

# ~~February 10, 2016~~

## **Florida State University Policy 3A-100**

**Title of Policy:** Unpaid Visiting Scholar/Researcher Policy

**Responsible Executives:** ~~Provost and~~ **Executive:** Vice President for ~~Academic Affairs,~~ Faculty Development and Advancement

**Approving Official:** Vice President for ~~Research, Vice President for Student Affairs,~~ Faculty Development and ~~Vice President for Finance and Administration~~ Advancement

**Approving Officials:** ~~Dr. Sally McRorie, Provost and Executive Vice President for Academic Affairs, Dr. Gary Ostrander, Vice President for Research, Dr. Mary Coburn, Vice President for Student Affairs, and Mr. Kyle Clark, Vice President for Finance~~

**Effective Date:** April 15, 2016 (Non-substantive revision)

**Revision History:** New, April 1, 2016

## **I. INTRODUCTION**

Florida State University (FSU) is a preeminent and leading university dedicated to excellence in teaching, research, creative endeavors, and service. The vision of FSU is to be one of the world's premier institutions of higher education, devoted to transforming the lives of our students and shaping the future of our state and society. Faculty, staff, and students at a world-class university have the responsibility to serve their community, state, and nation, as well as to develop connections with scholars and academic programs from around the world.

FSU maintains and advances its mission by expanding the boundaries of research and scholarship in a wide range of fields, by recruiting the best available national and international faculty and staff members, by recruiting the best state, national, and international students in undergraduate and graduate programs, and by collaborating with faculty and research professionals on research and creative endeavors. An important part of this mission is to welcome visiting ~~scholar~~ scholars/researchers from around the country and around the world.

In general, such scholars come to FSU at the invitation of a faculty or staff member, and they work collaboratively with the faculty or staff member in areas of research and creative activity. The University benefits when faculty are involved in collaboration on research and scholarly activities and in information sharing with visiting ~~scholar~~ scholars/researchers both from other countries and from within the United States. Hosting these individuals on the University campus allows our faculty to work with talented individuals and also to build relationships that allow the University to participate in meeting common challenges. These activities provide a range of benefits to

faculty members and to the University, including keeping the faculty current with a wide range of innovations from around the world, in building linkages for further research collaboration, and in enhancing the reach and recognition of our university and its programs. The University's students also benefit from having visiting ~~scholar~~scholars/researchers on campus by learning about other cultures and other approaches to common challenges. Therefore, collaboration and connections with a wide range of scholars from across the globe and nation are vital to advancing the research and education missions of the University.

FSU should strive to be open to the world and to reach out and connect with scholars and students from around the world, and to provide the University support that allows these visitors to meet visa and administrative requirements.

## **II. POLICY**

### **A. POLICY OBJECTIVES**

This document sets the general policies for FSU unpaid visiting researchers, faculty, scholars, staff, and students, hereafter referred to as unpaid visiting ~~scholar~~scholars/researchers. These domestic and international visitors are not employees of FSU and they are not degree seeking students at FSU. These visitors may be sponsored by their home institutions or other government or private entities that do not involve payments through a grant or contract with FSU that would fund their salaries. These unpaid visiting ~~scholar~~scholars/researchers are given a visiting *courtesy* appointment at FSU during their stay on campus. Individuals who hold such visiting courtesy appointments may be given University privileges, such as an FSU identification card, library access, and a University email account and mailing address. They may also be provided access to other University resources, such as office space, laboratory space, computers, software and/or information systems, and specialty equipment.

In addition to access to University resources that may be provided to an individual filling a visiting courtesy appointment, foreign nationals may participate in certain activities that require the University to meet the requirements of federal export control regulations. Under certain circumstances, the University may be responsible for obtaining permission from the Department of State, the Department of Commerce, or the Office of Foreign Assets Control for foreign nationals to be involved in research utilizing specific technologies or sharing research information with persons who are not citizens or permanent residents of the United States.

These policies are meant to ensure that all visiting ~~scholar~~scholars/researchers are properly identified, classified, and supervised during their stay on campus and that all applicable University, state, and federal laws, policies and regulations are followed.

### **B. CATEGORIES/DEFINITIONS OF UNPAID VISITING COURTESY SCHOLAR/RESEARCHER APPOINTMENTS**

The unpaid visiting ~~scholar~~scholars/researchers will be assigned within the following courtesy appointment classifications.

