

**GERMAN-AMERICAN FULBRIGHT COMMISSION
TERMS AND CONDITIONS OF AWARD
FOR AMERICAN GRANTEES**

1. INTRODUCTION

Please read carefully the following Terms and Conditions of Award, which are an integral part of the Grant Authorization to which they are attached. If you wish to accept this grant, you must, within twenty-one days from the date of the Grant Authorization, sign and return the copies to the address given in the bottom paragraph of the Grant Authorization. The Commission will describe all grant details and grant-related procedures in a series of circular letters, which also form an integral part of the Grant Authorization.

The Commission for Educational Exchange between the United States of America and the Federal Republic of Germany is the contractual partner of the grantee and from hereon designated as "The Commission."

The Commission supervises grantees during the grant period. The following Terms and Conditions of Award are based on policies of the J. William Fulbright Foreign Scholarship Board (FSB) and the policies and regulations authorized by the Commission's Board.

2. GRANT BASIS

Authorized under the Agreement between the Government of the United States and the Government of the Federal Republic of Germany of November 20, 1962, as amended January 11, 1974.

3. PREREQUISITES

3.1. Citizenship

Grantees must be U.S. citizens with a valid U.S. passport.

3.2. Degree Requirements

University students must hold a B.A. degree or equivalent, lecturers and research scholars must hold a Ph.D. or equivalent degree by the time of grant inception.

3.3. Grantee Status

Grantee status is contingent upon the Commission's receipt of a signed grant document.

3.4. Ineligibility Factors

3.4.1. Concurrent Grants

No applicant may receive concurrently a grant from the Fulbright Student Program and a grant from the Fulbright Doctoral Dissertation Research Program.

3.4.2. Persons Associated with Specific Agencies and Organizations, and Members of their Families

The following persons are ineligible for grants:

3.4.2.1. Employees of the U.S. Department of State, for a period ending one year following the termination of such employment. This provision does not include part-time or

temporary employees, consultants, and contract employees of the Department of State, unless such persons perform services related to the Bureau's exchange programs;

3.4.2.2. Employees of private and public agencies (excluding educational institutions) under contract to the U.S. Department of State to perform administrative or screening services on behalf of the U.S. Department of State's exchange program, for a period ending one year following the termination of their services for the U.S. Department of State provided such employees have been directly engaged in performing services related to the exchange programs;

3.4.2.3. Officers of an organization, in the United States or abroad, including members of boards of trustees or similar governing bodies, or individuals otherwise associated with the organization, wherein the organization and the individuals are responsible for nominating or selecting individuals for participation in any U.S. Department of State exchange program, for a period ending one year following the termination of their association with such organization;

3.4.2.4. Members and staffs of the Commissions for a period ending one year following the termination of their services with the Commissions;

3.4.2.5. Members of the FSB, for a period ending one year following the expiration of their service on the Board;

3.4.2.6. Immediate families (i.e., spouses and dependent children) of individuals described in paragraphs 3.4.2.1.-6., for a period ending one year following the termination of such employment. This provision does not disqualify self-supporting members of families who live apart from their parents.

3.4.3. Persons Arrested for, Indicted for, Charged with, or Convicted of a Felony or a Misdemeanor

A candidate who, at the time of application, or at any subsequent time prior to becoming a grantee has been convicted of commission of a felony or a misdemeanor (excluding minor traffic violations), must inform the Commission, the Bureau of Educational and Cultural Affairs (ECA), or the FSB in writing of such fact. Similarly, a candidate who at the time of application or at any subsequent time prior to becoming a grantee, has been arrested for, indicted for, or charged with a felony or a misdemeanor (excluding minor traffic violations), and the criminal matter has not been resolved, must inform the cooperating agency, the Bureau (ECA), or the FSB in writing of such fact.

