



SMITHSONIAN INSTITUTION FELLOWS

1. Purpose	1
2. Definitions	1
3. Appointment Procedures	2
4. Policy	3
5. Responsibilities	7
6. Fellow Standards of Conduct	9
7. Contact Information	11

1. PURPOSE

The purpose of this directive is to establish the policies related to Fellowships at the Smithsonian Institution (SI), including those administered directly through the Office of Fellowships and Internships (OFI) and those administered by units through authority delegated by OFI. For information about other types of academic appointments, please consult [SD 205, Research Associates](#), and [SD 709, Smithsonian Institution Internships](#).

2. DEFINITIONS

Academic Appointment: A Fellowship, Internship, or Research Associate appointment.

Academic Appointment Council: A group of Smithsonian staff who work with academic appointees — mostly those who coordinate Intern, Fellow, or Research Associate appointments within the units.

Advisor: A Smithsonian staff member who advises the Fellow in pursuit of the Fellow's independent study and/or research. Specifically, advisors serve as a liaison between the Fellow and other offices within the Smithsonian Institution to ensure that the Fellow is carrying out the terms of the Fellowship, complying with the standards of conduct for Fellows, and is otherwise adhering to applicable SI policies.

Appointee: The newly appointed or extended Fellow.

Appointment Letter: A letter that OFI sends each newly appointed or extended Fellow, containing information that sets forth the terms of the appointment between SI and the Fellow.

2. DEFINITIONS (continued)

Fellow Appointment Form: This is a standardized form that an advisor sends to OFI through his or her respective unit's academic appointment coordinator, along with the appointee curriculum vitae (CV) and proposal for independent research or study, to complete the Fellow appointment process. This form may include agreements related to various terms of appointment (e.g., media release, intellectual property [see the "Policy" section on pages 3–7], and Equal Employment Opportunity [EEO] rights and responsibilities) that appointees must sign.

Fellowship: The academic appointment title of Fellow may be offered to an individual who conducts independent study or research related to Smithsonian collections, facilities, or experts. Although units may grant working titles to Fellowship appointees as they see fit, such as Graduate Student, Pre-doc, Post-doc, Visiting Professionals, Visiting Scientists, Visiting Scholars, Senior Researchers, etc., all of these are officially registered as Fellows with OFI. The designation of Fellow is distinct from the other types of academic appointments such as Research Associates and Interns (see the [Academic Appointment Type Differences Chart](#) on the [OFI website](#)).

A Smithsonian Fellow:

- may not also be a Smithsonian employee or contractor during the period of his/her Fellowship appointment; and
- may not hold another type of Smithsonian academic appointment (e.g., Research Associate or Internship) during his/her appointment as a Fellow.

Host Unit: The unit to which the advisor, and any Fellow he or she advises, is assigned.

Independent: Circumstances in which one controls his or her own schedule, study, or research focus, and day-to-day tasks.

Substantial Presence Test: Test administered by OFI to determine if a non-U.S. citizen has attained the status of a U.S. resident alien for U.S. income tax purposes based on the length of time he/she has been present in the United States as well as the type of visa(s) held during that time.

3. APPOINTMENT PROCEDURES

SI staff may select an outside individual for the title of Fellow by submitting the appropriate forms to OFI. See the OFI website for current appointment forms.

3. APPOINTMENT PROCEDURES (continued)

After the appointment form is approved by OFI, the Fellowship appointment is made official when OFI sends an appointment letter to the new Fellow.

New Fellow appointments are made for a period of no more than three years, but may be extended for an additional two years for a total of no more than five years. To extend a Fellow, the advisor submits to OFI the appropriate extension form along with the Fellow's progress report. After the extension form is approved by OFI, the Fellowship extension is made official when OFI sends an extension letter to the extending Fellow.

OFI maintains a database of all Fellows.

