

Export Control Guidelines for Visiting Professors and Research Scholars

ROWAN UNIVERSITY POLICY

Title: *Export Control Guidelines for Visiting Professors and Research Scholars*

Subject: *Research*

Policy No: *Res: 2017: 02*

Applies: *University-Wide*

Issuing Authority: *President*

Responsible Officer: *Vice President for Research*

Adopted: *04/04/2017*

Last Revision:

Last Reviewed:

I. PURPOSE

The purpose of this policy is to outline the process for inviting a J-1 exchange scholar to Rowan University that ensures compliance with the federal Export Control regulations.

II. ACCOUNTABILITY

Under direction of the President, the Vice President for Research and the Research Compliance Officer shall implement and ensure compliance with this policy.

III. APPLICABILITY

This policy applies to all Rowan University faculty, staff and students involved in the University's research program.

IV. DEFINITIONS

1. **Visiting Professor/Researcher** - According to the J-1 U.S. State Department Guidelines, a Professor is defined as: An individual primarily teaching, lecturing, observing, or consulting at post-secondary, *accredited educational institutions, museums, libraries, or similar types of institutions*. A professor may also conduct research, unless disallowed by the sponsor.
2. **Research Scholar** - An individual primarily conducting research, observing, or consulting in connection with a research project at research institutions, corporate research facilities, museums, libraries, post-secondary accredited educational institutions, or similar types of institutions. The research scholar may also teach or lecture, unless disallowed by the sponsor.

V. REFERENCES

1. [Export Control Program at Rowan University](#)

VI. POLICY

1. Export Control
 - a. The U.S. government regulates the transfer of information, commodities, technology, and software considered to be strategically important to the U.S. in the interest of national security,

economic and/or foreign policy concerns. There is a complicated network of federal agencies and inter-related regulations that govern exports collectively referred to as "Export Controls." In brief, Export Controls regulate the shipment or transfer, by whatever means, of controlled items, software, technology, or services out of U.S. (termed an "Export"). Perhaps of even more consequence to the university, is that the government also restricts the release of certain information to foreign nationals here in the U.S. (referred to as a "Deemed Export"). Export Controls have the potential to severely limit the research opportunities of university faculty and their students and staff, as well as to prevent international collaboration in certain research areas. Non-compliance with export controls can result in severe monetary and criminal penalties against both an individual as well as the university, and can result in the loss of research contracts, governmental funding, and the ability to export items.

- b. The Department of Homeland Security's US Citizenship and Immigration Services (USCIS) now requires all employers to assess whether an export license must be obtained prior to hosting a visiting scholar or hiring any H1-B employee, and to certify to those findings.
- c. This certification requirement implements laws that are presently set forth in both the Export Administration Regulations (EAR – civil applications) and the International Traffic in Arms Regulations (ITAR – defense applications). These laws mandate that US Persons, including universities, seek and receive US Government approval before releasing export controlled technology identified on US export control lists to foreign nationals in the US. Under both the EAR and ITAR, the transfer of export controlled technology to a foreign national in the US is considered an export, specifically a "deemed export", to the foreign national's country or countries of citizenship. Significant civil and criminal penalties apply to the unauthorized release of export controlled technology on US export control lists to foreign nationals in the US.
- d. A deemed export is the transfer of a controlled technology to foreign persons, usually in the United States, where the transfer falls under the export control regulations because the transfer is "deemed" to be to the country where the person is a resident or a citizen.

2. Guidelines

- a. Rowan University welcomes international professors and scholars who are invited to Rowan as an exchange visitor on a J-1 Visa. The International Center provides SEVP regulatory advice and guidance to Rowan faculty and their visitors to ensure federal compliance while navigating the Visa process.
 - b. Rowan hosts visiting professors and research scholars, together defined as "Visiting Scholars" for a period not to exceed six months or other negotiated terms. This is an opportunity for Rowan University College/Department/ faculty to work collaboratively with the visiting scholar for mutual scientific, scholarly and artistic accomplishments. This is accomplished through the Department of State J-1 visa program, which authorizes ROWAN UNIVERSITY to bring in visiting scholars for a stipulated period of time. International Center at ROWAN UNIVERSITY issues the appropriate J-1 visa documents.
3. Rowan University International Center assists departments and colleges with many of the initial aspects of a visiting scholar program for ROWAN UNIVERSITY.
 4. Attachment A outlines some issues that *need to be considered* by all parties involved with facilitating a successful international Program experience at ROWAN UNIVERSITY and adhering to [Export Control Program at Rowan University](#).