If the candidate has been convicted of a felony, the FSB will not select such a candidate for a grant (or, if the candidate has already been selected, the FSB will annul the selection) unless the FSB is satisfied that the conviction does not represent an absence of the requisite moral and social attitude desired of grantees. Such a determination will be based upon the nature of the crime, the time and place of conviction, and the subsequent conduct of the candidate. A candidate who has been convicted

of a misdemeanor shall be eligible for selection unless the FSB finds that the conviction represents an absence of the requisite moral and social attitude desired of grantees. Similarly, a selected candidate who has been convicted of a misdemeanor shall have his or her selection annulled only if the FSB finds that the conviction represents an absence of the requisite moral and social attitude desired of grantees. Such a determination will be based upon the nature of the crime, the time and place of conviction, and subsequent conduct of the candidate.

If the candidate is arrested for, indicated for, or charged with a felony or a misdemeanor, the application (and, if already made, the selection) may be suspended by the FSB until the crime matter is resolved, or until such time that the FSB is satisfied that the arrest or the charges do not represent an absence of the requisite moral and social attitude desired of grantees.

Similarly, a candidate who, at any time after becoming a grantee, is arrested for, indicated for, or charged with, a felony or a misdemeanor, must inform the cooperating agency, the Bureau (ECA), or the FSB in writing of such a fact. The grant may be suspended by the FSB until the criminal matter is resolved, or until such time that the FSB is satisfied that the arrest or the charges do not represent an absence of the requisite moral and social attitude desired of grantees. If a grantee is convicted, the FSB may revoke the grant.

If an application, selection, or a grant is suspended on a basis of criteria stated above, and the matter causing the suspension has not been resolved prior to the date set for the commencement of the grant activities, the FSB may reject the application, rescind the selection, or revoke the grant, as applicable. Any funds disbursed to the grantee must be immediately returned to the source.

After a revocation, the grantee is considered as not having received the grant and will not be an alumnus or alumna of the Fulbright Program.

4. PURPOSE OF GRANT

Full-time performance of professional teaching, lecturing, consultation, research, or study as described in the Grant Authorization.

5. DURATION OF GRANT

5.1. Length

The Grant is issued either for a full academic year or any portion of the year as specified in the Grant Authorization. The grant cannot be postponed to a subsequent year.

5.2. Effective Period

The grant is effective from the date of the grantee's arrival in Germany or the inception date of the grant, whichever is later, to the time of departure as specified in the Grant Authorization. Grant benefits are computed on this basis.

6. GRANT BENEFITS

6.1. Maintenance Allowance

All grant benefits are contingent on the presence of the grantee in Germany during the grant period. The Commission will provide maintenance benefits as specified in the Grant Authorization and spouse allowance benefits where applicable. The definition of the term "spouse" is based on German law.

6.2. Transportation

Direct roundtrip transportation from the home of the grantee to his or her destination in Germany is provided for the grantee only.

6.3. Incidental Allowance and Baggage Allowance

An allowance for books, educational supplies, and materials, as well as for local travel or services essential to the grantee's professional activity or otherwise related to the grantee's stay in Germany will be provided. A baggage allowance will be issued for excess baggage and certain minor local transportation stateside or in Germany.

6.4. Health and Accident Insurance

The United States Department of State provides, subject to availability, grantees with supplemental health and accident insurance during direct travel time to the host country, while participating in grant activities abroad, and while directly en route back to the United States. This insurance is intended to supplement the grantee's normal insurance policy or the insurance policy provided by the Commission.

6.5. Additional Health Insurance

The Commission provides additional health insurance to grantees and eligible dependents subject to availability.

6.6. Orientation

All grantees are required to attend orientation meetings conducted by the Commission, if applicable.

7. RESTRICTIONS

7.1. Benefits from Other Sources

A grantee must report to the Commission all scholarships, fellowships, grants, or salaries from other sources, in U.S. dollars or in foreign currency, received concurrently with this grant. Adjustments may be made if benefits received from other sources duplicate benefits provided by the Fulbright grant. No deductions will be made because of dollar funds received by the grantee as sabbatical leave pay.

7.2. Overpaid Grant Benefits

Any overpayment of authorized grant benefits shall be repaid by the grantee promptly.

7.3. Return Transportation

Homebound transportation will not be paid for grantees who leave Germany before the termination date of the grant unless the early departure has been approved by the Commission. Return transportation will be extended for up to one year for grantees with extensions or renewal grants.