4. POLICY

General Principles

Fellows are eligible for appointments to conduct independent study and/or research and should not be appointed to perform services. The SI hosts Fellows because they strengthen our scholarly community with new energy and ideas. Fellows also help build bridges to other people and organizations in the SI's efforts to increase and diffuse knowledge.

The policies and procedures in this directive allow each SI unit hosting Fellows to maintain additional written policies that do not conflict with this directive and are appropriate to its particular Fellowship program. Units should consult with OFI and the Office of General Counsel (OGC) before issuing a policy that would be more restrictive than this directive.

A Fellow is not an employee of the Smithsonian. Specific terms of each Fellowship appointment are governed by the award agreement, which sets forth terms and conditions of the relationship between the Institution and the Appointee.

The Institution recognizes that there may be occasions when an SI employee's title includes the word "Fellow," and the person is employed to perform services. In such cases, that person's employment is not guided by this directive, but is under the jurisdiction of the policies and procedures of the Office of Human Resources (OHR).

Fellows are expected to commit to the amount of time indicated in the award agreement to independent research or study except for approved absences. Outside commitments inconsistent with the time a Fellow has agreed to devote toward independent research or study in their proposal and award agreement may not be undertaken during the period of the

4. POLICY (continued)

Fellowship. Generally, during a 12-month Fellowship, time off totaling up to three weeks may be taken if planned in consultation with the Fellow's advisor(s). If time off beyond three weeks is needed (e.g., for family or medical reasons), the Fellow must consult with his/her advisor and OFI. Requests for time off must be submitted in writing to OFI through the principal advisor(s).

Except where specific programs require otherwise, SI Fellows may hold any citizenship.

There are generally three (3) circumstances under which a Fellowship appointment may end:

1. The Fellow advisor requests in writing to OFI that a Fellowship appointment end because the Fellow has not met a commitment outlined in his or her award agreement.
2. The host unit director requests in writing to OFI that a Fellowship appointment end because he or she has determined that an appointee has breached Fellow Standards of Conduct (see Section 6, "Fellow Standards of Conduct") or other applicable SI policies.
3. The Fellow is either unable or unwilling to continue his or her appointment.

Stipends

Fellows may or may not receive stipends.

Fellows with stipends may receive stipend payments from the SI or from outside the Smithsonian (e.g., from the Fellow's university).

If the Smithsonian is paying the stipend, the stipend must adhere to current stipend caps as established by OFI. Units may request a waiver from OFI on these caps if they can document higher stipend levels issued by comparable Fellowship programs.

Stipends issued to SI Fellows through the Smithsonian are not considered salary or wages, but are awarded to defray living costs incurred during the tenure of their Fellowship. Because stipends are not considered wages by the Internal Revenue Service, the Smithsonian does not withhold federal, state or local income taxes or Social Security taxes from stipends. However, Fellows are fully responsible for paying all applicable income and other taxes and should consult their own tax advisors, as needed. Stipends may not be paid retroactively.

In addition to the stipend, financial support for such purposes as research, travel, equipment and insurance may be received from other non-SI sources provided no special demands are made upon the Fellow's time that do not allow him/her to fulfill the time requirement specified in

4. POLICY (continued)

the SI award agreement. Requests to receive additional (non-SI) stipend support must be submitted in writing to OFI through the principal Advisor(s). Special regulations on receiving other income may apply for foreign nationals.

- For U.S. citizens and non-U.S. citizens who satisfy the substantial presence test and are therefore considered U.S. residents for tax purposes, income taxes are not withheld from stipend payments but payments are treated as taxable income to the Fellows. Fellows awarded stipends receive a financial summary from OFI after the end of each calendar year and are responsible for meeting their own federal, state and local income tax obligations.
- For non-U.S. citizens who are not considered U.S. residents for tax purposes, stipend awards paid to category F or J visa-holders are subject to withholding of U.S. income taxes if there is no international tax treaty between the Fellow's country of residence and the United States that provides an exemption from tax as determined by OFI.

