

Policy on University Technology and Sponsored Non-Immigrant Aliens

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| Policy Title | Policy on University Technology and Non-Immigrant Aliens |
| Policy # | 5.102.1 |
| Policy Owner(s) | Vice President for Research & Economic Development and Chief Information Officer |
| Contact Information | Questions regarding this policy should be directed to the Vice President for Research & Economic Development at (401) 874-4576 or the Chief Information Officer at (401) 874-4599 |
| Approved By | Administrative Policy Committee |
| Effective Date | December 7, 2020 |
| Next Review Date | No later than September 30, 2025 |
| Who Needs to Know About this Policy | <p>1) All University Employees involved with the sponsorship at the University of persons with J-1 and H-1B visas, including visiting international scholars and non-immigrant alien Employees and interns.</p> <p>2) All advanced students or trainees (graduate and postdoctoral fellows) who are applying for F-1 visas from countries designated by the U.S. Department of State as State Sponsors of Terrorism or from countries known to actively engage in industrial espionage as defined by the National Counterintelligence and Security Center. See Policy Statement for details.</p> |
| Definitions | <p>Deemed Export. Any transfer of export controlled technology taking place in the United States to a non-U.S. Person is defined by the export control regulations as a “Deemed Export” to their country of citizenship (if technology controlled under the Export Administration Regulation) and also to their country of origin (if technology controlled under the International Traffic in Arms Regulation).</p> <p>Employee. Any person employed by the University, including faculty, staff, and students as applicable, regardless of the source of funds within the University.</p> <p>University Business. Activities engaged in on behalf of the University.</p> <p>U.S. Person. A person who is a lawful permanent resident of the United States as defined by 8 USC § 1101(a)(20), or; a person who is a protected individual as defined by 8 USC § 1324b(a)(3), or; any corporation, business association, partnership, society, trust, or any other entity, organization or group that is incorporated to do business in the United States, or; any U.S. governmental (federal, state, or local) entity.</p> |

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| Statutes, Regulations, and Policies Governing or Necessitating This Policy | Section 889(a)(1)(B) of the John S. McCain National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019 (Pub. L. 115-232) National Institute of Standards and Technology Special Publication 800-171, Rev. 2 (February, 2020) University of Rhode Island Acceptable Use Policy University of Rhode Island Policy on Export Control Compliance |
| Reason for Policy / Purpose | Network and computer security is critical to maintaining the integrity of the University campus network. Computers used by international visitors to the University to connect to University networks must have the necessary information security controls in place and functioning to maintain that integrity of University IT systems. |
| Forms Related to this Policy | <i>University of Rhode Island International Visiting Researcher Agreement</i> |

Policy Statement

Network and computer security is critical to maintaining the integrity of the University campus network, therefore all information technology resources in use by international University visitors (generally J-1 visa holders) and non-immigrant international Employees (H-1B visa holders) and full-time matriculated advanced international students (F-1 visa holders) that contain any institutional information or research data or that are used to connect to University networks must have the University's most current required information security controls in place and functioning at all times. All computers must run up-to-date and approved operating systems, antivirus software, endpoint security protection and other security software or hardware as required from time to time by URI Information Technology Services. This security requirement applies not only to University-owned electronic devices but also to personal devices that may connect to the university computer network and be used for University Business and/or University-sponsored research.

Specifically relating to visiting scholars, unless a visiting scholar is a U.S. Person, all technology transfers involving that individual are subject to export control regulations including transfers taking place within the United States (Deemed Exports). Visiting scholars may not have access to any export controlled technology unless such transactions have been reviewed by the University of Rhode Island Office of Research Integrity. The University's internal computer system and network is an export controlled technology. The inviting unit is responsible for notifying the Office of Research Integrity that a visiting scholar will be on campus and for requesting an export review of the proposed activities of that individual before access may be granted.

In addition to complying with the foregoing requirements regarding IT resources and access to University computer networks, international scholars, non-immigrant alien Employees, and international students and interns (J-1, H-1B, or F-1 visa holders) must also comply with all University information systems policies and procedures concerning access to and use of URI information systems, including but not limited to policies regarding the sharing of access rights, passwords, or other network information.

Additional controls relative to information technology resources may be required based on the type of information or data to be accessed, the nature of the information technology resource, any applicable regulatory or contractual requirements, or other risk management demands.

APPLICABILITY

This policy applies to all University Employees with H-1B visas, employment candidates using H-1B visas, all international scholars at the University holding J-1 visas, and advanced students and trainees (graduate and postdoctoral fellows) who are F-1 visa holders (or are applying for F-1 visas) from 1) countries designated by the U.S. Department of State as State Sponsors of Terrorism (for the current list see: <https://www.state.gov/state-sponsors-of-terrorism/>); or 2) from countries known to actively engage in industrial espionage as defined by the National Counterintelligence and Security Center (for the current list see <https://www.dni.gov/files/NCSC/documents/news/20180724-economic-espionage-pub.pdf>).

University Employees involved with the sponsorship of persons with J-1 and H-1B visas must be knowledgeable regarding the terms of this policy and must inform potential international non-immigrant exchange visitors (J-1 visa holders) or Employees (H-1B visa holders) of the policy's existence. Additionally, all University Employees involved in the matriculation of advanced students and trainees with F-1 visas from countries with the restrictions noted in the above paragraph must be familiar with the terms of this policy and provide this information to prospective students and trainees.

ACKNOWLEDGMENT

Visiting scholars, students, and interns as well as employment candidates using an H-1B visa will need to agree, as a condition of their exchange visit, matriculation, or hire to certain restrictions on their use of University information systems, including but not limited to the installation of an approved operating system, antivirus software, and endpoint security protection as defined and approved by URI Information Technology Services.

Additionally, visiting scholars, students, and interns as well as employment candidates using an H-1B visa will need to agree, as a condition of their exchange visit, matriculation, or hire, to a document review by the University's Export Control Office that includes but may not be limited to all visa application requests (including copies of relevant personnel documents and passports), Form DS-2019 requests, and extension requests. DS-2019 applications will be approved for a maximum of one year (with the potential for further review for renewals as necessary).

NONCOMPLIANCE

Failure to comply with these requirements may result in termination of the visitor's access rights to URI's information systems and/or termination of employment or internship.

The University reserves the right to modify this policy without notice and at its discretion.

Exceptions

Full-time *undergraduate* students holding F-1 visas.