



POLICY & PROCEDURE DOCUMENT

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DIVISION: Academic Affairs
Finance and Administration

TITLE: Guidelines for ~~the appointment/employment of J-1~~ Visiting Scholars

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Policy for: J-1 Visiting Scholars

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I. Purpose and Scope

As part of the university's growing commitment to internationalization, WKU has encouraged colleges, departments, and individual faculty members to seek relationships with institutions and scholars in other countries to provide foreign nationals with opportunities to participate in educational and cultural programs at WKU. One means to achieve that objective is through the U.S. Department of State managed J-1 Visa Exchange Visitor Program. Under this program colleges and universities in this country are able to sponsor international exchanges of faculty, scholars and students.

Please see Section II of this policy for the specific DS-2019 categories of visiting scholars that WKU is approved to sponsor. This policy does not apply to students participating in J-1 Visa Exchange Programs. Please see either the undergraduate or graduate catalog(s) for English proficiency guidelines pertaining to students.

II. Definitions

The definitions below are in accordance with 22CFR 62.4.

Professor – An individual primarily teaching, lecturing, observing, or consulting a post-secondary accredited institution, museum, library, or similar type(s) of institutions. A professor may also conduct research, unless disallowed by the sponsor. Program participation of not less than three weeks is required for this category of J-1 scholar, and may not exceed five years.

Research scholar – An individual primarily conducting research/creative activity, observing, or consulting in connections 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. Program participation of not less than three weeks is required for this category of J-1 scholar, and may not exceed five years.

Short-term scholar – A professor, research scholar, or person with similar education or accomplishments coming to the United States on a short-term visit for the purpose of lecturing, observing, consulting, training, or demonstrating special skills at research institutions, museums, libraries, post-secondary accredited educational institutions, or similar type of institution. Program participation for this category of J-1 scholar may not exceed six months, but there is no minimum participation requirement.

III. Policy

A. General Guidelines

Per 22 CFR 62.8 (b) and 62.10 (a), as a J-1 Visa program sponsor, WKU has a responsibility to oversee the screening and selection of 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;
2. The exchange visitor possesses sufficient proficiency in the English language to participate in his or her program and to function on a day-to-day basis; and
3. Except in the case of short-term scholars, the visiting scholar will be provided with a minimum period of participation in the United States of three weeks.

The WKU International Student Office (ISO), which reports to the Provost and Vice President of Academic Affairs, oversees the sponsoring of J-1 scholars to include teaching assignments, research assignments, and short-term engagement experiences. Information regarding how to invite an international scholar to WKU may be found on the International Student Office (ISO) website at: <https://www.wku.edu/iso/scholars/deptreq.php>.

B. Sponsoring departments/units are responsible for:

1. Providing necessary documents to the International Student Office prior to sponsoring a scholar which clearly outlines the following:
 - a. The purpose of the Exchange Visitor Program including any agreement details;
 - b. Qualifications of the scholar including a CV or resume;
 - c. Proof of financial support for the J-1 scholar and any accompanying dependents;
 - d. Ensuring that exchange visitor possesses sufficient proficiency in the English language to participate in his or her program and to function on a day-to-day basis (please see Appendix A).
2. Providing each exchange visitor, except short-term scholars, with a minimum period of participation in the United States of three weeks.

