currently on payroll. Official Volunteers are non-employees who are providing a valuable service to the institution and for whom the *Official Volunteer Form* has been completed. In some instances the official volunteer is an employee who is not currently on payroll but is providing a service to the institution. The *Official Volunteer Form* must be completed for all volunteers traveling internationally. For example, a 9-month employee who is not under contract or on payroll in summer, at the time of travel, would only be covered if they have completed an *Official Volunteer Form* and it is signed by the department and on-file with Risk Management.

CSU's ***policy does not cover personal time*** taken overseas before or after an assignment, or personal days taken during an assignment. If you plan to take time off while you are abroad you are strongly encouraged to enroll in an alternative travel assistance program that includes both medical evacuation and repatriation of mortal remains. Enrollment in such a travel assistance program is suggested for all employees and their families who travel internationally for personal or professional reasons. A travel assistance insurance policy is available to employees (and their families) through CSU Human Resource Services/ Benefits Office during the annual open enrollment period in November. The policy is associated with the optional Personal Accident Policy offered to faculty and administrative professionals. Other private program options are listed on the International Programs web site under "Travel Resources." See www.international.colostate.edu.

Seek Assistance

You are encouraged to plan ahead and to seek assistance from the appropriate offices when you are planning international travel. The Office of International Programs staff (970) 491-5917 are happy to talk with you and help you with referrals if you do not know who to call. Faculty may direct their questions to Martha Denney in International Education.

A.1. Economic and Trade Sanctions

CSU's International Insurance Program ***excludes*** coverage in countries or territories subject to economic or trade sanctions. The Office of Risk Management and Insurance must request a special endorsement from CSU's insurance company to provide coverage in countries on their list of exclusions. That process can take from 4 to 6 weeks and there is no guarantee that the request will be granted. You must notify Risk Management of your plans as soon as possible so they have time to petition for the required insurance coverage. Your international travel authorization from CSU could be delayed until this coverage is confirmed. In some instances the endorsement requires an additional premium. The CSU department, the grant or the faculty member requesting authorization is responsible for paying the additional cost for the extended coverage, if available.

The US Department of State, the US Department of Commerce and the US Department of the Treasury/ Foreign Assets Control Division all contribute to the laws enforcing the economic and trade embargoes established by the US and/or the UN. Employees traveling to countries with sanctions must investigate the agency directives and follow all laws associated with the directives to avoid stiff penalties and/or jail time. In some instances you may be required to obtain a license from the appropriate governing agency to engage in work with a sanctioned country. Educational or consulting services, and even negotiating to provide these

services, may require a license. Please research the status of your destination country to determine what sanctions, if any, exist. Web contacts with more detailed information are listed at the end of this document.

Please remember that the list of countries with economic and trade sanctions and/or those excluded from CSU's insurance coverage (see A. 2., below) is **not** the same as the list of countries with travel warnings and alerts because they are determined by different federal agencies for different purposes.

A. 2. Countries Currently Excluded from Coverage by CSU's Insurance Company

The following list includes the countries **excluded** from CSU's insurance coverage. Because CSU requires its employees to be covered by this insurance the Office of Risk Management and Insurance must submit a special application for an endorsement from the insurance company to extend the international travel policy to a destination on this list. Not all of the countries on the list have trade and economic sanctions but they have been excluded by CSU's insurance carrier for other reasons. A number of the countries such as India, Egypt, Ethiopia, Indonesia, Oman, Peru, and Turkey are frequent destinations for CSU travelers so please check the list carefully and do further research if your country of destination is included. This list was current in Sept. 2008 but please confirm the accuracy of the list with Risk Management when you begin your travel planning as it may change over time.

