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 HOP 1.34, *Visiting Scholars and Researchers,* and follow related university procedures. *Please refer to HOP 1.34 for the definitions of terms used in this document. Additional questions should be submitted to Dr. Mickey Stevenson, Office of Research Integrity, michelle.stevenson@utsa.edu or 458-4531.*

A. A potential Visitor must meet all of the following eligibility requirements:

1. Identify his/her funding source(s) for the visit.

2. The individual must, as verified by the Host Unit:

   a. Meet **one or more** of the following academic requirements:

      i.   be a 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;

   b. *Not* be any of the following:

      i.   a guest visiting UTSA solely as a speaker or trainer,

      ii. a UTSA employee (faculty or staff),

      iii. a faculty member receiving a Visiting Professor title listed in HOP policy 2.02, Faculty Appointments and Titles, Section IX.A.2.l,

      iv. a registered UTSA student, nor

      v.   a student participating in an organized educational program governed by another HOP policy;

   c. Receive satisfactory results from a domestic criminal background check as described in the University of Texas Systemwide Policy UTS124. Host Units should follow procedures found on the Human Resources website: http://www.utsa.edu/hr/CBC/index.html. A Category A CBC is likely the most appropriate choice for Visiting Scholars.

3. 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 Nonprocurement 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.

B. Exceptions for individual Visitors may be granted on an individual basis per visit, but such exceptions must be approved in writing by the Host Unit (e.g., department chair, center director), and the Vice President for Research or his or her 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 these Guidelines.

II.   **Information Relating to Proposed Visitor, Visit & Research/Scholarship Activities**

A. Although the Host Unit may require additional information, at a minimum, the Visitor and Host will ensure that the information requested in the Person of Interest (POI) Form or Visiting Scholar/Researcher Approval and Screening Form is provided and circulated to UTSA approvers and screeners.

B. Repeat Visitors will follow all of the Guidelines and Attachments herein and must file again as a new Visitor.

III. Approvals & Screenings

A. As is reflected in the Person of Interest (POI) Form or the Visiting Scholar/Researcher Approval and Screening Form, the Host will complete the following steps:

1. Secure approvals from the Host Unit and, if applicable, from the supervisor of the UTSA lab/facility where the proposed Visitor will perform his/her research or scholarship activities.

2. Initiate a domestic category A criminal background check for the Visitor.

3. Forward the completed Person of Interest (POI) Form or the Approval and Screening Form (if applicable) to the VPR's office (or his or her designee), which will identify any additional screenings or approvals that will be needed before an invitation is sent. Typically, additional screenings/approvals may be needed from one or more of the following departments for the reasons described in the table below:

UTSA Department	Reason for Approval/Screening
Human Resources	the visitor is receiving an appointment and/or require access to UTSA resources
Office of International Programs	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

B. 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.

IV. 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 or loss, or other losses, damages, or claims and to be 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.

1. *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.

2. *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.

3. *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.

4. *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 the Office of International Programs (http://international.utsa.edu/utsa-policy/utsa-policy-on-hiring-foreign-faculty-or-scholars/) for more details.

5. *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 (a) to comply with UTSA HOP 10.04 (conflict of interest in research and intellectual property) or (b) 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.

D. 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.

V.   Welcoming the Visitor to Campus and to the Host Facility/Lab.

A. Items to Consider Communicating to Visitors.

UTSA encourages a welcoming and supportive environment for Visitors, including the communication of expectations for their visit and helping them navigate access to all resources they will need while on campus.

1. Explain to the Visitor that his or her rights and responsibilities, as described, at least in part, in these Guidelines, are distinct from a UTSA employee.

2. Provide an orientation briefing or materials outlining the laws, regulations and policies that will apply to Visitor during his/her visit.

3. Explain his/her privileges as a Visiting Scholar or Researcher. These include but are not limited to:

    a. Use of identified facilities and equipment in the Host Facility/Lab;

    b. Use of Library Materials;

    c. Parking Permit (with payment of appropriate fees);

    d. Use of UTSA Campus Recreational Facilities (with payment of appropriate fees); and

    e. Attendance at athletic and other UTSA public events (for any applicable fee).