3. Offering or making available to exchange visitors a variety of appropriate cross-cultural activities. ***Note - not required for short-term scholars, but strongly encourage.
 - a. The extent and types of the cross-cultural activities should meet the needs and interests of the exchange visitor (22 CFR 62.8 (d)(1)). The Department of State encourages sponsors to give their exchange visitors the broadest exposure to American society, culture and institutions; and
 - b. To encourage exchange visitors to voluntarily participate in activities which are for the purpose of sharing the language, culture, or history of their home country with Americans, provided such activities do not delay the completion of the exchange visitors' program(s) (22 CFR 62.8 (d)(2)).
 - c. Report annually to the International Student Office the cross-cultural activities provided and attended by their exchange visitors.
4. Providing informational materials to the prospective J-1 scholars which clearly outlines the following (22 CFR 62.10 (b)(5)):
 - a. Housing;
 - b. Health insurance;
 - c. Travel and entry into the United States;
 - d. Other costs that the exchange visitor will likely incur (e.g. living expenses) while in the United States;
5. Following all processes, procedures, and guidelines as provided by the International Student Office/International Enrollment Management (see information on the ISO website at: <https://www.wku.edu/iso/scholars/deptreq.php> to ensure that appropriate program and exchange visitor information is reported to the Department of State in accordance with 22 CFR 62.10 (h).
6. Ensuring each exchange visitor remains in compliance with the WKU J-1 program by:
 - a. Ensuring that the activity in which the exchange visitor is engaged is consistent with the category and activity listed on the exchange visitor's Form DS-2019;
 - b. Monitoring the progress and welfare of the exchange visitor to the extent appropriate for the category;
 - c. Reporting any incidents that involve the scholar to the ISO, including but not limited to potential litigation, death, serious injury or sexual abuse allegations [22CFR 62.13(d)]; and
 - d. Requiring the exchange visitor to keep the sponsor apprised of his or her address and telephone number, and maintain such information.
7. Ensure each exchange visitor complies with all WKU policies and procedures.
8. Shipping documents to incoming scholars.
9. If any changes in dates are not reported to ISO in a timely manner, the sponsoring department is required to pay any associated fees.

C. International Student Office/International Enrollment Management is responsible for:

1. Verifying, prior to issuing the DS-2019, that each exchange visitor:
 - a. is eligible, qualified, and accepted for the program in which he or she will be participating;
 - b. possesses sufficient proficiency in the English language necessary to participate in his or

- her academic program and to function on a day-to-day basis;
 - c. possesses adequate financial resources to complete his or her programs;
 - d. possesses adequate financial resources to support any accompanying dependents; and
 - e. has insurance in effect which covers the exchange visitor for sickness or accident during the period of time that an exchange visitor participates in the sponsor's exchange visitor program in accordance with 22 CFR 62.14.
2. Providing the exchange visitor with the *Department of State Welcome Brochure* and written information concerning the home-country physical presence requirement, travel to and entry into the United States, health insurance, and the arrival notification requirement.
 3. Conducting orientation for all exchange visitors in accordance with CFR 22 62.10 (c) to include but not limited to:
 - a. Life and customs in the United States;
 - b. Local community resources (e.g., public transportation, medical centers, schools, libraries, recreation centers, and banks), to the extent possible;
 - c. Available health care, emergency assistance, and insurance coverage;
 - d. A description of the program in which the exchange visitor is participating;
 - e. Rules that the exchange visitors are required to follow under the sponsor's program;
 - f. Address of the sponsor and the name and telephone number of the responsible officer; and
 - g. Address and telephone number of the Exchange Visitor Program Services of the Department of State and a copy of the Exchange Visitor Program brochure outlining the regulations relevant to the exchange visitors.
 4. Facilitating any changes to the J-1 exchange program in regards to the scholar, including travel validation, extension of stay, transfer to another program, changes in the exchange visitor category, funding updates or location changes.
 5. Facilitating the successful completion of the exchange visitor programs by
 - a. ensuring sponsoring departments/units and exchange visitors obtain sufficient advice and assistance;
 - b. Retaining all records related to WKU exchange visitor programs and exchange visitors in accordance with 22 CFR 62.10 (h);
 - c. Conducting the official communications relating to the exchange visitor program with the Department of State;
 - d. Preparing and submitting an annual report to the Department of State in accordance with 22 CFR 62.15 in collaboration with the sponsoring departments, Office of International Programs and Study Abroad and Global Learning.
 - e. Applying for re-designation of the J-1 program

~~International faculty and students who participate in this program will enter the U.S. under the J-1 Visa Exchange Visitor Visa program.~~

- ~~1. J-1 Visas are issued to exchange visitors based on the sponsorship of a host institution, in our case Western Kentucky University. The purpose of the program is "to provide foreign-nationals with opportunities to participate in educational and cultural programs in the United States and return home to share their experiences, and to encourage Americans to participate in educational and cultural programs in other countries"~~

