

**UNIVERSITY OF CALIFORNIA
GUIDELINES ON APPLYING FOR FEDERAL STUDENT SUPPORT FUNDS
POST-PROPOSITION 209**

April 19, 1999

Background

The University of California is committed to complying with Proposition 209 and its prohibition against preferences based on race, sex, color, ethnicity, or national origin. This prohibition is not absolute, however. Proposition 209 permits consideration of those factors under certain circumstances; specifically, it provides that “[n]othing in this section shall be interpreted as prohibiting action which must be taken to establish or maintain eligibility for any federal program, where ineligibility would result in a loss of federal funds to the State.” This portion of Proposition 209 is known as the “federal funds exception.” Naturally, the University does not want to lose federal funds, when consideration of race, sex, color, ethnicity, or national origin is necessary to receive such funds.

The Office of the President has identified four federal student support programs that consider University efforts to recruit and/or retain underrepresented students, as part of the selection of institutions to receive funds. They are as follows:

- Institutional National Research Service Awards (NRSA Training Grants)
- Integrative Graduate Education and Research Training Program (IGERT)
- Graduate Assistance in Areas of Nation Need (GAANN)
- Initiative for Minority Student Development (IMSD)

One of these programs – IMSD – also requires that programs developed specifically be designed to target underrepresented minority students.

These guidelines discuss whether there is a justification for exercising the federal funds exception under these four programs. The guidelines also outline efforts that the University can undertake to promote diversity, without being preferential under Proposition 209, in circumstances where the federal funds exception is not exercised.

Short descriptions of the relevant program requirements are included in Appendix A.

Institutional Efforts to Recruit and Retain Underrepresented Students

The University maintains its commitment to the goal of increasing the enrollment and success of underrepresented minorities and women in its graduate degree programs. In pursuing this goal, the University is able to develop and maintain recruitment and retention programs that are effective in promoting diversity through programs which are not preferential under Proposition 209.

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With respect to recruitment, the Outreach Task Force Report, adopted by The Regents, "... recommends an aggressive program of informational outreach to provide better and more timely information to students..." General Counsel has advised that selective targeting of informational outreach does not constitute a preference under Proposition 209 (see March 16, 1998 letter from Deputy General Counsel Morrison to Provost King for a more complete discussion). Thus, campuses may continue to make special efforts to disseminate generally available information about the University's programs to underrepresented minorities and women in order to increase applications or enrollment from those groups. Such activities may include attending minority student conferences, visiting colleges with high minority enrollment, conducting targeted mailings to underrepresented minorities and women, preparing specialized materials appropriate to the informational needs of minority students, and other similar activities.

In addition, campuses may use faculty, students, staff, and/or alumni to contact individual underrepresented minority students to encourage them to attend the University. Such contact may involve direct communication with prospective students, by mail or by telephone, and invitations to prospective students to visit the campus and meet with faculty and current students.

With respect to retention programs providing educational support and with respect to recruitment activities involving financial benefits to students, campuses have been innovative in developing activities that are open to all students but are still effective in serving underrepresented minorities and women who need assistance. Programs of this nature should be distinguished from programs that provide a financial benefit to some students only, selected on the basis of any characteristic prohibited by Proposition 209.

The University maintains flexibility to develop selection criteria that comply with Proposition 209, yet still promote diversity. The selection criteria developed for participants in the Academic Career Development Program (ACDP) show one manner in which the University might modify programs that were formerly restricted to underrepresented students, so that awards and services continue to promote diversity without being provided preferentially on the basis of race, sex, color, ethnicity, or national origin. Such selection criteria include evidence of overcoming disadvantaged social or educational backgrounds, commitment or plans to serve particular communities, and relevance of research interests to particular communities.

Campuses are encouraged to share their ideas for effective recruitment and retention programs across the University. In February 1999, UC Irvine sponsored a Forum on the Future of Graduate Education and Training in the Sciences and Engineering. This forum, which focused on ways to make competitive applications to the IGERT program, is an excellent example of one venue for such an exchange.

The ultimate test of the University's recruitment and retention efforts lies in its record in enrolling and graduating a diverse group of students. Although the percentage of

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underrepresented students is woefully small in the fields targeted by the federal programs in question, the University's record in enrolling such students is generally stronger than that of many of the institutions competing for the same federal funds.

