



Universität Hamburg

DER FORSCHUNG | DER LEHRE | DER BILDUNG

DIRECTIVE FOR THE AWARDING OF SCHOLARSHIPS AT UNIVERSITÄT HAMBURG (EXCLUDING UKE)

UNIVERSITÄT HAMBURG, UNIVERSITY ADMINISTRATION, DEPARTMENT 4:
RESEARCH MANAGEMENT AND FUNDING

**AS RATIFIED BY THE EXECUTIVE
UNIVERSITY BOARD ON
5 DECEMBER 2022**

PREAMBLE

Universität Hamburg awards scholarships to foster education and professional development, especially for students, doctoral researchers, and postdoctoral researchers. Scholarships are granted according to uniform principles, in order to guarantee equal opportunity, transparency, and legal certainty. A scholarship provides funding primarily for living expenses and educational materials during the period for which it is awarded, but does not encompass funds for study-related travel abroad.

Universität Hamburg promotes diversity-based equal opportunity and offers support in unforeseen emergency situations. The University awards doctoral researchers, doctoral graduates, and researchers who are disadvantaged in terms of equal opportunity or who find themselves in emergency situations through no fault of their own with short-term scholarships in order to give them the opportunity to focus on their professional development or research and to develop their academic potential.

SECTION 1 SCOPE

- (1) This directive applies to the award of scholarships from Universität Hamburg budgetary funds, insofar as the corresponding budgetary requirements are met.
- (2) This directive also applies to the award of scholarships from external funding (including unrestricted external funding remainders), insofar as the external-funding provider grants the funding expressly for this use and no content-related provisions are specified for the awarding of the scholarship.
- (3) In addition, this directive applies exclusively to scholarships awarded by Universität Hamburg
 1. to undergraduates pursuing a scholarly or artistic degree (scholarships towards qualification for the completion of bachelor's or master's project),
 2. to doctoral candidates and postdoctoral researchers for educational and professional development (doctoral or *Habilitation* scholarships),
 3. to researchers (postdoctoral or research scholarships for the funding of research, professional career development, or international (research) cooperation).
- (4) This directive applies exclusively to those scholarships whose recipients are determined by Universität Hamburg itself and have not been named by external-funding providers or other third parties. In addition, it applies only to those scholarships whose recipients have been named by external-funding providers or other third parties, where the external-funding provider or third party has agreed to the application of this directive.
- (5) This directive does not apply to third-party scholarships that award their own scholarships to recipients.

SECTION 2 PREREQUISITES FOR THE AWARDING OF A SCHOLARSHIP

- (1) According to this directive, scholarships can only be awarded to qualified undergraduates, doctoral candidates, postdoctoral researchers, or scholars, and only for purposes of undergraduate, graduate, or postdoctoral study or certain educational, research or career-qualification measures.
- (2) Short-term scholarships may only be awarded to doctoral researchers, doctoral graduates, and researchers for specific research or career-qualification purposes. They must demonstrate that they are disadvantaged in terms of their educational and participation opportunities or have been in an unforeseen or unavoidable emergency situation through no fault of their own.
- (3) A scholarship may not be awarded if Universität Hamburg offers a position of employment for the same purpose. The awarding of a scholarship immediately subsequent to a period of employment at Universität Hamburg requires special justification (e.g. doctoral studies or *Habilitation*, or exclusively for further academic qualification). A scholarship awarded subsequent to a period of employment at Universität Hamburg may not serve the purpose of continuing the activities of this previous employment relationship.
- (4) A grant will not be approved if the scholarship holder receives funding for the same project from a public or private institution.
- (5) Scholarships may be awarded from state funds or from external funding. State funds may only be used for scholarships if they are specifically designated for this purpose or not otherwise earmarked. Scholarships may be funded by external funding if the granting of scholarships is provided for in the external-funding grant or if the grant allows Universität Hamburg the use of non-specifically earmarked external funding.

SECTION 3 APPLICATION / PROCEDURE

- (1) Applicants must submit a formal application. Applicants must provide proof of qualification.
- (2) Scholarships are awarded by means of a selection process according to the criteria established for this purpose at the beginning of the process. Scholarship recipients are chosen by individual professors, departments, academic institutions, or by a central selection committee.
- (3) The selection of recipients must be documented in a comprehensible manner by the body awarding the scholarship.
- (4) Scholarships are awarded on the basis of an agreement under private law (funding agreement) between the scholarship holder and Universität Hamburg. The information and documents necessary for the awarding of a scholarship must be submitted to the appropriate scholarship office by the body awarding the scholarship in order to prepare the funding agreement.