4. Clarify that UTSA can terminate the visit and these privileges at any time and in its sole discretion and Visitor cannot contest the termination.

B. In-Processing Steps.

The Host Unit, with the assistance of the Host, ensures that the following in-processing steps are completed and it received documents reflecting this completion before Visitor enters the lab/facility.

1. *A Visitor who is a Non-U.S. Person* (as defined in UTSA HOP 1.34 policy, *Visiting Scholars and Researchers*) will attend an orientation provided by the Office of International Programs. See the [Office of International Programs](#) for guidance on services provided to Non-U.S. Persons.

2. *Processing a Visitor Appointment.*

    a. Once the Visitor has accepted the invitation, the Host Unit will create a position for the Visitor and route the position to Human Resources. Human Resources 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 the Visitor's 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 a [Person of Interest Form](#) (page 1 and page 2, if applicable) for the Visitor to acknowledge that they will not receive compensation. The form should be routed to Human Resources.

    d. Human Resources will issue final approval based on the completion of steps a-c of this section.

3. *Accessing UTSA campus(es) and Facilities once Human Resources has issued final approval of the Visitor's appointment.* 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:

    a.   UTSA *Card*: The Visitor may contact Business Auxiliary Services to obtain a UTSA *Card* (See procedures). Note that the process takes an average of two weeks to complete.

    b.   Network Account: The Host Unit may create a "myUTSA" network account through the Office of Information Technology (See procedures).

    c.   Keys/Swipe Access: The Host Unit Designated Contact may contact the UTSA Police Department *Access Services* (See HOP 8.04) for:

        i.   Procedures for obtaining UTSA keys

        ii.   Procedures for granting card access to facilities using the UTSA*Card*

4. *Paying a Visitor*: Even if an exception has been granted and the Host Unit plans to pay a Visitor[1] (including a partial reimbursement of travel expenses), UTSA's Disbursements & Travel Services Office requires a copy of an agreement on file prior to issuing payment to a Visitor (See the Business Contracts Office for more information). The type of agreement depends on whether the Visitor is acting as an employee or agent of his/her Home Employer/Sponsor or providing UTSA services as an independent contractor.

    a.   Employee or Agent of Home Employer/Sponsor. Especially if Visitor will work on a Sponsored Program during his/her visit, he/she may be functioning as an employee or Agent of his/her Home Employer/Sponsor during the visit. If UTSA is to make any payment directly to such a Visitor, a subcontract or other agreement between the Home Employer/Sponsor and UTSA authorizing such payments should be provided to the Host Unit.

    b.   Independent Contractor. A Visitor may also be acting independently and on his/her own behalf during the visit. If UTSA is to make any payment directly to such a Visitor, an appropriate purchase order or service agreement should be entered into between UTSA and the Visitor. [Note: Under UTSA's present system, no payments can be made directly to a Non-U.S. Person under a purchase order agreement. See the Business Contracts Office for more information.]

5. *Completing Mandatory Training.* Depending on the nature of the research and whether it is related to any grant or sponsored program, a Visitor may need to complete mandatory training in one or more of the following areas:

    a.   Lab safety training and/or training on proper use of specialized equipment (see procedures);

    b.   Export control training, as applicable (contact the Office of Research Integrity);

    c.   Responsible Conduct of Research training (if visit is longer than 3 months; contact the Office of Research Integrity);

    d.   Conflict of Interest training (if Visitor is (i) directly responsible for the design, conduct, or reporting of research, (ii) listed as responsible personnel on an IRB protocol for the use of human research subjects, or (iii) listed as responsible personnel on an IACUC protocol for the use of animals in research (as governed by UTSA HOP 10.04; contact the Office of Research Integrity));

    e.   IACUC training (if Visitor is working with animals; learn more about the training program from the IACUC Office); and/or

    f.   IRB training (if Visitor is working with human subjects; learn more about the training program from the IRB Office).

---

[1] A Visitor, by definition, is not a UTSA employee and cannot be paid as such.

g. Other training as determined by university officials.