With continued creativity in the design of outreach and retention programs and a willingness to modify programs in response to experience with what does and does not work, the University should be able to make progress towards its goal of diversifying its graduate student enrollment, and continue to compete effectively for federal funds that will help in this effort. As such, it should not be necessary to exercise the federal funds exception for the University's outreach and retention programs when applying for a grant from the four identified federal programs or from any other programs with similar consideration of institutional recruitment and/or retention efforts.

Selection of Student Award Recipients

Three of the four identified programs—NRSA Training Grants, IGERT, and GAANN—do not require that program funds be restricted to or targeted toward students of a particular race, ethnicity, or gender. Thus, there is no justification for such targeting under the federal funds exception for these three programs.

In contrast, the IMSD does require that programs developed under the initiative be specifically designed to target underrepresented minority students. Thus, in this case, campuses need to exercise the federal funds exception so that they can award IMSD funds by race, ethnicity, and gender in accordance with the federal program requirements.

Additional Assistance

The impact of Proposition 209 on the application for federal student support and training grant funding may vary, depending upon the particular program and circumstances on individual campuses. Campus personnel who have questions about federal funding requirements are encouraged to contact Gary Morrison or David Birnbaum in the Office of the General Counsel, or Kate Jeffery in Student Academic Services at the Office of the President.

APPENDIX A

The Office of the President has identified four federal student support programs that make reference to the recruitment and/or retention of underrepresented students in their published criteria for awards. They are as follows:

Program: Institutional National Research Service Awards (NRSA Training Grants)

Agency: National Institutes of Health

Description: NRSA Training Grants are awarded to eligible institutions to develop or enhance research training opportunities for individuals, selected by an institution, who are training for careers in specified areas of biomedical and behavioral research. All competing applications must include a specific plan to recruit minorities, and competing continuation applications must include a report on the recruitment and retention record during the previous award period. After the overall educational and technical merit of an application has been assessed, peer reviewers examine and evaluate the minority recruitment plan and any record or recruitment and retention, so the quality of the plan is not a factor in determining the priority score. If a minority recruitment plan is judged to be unacceptable, funding will be withheld until the applicant submits a revised plan that addresses the deficiencies.

Program: Integrative Graduate Education and Research Training Program (IGERT)

Agency: National Science Foundation

Description: The goal of the IGERT program is to enable the development of innovative, research-based, graduate education and training activities that will produce a diverse group of new scientists and engineers, well-prepared for a broad spectrum of career opportunities. The emphasis is on training graduate students. All IGERT projects are expected to incorporate an institutional strategy and operational plan for student recruitment, with special consideration of efforts aimed at members of groups underrepresented in science and engineering, i.e., women, racial and ethnic minorities, and persons with disabilities. Principal Investigators applying for an IGERT grant are expected to include in their applications a description of specific provisions for successful recruitment and retention of members of those underrepresented groups.

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Program: Graduate Assistance in Areas of National Need (GAANN)

Agency: Department of Education

Description: The goals of the GAANN program are to sustain and enhance the capacity for teaching and research in areas of national need. The criteria for awards include an assessment of how the applicant plans to recruit and retain students from traditionally underrepresented backgrounds in the academic program for which fellowships are sought, as well as whether the institution's social and academic environment is supportive of the academic success of students from traditionally underrepresented backgrounds.

Program: Initiative for Minority Student Development (IMSD)

Agency: National Institute of General Medical Sciences (a component of the National Institutes of Health)

Description: The IMSD seeks to encourage the development and/or expansion of innovative programs to improve the academic and research competitiveness of underrepresented minority students at the undergraduate, graduate, and postdoctoral levels and to facilitate their progress toward careers in biomedical research. Programs developed under this initiative "must be specifically designed to target underrepresented minority students majoring in the biomedical sciences or in medical, dental, or veterinary training who are interested in pursuing research careers." Applicants are expected to describe the type of support available to underrepresented minority students at their institutions. The review of applications includes consideration of evidence of institutional commitment, and the strength of an institution's efforts, to foster the training of underrepresented minority students in the biomedical sciences.