

STANDARD ADMINISTRATIVE PROCEDURE

15.99.99.M0.01 Visiting Scholars Not Involved in an Employer/Employee Relationship with Texas A&M University

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Revised May 31, 2001

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Standard Administrative Procedure Statement

As a major research institution, Texas A&M University often hosts visitors from other institutions/entities at its campus to collaborate on research topics or scholarly activities of mutual interests or to work on specific research to be conducted within University facilities. These individuals are not involved in an employer/employee relationship. This procedure outlines the approval process to host such visitors who are expected to have access to Texas A&M University research and/or clinical facilities and resources.

Procedures for visiting scholars at Texas A&M University's branch campus in Qatar (TAMUQ) can be found in SAP 15.02.99.M1.01 *Export Control Screening of Personnel Actions and Requests for Authorization for Visiting Scholars at TAMUQ*.

Definitions

The following terms used in this SAP are defined in TAMUS Policy 15.02 *Export Controls*:

- Export
- Foreign Person

Other terms used in this SAP have the meanings set forth below:

U.S. Visiting Scholar – A U.S. Visiting Scholar is a U.S. Citizen or U.S. Legal Permanent Resident employed or affiliated with another organization who has been invited and approved by Texas A&M University to come to the campus for an extended period of time to collaborate on specific research, clinical, or other scholarly activities. Visitors who 1) are accompanied by authorized University personnel; 2) do not need access to facilities or resources; 3) are not performing “hands-on” research or teaching; and 4) are visiting only for a short duration of time

(approximately 10 days) are not considered to be Visiting Scholars. Examples of these visits include campus tours, conferences, collaboration meetings, presentation of a paper, etc.

International Visiting Scholar – An individual that is a Foreign Person, as defined below, that is not coming to Texas A&M University as an Exchange Visitor, that is employed or affiliated with another organization, who has been invited and approved by Texas A&M University to come to the campus for a short period of time to benefit from observing the conduct of research, and for which the international visitor will pay for his/her own expenses throughout the visit. International visitors cannot seek to gain practical experience through on-the-job training.

Exchange Visitors – An individual who has been selected by the sponsor and are employed by or affiliated with foreign institutions or entities and are seeking to enter or have entered the United States temporarily under the J-1 visa as a result of an invitation by a Texas A&M University faculty member and/or principal investigator for a specific amount of time as a professor, research scholar, short-term scholar or student intern.

Intergovernmental Personnel Act (IPA) Assignments – The temporary assignment of personnel between the Federal Government and state and local governments, colleges and universities, Indian tribal governments, federally funded research and development centers, and other eligible organizations.

Official Procedure/ Responsibilities/ Process

1. General

- 1.1 U.S. Visiting Scholars, International Visiting Scholars and Exchange Visitors (collectively “Visitors”) are not considered employees of Texas A&M University or The Texas A&M University System. Therefore as non-employees, they do not have official authority to operate or have access to Texas A&M facilities without approval. Department Heads and Deans must be aware of and approve the presence and activities of these visitors.
- 1.2 All Visitors on campus who have access to Texas A&M research and/or clinical facilities and resources must have prior approval from the department or division head, the dean and the Division of Research (DOR).
- 1.3 Government employees temporarily assigned to work at Texas A&M University via an IPA assignment will be provided access to University facilities and resources through the visiting scholar process outlined in this SAP.
- 1.4 Postdoctoral Fellows receiving a fellowship directly from the awarding agency will be provided access to University facilities and resources through the visiting scholar process.