List of Countries Excluded by CSU's Insurance Provider:

Afghanistan	Egypt	Lebanon	Sri Lanka
Albania	Eritrea	Liberia	Sudan
Algeria	Ethiopia	Libya	Syria
Angola	Fed. Rep. of Yugoslavia	Macedonia	Tajikistan
Armenia	Georgia	Nigeria	Turkey
Azerbaijan	Guinea-Bissau	North Korea	Uganda
Bahrain	Haiti	Northern Ireland Oman	United Arab Emirates
Bosnia & Herzegovina	India	Pakistan	Uzbekistan
Burundi	Indonesia	Peru	Venezuela
Cambodia	Iran	Philippines	West Bank and Gaza
Central African Republic	Iraq	Qatar	Yemen
Colombia	Israel	Rwanda	Zimbabwe
Cote d'Ivoire	Jordan	Saudi Arabia	
Cuba	Kosovo	Serbia	
Democratic Rep. of Congo	Kuwait	Sierra Leone	
	Kyrgyz Republic	Somalia	

A. 3. Travel Warnings or Alerts from the US Department of State

Travel Warnings are issued by the US Department of State to describe long-term, protracted conditions that make a country dangerous or unstable. A Travel Warning is also issued when the U.S. Government's ability to assist American citizens is constrained due to the closure of an embassy or consulate or because of a drawdown of its staff. **Travel Alerts** are issued to disseminate information about short-term conditions, generally within a particular country, that pose imminent risks to the security of U.S. citizens. Natural disasters, terrorist attacks, coups, anniversaries of terrorist events, election-related demonstrations or violence, and high-profile events such as international conferences or regional sports events are examples of conditions that might generate a travel alert.

All CSU employees traveling to a destination with a State Department travel advisory (warning or alert) are required to sign a waiver with the CSU Office of Risk Management and Insurance. Employees traveling with students will be required to meet the guidelines for approval through the Office of International Programs (970) 491-5917. The Provost's Office may also ask the person proposing the travel to submit a written description of the official activity and justification for travel to an area with a travel advisory. For a list of countries with Travel Advisories (warnings and alerts) go to: http://travel.state.gov/travel/cis_pa_tw/tw/tw_1764.html

A. 4. Travel Abroad to Locations or Situations that Pose an Unusually High Risk to the Participants:

Employees traveling to areas with official travel warnings or alerts and that pose an unusually high danger level, or employees engaging in particularly high risk endeavors while abroad, may be asked to provide additional justification for the travel to the Office of the Provost. This is over and above what is required for travel warning countries where there is a more general or low-level threat. Regions with incidents of war, terrorism, violence and disease are examples of unusually high risk areas.

In general terms CSU does not make blanket decisions about where research and travel can or cannot be done, however the Provost's Office may ask you to provide the additional information if they feel the risk to the institution or individual employee is very high. Specific examples of areas that could trigger a request for additional justification include work in countries such as Afghanistan, Iraq, or the Democratic Republic of the Congo; countries with outbreaks of deadly diseases (e.g. SARS, Avian Flu, Ebola), areas with recent catastrophic natural disasters (earthquakes, tsunamis, typhoons, etc.), countries undergoing violent civil unrest, periods of time during elections if violence is anticipated, projects that involve working with dangerous pathogens or dangerous clientele, projects that involve flying, bungee-jumping, scuba diving, mountain climbing, etc. Travel justification will be assessed on a case-by-case basis and given reasonable consideration. Once your travel authorization form is approved by the Provost's Office you will be required to sign a waiver of liability with the Office of Risk Management and Insurance.

B. Export/Import Controls

Laws that prohibit the export or import of certain controlled data, technologies and substances must be respected. Failure to respect these laws can lead to large fines and/or criminal charges. This extends to sharing sensitive or controlled information with foreign students or foreign visitors to campus, or carrying data or technologies abroad. Carrying a laptop computer abroad with data on it that is covered under the ITAR lists can be a violation of the export/import control laws. The following statement on import/export control is from the university's approved international memorandum of understanding (IMOU) document.

"Each party shall comply in all material respects with the applicable provisions of the laws and regulations of its home country [US] governing the export of technical data, computer software, laboratory prototypes and other commodities, as well as arms and other import/export controlled activities and substances. The [IMOU] Designated Representative for each institution is responsible for working with their institution's administrative officials to identify procedures or licenses that must in place to legally carry out the proposed work under the laws of the country in which the institution they represent resides. Each party's obligations under this Agreement shall be limited by its legal and regulatory obligations under the laws of its home country."

The principal investigator, director and participants in any project working internationally must be familiar with these laws and be certain that they are not contravened in the course of their project. Visit the website of the Vice President for Research and Engagement (970-491-7194) for more information and a power point on these laws: <http://web.research.colostate.edu/OSP/export.aspx>.

