

**University of the Incarnate Word Policy for Hosting Affiliate Visitors**  
**International J-1 Self-Funded Visitors**

**A. Guidelines for Hosting Affiliate Visitors**

Academic department faculty and staff may invite qualified international individuals (referred to as “Affiliate Visitors”) to visit the University of the Incarnate Word (“UIW”) for an extended period of time to participate in academic activities or to collaborate on research. “Academic department” means a specific, academic department, and also includes other UIW units such as Library Services and the Lewis Institute of the Americas.

For purposes of this policy, Affiliate Visitors are appointed by host faculty into specific academic departments, as defined above. Affiliate Visitors are not employees of UIW, and each remains employed by his or her respective institution or organization throughout the entirety of their visit to UIW. Affiliate Visitors come to UIW to share knowledge and new perspectives on academic activities and research. Affiliate Visitors are on a J-1 self-funded visa while at UIW and, as such, do not receive benefits from UIW including, but not limited to, compensation, insurance coverage, or housing. Similarly, Affiliate Visitors are not enrolled as students. Lastly, Affiliate Visitors are prohibited from directing the work of UIW employees.

**B. Affiliate Visitor Requirements:**

Faculty and academic departments hosting Affiliate Visitors on a J-1 visa are required to adhere to the following policies:

1. Affiliate Visitors come to UIW to participate in academic activities or research projects but are not employed in a faculty or staff position. Visitors that may come to UIW for occasional meetings are not Affiliate Visitors for purposes of this policy.
2. Affiliate Visitors are required to commit a minimum of thirty (30) working hours per week to UIW, and to adhere to the additional constraints outlined below under Privileges.
3. The faculty host is responsible for ensuring the Affiliate Visitor receives all required training, including safety and regulatory training, before working in a UIW classroom, lab or participating in research.
4. Although the appointment may last for varying length of time, the term of the appointment must be specified. A minimum of three (3) weeks is required for J-1 visa sponsorship, with a maximum of one-year per appointment.
5. The host faculty must ensure that the Affiliate Visitor acknowledges and abides by UIW’s intellectual property policy, and understands how conflicts shall be addressed, described in further detail below.
6. The host faculty will clarify details of the proposed visit by completing the “J-1 Self-funded Scholar/Researcher Pre-Screen for Departments” prior to formally inviting an Affiliate Visitor.
7. Affiliate Visitors should not bring proprietary information obtained from outside institutions or organizations to UIW. Affiliate Visitors should continue to abide by their employer institution or organization’s policies surrounding proprietary information while on appointment at UIW. Proprietary information in the possession of the Affiliate Visitor is the sole responsibility of the Affiliate Visitor.
8. Upon approval from the UIW J-1 Responsible Office by the Director of UIW’s International Student & Scholar Services, the host faculty and corresponding academic department should send a formal invitation to the Affiliate Visitor detailing the approved beginning and end date of the appointment and expected activities. Further, the invitation is required to outline relevant

university policies, including acknowledgment of the non-disclosure agreements, and outline any training requirements, including attendance at a mandatory J-1 immigration briefing.

9. Export Control, as needed for a particular visit, will be managed by the UIW Office of Research and Graduate Support.
10. Affiliate visitors on a J-1 Visa are required to comply with all IRS requirements, including IRS Tax Compliance regulations which include filing an income tax return even if there was no income received from a U.S. source while in the U.S. Moreover, Affiliate Visitors are required to obtain an Individual Tax Identification Number (ITIN) to complete IRS Form 8843.
11. Affiliate Visitors are required to adhere to all UIW policies and procedures set forth by the UIW Human Resources department. This includes cooperating with the Human Resources department to obtain a satisfactory background check prior to beginning an appointment.

### **C. Criteria for Appointment**

The following are the *minimum* eligibility criteria for an Affiliate Visitor at the UIW. Some UIW programs will establish additional requirements as necessary for their respective disciplines.

1. The individual must be visiting from and affiliated with an outside institution or organization;
2. The individual must have a doctoral degree or possess recognized expertise in his or her field; and
3. The individual must have a source of financial support from outside UIW.