- A. ~~The J-1 Visa Exchange Visitor program incorporates several requirements including:-~~
- ~~1. reciprocity; the program is intended to promote a true international exchange so there must be some flow of faculty, scholars and students in both directions;~~
 - ~~2. financial support; the sponsor must show that there is sufficient financial support to meet the living needs of a visiting scholar;~~
 - ~~3. teaching, research, or study opportunities; the visiting scholar must have a planned set of scholarly activities; and~~
 - ~~4. cross-cultural experiences; the sponsor must provide opportunities for visiting scholars to learn about American culture and society (and to improve their English language skills) with the intent being that the visitors carry a positive impression of the U.S. back to their home country. The Office of International Programs at Western is responsible for monitoring the university's participation in the J-1 Exchange Visitor Program and for helping ensure that these requirements are met.~~

D. Other Program Considerations

1. An exchange visitor may receive compensation from the sponsor or the sponsor's appropriate designee for employment when such activities are part of the exchange visitor's program and in accordance with 22 CFR 62.16.

 - a. A J-1 scholar who engages in unauthorized employment shall be deemed to be in violation of his or her program status and is subject to termination as a participant in an exchange visitor program.
 - b. The acceptance of employment by an accompanying spouse or minor child of an exchange visitor is governed by the United States Department of Homeland Security regulations. J-1 Exchange Visitors may come for varying periods of time with the possibility of renewal in some cases. Usually, though not always, exchange visitors return to their home countries upon the completion of their sponsored stay in the U.S. Depending upon the Exchange Visitor category in which they are admitted to the U.S., Exchange Visitors may engage in study (from degree-seeking to informal), teaching, or research (including individually-funded and institutionally-funded research). Some J-1 Exchange Visitors thus may become employees of the university, usually with either teaching or research responsibilities (or both).
2. J-1 Exchange Visitors who are subsequently selected for on-going employment with WKU must meet applicable visa/status requirements and must remain in compliance with university policies as they apply to this employment category. Since Exchange Visitors are normally identified and assigned through international inter-university exchange agreements, their appointment to the university will not follow customary search and selection policies. If J-1 Exchange Visitors become university employees, then, in addition to complying with visa requirements, the exchange visitors will also work in compliance with standard university personnel policies as they apply to this special category of short-term Exchange Visitors. Since these Exchange Visitors are normally identified and assigned through international inter-university exchange agreements, their appointment to the university will not follow standard university affirmative action policies. The WKU Department of Human Resources is responsible for helping to monitor working conditions of Exchange Visitors similar to other university employees. The Department of Human Resources at Western is responsible for monitoring the working conditions of exchange visitors who are employed by the university in the same way they would any other university employee.

~~The goal of the university is to strengthen international connections, including expanded participation in the U.S. Department of State Exchange Visitor Program. As we do so, we want to~~

ensure that exchange visitors have a positive experience in building their knowledge and skills while learning more about the people, culture and institutions of the United States.—