7.4. Absences during Grant Period

Grantees must inform the Commission if they plan to leave Germany during the grant period and must expect a proration of maintenance benefits.

8. LIABILITY

No one or more of the FSB, the U.S. Department of State or the Commission will be liable for any claim or claims resulting from a grantee's failure to enter upon or to complete the project outlined in the grant, even though the failure is beyond the grantee's control, including without limitation any failure resulting from a revocation, termination, or suspension effected pursuant to Section 11 below.

9. RESPONSIBILITIES AND RIGHTS OF GRANTEES

As provided in U.S. law, all recipients of Fulbright academic exchange grants will have full academic and artistic freedom to write, publish, and create, and no grant made by the FSB may be revoked or diminished on account of the political views expressed by the recipient or an account of any scholarly or artistic activity that would be subject to the protections of academic and artistic freedom normally observed in universities in the United States. It is the policy of the FSB to ensure that the academic and artistic freedoms of all persons receiving grants are protected.

Grantees are responsible for observing satisfactory academic and professional standards and for maintaining a standard of conduct and integrity that is in keeping with the spirit and intent of the Fulbright Program and that will contribute positively to the promotion of mutual understanding between the peoples of the United States and those in other countries. Grant recipients are expected to obey the laws of the United States.

A person accepting a grant is not by virtue thereof an official or employee of the U.S. Department of State or other agency of the Government of the United States of America or Germany, or of an agency of the government home country, or of the Commission.

Web-Based Media: Grantees who share their Fulbright experiences publicly via web-based media are responsible to acknowledge that theirs is not an official Department of State website or blog, and that the views and information presented are their own and do not represent the Fulbright Program or the U.S. Department of State. Any grantee who posts inappropriate or offensive material on the Internet in relation to the Fulbright Program may be subject to revocation or termination of their grant (see section 11.4. below, grounds for revocation 2 and 8).

10. PASSPORTS AND VISAS

The grantee is personally responsible for obtaining a passport and any visas that may be required by the countries in which the project will be undertaken or through which the grantee will pass en route to the final destination. The grant does not provide for expenses related to any passport or visa fees.

Such expenses must be born by the grantee without recourse to claim for reimbursement.

11. REVOCATION, TERMINATION, AND SUSPENSION OF GRANT

11.1. Definitions

A "grantee" is defined as a selected candidate who has signed the grant document (including all terms and conditions thereof) without qualification and has returned a signed copy to the corresponding cooperating agency.

A candidate who has been selected, but who has not so signed and returned the grant document, is defined as a "selected candidate".

In the event a selected candidate fails to sign and return a copy of the grant document within a reasonable time after it has been received by the selected candidate, the selection may be withdrawn by the FSB or the Commission by notice of such withdrawal delivered to the selected candidate.

11.2. Revocation, termination, or suspension

A grant may be revoked, terminated, or suspended. After a revocation, the grantee is considered as not having received the grant and will not be an alumnus or alumna of the Fulbright Program; after a termination, unless otherwise stated, the grant will be considered to have ended when the FSB announces its decision to terminate; and after a suspension, the grant will be considered inoperative until a decision is made to reinstate, revoke or terminate the grant.

11.3. Authority to Recommend Revocation or Termination

The Commission, as applicable, has authority to recommend that the FSB revoke or terminate the grant held by a grantee who has departed the United States for the host country. The Commission has authority to recommend that the FSB revoke or terminate a grant to a grantee who has not yet departed the United States for the host country.

11.4. Grounds for Revocation or Termination

In addition to the grounds specified in Section 3.4., grounds for revocation or termination include, but are not limited to: (1) violation of any law of the United States or Germany; (2) any act likely to give offense to the host country because it is contrary to the spirit of mutual understanding; (3) failure to observe satisfactory academic or professional standards; (4) physical or mental incapacitation; (5) engaging in any unauthorized income-producing activity; (6) failure to comply with the grant's terms and conditions; (7) material misrepresentation made by any grantee in a grant application form or grant document; (8) conduct which may have the effect of bringing the Department of State or the Fulbright Program into disrepute; (9) violation of the policies of the FSB.

