

# Guidelines and Processes Relating to Visiting Scholars and Researchers

## I. Eligibility Criteria

These Guidelines are intended to assist Hosts and Host Units implement the requirements described in UTSA HOP 10.19 - *Visiting Scholars and Researchers* (<https://www.utsa.edu/hop/chapter10/10.19.html>) and follow related university procedures. Please refer to HOP 10.19 for the definitions of terms used in this document. A potential Visiting Scholar (hereinafter referred to as “Visitor”) must meet all of the following eligibility requirements:

- a. Identify funding source(s) for the visit. Funding source(s) may be self-funded, funded from a grant awarded to the Visitor or Host, or funded by the Host Unit. For Non-US Visitors, the minimum requirement funds required for the duration of the stay in the United States can be found on page 4 of the J-1 Exchange Visitor Request form ([https://global.utsa.edu/students/forms/J-1-Request-Form\\_01.20.pdf](https://global.utsa.edu/students/forms/J-1-Request-Form_01.20.pdf)).
- b. Meet **one or more** of the following academic requirements:
  - i. be recognized expert in his/her field;
  - ii. have a terminal degree in his/her field; or
  - iii. be qualified to conduct graduate-level research or scholarship.
- c. Neither the individual nor any of his/her home employer(s)/sponsor(s) can be listed on any restricted party list that would prohibit UTSA from interacting with them, including, but not limited to, the U.S. General Services Administration’s Lists of Parties Excluded from Federal Procurement Programs, Federal Non-procurement Programs or Federal Reciprocal Programs, the Department of Commerce Denied Persons or Entity List, the Department of State Arms Export Control Act Debarred Parties List, or the U.S. Treasury Department Specially Designated Nationals and Blocked Persons List. This requirement covers both Visitors who are U.S. persons and Non-U.S. Persons.

**Note:** Repeat Visitors will follow all of the process herein and must file again as a new Visitor.

## II. Process to Inviting Non-US Visitors to UTSA

### *A. Pre-Invitation Requirements to Invite Non-US Visitors:*

- a. The process begins with the Host Unit completing AM0567 (Inviting a J-1 Scholar to the University of Texas at San Antonio) training course

- <https://mytraining.utsa.edu/online/enrol/index.php?id=496>) prior to inviting Exchange Visitor and annually thereafter;
- b. Once the potential Visitor is identified, the Host/Host Unit should collaborate with the Office of Global Initiatives on the invitation. The Exchange Visitor should meet the eligible criteria established by the VPR or designee found in Section I above, unless an exception is approved by the VPR or designee. If approved in writing by the VPR or his or her designee, a Host Unit may have more restrictive eligibility criteria applicable to all their Visitors but must meet the minimum requirements described in in Section I above.
  - c. Prior to the sending a formal invitation, Host/Host Unit must provide the J-1 Exchange Visitor Request form ([https://global.utsa.edu/students/forms/J-1-Request-Form\\_01.20.pdf](https://global.utsa.edu/students/forms/J-1-Request-Form_01.20.pdf)) to the potential Visitor for completion of preliminary information/documentation. With as much advance notice as practicable, the potential Visitor shall provide the Host/Host Unit with all information and documents necessary to ensure that eligibility requirements are met. The form includes the following information:
    - i. Page 1 – Important Information for UTSA Departments and Visitors;
    - ii. Page 3 – Insurance Information for the Visitor and accompanying dependents;
    - iii. Page 4 – Total financial arrangements per federal regulations to cover the entire requested period of stay for the Visitor and accompanying dependents [**Funds may be self-funded by the Visitor. If UTSA-funded, Host/Host Unit must provide the grant account number(s)**];
    - iv. Page 6 – Visitor’s English Proficiency requirement; and
    - v. Page 6 – Requirement for Visitor to attend the UTSA Human Resources Visiting Researcher/DAY One Orientation.
  - d. Visitor will also complete the English Proficiency Form for J Exchange Visitors ([https://global.utsa.edu/students/forms/English\\_Proficiency\\_final\\_2-2017.pdf](https://global.utsa.edu/students/forms/English_Proficiency_final_2-2017.pdf)).
  - e. Once the J-1 Exchange Visitor Request form and the English Proficiency Form for J Exchange Visitors are completed, the potential Visitor will return these forms to the Host/Host Unit. Host forwards information relating to the approved prospective Visitor and Visit to the Office of Global Initiatives for further screening and approval, as required by law, and works with the Office of Global Initiatives to finalize visa paperwork (if applicable).
  - f. Prior to sending a formal invitation, Host/Host Unit must also ensure that the following screenings/approvals are performed:
    - i. Approval from the Supervisor of the Host Facility/Lab (only if he/she is not also the Host);
    - ii. Notify the Office of Research Integrity if the Visitor has access (whether verbal, written, electronic, and/or visual) to export controlled items, technology, or technical data during the visit or period of employment. Note that laboratories with restricted access may not be accessed by Visitors. The Office of Research Integrity ORI reviews all visa requests