SECTION 4 PERIOD OF FUNDING / EXTENSION / SUSPENSION

- (1) The duration of a scholarship is determined by the content and objective of the educational or professional development program or of the research project. In accordance with the principles for awarding scholarships in research training groups of the German Research Foundation (DFG), it should, as a rule, be no less than three months and not exceed a period of 36 months.
- (2) The duration of a short-term scholarship is up to six months (funding period). The minimum duration depends on the purpose of the funding but is one month. In substantiated exceptional cases, the funding period / maximum duration may be extended once on application for a period of up to six months, if the emergency situation continues to exist and the goal of the project supported by the scholarship can still be achieved.
- (3) In exceptional cases, an application for the extension of the maximum duration of a scholarship may be approved if the goal of the project funded by the scholarship is still attainable, particularly where the delay is due to one of the following reasons:
 1. extended illness or serious health limitations
 2. pregnancy or child care
 3. other serious reasons.

In the case of number 2, the provisions of the protection of mothers at work and during training or studies act (Gesetz zum Schutz von Müttern bei der Arbeit, in der Ausbildung und im Studium, MuSchG) apply. Credible proof of the reasons for the delay must be submitted with the application,

- (4) Funding may be suspended for family reasons and in connection with other qualification measures (e.g. stays abroad or industrial internships funded from other sources) upon application and in agreement with the supervisor responsible for the respective scholarship or the project management. The application to suspend the scholarship must be submitted to Universität Hamburg sufficiently in advance. The rights and obligations of the parties arising from this funding agreement are suspended for the duration of the interruption, in particular Universität Hamburg's obligation to pay the funding amount. If funding is suspended, the funding period shall be extended by the duration of the suspension,

SECTION 5 FUNDING AMOUNT

- (1) The amount of funding for a scholarship may not exceed the amount necessary to fulfill the research task or to cover living expenses and individual educational needs¹.
- (2) Individual need is determined by the academic qualification of the scholarship recipient. Target groups and monthly funding amounts are determined on the basis of the academic

¹ See Hamburg Finance Court, ruling of 05 September 2012.

qualification, the current maximum BAföG rate, the current regulations for DFG scholarships, or the current maximum rates for AvH Foundation research scholarships:

1. bachelor's and master's students (qualification scholarships) receive a funding amount based on the applicable maximum BAföG rate,
 2. doctoral researchers (doctoral scholarships) receive a funding amount based on the German Research Foundation (DFG) guidelines.
 3. postdocs, junior professors, professors (who completed their doctorate or *Habilitation* within the past 12 years) receive a funding amount based on the German Research Foundation (DFG) guidelines.
 4. postdoctoral researchers, junior professors, professors (who completed their doctorate or *Habilitation* within the past 2–4 years) receive a funding amount based on the Alexander von Humboldt Foundation guidelines.
 5. experienced researchers, professors (who completed their doctorate or *Habilitation* more than 4 years ago) receive a funding amount based on the Alexander von Humboldt Foundation (AvH-Stiftung) guidelines.
- (3) In substantiated exceptional cases, the individual need may be calculated based on the recipient's latest gross income.
- (4) The funds awarded are available only for the purpose stated in the funding agreement and only in the amount awarded. There is no legal entitlement to a scholarship.

SECTION 6 TAX INFORMATION

- (1) Scholarships do not constitute an employment relationship and, provided they do not exceed the funding amounts specified in this directive and the scholarship holder has no other income, are generally tax-free in accordance with Section 3 number 44 of the current German Income Tax Act (EStG), as they do not constitute remuneration within the meaning of Section 14 of the current German Social Security Code (SGB IV). Scholarships are therefore also not subject to social security contributions. The scholarship holder's own social security contributions are not covered.
- (2) The relevant internal revenue office determines whether the conditions for tax exemption of a scholarship under Section 3 number 44 of the German Income Tax Act (EStG) are met.
- (3) Universität Hamburg will inform the scholarship holder's relevant internal revenue office of the receipt of scholarship funds in accordance with Section 93a of the German federal regulation governing reporting requirements to tax and revenue authorities by other government agencies and public service broadcasters (Verordnung über Mitteilungen an die Finanzbehörden durch andere Behörden und öffentlich-rechtliche Rundfunkanstalten) as amended.