Fellows are not employees of the Smithsonian and, as noted above, stipends are considered cost-of-living allowances, not compensation or wages. Fellows should not be paid stipends from any federal grant in which the budget proposal classified the intended stipend as "salary and compensation;" however, if the budget proposal included an item intended for training and a formal training plan is developed, the Fellow may receive a stipend from funds budgeted for training. Alternatively, if the activities undertaken by the Fellow are in the nature of services rendered by an employee, in consultation with OHR, the Fellow may be converted to a salaried trust employee position and the salary may be included in the budget for the federal grant proposal under "salary and compensation."

Grants and Contracts

While they may act as a Co-Principal Investigator (Co-PI), Fellows generally may not be identified or serve as the sole Principal Investigator (PI) for external grants and contracts.

However, in cases where an external grant or contract is related to their independent Fellowship research or study (e.g., a grant for telescope time for a Fellow doing independent research at the Smithsonian Astrophysical Observatory [SAO]), and with written approval from the department chair (or equivalent position), unit director, and the Smithsonian Office of Sponsored Projects (OSP), or in the case of SAO, the Sponsored Programs and Procurement Department (SPPD), a Fellow may apply for an external grant or contract, as a PI using the Smithsonian as a home institution.

4. POLICY (continued)

Fellows who act as a Co-PI or a PI must undertake certain financial disclosure responsibilities as detailed in Section 6.

Contact the OSP or, in the case of the SAO, the Sponsored Programs and Procurement Department (SPPD), for assistance or with questions regarding Fellows applying for external sponsored funding.

Fellows may not be Smithsonian employees or engaged as contractors for the Smithsonian. SI employees and contractors may only apply for a Fellowship if they 1) terminate their employment or contract prior to accepting the award, and 2) submit a letter to OFI, describing how the research and study they propose is distinct from the activity they were performing as an employee or contractor.

Note that if a Fellow receives funding through an external grant or contract, the Fellow may be subject to the funder's intellectual property terms. Fellows should review the funder's intellectual property terms carefully to avoid any conflicts with SI intellectual property policy and conditions of the Smithsonian Fellowship. For example, Fellows cannot convey exclusive rights to funders that would prevent the Smithsonian from exercising its right to publish the research results in accordance with this policy.

Intellectual Property Rights

Fellows own copyright in all independent, original research and related content (e.g., text, photographs, illustrations, audio, video, research, graphs, recordings, databases, etc.) that they generate during their SI appointment that is based on the collections and other resources of the Smithsonian ("Smithsonian Content"), subject to SI ownership rights, and/or the rights of applicable third parties, in such underlying Smithsonian Content. Fellows should confirm that content incorporated into their original research is not subject to SI and/or third-party rights or restrictions before they use, reproduce, or publish such Smithsonian Content.

Fellows retain the Right of First Publication of articles and related data based on their research for a period not to exceed three years from completion of their appointment. When a Fellow arranges to publish an article in a peer-reviewed scholarly journal or book chapter and the article resulted from research supported by federal funding provided by the Smithsonian, either directly as the source of the Fellow's stipend or indirectly as the source of the facilities, equipment, or resources used by the Fellow, such publications and related data may be subject to the Smithsonian's Plan for Increased Public Access to Results of Federally Funded Research (the "[Plan](#)"). Fellows seeking to publish articles or book chapters should determine whether the

4. POLICY (continued)

terms of the Plan apply and, if so, ensure the publisher either will itself make the article available or allow the Fellow to make the article available, in any manner, to the public to read, analyze, and download, in accordance with the Plan. For answers to questions regarding applicability of the Plan, contact the Smithsonian Institution Scholarly Press.

Rights to inventions or discoveries, which are or may be patentable or which may be commercially licensable, are governed by [SD 102, *Disclosing, Protecting, and Commercializing Inventions*](#).