and will request for additional information/confirmation regarding export control compliance, if applicable. For more details, please see <https://research.utsa.edu/compliance/export/>;

- iii. Screening by International Services (if applicable). For more details, please visit the following link: <http://global.utsa.edu/>;
- iv. Criminal Background Check. For more details, please visit the following link: <https://www.utsa.edu/people-excellence/careers/applicant-resources-information/criminal-background-check.html>; and
- v. Visiting Scholar/Researcher Approval and Screening Form (<https://research.utsa.edu/files/pdfs/compliance-integrity-pdf-folder/Visiting-Scholar-Researcher-Approval-and-Screening-Form.pdf>).
- g. The Host Unit will issue all a formal invitation letter to the potential Visitor after completion of all screenings and required approvals have been obtained. Requirements or conditions related to the prospective visit must be clearly stated in the invitation letter (Please refer to Section V for Invitation Letter Content below) and the Visitor must sign and return the letter in advance of the visit.

### ***B. On Acceptance of the Invitation by Non-US Visitors:***

- a. Host Unit will create a position for the Visitor and route the position to Office of People Excellence. People Excellence will provide final approval for the position. ***Note: If the Visitor is involved in a wet lab, then the title of “volunteer” should not be used***
- b. Prior to involvement in scholarship activities at UTSA, the Host Unit will create and route a 0% assignment for the Visitor.
- c. The Visitor and Host Unit will complete page 1 and page 2, if applicable, a Person of Interest Form (<https://www.utsa.edu/people-excellence/documents/employment/acknowledgement-of-service-poi-volunteer.pdf>) if no compensation is provided to the Visitor. The form should be routed to People Excellence through eForms. The Person of Interest Job Aid (<https://www.utsa.edu/people-excellence/documents/current-employees/eforms/person-interest-quick-guide.pdf>) is an excellent resource for assisting Host Unit with this submission.
- d. People Excellence will issue final approval based on the completion of the above steps a-c of this section.

### ***C. On Arrival to UTSA for Non-US Visitors:***

- a. Upon arrival to UTSA, Visitor must check-in with the Office of Global Initiatives and complete AM0568 (Maintaining Your J-1 Visa Status at UTSA) compliance training (<https://mytraining.utsa.edu/online/enrol/index.php?id=497>).
- b. Contact International Student and Scholar Services to schedule the mandatory J-1 Immigration Check-In appointment. Immigration record will be activated during this required appointment. If visitor is receiving U.S. income, International

Student and Scholar Services will issue an SSN Request Letter to apply for the Social Security Number. Schedule appointment here – [international.services@utsa.edu](mailto:international.services@utsa.edu).