The classification of Affiliate Visitor is appropriate for faculty from other academic institutions who are invited to UIW on an unpaid basis during a period of sabbatical at their home institution. In addition, this classification is appropriate for the appointment of qualified personnel from industry, government, or other organizations, including retirees, who wish to visit UIW on an unpaid basis, including Affiliate Visitors under the purview of an affiliate program or other collaborative agreement.

The Affiliate Visitor classification is not intended for individuals who might otherwise be considered trainees. This classification is not used to bring matriculating students from other academic institutions, nor should it be used for individuals who should be appointed as Postdoctoral Scholars.

### **D. Duration of Appointment**

Appointments are made for up to one year and may be renewed for a second year, although shorter appointments are possible. For J-1 visa holders, an extension must be approved by the Director of International Student & Scholar Services (“ISSS Director”) before the end of the term date listed in the Certificate of Eligibility (DS-2019). Extensions will be granted only if the purpose of the visit is not fully achieved, and written agreement is executed detailing the compelling extension reason. Note, however, that J-1 visas are limited to a maximum of five (5) years total.

### **E. Appointment Procedures**

The appointment procedure for Affiliate Visitors are as follows.

For initial appointments:

1. Host faculty inform their dean of their interest in appointing an Affiliate Visitor.
2. The dean provides the ISSS Director background information to determine the J-1 visa category for which the Affiliate Visitor will qualify, if any.
3. The ISSS Director sends the host faculty the form, *J-1 Self-Funded Pre-Screen for Departments*.
4. The host faculty and dean complete and send the completed *Pre-Screen* form to the ISSS Director.

5. The ISSS Director reviews and makes a determination as to whether to accept the Affiliate Visitor based on the information obtained in the *Pre-Screen* form.
6. If the Affiliate Visitor is approved, the ISSS Director sends the *J-1 Scholar – Researcher Self-Funded Application* form to the Affiliate Visitor with copy to the host faculty and dean.
  - a. The application should be sent not less than six (6) months before the intended visit.
7. The Affiliate Visitor applicant sends the following supporting documents to the ISSS Director:
  - a. Academic transcripts
  - b. English proficiency test scores
  - c. Financial documents as listed in the *Application*
8. The ISSS Director sends health insurance information to the Affiliate Visitor applicant, to ensure the Affiliate Visitor will have sufficient health insurance that meets J-1 regulations.
9. Once the ISSS office approves the Affiliate Visitor’s application, ISSS will send the host faculty and dean a draft Welcome/Contract Letter, stating: the purpose of the visit, the approved visit dates, location of the visit and other immigration requirements to ensure the visitor is successful to obtain a J-1 visa.
10. The host faculty and dean complete the Welcome/Contract Letter, get the signature of the appropriate Associate Provost or Provost, and forward the signed letter to the ISSS Director.
11. The ISSS Director generates the DS-2019 related to the visit.
12. The ISSS Director sends the Affiliate Visitor the full immigration packet:
  - a. DS-2019
  - b. Health Insurance informational sheet
  - c. Welcome/Contract Letter
  - d. SEVIS & Visa Fee information page
  - e. Pre & Post Arrival information page
  - f. San Antonio brochures
13. The Affiliate Visitor informs the ISSS Director when the J-1 Visa is approved and flights have been reserved.
14. The ISSS Director informs the host faculty of the Affiliate Visitor’s arrival date and provides UIW Human Resources information about the Affiliate Visitor to establish UIW login credentials.
15. The ISSS Director sends a pre-arrival e-mail to the Affiliate Visitor detailing host faculty duties and confirming flight information. All travel details regarding airport transportation, housing arrangements, and meals/campus dining is confirmed at this time.
16. Upon arrival at UIW:
  - a. ISSS and host faculty provide services as outlined in the Welcome Letter.
  - b. The Affiliate Visitor must report to the ISSS Director and attend ISSS Immigration Briefing within ten (10) days of arrival to meet J-1 regulations. This must be done prior to the start of the Affiliate Visitor’s duties.
    - i. Visitor must bring DS-2019, Passport book, Form I-94, current U.S. address, proof of health insurance that meets J-1 visa requirements, and U.S. based phone number to the immigration briefing.
    - ii. As needed, Export Control review and IRB introduction will be included in the Immigration Briefing.
  - c. The ISSS Director reports to Department of Homeland Security and the Department of State that the Affiliate Visitor reported to UIW and provided the required documents listed above to complete the immigration check-in process.
  - d. The Affiliate Visitor may begin their duties at UIW after the ISSS immigration briefing.
  - e. Failure to report to UIW and the ISSS Director within ten (10) days of arrival can impact immigration status.