1. Visiting Courtesy Professor – Appointee holds the position of full Professor at another university. The appointment involves full time research or scholarship; appointee works in collaboration with a faculty member at FSU.

2. Visiting Courtesy Research Scholar/Scientist – The researcher does not hold the position of full Professor at another university and does not meet the FSU definition of Postdoctoral Associate. This researcher could be an assistant or associate professor, or researcher scholar at another institution. The appointment involves full time research or scholarship; the appointee works in collaboration with a faculty mentor at FSU.

3. Visiting Courtesy Graduate Research Assistant – Appointee is a master's or doctoral student at another university; the appointment involves full time research or scholarship; appointee works under the supervision of a faculty mentor at FSU. This position is limited to a 12-month stay on FSU's campus and no extensions are allowed.

4. Visiting Courtesy Staff or Specialist – The appointment involves full time research, scholarship, or administration; appointee works under the supervision of a faculty or staff mentor at FSU.

5. Visiting Courtesy Undergraduate Research Assistant\* - Appointee is a bachelor's degree student at another university; the appointment involves full time research or scholarship; appointee works under the supervision of a faculty mentor at FSU. This position is limited to a 6-month stay on FSU campus and no extensions are allowed.

6. Visiting Courtesy Postdoctoral Associate – Appointee was awarded a PhD or the equivalent and meets the FSU definition of a postdoctoral scholar: (<http://hr.fsu.edu/pdf/publications/employment/FSUPostdoctoralScholarDefinitionFinalAugust2014.pdf>); <http://hr.fsu.edu/pdf/publications/employment/FSUPostdoctoralScholarDefinitionFinalAugust2014.pdf>); the appointment involves full-time research or scholarship; appointee works under the supervision of a faculty mentor at FSU. The appointment does not allow teaching.

\*-\* By US Department of State guidance, any visiting scholar/researcher entering the U.S. with a J1 visa who has not achieved the equivalent of a Bachelor's degree and who is a currently enrolled student at a non-U.S. institution (a Visiting Courtesy Undergraduate Research Assistant) requires an in-depth training plan prepared by the host faculty member because the U.S. State Department requires closer supervision and guidance for undergraduate researchers. This DS-7002 Training Plan will be prepared by the host faculty member in cooperation with the Exchange Visitor Advisor at the Center for

Global Engagement and the form will need to be signed by the Visiting Courtesy Undergraduate Research Assistant prior to their check-in at FSU.

### **C. POLICY**

The overall University policy is that no unpaid visiting scholar/researcher will be accepted to come to the FSU campus for more than 14 days unless: (1) invited by a ~~hosting~~host FSU faculty or staff member with full approvals from the appropriate department chair/director and dean and the Vice President for Research or designee, ~~and~~(2) a criminal history background check questionnaire has been submitted to the Office of Human Resources and any required background check conducted, (3) an Unpaid Visiting Scholar/Research Agreement has been signed, and (4) an unpaid visiting scholar/researcher courtesy appointment for the ~~approved~~ visiting scholar/researcher has been entered into OMNI by Human Resources~~and~~. A criminal history background check ~~completed, appropriate level and any assessment of cost to~~will only be ~~determined by Human Resources~~conducted on the unpaid visiting scholar/researcher if Human Resources determines that it is necessary under the University's Criminal History Background Check Policy.

Unpaid visiting ~~scholar~~scholars/researchers are not considered volunteers as per the Florida Statute definition of volunteer, Section 110.501-.504, Florida Statutes. (See details below in Subsection L, "Other Matters";.)

This policy does not apply to "Users" of the National High Magnetic Field Laboratory (NHMFL) who are otherwise tracked through the NHMFL system and fall under the MagLab User Program funded by the National Science Foundation and other funding agencies.

Duties and responsibilities of the various responsible parties are outlined in the following:

#### **1. FSU Host Faculty ~~Host~~Member**

An FSU faculty member agrees to host the visiting scholar/researcher and to provide collaboration and oversight of the visitor. By this agreement, the FSU faculty member is ensuring that there is a positive benefit to the faculty member, the department and/or the University for this visit. The host faculty member~~host~~ is responsible for ensuring that the visiting scholar/researcher abides by all University policies and procedures. The host faculty member~~host~~ agrees to notify FSU's Office of Environmental Health and Safety (EH&S) to ensure that appropriate authorizations, training or other required steps are taken to ensure access to laboratory areas as necessary for the visiting scholar/research. The FSU host faculty ~~host~~member must obtain written prior approval from the department chair/director, college dean, and the Office of Research Compliance Programs (ORCP) before the invitation is made to the visiting scholar/researcher by completing a "Request to Invite an Unpaid Visiting Scholar/Researcher to Florida State University" form.

