STANDARD ADMINISTRATIVE PROCEDURE

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

Approved March 11, 1996
Revised May 31, 2001
Revised December 15, 2010
Next scheduled review: December 15, 2015

Standard Administrative Procedure Statement

As a major research institution, Texas A&M University often has visitors to its campus who come to collaborate on research topics of mutual interests or to work on specific research to be conducted within University facilities. These are referred to as Visiting Scholars. As a Visiting Scholar is not an employee of Texas A&M University or the Texas A&M University System, they do not have official authority to operate or have access to Texas A&M facilities. As the persons responsible for such facilities, department heads and deans must be aware of and approve the presence and activities of the visitors.

Definitions

Export – An export occurs when a controlled physical item or controlled information is transmitted outside the United States borders or when a controlled physical item or controlled information is transmitted to a foreign person in the United States. When a controlled physical item or controlled information is transmitted to a foreign person in the United States, it is known as a deemed export.

The term “export” is broadly defined. It generally includes (1) actual shipment of any controlled physical items; (2) the electronic or digital transmission of any controlled information; (3) any release or disclosure, including verbal disclosures and visual inspections, of any controlled information; or (4) actual use or application of controlled physical items or controlled information on behalf of or for the benefit of a foreign entity or person anywhere. Complete definitions of the term “export” are contained in the federal regulations.

Foreign Person – For export control purposes, a foreign person includes any individual in the United States in nonimmigrant status (i.e., H-1B, H-3, L-1, J-1, F-1, B-1, Practical Training), and individuals unlawfully in the United States. A foreign person is also any branch of a foreign government or any foreign corporation or group that is not incorporated or organized to do business in the United States. For export control purposes, a foreign person is not an individual who is a United States citizen, lawful permanent resident of the United States, a refugee,
protected political asylee or someone granted temporary residency under amnesty or Special Agricultural Worker provisions.

Official Procedure/ Responsibilities/ Process

1. Visiting Scholars are defined as those visitors to the University who come to the campus to work on research and scholarly activities including, but not limited to, conducting research in a University facility, and collaborating with other researchers in a specific field of research. Although Visiting Scholars are not employees of the University, through the appropriate approval process, they can be allowed access to University facilities and issued an official identification card or library card.

2. Host faculty members must be willing to accept responsibility for the Visiting Scholar and must secure approval from the University administration for Visiting Scholars to access University facilities and utilize University resources. The Form 5VS must be completed for each Visiting Scholar and submitted by the host faculty member for approval by the appropriate department head or director and dean and forwarded to the Office of the Vice President for Research and Graduate Studies (OVPRGS). If the Visiting Scholar is a foreign person, the OVPRGS will conduct an export control review of the Visiting Scholar as specified in Section 6 below. Upon approval of the Form 5VS, the OVPRGS will forward the form to the International Faculty Scholar Services Office. This process must be completed before a Visiting Scholar may access University facilities or resources.

3. All Visiting Scholars will have access to Texas A&M Rules through the University’s World Wide Web Site.

4. In the event that the purpose or duration of the visit changes, the host faculty member shall inform the department head or director, dean, and OVPRGS, and secure approval for the revised program 14 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.

5. If a Visiting Scholar’s tenure at another institution involves projects of a proprietary nature which may lead to potential conflicts of interest, the Visiting Scholar 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, please contact the OVPRGS to prepare the agreement.

6. It is the policy of Texas A&M University to abide by the Export Control Laws and Regulations of the United States. If the Visiting Scholar is a foreign person, the host faculty member must complete the questions regarding international visitors on Form 5VS. The OVPRGS will conduct a restricted party screening as specified in the Texas A&M University Rule on Export Control, Section 3.2, International Visitors, Subsection
3.2.1, Restricted Party Screening. In addition, host faculty members need to be aware of any export regulations regarding technology/information transfer, including technology commercialization.

7. Upon arrival, International Visiting Scholars must check in with the Immigration Services Office in the Human Resources Department for verification of their immigration status.

8. Any payments made to Visiting Scholars may be subject to taxation and are the responsibility of the Visiting Scholar to pay.

Related Statutes, Policies, or Requirements

System Policy 15.02

Forms

Form 5VS

Contact Office

OFFICE OF RESPONSIBILITY: Office of the Vice President for Research and Graduate Studies