Under the terms of their appointment, Fellows are required to enter into an Intellectual Property Agreement in which, among other things, they grant the Smithsonian permission to use and reproduce research generated by the Fellow, to the extent it includes Smithsonian Content, for educational, research, museum, and non-commercial purposes, subject to the Fellow's Right of First Publication.

5. RESPONSIBILITIES

When hosting Fellows, **Unit Directors** are responsible for:

- complying with this directive; and
- assigning a Unit Fellowship Coordinator.

Unit Fellowship Coordinators are responsible for:

- complying with this directive when hosting Fellows;
- sending materials on selected individuals and supplementary documentation to OFI for Fellowships to be awarded and registered;
- working with OFI to coordinate the extension of Fellows;
- developing and disseminating information about Fellowship programs at the unit;
- ensuring that Fellows understand Smithsonian policies applicable to Fellows, such as, but not limited to, the Fellow Standards of Conduct and policies prohibiting discrimination and workplace harassment;

5. RESPONSIBILITIES (continued)

- authorizing the issuance of SI identification credentials in accordance with policies and procedures established by the Office of Protection Services (OPS) (see [SD 224, Identity Management Program](#), for details);
- collecting and maintaining current emergency contact information for every Fellow at the unit; and
- authorizing business cards, following the guidance provided in the [SD 323 Use of Funds Handbook](#).

Fellow Advisors are responsible for:

- complying with this directive when hosting Fellows;
- providing scholarly guidance and practical support for Fellows;
- ensuring that Fellows can be accommodated within the SI unit space, equipment, and staffing limitations;
- developing, where feasible and desirable, SI unit-supported enrichment activities for Fellows (in consultation with OFI);
- ensuring that no conflict of interest exists or appears to exist between themselves and their Fellows as a result of personal and/or financial relationships; and
- consulting with OFI to develop new Fellowship programs that comply with SI policies and procedures.

The **Office of Fellowships and Internships** (OFI), with oversight from the Deputy Under Secretary for Collections and Interdisciplinary Support (DUSCIS), is responsible for:

- issuing, updating, and complying with this directive;
- determining the propriety, approval, and awarding of academic appointments;
- developing, administering, publicizing, and tracking academic appointments across the SI;

5. RESPONSIBILITIES (continued)

- ensuring that all Fellows understand Smithsonian policies applicable to Fellows, such as, but not limited to, the Fellow Standards of Conduct and policies prohibiting discrimination and workplace harassment;
- advising the Under Secretaries, the directors, and the SI community on matters of Smithsonian policy related to Fellowships; and
- convening regular meetings of the Smithsonian Academic Appointment Council.

The **Office of International Relations** (OIR) is responsible for providing assistance to foreign visitors and OFI regarding the types of visas required for academic appointments, following [SD 848, *Visas for Foreign Visitors*](#).

6. FELLOW STANDARDS OF CONDUCT

In addition to Smithsonian Directives that apply to Fellows and are not specifically referenced below, Fellows must comply with these standards of conduct. If there is any doubt that an activity or planned activity is in compliance, the Fellow should immediately seek the advice of his/her Advisor or Unit Fellowship Coordinator.

Failure to comply with the following standards is cause for revoking the Fellowship appointment.

A Fellow must:

- follow standards for conducting research in the discipline, such as those for collecting and import permits and using live animals or human subjects (see [SD 604, *Misconduct in Research*](#); [SD 605, *Animal Care and Use*](#); [SD 606, *Research Involving Human Subjects*](#); [SD 607, *Responsible Conduct of Research Training*](#); [SD 608, *Financial Conflicts of Interest for National Science Foundation \[NSF\]-, National Institutes of Health \[NIH\]-, and Public Health Service \[PHS\]-Sponsored Projects*](#)); and [SD 611, *Export Compliance and Trade Sanctions Related to Research, Export and Museum Activities*](#);
- adhere to applicable SI policy and/or written agreements between the Fellow and the Smithsonian regarding ownership and use of intellectual property generated as a result of the Fellow's position, and be familiar with the provisions and processes set forth in all applicable directives, such as [SD 102, *Disclosing, Protecting, and Commercializing Inventions*](#), and [SD 609, *Digital Asset Access and Use*](#);