- 1.5 Although Visitors are not employees of Texas A&M University, they may through the appropriate approval process, be allowed access to University facilities and resources and issued an official visitor identification card and/or library card. The DOR approves requests for Visitors for a period of up to one year. Extensions may be granted on a case-by-case basis. This limited approval will not prevent an International Visiting Scholar or Exchange Visitor from obtaining a visa for a period longer than one year. However, the DOR approval is required for an extension beyond the one year period. Should the DOR decide not to approve an extension, the International Visiting Scholar or Exchange Visitor will need to adjust their visa accordingly.
 - 1.6 Visitors are subject to all applicable Texas A&M University Rules. Visitors have access to Texas A&M University Rules through the University's web site.
2. Payments and reimbursement of expenses
 - 2.1 Visitors who are invited on a non-remunerated basis to come to campus to collaborate or participate on research, scholarly, and/or clinical activities will not be paid a salary as they are not an employee of the University and cannot represent themselves as such. However, a Visitor may receive payment or be reimbursed for expenses associated with their work at the University. Any payments made to U.S. Visiting Scholars, International Visiting Scholars and Exchange Visitors may be subject to taxation and are the responsibility of the visitor to pay.
 - 2.2 Payment and reimbursement of expenses to Exchange Visitors that take the form of monthly stipends or other monthly allowances will be paid through the payroll system, unless the individual is considered an independent contractor.
3. Hosting Visitors
 - 3.1 Hosting academic or research units must ensure that the invitation of a Visitor is justified on the basis of benefit and contribution to Texas A&M University.
 - 3.2 The status of Visitors is a privilege and not a right. Texas A&M University has the authority to rescind the approval of the visit, revoke the invitation, or deny its renewal or extension at all times.
 - 3.3 The host faculty member must be willing to accept responsibility for the Visitor and may not be on sabbatical, development, or extended leave during the visitation period. The host faculty member must secure all approvals from the University for the Visitor to be allowed access to University facilities and utilize University resources. The Form 5VS and the Visiting Scholar Agreement must be completed for each Visitor and submitted by the host faculty member for approval by the appropriate department head or unit director and dean, and forwarded to the DOR for approval.

- 3.4 Faculty members or researchers hosting an International Visiting Scholar or Exchange Visitor must complete the basic export control and embargo online training course, prior to the arrival of the approved visitor. The training will be assigned to the visitor's host by the DOR.
 - 3.5 The DOR will review the completed Form 5VS, and conduct a Restricted Party Screening on the Visitor, and their affiliated institution/entity. Any unresolved issues arising from the Restricted Party Screening will be referred to Texas A&M University's Export Control Office. Upon approval of the Form 5VS, the DOR will forward a copy of the Form 5VS to the Host, and the Host's Department. For International Visiting Scholars and Exchange Visitors, a copy of the approved Form 5VS will also be forwarded to the Immigration Services for Faculty & Scholars Office (ISFS). Approval from the DOR must be received prior to providing the visitor access to University research facilities and resources.
 - 3.6 In the event that the nature, purpose, location, or duration of the visit changes, the host faculty member shall inform the department head or director, dean, and DOR, and secure approval for the revised program 10 days prior to the expiration of the initial approval deadline. A new Form 5VS must be submitted outlining the revised program and a copy of the previous Form 5VS must be attached. For International Visiting Scholars and Exchange Visitors, the Office of Immigration Services for Faculty & Scholars must be notified as well.
 - 3.7 If a Visitor's tenure at another organization or institution involves projects of a proprietary nature which may lead to potential conflicts of interest, the Visitor must sign a non-disclosure agreement regarding information acquired during the visit to Texas A&M University. In the event that a non-disclosure agreement is needed, the DOR will prepare one.
 - 3.8 All Visitors must sign an agreement that addresses patents and copyrights. An alternative to Texas A&M's Visiting Scholar Agreement is available in the event a visitor has a prior obligation to an employer regarding the disclosure and assignment of intellectual property.
4. Exchange Visitors
 - 4.1 The office of Immigration Services for Faculty & Scholars (ISFS) at the Dean of Faculties is responsible for overseeing and managing the United States Department of State's J-1 Exchange Visitor Program for scholars, professors, researchers, and student interns at Texas A&M University. Exchange Visitors are governed by University SAP 33.99.09.M1.01. All J-1 visa sponsorship requests must be submitted to ISFS by the hosting department or research unit at least two months in advance prior to the visiting scholar/researcher's visit at TAMU.
5. Check-in Requirement

- 5.1 Upon arrival to Texas A&M University, all International Visiting Scholars and Exchange Visitors must check-in with ISFS.
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Related Statutes, Policies, or Requirements

[System Policy 15.02 *Export Controls*](#)

[System Policy 17.01 *Intellectual Property Management and Commercialization*](#)

[University Rule 15.02.99.M1 *Export Controls*](#)

Forms

[Form 5VS](#)

Contact Office

OFFICE OF RESPONSIBILITY: [Division of Research, Office of Research Administration](#)