For renewal appointments:

1. If the Affiliate Visitor wishes to extend or renew his or her appointment, the Affiliate Visitor must contact the ISSS Director not less than four (4) months prior to the DS-2019 program end date (referred to as the “Program End Date”).
2. The Affiliate Visitor must declare if they intend to travel outside the U.S. prior to or after the Program End Date (for visa renewal purposes). Note: the visa renewal process may take several months when outside the U.S. which may delay any proposed extension to the visit.
3. The ISSS Director will coordinate with the Affiliate Visitor and host faculty to submit a letter requesting program extension. Note: this must be completed prior to the Program End Date, as there is no way to extend beyond the Program End Date once lapsed.
4. Prior to extending the Program End Date, the host faculty and dean will generate a new Welcome/Contract Letter listing the proposed extension dates and program duties, and send the signed Welcome/Contract Letter to the ISSS Director.
5. The ISSS Director will issue a new DS-2019 with new program dates, which formally extends and renews the appointment.
6. Once the new DS-2019 is issued, the Affiliate Visitor may continue the program.

Note: If DS-2019 expires or lapses, the Affiliate Visitor will be notified by the ISSS Director and instructed to depart the U.S. within thirty (30) days of the Program End Date.

#### **F. Responsibilities of Host Faculty, Departments, Programs, and Independent Labs**

Host faculty, departments, programs, and independent labs appointing an Affiliate Visitor are responsible for the following:

1. Ensuring Affiliate Visitors are appointed as a benefit to UIW;
2. Providing appropriate office or research space for the Affiliate Visitor;
3. Ensuring the Affiliate Visitor can participate in academic activities or research without undue influence of other academic responsibilities at the host institution.
4. Ensuring that the Affiliate Visitor complies with UIW policies and procedures while utilizing campus laboratories, classrooms, and office space, including obtaining a satisfactory background check, as detailed above.
5. Ensuring Affiliate Visitors receive all university-required training, including health or safety training.
6. Complying with J-1 visa requirements, inclusive of providing cross-cultural programs or activities available to Affiliate Visitors to expose them to American society, culture, and institutions. Exchange visitors should participate in activities in which are for the purpose of sharing the language, culture, or history of their home country with Americans.
7. Ensuring that the Affiliate Visitor does not undertake proprietary work for his or her home institution or organization while serving as an affiliate visitor at UIW. Ensuring the Affiliate Visitor adheres to UIW research policies and procedures. Additionally, the host faculty shall ensure the Affiliate Visitor sign the appropriate Patent and Copyright Agreement for Personnel at UIW, if necessary. For the appropriate clearance and questions, please contact the Director of Graduate Studies from the Office of Research and Graduate Studies.
8. Ensuring the Affiliate Visitor complies with all university policies and external requirements related to the performance of work at UIW, including all IRB protocols.
9. Ensuring that the host program is well suited to the Affiliate Visitor’s background, education, needs, experience, and training.

#### **G. Management of Potential Conflict of Interest**

The Affiliate Visitor’s employer institution or organization may wish to make an unrestricted gift to UIW to defray the costs of resources and facilities to the academic department supporting the visitor. Such a gift

shall be made to the host faculty's department, or as a payment to an outside third party. It may not be made directly to the faculty host, and it must comply with all relevant gift policies, including those pertaining to conflict of interest. The faculty host must ensure there is no "pipelining" of intellectual property to the Affiliate Visitor's home organization, nor any early, exclusive access to research results. The faculty host's laboratory may not act as an "R&D arm" of the Affiliate Visitor's employer institution or organization.

## **H. Intellectual Property Agreements**

As described above, all Affiliate Visitors must abide by the University's Intellectual Property Policy (which is published in the employee handbook and posted on the University's web site), and if necessary, as determined by the host faculty, sign a Patent and Copyright Agreement. The Patent and Copyright Agreement is only applicable to unpaid Affiliate Visitors under this policy; it is not applicable to individuals who are appointed as faculty or staff members, graduate students or postdoctoral scholars or researchers at UIW.