In the case where a non-faculty FSU administrator or staff member seeks to host a visiting scholar/researcher, the same policies will hold as for FSU faculty members.

In the event that the duration of the visit needs to be extended, follow the procedures given under Extension in the “FSU Procedures for Inviting Unpaid Visiting Courtesy ~~Scholar~~Scholars/Researchers (~~see link~~).(<http://global.fsu.edu/Visiting-Scholars/FSU-Procedures-for-Inviting-an-Unpaid-Visiting-Scholar-Researcher>) Note that no extensions will be allowed for visiting ~~scholar~~scholars/researchers appointed as a Visiting Courtesy Undergraduate Research Assistant or as a Visiting Courtesy Graduate Research Assistant.

## **2. FSU Department Chair/Director**

Prior to invitation of an unpaid visiting scholar/researcher, the department chair/director must approve the ~~hosting~~host faculty member to supervise and collaborate with the visiting scholar/researcher. Potential visitors who do not have a host faculty ~~host~~ member may not be invited to campus. The FSU department chair/director should also ensure that ~~the hosting~~the host faculty member has sufficient time within his/her assignment of duties to provide oversight of, and collaboration with, the visitor and that this assignment is documented in the faculty member’s Assignment of Responsibilities (AOR). The department chair/director must also certify that adequate space and resources are available for the visiting scholar/researcher.

The department chair/director of the ~~hosting~~host faculty member must approve all invitations to visiting ~~scholar~~scholars/researchers, whether domestic or international, coming to campus to collaborate or conduct research or scholarly activities if the stay ~~is more than~~will exceed 14 ~~days long~~. (~~Note this is 14 consecutive calendar days and NOT 14 business days~~).

## **3. FSU Academic Department Human Resources Representative**

The HR representative of the academic department hosting the visiting scholar/researcher will collect all forms and appropriate documentation. This HR representative will prepare and process the criminal history background check questionnaire; the background check, if required; and the visiting courtesy appointment ~~and the background check~~.

## **4. FSU Academic Dean:**

The dean of the college of the ~~hosting~~host faculty member must approve all invitations for visiting ~~scholar~~scholars/researchers, whether domestic or international, coming to campus to collaborate or conduct research or scholarly activities if the stay ~~is for more than~~will exceed 14 calendar days. The dean of the college is responsible for setting limits on the number of visiting scholars/researchers that a single faculty member can supervise at one time and limits on the number of visiting scholars/researchers that can be accepted in a given department.

## **5. FSU Office of Research Compliance Programs (ORCP)**

This office has responsibility to ensure compliance with federal, state, and other applicable policies related to research. These include the following.

(a) Export Control: In accordance with FSU's Export Control Policy, the University will abide by the Export Control laws and regulations of the United States of America. If the visiting scholar/researcher is a ~~foreign national, the~~ non-U.S. person who will have access to FSU research laboratories or have access to or participation in any sponsored research, the FSU host faculty host member must complete the Deemed Export Questionnaire. In addition, the FSU host faculty host member ~~should~~ be familiar with any applicable export control regulations regarding technology and information transfer.

A U.S. person is defined as:

- A U.S. entity or a U.S. citizen,
- A person lawfully admitted for permanent residence in the United States (i.e., a green card holder), or
- A person who is a protected individual under the Immigration and Naturalization Act [8 U.S.C. § 1324b(a)(3)] (i.e., certain classes of asylees).