IV. Procedure

- A. Colleges, departments, units, or individual faculty members wishing to recommend university sponsorship for an international exchange visitor a J-1 scholar should contact the International Student Office (ISO) Office of International Programs (OIP) and speak with either the University Responsible Officer (RO) or Alternate Responsible Officer (ARO) for advice on non-immigrant visa requirements. Information regarding how to invite an international scholar to WKU may be found on the International Student Office (ISO) website at: <https://www.wku.edu/iso/scholars/deptreq.php>.
- B. University sponsors must allow a minimum of three months lead time in preparing paperwork for new visiting scholars (Departments should be aware that delays in visa processing and security checks can mean that some scholars may need up to 4 months to secure a J-1 visa in order to arrive at WKU).
- C. The sponsoring unit nominates the prospective exchange visitor and submits the required documentation (see Section III.B.1.) to the International Student Office.
- D. The International Student Office issues the DS-2019.
- E. The sponsoring unit ships the DS-2019 and other J-1 program information to the potential exchange visitor. ***Note - documents must be shipped and cannot be sent via e-mail or fax.
- F. Additional Guidelines
 1. The sponsoring unit must provide OIP The International Student Office (ISO) with the information/documentation necessary for university sponsorship of a potential visitor's visa application (see Section III.B.1.). Sponsoring units should consult the International Student Office (ISO) website at <https://www.wku.edu/iso/scholars/> Office of International Programs website <<http://oip.wku.edu>> for details and timelines.
 2. The OIP International Student Office (ISO) will complete the immigration documents necessary for proposed university sponsorship of an exchange visitor.
 3. Depending on the terms negotiated, the sponsoring unit will be responsible for arranging or identifying support for transportation (local and international), housing, meals, office and lab space, stipends, health insurance, and salary and benefits (if applicable), and English language instruction (if needed) for the exchange visitor.
 4. In collaboration with the sponsoring department, the exchange visitor is required to check in with the International Student Office (ISO) OIP within three days one week of arrival on campus. OIP ISO staff will provide the mandatory a general scheduled orientation to the university and to the provisions of the exchange visitor program.
 - a. Their The exchange visitor's arrival and departure will be officially reported to the U.S. Department of Homeland Security (in accordance with federal regulations). The sponsoring unit will be responsible for notifying the OIP ISO, in a timely manner, of the departure-especially early departure- of any exchange visitor attached to that unit.

- b. If the exchange visitor is to be employed by the university, the Department of Human Resources will provide the exchange visitor with a standard orientation that includes employee rights, responsibilities, benefits, etc. ~~Appointments of exchange visitors who are to be employed by the university will be handled in a manner similar to graduate assistant appointments, that is, through simply processing a Form 4 that describes the specific terms of employment.~~ Employed exchange visitors will be paid a stipend at a fixed monthly rate for a specific appointment period (as opposed to an hourly rate), with clearly understood work responsibilities.
5. Depending on the Exchange Visitor category, **reflective of their curriculum vitae** sponsoring units will provide each of their exchange visitors with a clear statement of expectations ~~for study, teaching and/or research activities including overall workload,~~ during the period of the exchange visitor's residency. For exchange visitors employed by the university, a copy of that statement will be filed with the Department of Human Resources **and Academic Affairs**.
- ~~6. With the cooperation of the sponsoring unit, OIP staff will seek to provide exchange visitors with opportunities for cross-cultural learning experiences including exposure to American people, culture, and institutions.~~
- ~~7. The sponsoring unit is responsible for monitoring the day-to-day well-being of exchange visitors.~~
- ~~a. A lead faculty or professional staff person in the sponsoring unit should be designated for this purpose. Among other things, the lead faculty or professional staff person will insure that all applicable university policies and procedures are followed.~~
8. Since Exchange Visitors fall into a special category of affiliation with the university, they will not usually have access to the standard student, faculty or staff complaint procedures. If an Exchange Visitor has a complaint, they may direct that complaint to ~~their supervisor. If unsatisfied, the Exchange Visitor can present their complaint to~~ the head of the department and/or the college dean and provost. As an alternative to working through their supervisor, the Visiting Scholar may address a **non-academic or non-personnel related** complaint to the ~~Director of International Services in the OIP. If unresolved, the Director of International Services will forward the complaint to the e~~ Chief International ~~e~~ Officer within International Enrollment Management ~~(currently the Associate Vice President for Academic Affairs)~~ who will, in turn, inform and work with the appropriate college dean to resolve the complaint. While maintaining appropriate confidentiality, the college dean will endeavor to keep the sponsoring unit informed of the progress and resolution of the complaint.
9. The Office of Human Resources **and** the **International Student Office (ISO)** ~~Office of International Programs~~ will **all** maintain appropriate files on each individual Exchange Visitor hosted by the university **if employed**.

IV. Exclusions

V. Related Policies

VI. Reason for Revision

July, 2016

University re-organization and updates to federal regulation [22 CFR 62.10 (a)(2)].

