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Subject: Changes to Visiting Scholar and Visiting Student Researcher Policy
From: "Campus Administrative Memos, Chancellor's Communications"
<CALmessages@berkeley.edu>
Date: Mon, January 24, 2011 6:10 pm
To: "Campus Administrative Memos" <CALmessages@berkeley.edu>

January 24, 2011

To: Deans, Chairs, Directors, and Administrative Officers
From: Graham Fleming, Vice Chancellor for Research

I am writing to call your attention to modifications of campus policy with respect to Visiting Scholars and Visiting Student Researchers. The changes involve an **expansion in eligibility** and **limits on stipends that may be offered** to Visiting Scholars or Visiting Student Researchers. *There is also a new formal definition for Visiting Scholar (see page 2 of this memo).*

1. Previously, Visiting Scholar status was available only to those who were five years beyond the award of their doctoral degrees. *The "beyond five years from Ph.D." stipulation has been eliminated.*

2. Effective July 1, 2011, stipends paid to Visiting Scholars and Visiting Student Researchers will be **limited to \$10,000 in any one calendar year**. This change is introduced in order to ensure compliance with IRS and Department of Labor regulations and conformity to the new Postdoc union contract, which appears at:
http://atyourservice.ucop.edu/employees/policies_employee_labor_relations/collective_bargaining_units/post_docs/px_complete_agreement_0910.pdf

Units/Faculty Hosts who wish to offer a higher stipend to a Visiting Scholar must make a request to the Vice Chancellor for Research (requests should be sent to the VSPA office, vspa@berkeley.edu). When contemplating requests for stipends that exceed the \$10,000 per year limit, keep in mind that *Visiting Scholars cannot be paid for services rendered to the University*. In accord with IRS and U.S. Department of Labor regulations, when compensation is offered in return for performance of a service the recipient is considered an employee, and must be hired as such. As a general rule the IRS and U.S. Department of Labor consider employees to be persons who perform services that are assigned and supervised, and for which they are held accountable.

In sum a stipend can only be provided to a Visiting Scholar if the work he or she is doing while at Berkeley is completely independent, i.e. their own. If that is not the case – e.g., **if work is assigned to them, if they are being supervised or formally mentored – visitors need to be hired in an actual job title** (e.g., specialist, visiting researcher, Postdoc).

These modifications in policy have been incorporated in the University's **revised definition of Visiting Scholar status.**

- Visiting scholars are individuals who possess a Ph.D. or its equivalent¹, and whose primary purpose for residence on the Berkeley campus is to conduct *independent research*.²
- The length of stay for a visiting scholar is at least one month and, normally, not more than two years.³
- Visiting scholar positions are not compensated. However, research units/Faculty Hosts may provide a stipend of up to \$10,000 per year to cover things such as living expenses, travel costs, and incidental research expenses – but not as a form of salary compensation.

Visiting Scholars are granted a variety of privileges, including access to the University Library, access to certain campus parking facilities, and eligibility for membership in the campus sports recreational facility. Visiting Scholar status does not guarantee assignment of an office or workspace, which must be negotiated with the sponsoring department or research unit.

For more information please visit <https://vspa.berkeley.edu/vsbenefits.html>

¹ Equivalence can be established through degrees earned at foreign universities, or through personal or professional experience that provides a basis for pursuing the type of research and writing expected of someone holding the Ph.D. degree.

² Individuals who are participants in research projects of members of the Berkeley faculty and/or who are training under the direction and supervision of faculty mentors should obtain appointments as Postdoctoral Scholars (the complete definition of Postdoctoral status is found in the UC-UAW contract which can be viewed at http://atyourservice.ucop.edu/employees/policies_employee_labor_relations/collective_bargaining_units/post_docs/px_complete_agreement_0910.pdf

³ When a unit wishes to extend the stay of a visiting scholar beyond two years, it should make the request along with the rationale for doing so to the Associate Vice Chancellor for Research. Please send requests to vspa@berkeley.edu.