

3359-11-23 Petitions for employment-based non-immigrant or immigrant (permanent residency) status.

- (A) The teaching, research and service mission of the university of Akron is enhanced by the knowledge and expertise shared by foreign nationals joining our community as teachers, scholars and specialists. In order to employ international faculty and staff, whether on a temporary or permanent basis, federal law requires that an employer file a petition seeking approval of the employment. In order for the university to complete the petitions, certain technical requirements must be met, including attestations as to labor conditions. The university will consider preparation of the petition only after the following threshold facts have been documented:
- (1) Petitions for employment-based non-immigrant or immigrant status are based on documented institutional needs. Assisting individuals with successful attainment of non-immigrant or immigrant status is not a valid basis for university sponsorship or offers of university employment.
 - (2) Job descriptions provided for the preparation of petitions for non-immigrant or immigrant workers accurately describe the actual job duties to be performed by the worker.
 - (3) Proposed rates of pay are equal to actual wage levels paid to all other individuals employed in similar positions or the applicable prevailing wage for the position being filled, whichever is higher.
 - (4) Petitions for immigrant workers are based on reasonable expectations of continued employment.
- (B) Petitions for H-1B non-immigrant or immigrant workers normally will be evaluated only for positions requiring a high level of expertise and terminal degrees in the field, or a high level management or technical position justifying the university's sponsorship.
- (C) Consistent with the parameters set forth herein, the university will agree to sponsor non-immigrant and immigrant petitions. The foreign national must, however, be made aware of the length and complexities of the application process and the extensive requirements and conditions that must be met by both the employee and employer and the fact that

immigrant status is subject to approval by the U.S. Citizenship & Immigration Services. International employees are limited to employment for only the length of time determined by his/her initial non-immigrant status and any valid extensions or adjustment to immigrant status, assuming the international employee's job performance is otherwise satisfactory and that adequate funding exists.

- (D) For those foreign nationals seeking appointment to a tenure-track position, university policy requires a faculty member to be a lawful U.S. citizen or have obtained lawful permanent residency status prior to submitting an application for tenure. Since the normal probationary period for tenure at the university is seven years, a tenure-accruing faculty member must be a U.S. citizen or have obtained permanent residency status by the end of his/her sixth year of employment in order to be considered for tenure.

Effective: August 30, 2009

Certification: _____
Secretary
Board of Trustees

Prom. Under: 111.15

Rule Amp.: Ch. 3359