VII. ATTACHMENTS

1. Attachment A - Export Control Guidelines for Foreign National Visiting Professors and Research Scholars
 2. Attachment B - J-1 Visiting Professors & Scholars; How to Sponsor an Exchange Visitor
-
-

ATTACHMENT A
EXPORT CONTROL GUIDELINES FOR
FOREIGN NATIONAL VISITING PROFESSORS AND RESEARCH SCHOLARS

PROCESS

NOTE: Per the Rowan University International Center, the process for inviting a J-1 exchange scholar should begin at least four (4) months prior to the proposed start date to ensure ample time for HR and visa processing.

1. Regardless of whether Rowan is sponsoring the visa, the faculty member inviting a foreign national visiting Scholar will inform the Associate Dean (AD) in the respective college or Associate Deans for Research at RowanSOM or CMSRU, respectively about the impending visit. Information should include the name of the Scholar, country of origin, their previous or current employer information, and a brief description of the reason for their visit and (if applicable) their proposed project.
2. Faculty sponsors then should follow the additional steps on "How to sponsor an exchange visitor" at **Rowan University** provided in the following link: <http://www.rowan.edu/home/international-center/j-1-visiting-professors-scholars-and-students/j-1-visiting-professors-scholars> and Attachment B of this policy.
3. Concurrent with International Center processing, the AD will provide the detailed information about the visiting Scholar (from step 1) to the Export Control Officer (ECO).
4. Concurrent with International Center processing, ECO will conduct Restricted Party Screening and inform AD either "go" or "no go" to draft an invitation.
5. After a "go" decision is received from the ECO, the faculty sponsor will be informed by the AD that a letter of invitation can be extended.
6. *"Export Control and Acknowledgement for All Foreign Nationals and Visiting Scientists"*, *"Export Control Form"*, and *"Volunteer Registration & Liability Waiver and Release"* forms may be forwarded to the visiting scholar, but do not need to be completed until after arrival (Step 6).
7. When the visiting Scholar arrives at Rowan University (after obtaining the visa and complying with all of the International Center policies)
 - a. The visiting scholar will sign *"Export Control and Acknowledgement for All Foreign Nationals and Visiting Scientists"* attesting that he or she has been fully informed about the export control program at **Rowan University**. This form will be counter signed appropriate college AD or RowanSOM Associate Dean for Research or CMSRU Associate Dean for Research if RowanSOM or CMSRU is hosting a visiting scholar, respectively.
 - b. The visiting scholar and the host will complete the *"Export Control Form"* and make an appointment for a face-to-face meeting with the ECO.
 - c. If the visiting scholar is providing any work or services while at **Rowan University**, the visiting scholar and host will complete and sign the *"Volunteer Registration & Liability Waiver and Release"* form. This form will be counter signed by the appropriate college official and forwarded to HR.
8. If the Visiting Scholar visits other cities or non-Rowan University academic institutions or attends a conference in the U.S. for professional reasons, the Visiting Scholar must provide an itinerary to the AD and to the International Center.
9. In accordance with **Rowan University's** Export Control Program, the college or department where the Visiting Scholar is hosted will not allow access by foreign nationals or foreign Visiting Scholar to export-controlled information and technology without first obtaining an export license, other authorization, or exemption.
10. Respective College Deans or ADs, will be responsible for approving and coordinating access to restricted facilities and equipment. Deans and ADs will also ensure that adequate controls of physical, visual, and electronic access to export-controlled information and technology are developed, which may include unique badging requirements for foreign nationals and segregated work areas for export-controlled information and technology. Deans or ADs are required to immediately report any breach or violation or suspected or potential breach or violation of Rowan University's Export Control Program to the ECO.
11. All issues relating to Export Control must be communicated to the ECO at the following address:

Sreekant Murthy, Ph.D.
James Hall Room 3013
201 Mullica Hill Road
Glassboro, NJ 08028
Telephone: 856-256-5853
Email: murthy@rowan.edu

ATTACHMENT B
J-1 VISITING PROFESSORS & SCHOLARS
HOW TO SPONSOR AN EXCHANGE VISITOR

Rowan faculty interested in inviting a professor or scholar to Rowan under the J-1 Visa Exchange Visitor guidelines must follow the process outlined below. If you have any questions, please e-mail obeid@rowan.edu.