(b). Restricted Party Screening: Certain entities and individuals are subject to sanctions or other restrictions under U.S. law. These restrictions apply to both domestic and foreign entities and individuals, and may restrict FSU's ability to engage in a project, collaboration or other transaction with that entity or individual. The U.S. Government maintains several lists of entities and individuals that are also forbidden access to certain materials and data of U.S. origin. The reasons for these prohibitions can vary, but are generally due to national security concerns. FSU hosts foreign national visitors on campus for many reasons. For visitors that have the potential to access sensitive scientific information, the ORCP will verify that neither the visitor, nor their affiliated institution, is on any of the lists. If the visitor is on a list, the ORCP will work with the department to determine whether it is still possible to allow the visit and maintain compliance with U.S. laws. The resolution will vary depending on the nature of the visit and the applicable restrictions associated with the list. Based on information provided to the ORCP, a restricted-party screening will be conducted on all foreign and domestic unpaid visiting ~~courtesy~~ ~~scholar~~scholars/researchers who will collaborate or participate in University research, research training, or scholarly activities; and all visitors who are nationals/citizens of Iran, Sudan, Syria, Cuba or North Korea **regardless of length of stay and regardless of the activity** in which they will be participating at FSU.

(c) Additional Compliance Information: Additional information regarding visiting ~~scholar~~scholars/researchers associated with research and scholarly activities can be found on the Research Compliance website.~~Research Compliance website.~~

## **6. Visiting Scholar/Researcher**

All international and domestic unpaid visiting scholars/researchers ~~who will collaborate or participate in research or scholarly activities~~ will be required to sign the “Unpaid Visiting Scholar/Researcher Agreement” form. This agreement will include terms and conditions regarding use of facilities, infrastructure and services, confidentiality, access to information and materials, intellectual property rights, insurance compliance (for J-1 visa holders), and agreement to follow all applicable policies, rules, and regulations (see “Unpaid Visiting Scholar/Researcher Agreement Form”).

## ~~4.~~ **FSU Human Resources Department**

### ~~The~~ **7. FSU Office of Human Resources** ~~will~~

The Office of Human Resources will ensure that all policies and practices related to criminal history background checks are completed. The cost of any background check conducted will be paid by the hosting department. Human Resources will also process all visiting scholar/researcher courtesy appointments upon receiving the required documentation and approvals, will ensure records are entered and maintained in the university system, and will monitor compliance with all applicable labor laws. ~~The FSU Office of Human Resources will ensure that all policies and practices related to background checks are completed. The cost of background checks will be paid by the hosting department.~~

### **8. FSU Center for Global Engagement**

The FSU Center for Global Engagement will process the immigration documents necessary for foreign national visiting scholar/researcher to apply for a J-1 visa once all required documents, including the fully signed “Request to Invite an Unpaid Visiting Scholar/Researcher” form, completed request for a DS 2019 form and proof of English proficiency, and a completed P-PAF for a visiting scholar/researcher courtesy appointment are received.

### **9. FSU Environmental Health and Safety Office**

The EH&S Office upon notification from the host faculty member will assist with acquisition of any required authorizations before work begins, provide any required training (including record keeping), and provide assistance and surveillance in order to ensure continued compliance with standard EH&S-related regulatory compliance rules, regulations and laws, to the same extent as would otherwise be routinely performed for the type of work being performed by the visiting scholar/researcher.

### **10. Visiting Graduate Students**

Graduate students, from another university who are invited to conduct research or scholarly activities, do not take courses, at FSU and who are not pursuing a degree program at FSU may not stay for more than 12 months or less will be treated as visiting scholar/researchers. No extensions will be granted.

### **11. Visiting Undergraduate Students**

Undergraduate students, ~~from another university who mainly are invited to conduct research or scholarly activities, do not take courses at FSU,~~ and who are not pursuing a degree program at FSU, may not stay for ~~6 more than six months or less will be treated as visiting scholar/researchers.~~ No extensions will be granted.

## **12. Other Matters**

Unpaid visiting ~~scholar~~scholars/researchers are NOT volunteers. Volunteers are individuals that meet the statutory definition of Volunteer contained in Section 110.501(1), Florida Statutes

~~[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0100-](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0110/Sections/0110.501.html)~~

~~[0199/0110/Sections/0110.501.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0110/Sections/0110.501.html)~~.[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0100-0199/0110/Sections/0110.501.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0110/Sections/0110.501.html).

If the individual is a registered volunteer, meaning the individual is providing goods or services of his/her own free, he/she will then be considered a volunteer and not an unpaid visiting scholar/researcher.

Unpaid visiting ~~scholar~~scholars/researchers are not covered by FSU's Worker's Compensation Policy.

This policy does not apply to visiting students who come as part of such programs as the National Science Foundation sponsored Research Experiences for Undergraduates or similar undergraduate group programs supervised by faculty and staff for the summer or shorter visits.

