

CHAPTER 200 - PARTICIPATION OF EDUCATIONAL INSTITUTIONS

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200 PARTICIPATION OF EDUCATIONAL INSTITUTIONS

210 ELIGIBILITY REQUIREMENTS

211 Legal Authority and Interpretation

a. No foreign grantee under the academic exchange program authorized by the Fulbright-Hays Act who is sponsored financially, in whole or in part, by a U.S. Government agency shall be placed in an institution that is not complying with Title VI of the Civil Rights Act of 1964 requiring nondiscrimination in federally assisted programs.

b. The working rule for determining an institution's compliance status will be (1) that it has certified to the Department of Education its compliance with Title VI of the Civil Rights Act and (2) that there have been no findings to the contrary (i.e., no complaints to the contrary have been sustained).

211.1 Modification of Institutional Affiliation

The Fulbright-Hays Act eliminates the requirement that U.S. grantees under Fulbright Public Law 79-584 be affiliated with "schools and institutions of higher learning." U.S. grantees, therefore, may study or undertake research in libraries, museums, or undertake private voice or musical studies, etc., without being formally sponsored by or associated with educational institutions over seas of the types previously required under the Act.

211.2 Academic Projects Broadly Defined

a. All projects that will contribute to the objectives of the program and otherwise conform to the provisions of the Act are considered to be within the scope of the program. Broad interpretation of academic activities and fields shall be adhered to so that persons not engaged in strictly academic pursuits at the time of their application may participate if they propose a worthy project.

b. In view of the essentially academic character of the program, the majority of individuals receiving grants will be carrying out projects calling for affiliation at educational institutions. However, the Board recognizes that in some cases certain projects can best be carried out without academic affiliation and, in such instances, overseas Commissions and posts may recommend other appropriate placements for U.S. grantees.

212 U.S. Institutions

212.1 Conformance to Title VI, Civil Rights Act of 1964

a. No foreign grantee under the academic exchange program authorized by the Fulbright-Hays Act who is sponsored financially, in whole or in part, by a U.S. Government agency shall be

placed in an institution that is not complying with Title VI of the Civil Rights Act of 1964 requiring nondiscrimination in federally assisted programs.

b. The working rule for determining an institution's compliance status will be (1) that it has certified to the Department of Education its compliance with Title VI of the Civil Rights Act and (2) that there have been no findings to the contrary (i.e., no complaints to the contrary have been sustained).

212.2 Institutions of Higher Learning in the United States

Schools and institutions of higher learning in the United States shall be considered qualified to receive foreign grantees without additional action by the Board if they appear as accredited institutions either in (1) the U.S. Network for Education Information, (located in the National Library of Education, U.S. Department of Education, an interagency and public/private partnership including the U.S. Department of State and other agencies); (2) "Accredited Institutions of Post-secondary Education," American Council on Education; (3) "American Universities and Colleges;" (4) "American Community and Junior Colleges;" (5) "Accredited Advanced Dental Education Program," American Dental Association; and (6) "Directory of Residency Training Programs," American Medical Association. The criteria for determining the inclusion of institutions in these publications appear in the introductions thereof.

212.3 Elementary, Secondary, and Technical Schools in the United States

Such schools, public and private, shall be considered qualified to receive foreign teacher grantees without additional action by the Board, provided the school is recognized as such by the Department of Education of a state, county, or municipality.

212.4 Other Institutions in the United States

a. Research Scholars and professionals from partner countries may secure appointments for individual or collaborative research at non-academic institutions of a highly specialized nature. The cooperating agency may place grantees from partner countries at such non-academic institutions if they are nonprofit, and their primary goals include the advancement of learning, scholarly research, or the promotion of international cooperation, without additional action by the Board.

b. No scholar or professional shall be placed at a non-academic institution not included in 212.4a without the approval of the Board.