Contact the Office of Sponsored Programs at (970) 491-6355 if you have questions about how this relates to your sponsored project. The following links are to key references on export/import controls to help you learn more about this important area. Some of the web sites have on-line training and tutorials:

- International Traffic in Arms Regulation (ITAR):
http://www.pmdtc.state.gov/itar_index.htm
- Office of Foreign Assets Control (OFAC):
<http://www.treas.gov/offices/enforcement/ofac/programs/index.shtml>
- Export Administration Regulations (EAR):
<http://www.access.gpo.gov/bis/index.html>

C. Hiring Employees Abroad or Hiring Third Country Nationals

If you are hiring employees abroad who are not US citizens or permanent residents, using funds managed through CSU, you will need to work with the appropriate campus offices such as Human Resource Services (970-491-5793), Business and Financial Services (970-491-2911), Risk Management & Insurance (970-491-6745), International Programs (970-491-5917) and Legal Counsel or the Provost's Office (or others) to be sure that you have followed laws and regulations for hiring, payments, tax withholding, etc. Failure to withhold taxes

from payments made to foreign employees poses a tax liability to the institution. You will also need to be aware of hiring and other relevant laws in the country where they will be working because labor laws and procedures vary greatly from country to country.

If your grant involves hiring a foreign national as an employee who will be based in a location outside the US, or a third country national who will be hired as part of the grant and will be based in an international destination for the duration of, or the majority of the grant's term, please contact the Office of Risk Management & Insurance to obtain insurance for third country nationals or foreign nationals employed in overseas locations. Please allow 4 to 6 weeks to obtain coverage. These employees may also be required to sign a waiver of liability.

D. Intellectual Property

Care should be taken to protect the university's intellectual property when working abroad. While trust in colleagues is admirable, it is not always justified and there are many examples of situations where data and technology has been accessed and used inappropriately. The following statement on intellectual property is adapted from the university's international memorandum of understanding document that was approved by Legal Counsel. Please consult the Office of the Vice-President for Research and Engagement for more information on intellectual property issues.

"Background Intellectual Property" means property and the legal right therein of a party or parties developed before or independently of any collaboration with a foreign institution and Colorado State University, including inventions, patent applications, patents, copyrights, trademarks, mask works, trade secrets and any information embodying proprietary data such as technical data and computer software. No party hereto shall have the right to use Background Intellectual Property of another party without prior written consent. If the parties anticipate that their collaborative efforts may result in the use of Background Intellectual Property or the creation of new intellectual property, they will first enter into a separate agreement establishing their respective rights therein. Neither party may obtain any right, title, or interest in, nor any right to reproduce nor to use for any purpose, the name, trade names, trade- or service marks, logos or copyrights of the other party without its prior, written consent.

E. Travel Abroad with Students

Any program or grant activity that involves taking or sending students abroad (undergraduates or graduate students, including graduate assistants) must go through the Office of International Programs and follow the procedures established for approval to take students abroad. OIP will help you determine the category of activity and what documentation is required. Please see the OIP webpage for more information: <http://international.colostate.edu>.

The lead time required for approval to take students abroad on an international field experience (IFE) will be determined by the location, nature of the program, the size of the group and whether or not a logistical review is required. If you are taking or sending individual students or a very small group (2-3 people) abroad for research, conferences, or internships abroad, basic documentation from the students *may* be all that is required. For larger groups (four or more) three to five months of lead time is typically needed to acquire passports, visas, health consults and immunizations, travel assistance for medical evacuation and repatriation, tickets and orientation, complete documentation and waivers, etc. For IFE's please contact Martha Denney, Director of International Education at (970) 491-5917.

For a formal CSU-sponsored study abroad program the lead time is typically one academic year, or more, prior to the start of the program. For Study Abroad programs contact Kara Bingham, Director of Study Abroad at (970) 491-5917. Faculty taking students abroad will be required to go through international leader training to be sure they understand their roles and responsibilities to students in an international context. Students must attend an orientation provided by OIP. Please consult International Programs (International Education and/or Study Abroad) for assistance in determining what you will need to do for your specific activity.

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