6. FELLOW STANDARDS OF CONDUCT (continued)

- adhere to the funding source disclosure requirements otherwise applicable to SI staff in [SD 103](#), *Smithsonian Institution Standards of Conduct*, Section 9(b), when the Fellow is publishing research findings under the Smithsonian Fellow affiliation;
- adhere to [SD 118](#), *Privacy Policy*, to ensure the protection of personally identifiable information (PII) and [SD 119](#), *Privacy Breach Notification Policy*, when reporting any suspected or confirmed breaches of PII;
- adhere to the procedures established by the Smithsonian Institution Libraries and unit libraries when using their resources and facilities;
- be aware of and guided by the generally accepted professional standards and codes of ethics applicable in his/her professional field(s);
- exhibit appropriate professional conduct and behavior, respect others, and cooperate in the enforcement of the prevention of workplace harassment as set forth in Chapter 5 of [SD 214](#), *Equal Opportunity Handbook*;
- adhere to the SI *Scientific Diving Policy* ([SD 120](#)) when applicable; and
- adhere to [SD 103](#), *Smithsonian Institution Standards of Conduct*, Section 13(c), and complete any annual disclosures required by the [Standard Form 1085](#), if the Fellow is a PI or Co-PI funded by an SI external grant.

In addition to complying with the above standards, a Fellow must not:

- misrepresent his/her relationship with the Smithsonian, particularly in any way representing himself/herself as an employee, contractor, or affiliated individual other than as a Fellow of the Smithsonian;
- publish or otherwise participate in non-Smithsonian, outside activities using his/her SI Fellowship affiliation or title without advisor approval;
- use or disseminate confidential, sensitive, or proprietary information obtained through his/her SI appointment;
- use or disseminate export-controlled information without proper authorization (see [SD 611](#));

6. FELLOW STANDARDS OF CONDUCT (continued)

- directly or indirectly profit or appear to profit from, or permit or appear to permit others to profit from, information obtained through his/her SI appointment that is or would otherwise be unavailable to external scholars or the general public;
- solicit or accept any gift that is or appears to be offered because the Fellow holds an SI academic appointment or may have influence within the Smithsonian;
- use official SI letterhead and similar materials, mailing privileges, or equipment, or supplies for anything not related to official SI business;
- solicit or promote the sale of any goods or services on SI premises through the use of SI resources or facilities, including email;
- operate SI motor vehicles or off-road equipment unless the host unit determines that such use qualifies as official SI business as described in [SD 421](#), *Motor Vehicle Management*, which provides that authorized operators may drive a motor vehicle or off-road equipment on SI official business only;
- reproduce copyrighted material (owned by the Smithsonian or a third party) in the absence of specific approval to do so from the rights-holder(s); and
- receive, spend, or commit SI funds without the approval and active fund management of his/her host unit's administrative staff.

An individual with access to collections should be aware of the issues addressed in the respective unit's collections management policy and [SD 600](#), *Collections Management*. Access to and use of collections must be approved in advance by the appropriate unit staff member in accordance with established policy and procedures. A Fellow working directly with SI collections must disclose any personal activity that may create or seem to create conflicts of interest, such as collecting or dealing in similar objects, materials, or specimens.

A Fellow who becomes aware of any facts or circumstances giving rise to conflicts with the above-stated principles must immediately disclose such facts and circumstances to the Fellow's advisor.

7. CONTACT INFORMATION

Please visit the OFI [website](#) for more information and answers to questions about Fellowships.

CANCELLATION: SD 701, July 29, 2005
INQUIRIES: Office of Fellowships and Internships (OFI)
RETENTION: Indefinite. Subject to review for currency 36 months from date of issue.