In addition, the FSB may terminate a grant, unless prohibited by law, if (1) the grantee has exhausted all benefits of health and accident insurance provided by the U.S. Department of State in connection with the grant and continued medical treatment would lead to the grantee's becoming a public charge, or (2) the

grantee requires such protracted medical treatment that successful completion of the grant is jeopardized. The procedure for any such termination shall be the same as that provided for the termination of grants generally, except that the recommendation for such termination, supported by the corresponding factual information, shall be made by the Bureau (ECA) (not a host institution, Commission). In the event any such grounds occur during the period of a grant, it is the FSB's policy that such a grant should not be renewed or extended.

11.5. Procedure for Revocation or Termination

The procedure for revoking or terminating a grant is:
The Commission consults initially with the Bureau (ECA) and the Staff Director of the FSB;
The Commission prepares a Statement of Fact and Recommendations for Specific Action by the FSB and forwards them to the Staff Director;
The Staff Director provides a copy of these documents to the grantee and obtains proof of delivery;
The grantee sends a written reply to the Staff Director within two weeks of receipt of the documents. The FSB may grant additional time for reply if circumstances warrant. The Staff Director will inform the FSB if the grantee does not reply within the specified time;
The Staff Director provides a copy of all documents to the Commission for review and to the Bureau (ECA) for review, evaluation, and recommendation;
Following receipt of the Bureau's (ECA) evaluation and recommended action, the Staff Director provides a copy of all relevant documents to the FSB.

The FSB will inform the grantee, the Commission and the Bureau (ECA), expeditiously and in writing, of the FSB's decision and the reasons therefore.

11.6. Financial Issues Related to Revocation, Termination, and Suspension

Unless otherwise specified by the FSB, when a grant is suspended, revoked, or terminated, disbursement of any allowances and benefits will cease, except for return travel, and medical benefits that may be authorized under the Bureau's (ECA) accident and sickness program for exchanges; the grantee will also be required to immediately repay any advances in allowances or benefits disbursed for use in the period of time after the suspension, revocation or termination. Unless otherwise authorized by the FSB, Bureau (ECA), Commission, no further claim for disbursements of allowances or benefits will be honored. This provision shall not apply to grants that are suspended because conditions in the host country require the departure of grantees for reasons of personal safety.

The Bureau (ECA) and the Commission will inform the grantee whose grant has been suspended, terminated, or revoked of

the impact of the FSB's decision on past and future allowances and benefits; the Bureau (ECA) and the Commission will take the necessary measures to implement the FSB's decision, and to collect any advances in allowances and benefits that must be repaid.

11.7. Suspension

The FSB, at the recommendation of a Commission may suspend a grant pending the procedure for revocation or termination of the grant, or if the grantee is arrested for, indicted for, charged with, or convicted of commission of a crime, either before or after the grantee's departure from the United States, in accordance with Section 3.4.

The Commission may suspend a grant:
if the grantee ceases to carry out the project during the grant period;
if the grantee leaves the host country for more than two weeks without the prior authorization of the Commission;
if conditions in the host country require the departure of grantees for reasons of personal safety.

12. REMAINING ABROAD AFTER GRANT EXPIRATION

A grantee remaining abroad will no longer be considered a grantee and may not continue to represent himself or herself as such. Further, grantees must accept that they may be deprived of return transportation benefits if they do not use them as offered.

13. INCOME TAX LIABILITY

13.1. German Taxes

All grant benefits received in Germany are exempt from German income tax and need not be reported to any tax office in Germany.

13.2. U.S. Taxes

Grantees are responsible for determining their individual United States income tax liability as resulting from the Fulbright grant. The extent of liability is set forth in the Internal Revenue Code of 1986, as amended.

14. COMPLETE POLICIES

The full text of the policies of the J. William Fulbright Foreign Scholarship Board can be found under <http://fulbright.state.gov/fulbright/become/programwork/program-structure-and-rules>

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