Appendices:

A. English Proficiency Certification Options

B. English Proficiency Interview Form

Additional Resources:

Information regarding how to invite an international scholar to WKU may be found on the International Student Office (ISO) website at: <https://www.wku.edu/iso/scholars/deptreq.php>.

Federal Regulation 22 CFR 62.10
(<http://j1visa.state.gov/sponsors/current/regulations-compliance/>)

Draft for Discussion and Deliberation

Appendix A

English Proficiency Certification Options

Prior to issuing a DS-2019, either the Responsible Officer (RO) or Alternate Responsible Officer (ARO) housed in the International Student Office (ISO) is required by federal regulation 22 CFR 62.10 (a)(2) to ensure each J-1 Exchange Visitor possesses sufficient proficiency in the English language necessary to participate in his or her academic program and to function on a day-to-day basis.

WKU provides multiple means for certifying that a J-1 scholar satisfies the English proficiency requirement. Sponsoring department/unit may choose one of the options outlined below.

Option 1: Exemption for Exchange Visitors from English-speaking Countries

Exchange Visitors provide confirmation they are from countries in which English is the de facto official language or an official language.

Exchange Visitor has completed post-secondary coursework at an English speaking institution.

Option 2: English Language Tests

A J-1 Scholar must achieve the minimum score indicated below on an approved English language test taken within two years of the program start date at WKU with the minimum score indicated below. The scholar must request that his or her scores be sent to the sponsoring unit/department.

	TOEFL (Test of English as a Foreign Language)	IELTS (International English Language Testing System)
Score Required	79	6.5

Option 3: Signed Documentation from an Academic Institution


Signed documentation from an academic institution or English language school confirming the scholar's language proficiency level meets or exceeds the minimum requirement.

Option 4: A Documented Interview with Host Department Sponsor

The faculty or staff sponsor may conduct an interview in English with the Exchange Visitor, and document the interview by completing the J-1 English Proficiency Interview Form (See Appendix B).

Appendix B English Proficiency Interview Form

--- WKU International Student and Scholar Services ---

 Secure Online Session

J-1 English Proficiency Interview Form

This form must be completed by the faculty or staff sponsor from the host department as part of the J-1 Scholar Host Department forms. The faculty or staff sponsor is the Western Kentucky University faculty or staff member who will primarily oversee the Exchange Visitor during their appointed time at WKU.

Visitor's Last Name: *	<input type="text"/>
Visitor's Given Name: *	<input type="text"/>
Interviewing Faculty/Staff Sponsor's Name: *	<input type="text"/>
Date of Interview: *	Month <input type="text"/> Day <input type="text"/> Year <input type="text"/>
Duration of Interview: Start time *	<input type="text"/> PM <input type="text"/>
End time *	<input type="text"/> PM <input type="text"/>
The interview was conducted: *	<input type="text"/>

English Language Verification Questions

Instructions for interviewer:

- You are required to ask questions one to three below, and summarize the visitor's answers in the space provided. A comprehensive transcription of the conversation is not required, however, a summary of each response to questions one through three must be provided, or the form will not be accepted.
- If you select to ask additional questions that will help determine the Visitor's English language proficiency, use box four to record questions and summary of answers.

1. Describe how your past experiences, training, and language study have prepared you to operate in an English-speaking environment in your occupational field. *

2. The objective of the J-1 Exchange Visitor Program is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchange." What do you expect to learn about American culture and society? How do you plan to share this learning upon your return to your country? *

What skills and knowledge do you expect to gain? *

Additional Field Related Questions (Optional)

Based on this interview:

Do you think the Exchange Visitor's English is adequate for the proposed training/appointment/activities? *

YES NO

Do you think the Exchange Visitor's English is adequate to function in the U.S. on day-to-day basis? *

YES NO

By completing and submitting this form, I certify the following:

- This interview was conducted entirely in English; and the summary included was documented by me, the faculty/staff sponsor, in the course of an interview;
- I understand that misrepresentation of any information to International Enrollment Management may negatively affect the University's J-1 Exchange Visitor Program and subject the University to criminal or civil penalties including: the suspension, revocation, termination or denial of J-1 program designation.

* required fields

--- IEM@WKU.EDU ---