212.5 U.S. Citizen-Sponsored Schools and Institutions of Higher Learning Outside the United States

a. U.S. citizen-sponsored schools and institutions of higher learning located outside the United States are eligible for participation in the program if they come within those classes of institutions to which Congress made reference in the Act, and preceding legislation. Whether a particular institutional applicant does in fact come within those classes is a question to be

determined by the Board. In making this determination the Board will take into consideration the following factors:

1. Institutional control—the extent or degree to which control of the institution is actually exercised by U.S. citizens or U.S. interests.
2. Institutional financing—the extent or degree to which the institution is financially supported by people or agencies in the United States.
3. Institutional accreditation—the presence or absence of any form of U.S. accreditation, affiliation, or recognition.
4. Institutional curriculum—the extent to which the curriculum may be considered similar to that of a comparable institution in the United States; the presence or absence of courses devoted to a study of aspects of U.S. civilization.
5. Institutional instruction—the extent to which English is used as the language of instruction; the extent to which U.S. pedagogical practice and theory are employed.
6. Institutional faculty—the extent to which U.S. citizens or nationals educated in the United States constitute the faculty.

b. In determining whether individual U.S. schools and institutions should be selected to participate in the program the Board will base its determination on the following factors:

1. It must be recognized as a U.S. school or institution of higher learning abroad within the meaning of this section.
2. It should contribute to the general objectives of the Act and the specific objectives of the country plan
3. It should offer an educational experience to the grantee or grantees identifiable in kind, if not in degree, with that afforded by similar institutions in the United States.
4. Its educational reputability should be established.
5. It should be an existing institution, firmly established, and with promise of continuity.

212.5-1 Distinction Between Schools and Institutions of Higher Learning

The phrase "U.S. schools and institutions of higher learning" as it pertains to schools and institutions located outside the United States, Puerto Rico, and the Virgin Islands may include institutions of higher learning and also schools below college level.

212.5-2 Overseas Schools Primarily for Children of U.S. Residents

In considering the eligibility of schools conducted primarily for the children of U.S. residents, the Commissions and/or posts shall first establish to the satisfaction of the Board that the participation of such schools will benefit nationals of the country concerned and that such affiliation will assure a contribution to the "exchange" objectives of the program.

212.5-3 Placement of U.S. Grantees in U.S. Citizen-Sponsored Schools and Institutions of Higher Learning

Outside the United States the Board believes that U.S. grantees abroad should be affiliated with institutions, programs, and projects representative of the host country rather than of the United States. Therefore, while the Board welcomes and encourages the establishment of U.S. educational institutions abroad, it does not wish to encourage the expectation that U.S. grantees will be affiliated with such institutions. In general, grantees will only be affiliated with U.S. citizen- sponsored educational institutions abroad if the affiliation affords them an educational exchange experience comparable to the experience they would have in an educational institution of the host country.

As the nature of the experience received by the grantees differs for the different categories of grantees, the criteria will differ somewhat for each category. The specific criteria for each category of U.S. grants are included in the individual chapters of the Board's Policies (see Chapters 400, U.S. Students; 600, U.S. Lecturers and Research Scholars; and 800, U.S. Teachers). These criteria, which the Board may modify as the situation warrants, serve as guidelines in determining the appropriateness of projects and proposed affiliations of U.S. grantees with U.S. citizen-sponsored schools and educational institutions abroad. Requests for exceptions to these criteria will be considered on their merits by the Board if recommended by the Commission and/or posts.

213 Institutions of Participating Countries 213.1 Schools and Institutions of Higher Learning Overseas

Schools or institutions of higher learning of a participating country shall be considered qualified to receive grantees if: (1) they are recognized as nonprofit educational institutions by the Ministry of Education in the country in which they are situated; (2) they are recommended by the Commission and/or post in the respective country; and (3) they are able to meet any additional specific requirements which the Board may determine from time to time.