- c. Attend the scheduled UTSA People Excellence Bold New Journey Orientation (applicable for UTSA paid and/or grant funded, benefits eligible employees). For more details on the Bold New Journey, please visit the following link: <https://www.utsa.edu/people-excellence/new-employees/new-hire-orientation.html>.
- d. The following services may or may not be appropriate, depending on the purpose of the visit and type of duties the Visitor will have at UTSA. The Host and Host Unit will determine applicability of the following items:
  - i. UTSA Card: The Visitor may contact Business Auxiliary Services to obtain a UTSA Card (<https://www.utsa.edu/campusservices/utsacard/>). Note that the process takes an average of two weeks to complete,
  - ii. Network Account: The Host Unit may create a “myUTSA” network account through the Office of the University Technology Solutions (<https://www.utsa.edu/techsolutions/>),
  - iii. Keys/Swipe Access: The Host Unit Designated Contact may contact the UTSA Police Department Access Services. Please refer to HOP 8.04 (<https://www.utsa.edu/hop/chapter8/8.04.html>) for:
    - a) Procedures for obtaining UTSA keys; and/or
    - b) Procedures for granting card access to facilities using the UTSA Card.
- e. If the Visitor is paid from awards funded by the US federal agencies, the Visitor must complete an in-person Responsible Conduct of Research (RCR) training prior to receiving compensation/stipend/salary. RCR training is available prior to the beginning of each semester and details of the training, including training registration, can be found at <https://research.utsa.edu/compliance/rcr/>.
- f. Complete required Laboratory Safety trainings as required for research (e.g., related to regulatory and safety requirements including human subjects, laboratory animals, and biosafety). The Visitor should check with the Host/Host Unit to register for these trainings. All Laboratory Safety trainings can be found at <https://research.utsa.edu/compliance/lab-safety/training-resources.html>.

### **III. Process to Inviting US Visitors to UTSA**

#### ***A. Pre-Invitation Requirements to Invite US Visitors:***

- a. Once the potential Visitor is identified, the Host/Host Unit must ensure that the potential Visitor should meet the eligible criteria established by the VPR or designee found in Section I above, unless an exception is approved by the VPR or designee. If approved in writing by the VPR or his or her designee, a Host Unit

- may have more restrictive eligibility criteria applicable to all their Visitors but must meet the minimum requirements described in in Section I above.
- b. Prior to sending a formal invitation, Host/Host Unit must also ensure that the following screenings/approvals are performed:
    - vi. Approval from the Supervisor of the Host Facility/Lab (only if he/she is not also the Host);
    - vii. Notify the Office of Research Integrity if the Visitor has access (whether verbal, written, electronic, and/or visual) to export controlled items, technology, or technical data during the visit or period of employment. Note that laboratories with restricted access may not be accessed by Visitors. The Office of Research Integrity ORI reviews all requests and will request additional information/confirmation regarding export control compliance, if applicable. For more details, please see <https://research.utsa.edu/compliance/export/>;
    - viii. Criminal Background Check. For more details, please visit the following link: <https://www.utsa.edu/people-excellence/careers/applicant-resources-information/criminal-background-check.html>; and
    - ix. Visiting Scholar/Researcher Approval and Screening Form (<https://research.utsa.edu/files/pdfs/compliance-integrity-pdf-folder/Visiting-Scholar-Researcher-Approval-and-Screening-Form.pdf>).
  - c. The Host Unit will issue all a formal invitation letter to the potential Visitor after completion of all screenings and required approvals have been obtained. Requirements or conditions related to the prospective visit must be clearly stated in the invitation letter (Please refer to Section V for Invitation Letter Content below) and the Visitor must sign and return the letter in advance of the visit.