In the event an Affiliate Visitor presents a concurrent intellectual property agreement with his or her current employer institution or organization, the Patent and Copyright Agreement should state that all patent rights and copyrights in what the visitor develops while doing research at UIW will be jointly owned by UIW and the Affiliate Visitor's employer institution or organization.

Further, the Affiliate Visitor must agree to acknowledge UIW appropriately in any publications or presentations that result from activities supported by the visit.

Host faculty and academic departments should share any agreements in advance with the Affiliate Visitor and his or her employer to avoid misunderstandings about intellectual property.

## **I. Privileges of the Affiliate Visitor**

Affiliate Visitor status is a privilege, not a right, and an individual holds this status at the pleasure of UIW. The status may be revoked at any time in UIW's sole discretion, with or without cause. Similarly, there is no presumed right to a renewal of Affiliate Visitor status at the end of the term.

As iterated herein, Affiliate Visitors are not employees or students of UIW, and are not entitled to UIW compensation or other benefits available to regular staff, faculty, or students. The Affiliate Visitor title may not be used for personnel or payroll purposes.

### For the Host Faculty

Federal regulations on stipends to J-1 visa holders are strict. There are very limited cases where UIW personnel may agree to provide a non-salary stipend for an Affiliate Visitor. At UIW, only the ISSS Director has the authority to determine if a non-salary stipend is allowable. If host faculty would like an Affiliate Visitor to take part in any academic activity where a comparable domestic expert would receive a stipend, the host faculty must consult with the ISSS Director *prior to the activity*. The ISSS Director shall determine whether any stipend is allowable under the visa restrictions, and any allowed stipend must be approved by the ISSS Director in writing prior to the start of the activity.

### For the Affiliate Visitor

(a) Affiliate Visitors cannot be UIW employees. If employment opportunities arise during an approved visit, for which the Affiliate Visitor would like to apply, the Affiliate Visitors must consult with the ISSS

Director before applying to a position that may result in a salary or non-honorarium payment, as such acceptance could generate a change in visa status.

(b) Affiliate Visitors may only engage in activity related to their UIW academic department's assigned program or research for which they have received prior written authorization from ISSS. Receiving anything in return for services rendered (e.g., for consulting or presenting) to include honorarium, free airfare, free hotel stay or lodging, etc., constitutes an employment relationship according to ICE. Any employment must be pre-approved by the ISSS Director. J-1 visa holders engaging in unauthorized employment will be considered out of status, and as a result, their J-1 visa status will be revoked, and the Affiliate Visitor will be required to exit the U.S. immediately.

(c) Affiliate Visitors may not accept money or gifts without prior approval. Affiliate Visitors must consult with the ISSS Director before accepting any monetary payment, gift, or fringe benefit, as such acceptance would generate a change in visa status which must be managed by the Director.

Affiliate Visitors will be issued a UIW Identification Card if the appointment is for a term longer than three (3) weeks. Cards may be obtained by visiting the UIW Student Engagement Office and presenting the appropriate signed invitation for appointment as an Affiliate Visitor for a fixed period of at least three weeks and a valid government-issued picture Identification such as a passport or government-issued identification card. UIW Identification Cards will not be issued to affiliate visitors with an appointment term of less than three (3) weeks.

Because the Affiliate Visitor will be present on campus, the Affiliate Visitor will have access to faculty, staff, and students. Accordingly, the Affiliate Visitor must obtain a satisfactory background check through UIW's Human Resources department prior to accessing UIW laboratories, classrooms, and office space.

Upon completion of a satisfactory background check, Affiliate Visitors are eligible to use the following UIW facilities and services:

1. **Campus Libraries:** Affiliate Visitors with an active UIW identification card will have access to certain UIW libraries in accordance with UIW's policies governing the use of its libraries. Affiliate Visitors without an identification card may apply for library privileges at the J.E. & L.E. Mabee Library front desk. Privileges will be granted in accordance with library policy, available here: <http://my.uiw.edu/library/policies/index.html>
2. **UIW Wellness Center and Natatorium:** Affiliate visitors with an active UIW identification card will have access to UIW's Wellness Center and Natatorium.
3. **Campus Parking if selected.** Affiliate Visitors will be provided with the option of purchasing a campus parking permit upon completion of a satisfactory background check. Affiliate Visitor parking permits will be coordinated through the UIW Business Office.
4. **Auditing UIW lecture courses without a course fee,** subject to permission from the course instructor. Classes that require individual instruction and participation, such as laboratory and language courses, and creative writing courses, are not authorized for auditing.