SECTION 7 STATUS AND OBLIGATIONS OF SCHOLARSHIP RECIPIENTS

- (1) Scholarship holders are not members within the meaning of Section 2 subsection 1 of the Universität Hamburg Statutes, unless they belong to a group according to Section 10 subsection 1 of the Hamburg higher education act (HmbHG). The status of doctoral researchers is regulated by Section 2 subsection 1 of the Universität Hamburg Statutes in conjunction with Section 8 subsection 1 HmbHG and the doctoral degree regulations of Universität Hamburg.
- (2) According to Section 3 number 44 of the German Income Tax Act, the award of a scholarship may not be made contingent upon a specific academic or artistic return service nor to employment. Scholarship holders may not be integrated into the University's operations and procedures in the same way as employees. Their activities are not subject to any directions or instructions with respect to their scholarly activities.
- (3) The character of the relationship between Universität Hamburg and the scholarship holder is one of a partnership of trust. The scholarship holder is therefore obligated to pursue the scholarship goal to the best of their ability and to refrain from any activities that might jeopardize the fulfillment of the scholarship purpose. Furthermore, the scholarship holder must behave in such a way that the proper operation of the University and its facilities is not disturbed and that the German laws are observed.
- (4) Universität Hamburg may impose certain notification and information obligations on the scholarship holder. Upon request, the scholarship holder may be required to submit a report on the educational or professional development measure or the research project for which the scholarship was awarded, up to four weeks after the conclusion of the scholarship period.
- (5) Universität Hamburg must be informed immediately of any changes in the scholarship holder's personal and/or financial circumstances relevant to the amount of funding awarded by the scholarship. Furthermore, the scholarship holder must notify the University immediately upon completion of the purpose for which the scholarship was awarded.
- (6) The notification and information requirements must be included in the funding agreement. The funding agreement may provide for more extensive obligations.
- (7) Scholarship holders are required to purchase health insurance.

SECTION 8 ADDITIONAL GAINFUL WORK / OTHER INCOME

- (1) The funding agreement may permit additional gainful work, where it does not jeopardize the purpose for which the scholarship was awarded. If scholarship holders have or take on additional gainful work, they are obligated to report it.
- (2) Income (salary or wages from freelance and non-freelance work) that does not exceed the maximum limit for marginal employment (currently EUR 450 before taxes, per month) is permissible (Section 8 subsection 1 number 1 and Section 8a German Social Security Code

IV [SGB IV] in conjunction with Section 1 subsection 2 of the minimum wage act [Mindestlohngesetz, MiLoG]). Scholarship/fellowship holders are advised to check the current regulations.

SECTION 9 TERMINATION OF THE FUNDING AGREEMENT / DEMAND FOR REPAYMENT

- (1)** Universität Hamburg may terminate or withdraw from the funding agreement
 1. if the award is based on incorrect or incomplete information provided by the scholarship holder
 2. the scholarship holder receives financial support from other public or private institutions for the same project (see Section 2 subsection 4)
 3. the purpose for which the scholarship was awarded has been achieved or the requirements for funding have ceased to apply
 4. the scholarship holder takes up additional gainful work that is inconsistent with the terms and conditions of receiving funding
 5. the scholarship holder fails to make a serious, rapid, and concentrated effort to achieve the funding objective
 6. the scholarship holder has grossly violated the Guidelines for Safeguarding Good Scientific Practice and Avoiding Scientific Misconduct at Universität Hamburg of 9 September 1999, as amended,
 7. the scholarship holder grossly violates their other obligations arising from the funding agreement.
- (2)** If the scholarship holder has received benefits without legal grounds, Universität Hamburg is entitled to repayment. Any benefits received must be refunded without delay. The demand for repayment exists regardless of whether the funding awarded has already been expended in whole or in part. In individual cases, a demand for repayment may be put aside if and to the extent that it would mean undue hardship for the scholarship holder.
- (3)** Scholarships may be terminated prematurely for particularly compelling reasons (e.g., serious personal reasons, employment, etc.) without Universität Hamburg demanding repayment of funds already paid. Universität Hamburg reserves the right to consider cases individually.

SECTION 10 EFFECTIVE DATE

This directive comes into effect with the Executive University Board's resolution adopted on 5 December 2022.