213.2 Elementary, Secondary, and Technical Schools Overseas

Such schools or their equivalent, public and private, shall be considered qualified to receive U.S. teachers as grantees, provided: (1) the schools are recognized as nonprofit educational institutions by the Ministry of Education or other official accrediting body in the participating country; (2) they are recommended by the Commission and/or post in the respective country, and (3) they are able to meet any additional specific requirements which the Board may determine from time to time.

213.3 Other Institutions Overseas

Research scholars and professionals from the United States may be placed, with the approval of the Board, at non-academic institutions of a highly specialized nature if they are nonprofit and their primary goals include the advancement of learning, scholarly research, or the promotion of international cooperation.

220 PROCEDURE FOR APPROVAL OF INSTITUTIONS FOR PARTICIPATION IN THE PROGRAM

221 General Approval

221.1 Institutions in the United States

Schools and institutions of higher learning in the United States that are described in section 212.2 and 212.3 and non-academic institutions that are described in 212.4a are qualified for general approval for placement of nationals of partner countries without additional action by the Board. Requests for approval of non-academic institutions described in 212.4b shall be presented by the cooperating agency to the Bureau, for consideration by the Board, and should include general information about the non-academic institution, along with the papers of the applicant, and any supplementary documentation received from the Commission or post.

221.2 U.S. Institutions Outside the United States

U.S. schools and institutions of higher learning in participating countries meeting the criteria described in Section 212.5 are qualified for further consideration for general approval to receive U.S. grantees upon recommendation of such institution by the respective Commission and/or post and the submission of the following information, as appropriate, to the Board:

- a. Official name and location of institution.
- b. Date of founding.
- c. Control or sponsorship; that is, whether state, provincial, municipal, denominational, or private.
- d. General departments of instruction, faculties or schools; for example, liberal arts, law, medicine, etc.
- e. General information concerning instruction:
 1. Admission requirements;
 2. Level of instruction (described, if possible, in terms of comparable instruction in the United States); and
 3. Degrees, diplomas, certificates conferred.
- f. Recognition by the Ministry of Education or other official accreditation.
- g. Approximate size of student body and teaching staff.
- h. Libraries, museums, laboratories, and special research facilities.
- i. Calendar of sessions; dates of the beginning and end of the academic year.

221.3 Institutions of Participating Countries

Institutions of higher learning in any of the participating countries that are listed as such in the *International Handbook of Universities* (edited by D.J. Aitken), the *Commonwealth Universities Yearbook* (edited by A. Christodolou and Tom Craig), or in other publications specified by the Board, are qualified for further consideration for general approval to receive U.S. grantees upon recommendation of such institution by the respective Commission and/or post and subsequent approval by the Board.

Elementary, secondary, and technical schools in the participating country described in Section 213.2 are qualified for general approval to receive U.S. teacher grantees upon recommendation of such schools by the respective Commission and/or post and subsequent approval by the Board.

Schools and institutions of higher learning in any of the participating countries that meet the criteria outlined in Section 213.1 but are not listed in the reference texts indicated in the first paragraph of this section, and specialized non-academic institutions described in Section 213.3, are qualified to receive U.S. grantees upon recommendation of such institutions by the respective Commission and/or post and the submission of the following information, as appropriate, to the Board:

- a. Official name and location of institution.
- b. Date of founding.
- c. Control or sponsorship; that is, whether state, provincial, municipal, denominational, or private.
- d. General departments of instruction, faculties, or schools; for example, liberal arts, law, medicine, etc.
- e. General information concerning instruction:
 1. Admission requirements.
 2. Level of instruction (described, if possible, in terms of comparable instruction in the United States).
 3. Degrees, diplomas, certificates conferred.
- f. Recognition by the Ministry of Education or other official accreditation.
- g. Approximate size of student body and teaching staff.
- h. Libraries, museums, laboratories, and special research facilities.
- i. Calendar of sessions: date of the beginning and end of the academic year, semesters or terms, and vacation periods.
- j. For specialized institutional affiliation, a statement by a competent specialist in the participating country critically appraising the institution and its facilities for the affiliation proposed by the Commission and/or post.