***B. On Acceptance of the Invitation by the US Visitors:***

- a. Host Unit will create a position for the Visitor and route the position to Office of People Excellence. People Excellence will provide final approval for the position. ***Note: If the Visitor is involved in a wet lab, then the title of “volunteer” should not be used***
- b. Prior to involvement in scholarship activities at UTSA, the Host Unit will create and route a 0% assignment for the Visitor.
- c. The Visitor and Host Unit will complete page 1 and page 2, if applicable, a Person of Interest Form (<https://www.utsa.edu/people-excellence/documents/employment/acknowledgement-of-service-poi-volunteer.pdf>) if no compensation is provided to the Visitor. The form should be routed to People Excellence through eForms. The Person of Interest Job Aid (<https://www.utsa.edu/people-excellence/documents/current-employees/eforms/person-interest-quick-guide.pdf>) is an excellent resource for assisting Host Unit with this submission.
- d. People Excellence will issue final approval based on the completion of the above steps a-c of this section.

**C. On Arrival to UTSA for US Visitors:**

- a. Attend the scheduled UTSA People Excellence Bold New Journey Orientation (applicable for UTSA paid and/or grant funded, benefits eligible employees). For more details on the Bold New Journey, please visit the following link: <https://www.utsa.edu/people-excellence/new-employees/new-hire-orientation.html>.
- b. The following services may or may not be appropriate, depending on the purpose of the visit and type of duties the Visitor will have at UTSA. The Host and Host Unit will determine applicability of the following items:
  - i. UTSA Card: The Visitor may contact Business Auxiliary Services to obtain a UTSA Card (<https://www.utsa.edu/campuservices/utsacard/>). Note that the process takes an average of two weeks to complete,
  - ii. Network Account: The Host Unit may create a “myUTSA” network account through the Office of the University Technology Solutions (<https://www.utsa.edu/techsolutions/>),
  - iii. Keys/Swipe Access: The Host Unit Designated Contact may contact the UTSA Police Department Access Services. Please refer to HOP 8.04 (<https://www.utsa.edu/hop/chapter8/8.04.html>) for:
    - a) Procedures for obtaining UTSA keys; and/or
    - b) Procedures for granting card access to facilities using the UTSA Card.
- c. If the Visitor is paid from awards funded by the US federal agencies, the Visitor must complete an in-person Responsible Conduct of Research (RCR) training prior to receiving compensation/stipend/salary. RCR training is available prior to the beginning of each semester and details of the training, including training registration, can be found at <https://research.utsa.edu/compliance/rcr/>.
- d. Complete required Laboratory Safety trainings as required for research (e.g., related to regulatory and safety requirements including human subjects, laboratory animals, and biosafety). The Visitor should check with the Host/Host Unit to register for these trainings. All Laboratory Safety trainings can be found at <https://research.utsa.edu/compliance/lab-safety/training-resources.html>.

**IV. Units Providing Approvals & Screenings**

Departments responsible for approval/screening can be found in the table below. For reasons described in the table, additional screenings/approvals may typically be needed from one or more of the departments.

<b>UTSA Department</b>	<b>Reason for Approval/Screening</b>
Office of People Excellence	the visitor is receiving an appointment and/or require access to UTSA resources
Office of Global Initiatives	the Visitor is a Non-U.S. Person

Office of Sponsored Project Administration	the research/scholarship relates to a Sponsored Program (e.g., grant or contract)
Office of Research Integrity	export control laws and regulations and/or specialized research is involved (i.e., animal or human subject research, biosafety, radiation or laser safety, or chemical safety)
Office of Commercialization and Innovation	intellectual property may be involved

Results from all screenings that require special considerations or oversight (e.g., Technology Control Plan or training related to human-subjects research) will be sent to the Host Unit and the VPR or his or her designee. At any time and for any reason, either one of these individuals may decide against authorizing the visit by sending out a written memo to the other unit describing the rationale for disapproving the visit.