The process for inviting a J-1 exchange visitor should begin at least 4 months prior to the proposed start date. This is to ensure that there is ample time for HR and VISA processing.

STEP 1: The hosting department must complete the [Departmental J-1 Request Packet](#) and send to obeid@rowan.edu at the International Center. The recommended time frame for submitting the request is a minimum of 12 weeks prior to the exchange visitor's proposed start date at Rowan.

- *J-1 Transfer:* If the exchange visitor is currently on a J-1 Visa at another institution in the United States, they must also complete and submit a J-1 transfer application in order to ensure that their Visa status remains in good standing and that they are eligible for transfer: [J-1 Transfer-in Form](#)

STEP 2: The hosting department will notify Human Resources of their intent to invite a professor or scholar to Rowan by sending the proposed invitation letter to Rowan's Human Resources Department for review.

***Compensated exchange visitors:** The hosting department must work with Rowan's Human Resources Department to ensure that all employment paperwork is completed.

***Uncompensated exchange visitors:** The hosting department must review Rowan's policy regarding [uncompensated employees](#) and submit all required paperwork to Tracy Oplinger at Human Resources oplinger@rowan.edu.

STEP 3: Upon receiving the departmental request, the invitation letter, and final approval from Human Resources, the International Center's J-1 advisor will send the exchange visitor the [DS-2019 Application](#).

STEP 4: The International Center's J-1 Advisor will review the application and requisite documentation to ensure compliance with the Department of State and Department of Homeland Security's regulations. Once approved, the DS-2019 will be sent to the exchange visitor.

STEP 5: Upon receipt of the DS-2019, the exchange visitor will pay the [SEVIS I-901 fee](#) and make an appointment to apply for a J-1 Visa at the U.S.A. Embassy in their home country. For instructions on making an embassy Visa appointment, visit the U.S. Department of State website: <http://travel.state.gov/content/visas/en/study-exchange/exchange.html>

STEP 6: Review the [Pre-arrival Handbook for J-1 Exchange Visitors](#) for important information regarding your arrival at Rowan, maintaining your Visa status, and life in the United States.

STEP 7: The exchange visitor will communicate regularly with Rowan's hosting professor and J-1 Advisor regarding their Visa status, arrival date, and any changes in plans.

Important J-1 Visa Regulatory Requirements:

1. English Language Proficiency

- Participants must possess sufficient proficiency in the English language to participate in their programs. [22 CFR 62.10(a)(2)]. The academic host department must verify that the exchange visitor has appropriate academic credentials and English language proficiency.

2. Academic and Government Category Incident Report

- As the sponsoring community, we are asked to report incidents (e.g. serious injury, death, sexual abuse, etc.) that involve exchange visitors on their respective academic programs. The Office of Private Sector Exchange Administration - Academic and Government (OPA-AG) also requests that sponsors report other events that could bring the department or Exchange Visitor Program into notoriety or disrepute. In the event that you need to report an incident, please download and complete the [J-1 Academic Government Category Incident Report Form](#) within 24 hours of the sponsor becoming aware of the issue. Please submit the completed form to AGalert@state.gov and copy obeid@rowan.edu on the email. For more information, please visit: <https://j1visa.state.gov/academic-program-sponsors/>.

3. Insurance for J-1 Visa Holders

- Participants and any J-2 dependents (spouses and minor unmarried children under the age 21) accompanying them are required to carry medical insurance at the minimum benefit levels stated in the program regulations. [22 CFR 62.14](#).
 - Medical benefits of at least \$100,000 per accident or illness
 - Repatriation of remains in the amount of \$25,000
 - Expenses associated with the medical evacuation of the exchange visitor to his or her home country in the amount of \$50,000
 - A deductible not to exceed \$500 per accident or illness.
 - For more details about J-1 Visa regulations and eligibility requirements, visit the Department of State website: [J-1 VISA Exchange Visitor Program](#)
-
-