## **J. Proficiency in the English Language**

The U.S. Department of State mandates that J-1 exchange visitors including Students, Short-term Scholars, Research Scholars, Professors, Specialists, and Student Interns have sufficient English proficiency in accordance with 22 CFR 62.10(a)(2). UIW's Office of International Student & Scholar Services (ISSS) is required to determine whether the prospective visitor's English is proficient to participate in the program, and whether it is sufficient "to function on a day-to-day basis" outside of the direct activity of the exchange

(e.g., outside the lab). The new Subpart A also requires ISSS to make its determinations regarding English proficiency using an “objective measurement of English language proficiency.”

UIW faculty hosts and their dean will screen and select prospective exchange visitors to ensure that they are eligible for program participation, and that:

1. The program is suitable to the exchange visitor’s background, needs, and experience; and
2. The exchange visitor possesses sufficient proficiency in the English language, as determined by an objective measurement of English language proficiency, successfully to participate in his or her program and to function on a day-to-day basis. A sponsor must verify an applicant’s English language proficiency through a recognized English language test, by signed documentation from an academic institution or English language school, or through a documented interview conducted by the sponsor either in-person or by videoconferencing, or by telephone if videoconferencing is not a viable option.

The Director of International Student & Scholar Services will provide the English Proficiency Policy for J-1 Exchange Visitors to the hosting department prior to issuance the Certificate of Eligibility (DS-2019).

#### **K. Funding for Self-funded J-1 Affiliate Visitor**

Attentiveness to labor laws, quality of life, and appropriateness of visit for J-1 scholars should be considered during funding determination. Typical sources can include government funding and other organizational funding. UIW’s Office of International Student and Scholar Services has set a **minimum of \$1750/month** for an individual Affiliate Visitor, an additional **\$600/month** for an accompanying spouse, and **\$400/month** for each accompanying child, which must be met before a visa document can be issued. In addition, all Affiliate Visitors and any accompanying dependents must purchase UIW international health insurance coverage.

NOTE: If the Affiliate Visitor participates in research funded by an industry partner, the terms of the industry funding could potentially conflict with the Affiliate Visitor’s status. The visitor must consult with the ISSS Director to make a determination.

#### **L. Visa Requests**

Upon receipt of an approved “J-1 Self-funded Scholar/Researcher Pre-Screen for Departments” and “J-1 Self-funded Scholar/Researcher Application” with required financial documentation and proof of sufficient English proficiency, the ISSS Director will prepare for the Certificate of Eligibility (DS-2019). The Office of International Student & Scholar Services will provide the academic department with resources to ensure the visitor is successful of obtaining a J-1 visa.

#### **M. J-1 Visa Mandatory Information:**

All J-1 exchange visitors and any accompanying family members must be provided information to assist them in settling into the local community. For all Affiliate Visitors, this information is provided by the ISSS Director in an orientation within 10 days of arrival, that includes, but is not limited to these topics:

1. Life and customs in the United States
2. Local community resources; to include public transportation, medical centers, schools, libraries, recreation centers and banks
3. Available health care, emergency assistance
4. Insurance plans including medical evacuation
5. A description of the program in which the exchange visitor is participating

6. Rules that the Affiliate Visitor is expected to follow under the UIW Affiliate Visitor program (University Employee/Faculty Handbook)
7. Address of the Sponsor and the name and telephone number of the RO/ARO
8. Address and telephone number of the Office of Exchange Coordination and Designation, Bureau of Educational and Cultural Affairs, Department of State
9. A copy of the Exchange Visitor Program Welcome Brochure (Acceptance Packet with DS-2019)

**N. Requests for Exceptions and Additional Guidance**

Requests for exceptions to any of the requirements of this policy must be directed to, reviewed, and approved by the ISSS Director.