

## International Visiting Scholar Policy

An international Visiting Scholar is an individual who is invited by a faculty member to study, conduct research, or teach at the university and may be paid through the university, the Research Foundation, from an outside source, or may choose to assist the university without compensation. This collaboration, while valuable, must not compromise the ownership of intellectual property or the confidential nature of research projects. The University's ownership interest in intellectual property and confidentiality in research conducted by the employees of the university must be protected. All international Visiting Scholars granted access to research projects at the University shall execute an approved agreement regarding intellectual property and security. All international Visiting Scholars must be issued visa documentation through the Visa & Immigration Service Advising Office, or be approved to come to campus on alternate documentation.

The following procedures shall be followed:

- Any faculty member inviting an international Visiting Scholar to conduct research on campus must request visa documentation (DS-2019) or approval for the scholar to arrive on campus on alternate visa documentation from the Visa & Immigration Service Advising Office. See from <https://www.odu.edu/visa/visas/-scholar-visa>. The responsible faculty member and international Visiting Scholar will complete and submit the exchange visitor packet to the Visa & Immigration Service Advising Office. The packet will include a Volunteer and Visiting Scholar Agreement created by the Division of Research and Economic Development that addresses the disposition of intellectual property. International Scholars who come to the university to work with faculty must also be reviewed and approved by the Department Chair and Dean of the appropriate college/school. In the case of sponsoring units that report to the Division of Research and Economic Development, approval must come from the Vice President for Research and Economic Development.
- Each unit of the university shall be responsible for identifying all international Visiting Scholars involved in the development or improvement of intellectual property. Once an international Visiting Scholar is identified, the unit must have the Visiting Scholar sign the agreement, which is included in the Exchange Visitor packet. Non permanent resident scholars are required to comply with this policy. The agreement will provide that the university shall control the disposition of all intellectual property resulting from the research and shall comply with all Federal Export Control laws and regulations. To this end, international Visiting Scholars will be subject to background checks to ensure that they are not on a sanction list maintained by the Office of Foreign Assets Control; any background checks that are indicated will be charged to the sponsoring unit.
- Proposed international Visiting Scholars are reviewed by the Division of Research and Economic Development Office of Research Security and Export Control. Applicants must provide credentials for review and written approval by the Division of Research and Economic Development before the university will submit Visa and other applications on their behalf. Reviews include restricted party screening, deemed export review, and an undue foreign influence review that aligns with regulatory and funding agency specific research security and export control policies and guidance.

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4. The unit hosting/hiring the visiting scholar shall maintain a copy of the agreement and the original shall be sent to the Office of the Vice President for Research and Economic Development, where the documents are to be maintained.
5. No international Visiting Scholar shall be issued a visa document (DS-2019) or approved to arrive on campus with alternate documentation until the agreement has been approved by the Dean, the appropriate executive vice president, and the Vice President for Research and Economic Development, and executed by a university representative authorized to bind the University.
6. As a condition of appointment, a proposed visiting scholar must disclose whether, within the past seven (7) years, they (i) were the subject of any final administrative or judicial finding of misconduct; (ii) are currently under investigation for alleged misconduct; (iii) separated from a position during an investigation for alleged misconduct; or (iv) have an active appeal related to a misconduct finding with a prior employer.
7. The Division of Research and Economic Development shall monitor the implementation of the policy and provide training to affected units.

Approved by the President  
May 13, 2010  
Revised March 4, 2019

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**Commented [A21R20]:** Whichever unit hires the visiting scholar.

**Commented [A22]:** The VISA office copies the host faculty on communications with Research & Economic Dev, and we assume that the office of research and econ dev keeps the fully signed copy. VISA also keeps a copy. Not sure this is explicit in the procedure that the host faculty should have a copy (it's likely they do.)—again, this may be getting into minute details that are more for a procedure than a policy

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ready for faculty senate review

Note: this was reviewed by the VISA office.

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Send to VISA office (and International Collaborations in the Grad School) and then back to Gail to send to AALT.

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Note this title change needs to be reflected in #6023.

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JW -- The word University is always with a upper case U; this is a brand standard.

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This policy should be reviewed by VISA and by legal. There are instances where we cannot collaborate with scholars from certain universities and legal makes that determination.

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Should also be reviewed by Office of International Collaborations that makes sure that we have an appropriate MOU, and has often arranged access to housing and child care.

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we agree and will send it back to IMO for this purpose

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[Mention was removed] [Mention was removed] other several universities require as a condition of appointment faculty disclosure of misconduct and believe we should consider adding such language for visiting scholars as well. Below is proposed language to add, and we may also want to either reference or add the definition of misconduct and that disclosures are reviewed/kept confidential. I don't see this language in the volunteer or visiting scholar agreement either, and perhaps that document should be updated as well. If this is language is added.

Proposed added language:

As a condition of appointment, a proposed visiting scholar must disclose whether, within the past seven (7) years, they (i) were the subject of any final administrative or judicial finding of misconduct; (ii) are currently under investigation for alleged misconduct; (iii) separated from a position during an investigation for alleged misconduct; or (iv) have an active appeal related to a misconduct finding with a prior employer.

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Based on Kasie's comment this is not correct. It should say approved by the Department Chair and the College/School Dean .

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The form for the Volunteer/Visiting scholar agreement lists for signature the Dean, Department Chair, and host faculty (along with the international scholar). Once all signatures are collected, the form is sent to David Flanagan, who does a check, then send approval to VISA, then the form is sent to Dr. Fridley for signature. We will send the current V/VS form for reference

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Not sure what "sample agreement" refers to--we only have 3 forms that are strictly from division of research and economic development that are part of the exchange visitor packet: the Volunteer/Visiting scholar form (V/VS), the export control checklist, and the deemed export acknowledgement.

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does non-citizen scholar refer to permanent resident?

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I do not think there is a published list of countries at high risk of espionage--we have never received that information. In any case, the review done by David Flanagan covers all of the required checks. If the application does not pass the security review, we do not issue visa documents. Not sure this needs to be detailed here--

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Author

i agree, we are currently reviewing all international visiting scholars due to changes in research security regulations and for deemed export risks. I have proposed updated language.