## V. Invitation Letter Content

- a. Only the Host Unit is authorized to issue the invitation letter on behalf of UTSA, and only the supervisor of the Host Unit can sign the invitation letter. The letter should include a signature block for the Visitor to sign so he/she acknowledges that he/she has agreed to and understood it.
- b. *Indemnifying UTSA and Releasing it from Claims.* The Visitor will be required to waive his/her rights to sue UTSA for any injury, property damage, loss, any other losses, damages or claims, and is responsible for any expenses UTSA incurs because of the Visitor's negligence or willful misconduct. The invitation letter should include a release document as an attachment, which release will need to be signed and returned to UTSA before the Visitor arrives on campus.
- c. Additionally, the invitation letter may need to cover additional topics, including those outlined below.
  - i. *Complying with Export Control Laws and Regulations.* If export control restrictions, prohibitions or licensing requirements have been determined to apply to a Visitor and/or his/her visit, UTSA's Office of Research Integrity will notify the sponsor and list on the POI Form or Visiting Scholar/Researcher Approval and Screening Form any actions needed for compliance with Export Control Laws and Regulations. The invitation letter should explain such actions to the Visitor.
  - ii. *Recommending that Visitor obtains adequate insurance coverage* for the duration of the visit. The invitation letter should explain to the Visitor that UTSA will not provide any medical or other insurance coverage to him/her, and that UTSA strongly recommends that the Visitor purchase his/her own medical insurance and any other coverage he/she deems advisable.
  - iii. *Requiring Agreements relating to the Handling and Protecting Intellectual Property.* If a Visitor will use any existing intellectual property or proprietary information/data, make more than incidental use of other UTSA resources or



facilities, or work on research or scholarship during the visit that could lead to the development of protectable intellectual property, then:

- a) Visitor may be required to sign an Intellectual Property Agreement, Non-Disclosure Agreement, and/or a Data Use License Agreement; and/or
- b) UTSA, the Visitor's employer from their home country and/or sponsor, and (potentially) the Visitor may be required to enter into an agreement relating to the ownership, management and use of such intellectual property or proprietary information/data.

At a minimum, the invitation letter should inform Visitor of such requirements. At best, the required agreement(s) should be attached to the invitation letter.

- iv. *Special Provisions for Visitors who are Non-U.S. Persons.* Any required Visa-related processes and actions should be explained to the Visitor in the invitation letter. See Frequently Used Forms in Global Initiatives (<https://global.utsa.edu/students/forms>) for more details.
- v. *Special Provisions for Visitors working on Research or Sponsored Program(s).*
  - a) When a visit to UTSA will include work on a Sponsored Program (including funded Research) of either UTSA or a Visitor's employer from their home country and/or sponsor, a subcontract or other agreement may be needed between the Visitor's employer or sponsor, UTSA and/or the Visitor. The Host will have primary responsibility for initiating and overseeing these agreements;
  - b) If a Visitor will be a Principal Investigator or will be responsible for the design, conduct or reporting of Research or a Sponsored Program during his/her visit to UTSA, as determined by the Host, the Visitor may be required:
    - i). to comply with UTSA HOP 10.04 - Conflicts of Interest in Research & Intellectual Property (<https://www.utsa.edu/hop/chapter10/10.04.html>); or
    - ii) to comply with the conflict-of-interest policy of his/her employer or sponsor and the employer or sponsor must then supply UTSA with certification regarding its conflict-of-interest policy and other information as required by U.S. regulations;
  - c) As established by relevant UT System and UTSA policies, the Board of Regents of the University of Texas System (on behalf of UTSA) owns intellectual property that Visitor develops in collaboration with UTSA faculty during his/her visit or intellectual property that Visitor develops with more than an incidental use of UTSA resources or facilities.
- vi. A signed copy of the letter and a fully signed copy of any additional required agreements must be on file in the Host Unit's office before the Visitor arrives on campus. It is important to note that the purpose of any agreement between UTSA and another entity that references a Visitor must be consistent with the purpose of the visit as described in any of the documents (e.g., forms, invitation letter, acceptance letter) contained in these Guidelines.