All visiting J-1 scholars/researchers coming to FSU will be required to show proof upon check in at the Center for Global Engagement of health insurance that covers the entire duration of the research visit and meets or exceeds the following Federal requirements for J-1 International Scholars effective the date of this policy.

(a) \_\_\_\_\_ Underwriter is rated not less than A- by Best, ISI, or Fitch Ratings, Inc. or AA by S&P or B+ by Weiss, or A3 by Moody's Investor Services OR Policy is an employee group plan or HMO, OR Policy is backed by the full faith and credit of a foreign government; and includes medical benefits of at least \$100,000 per accident or illness; co-payment is 25 percent or less; deductible is \$500 or less per accident or illness; and the policy does not unreasonably exclude perils inherent to the visitor's program in the U.S.

(b). International visiting scholars/researchers are additionally required to have medical evacuation to home country provided in the amount of \$50,000 or greater and repatriation coverage of \$25,000 or greater.

## **D. SUPPORTING DOCUMENTS**

1. FSU Procedures for Inviting Unpaid Visiting ~~Scholar~~Scholars/Researchers
2. FSU Form: Request to Invite an Unpaid Visiting Scholar/Researcher to Florida State University



3. FSU Form: Deemed Export Questionnaire for Unpaid Visiting ~~Scholar~~Scholars/Researchers
4. FSU Form: Unpaid Visiting Scholar/Researcher Agreement
5. FSU Form: Unpaid Visiting Scholar/Researcher Courtesy Appointment
6. FSU Form: ~~Unpaid Visiting Scholar/Researcher~~Police~~Criminal History~~ Background ~~Check~~ Request Questionnaire

### III. LEGAL SUPPORT, JUSTIFICATION, AND REVIEW OF THIS POLICY

A. The Florida Constitution, Article IX, Section 7 provides that the Florida Board of Governors (BOG) shall establish the powers and duties of the individual Boards of Trustees (BOT), which are charged with governing the University. The BOG has enacted BOG Regulation 1.001 providing the individual BOTs with specific authorities with which to govern the 12 State Universities. The Florida State University BOT has, in turn, delegated certain governance functions by Resolution to the President of the University. The Florida State University Policy 2-1 establishes the University policy for development and approval of policies relevant to the University operation. Authority for academic affairs rests with the Executive Vice President for Academic Affairs and Provost.

B. The primary export control regulations are located in the Code of Federal Relations (15 CFR 730-774; 22 CFR 120-130; and 31 CFR 500-598C. 6 CFR 27.230 the Chemical Facility Anti-Terrorism Standard, Risk Based Performance Standards. Item 12 deals specifically with Personnel Surety:

Perform appropriate background checks on and ensure appropriate credentials for facility personnel, and as appropriate, for unescorted visitors with access to restricted areas or critical assets, including,

- (i) Measures designed to verify and validate identity;
- (ii) Measures designed to check criminal history;
- (iii) Measures designed to verify and validate legal authorization to work; and
- (iv) Measures designed to identify people with terrorist ties;

#### C. Florida State University ~~Human Resources~~ Policy

##### ~~4-OP-C-7-G12 EMPLOYEE~~ B11 CRIMINAL HISTORY BACKGROUND CHECKS

~~With specific authority from:~~

- ~~i) Sections 110.1127, 435, 409.175, 1012.32, 943.0542, Florida Statutes~~
- ~~ii) BOG Regulation 1.001(5)(a)~~
- ~~iii) FSU Regulation FSU-4.001~~
- ~~iv) Florida State University Policy OP-C-7-B~~
- ~~v) Fair Credit Reporting Act 15 U.S.C. § 1681 et seq~~

The ~~Provost~~ Vice President for Faculty Development and Advancement, Vice President for Research, ~~and~~ Vice President for Student Affairs, and Vice President for Finance and Administration or designees shall be responsible for ~~review of~~ reviewing the ~~provision~~ provisions of this policy and for making any necessary revisions as needed.

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Dr. Sally McRorie Janet Kistner  
~~Provost and Executive Vice President for Academic Affairs~~ Date: \_\_\_\_\_

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Dr. Gary Ostrander  
~~Vice President for Research~~  
Date: \_\_\_\_\_

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Dr. Mary Coburn  
~~Vice President for Student Affairs~~ Faculty Development and Advancement

Date: \_\_\_\_\_

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Kyle Clark  
~~Vice President for Finance~~  
Date: \_\_\_\_\_