

UNIVERSITY OF CALIFORNIA
GUIDELINES FOR ADMINISTERING PRIVATE OUTSIDE AGENCY STUDENT
SUPPORT FUNDS RESTRICTED BY RACE, ETHNICITY, GENDER, OR NATIONAL
ORIGIN

November 4, 1998

Outside Agencies

In addition to awards from federal, state, and University student financial support programs (including gifts and endowments), University students may receive financial support from programs administered by private entities (i.e., organizations, agencies, foundations, corporations, and donors) that are wholly separate from the University and do not use the University's name, personnel, facilities, equipment and/or other resources. These private entities are not governed by Proposition 209, and, therefore, University students may continue to receive awards from such programs. In addition, the University may assist in the administration of such programs in accordance with the following guidelines:

Prior Relationships

Campuses may assist an outside agency in administering a student financial support program that uses race, gender, ethnicity, or national origin in the selection of recipients if the campus negotiated the current participation agreement with the outside agency prior to the implementation of Proposition 209 (i.e., August 28, 1997); and if that agreement imposes an obligation on the campus that extends beyond August 28, 1997. This is consistent with the University's policy for administering restricted gifts and endowments accepted prior to August 28, 1997. General Counsel is available to help determine which participation agreements carry an obligation that the campus should continue to honor.

Future Relationships

Campuses may provide routine administrative assistance to an outside agency, regardless of the nature of the agency's restrictions on recipient eligibility or selection, as long as, in deciding whether to assist a particular agency or program, campuses make that decision based on factors unrelated to a program's emphasis on race, gender, ethnicity, or national origin. For example, a campus may choose whether to assist a particular agency based on the level of workload the requested assistance would require.

The University may be responsible for determining the eligibility or selection of recipients, only if:

- such determinations do *not* involve the use of race, gender, ethnicity, or national origin; or

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- such determinations *do* involve the use of race, gender, ethnicity, or national origin, but do *not* result in a preference, because the outside agency award replaces funds that the student would have otherwise received in the absence of the outside agency award.

In the case of an outside agency award involving a preference, the University may neither determine the eligibility or selection criteria to be used, nor identify or nominate the specific recipients of the scholarship or grant. The University may nevertheless provide administrative support to the selection process established by the outside agency.

The following activities are examples of how a campus may assist an outside agency in administering financial support programs:

Providing information to students, such as:

- posting announcements;
- advertising competitions in brochures;
- providing applications in financial aid or other administrative offices; or
- sending informational materials to students meeting the scholarship program requirements.

Receiving and distributing funds, such as:

- receiving a check made payable to the UC Regents on behalf of a student and/or to the student and crediting a student's account with the amount specified by the outside agency; or
- disbursing a check made out to the student after certifying that the student is enrolled.

Assisting an agency with processing applications, such as:

- developing application materials;
- distributing and mailing applications to students meeting the scholarship program requirements; or
- collecting and/or processing applications from students.

Providing an agency with information about students, in accordance with applicable privacy laws and policy (which, in the case of confidential information, require the student's consent prior to the release of the information), such as:

- the names of students meeting specific characteristics, from which the agency would select recipients; or
- relevant information (including race, gender, ethnicity, or national origin) about specific students.

Assisting an agency with funding for awards, consistent with the following:

- If the University provides funding for a portion or for all of an award made by an outside agency, the University funds involved must be awarded in a nonpreferential manner, in accordance with the December 17, 1997 “Interim Guidelines For Administering Financial Aid Restricted By Race, Gender, Ethnicity, Or National Origin In Conformance With Proposition 209.” Under this approach, the portion of any outside agency scholarship or grant aid that is composed of University “matching” funds should replace scholarship or grant dollars that the recipient would have received from the University regardless of his or her race, gender, ethnicity, or national origin. The portion of the award that is funded by the outside agency is not subject to Proposition 209 restrictions. Thus, the remainder of the award, funded by the outside agency, may result in an increase in the student’s total scholarship or grant aid.

In some cases a member of the faculty or staff may sit on the selection committee for an outside agency scholarship program. This would be permissible only if such an individual is acting in a private capacity and not as a representative of the University. Campuses may need to review each case individually to determine whether the individual’s participation is acceptable under Proposition 209. General Counsel and the Office of the President are available to help in making these determinations.