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Operating Guidance

No. 93-20
December 10, 1993

**VICE CHANCELLORS—BUSINESS AND FINANCE ADMINISTRATION*
CONTRACT AND GRANT OFFICERS
OFFICE OF THE PRESIDENT FUNCTIONAL MANAGERS**

**Subject: ONR Young Investigator Program Applicant Eligibility
Restriction to U.S. Citizen**

In 1992, the San Diego campus requested advice from our office on the Office of Naval Research (ONR) Young Investigator Program restricting applicant eligibility for this program to United States citizens. (Copy attached.) In response to our request for guidance on this issue, University Counsel Susan Thomas agreed with the campus assessment that the ONR restriction is in conflict with the University's nondiscrimination policy.

We subsequently wrote to John Starcher, the ONR Administrative Contracting Officer at the San Diego campus, requesting that ONR expand eligibility requirements under this program to permanent U.S. residents as well. (Letter attached.) This week, we received the attached letter from John Starcher stating that "ONR will include this broadened eligibility statement in the next competition expected for release in April, 1994." The expected change will allow permanent U.S. residents as well as citizens to apply for research support from the ONR Young Investigator Program.

Refer: Samuela A. Evans

Subject Index: 02, 14
Organization Index: F-250



David F. Mears
Director, Research
Administration Office

Attachments

cc: University Counsel Susan Thomas
Kate Phillips, COGR

THE OFFICE OF NAVAL RESEARCH YOUNG INVESTIGATOR PROGRAM

FISCAL YEAR 1994

The Office of Naval Research announces its program to identify and support university scientists and engineers who have recently received Ph.D. or equivalent degrees and who show exceptional promise for doing creative research. The objectives of this program are to attract outstanding university faculty members to the Navy's research program, to support their research, and to encourage their teaching and research careers. During fiscal year 1994, ONR will make approximately sixteen awards to academic researchers who received Ph.D. or equivalent degrees on or after 1 December 1988.

Awards of \$75,000 per year for three years (with the possibility of greater support for equipment or through matching funds for research support obtained from any other Navy organization) will be made, based on research proposals and supporting materials. Proposals falling within the broad scope of the Navy's research interests as described in the Office of Naval Research Guide to Programs* will be considered; ONR priority research areas are listed in this booklet in the section entitled "Program Areas and Contacts".

The Office of Naval Research will make a new announcement of this program each year that it is in force; applicants should refer to the current announcement in each case since the rules governing the competition (including the deadline dates) may change.

Eligibility

This program is open to U.S. citizens holding tenure-track positions at U.S. universities and colleges who received their graduate degrees (Ph.D. or equivalent) on or after 1 December 1988.

Application

An individual wishing to apply for a Young Investigator award must submit a research proposal and a supporting letter through the appropriate university officials. (ONR makes awards to institutions, not to individuals.) The research proposal should follow the format described under the "Proposal Preparation" section of this announcement. The completed proposal and supporting letter should be sent directly to the Division Director whose program, as described in the Guide to Programs and the priority research areas listed at the end of this announcement, best matches the proposed work.

The supporting letter must be from the applicant's Department Chairperson, Dean, or other official who speaks for the university regarding support for and commitment to the applicant. Strong university support for the applicant is essential. This support can be of several forms: the applicant's nine-month academic year salary; release time from administrative responsibilities; the purchase of equipment; support for the applicant's graduate students; waiver of indirect costs; etc. It must be clear that the university is making a long-term commitment to the applicant and his/her research and that the university views the applicant as a potential leading faculty member. The university official should indicate why he/she believes that the person being recommended is truly outstanding.

* The ONR Guide to Programs, dated August 1992, is available in most universities' sponsored programs offices as well as through FEDIX, an on-line information exchange at 301-258-0953; alternatively, send a self-addressed mailing label to the Office of Naval Research, Code 11SP, 800 North Quincy Street, Arlington, VA 22217-5660.

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OFFICE OF THE PRESIDENT
300 LAKESIDE DRIVE
OAKLAND, CALIFORNIA 94612-3550

August 14, 1992

Mr. John Starcher
ONR Administrative Contract Office
Scripps Institution of Oceanography, MS 0234
University of California, San Diego
La Jolla, CA 92093-0210

Subject: ONR Young Investigator Program Applicant Eligibility
Restriction to U.S. Citizens

Dear Mr. Starcher:

The San Diego campus Contract and Grant Office has forwarded to us a copy of the subject program announcement, noting that applicants must be U.S. citizens. (Copy attached.) While UC campuses have applied for and received awards under this program in previous years, the campus Contract and Grant Office recently noted that this applicant restriction may be in conflict with the University of California's nondiscrimination policy. This policy states:

In accordance with applicable State and Federal laws and University policy, the University of California does not discriminate in any of its policies, procedures or practices on the basis of race, color, national origin, religion, sex, sexual orientation, handicap, age, Vietnam-era veteran or special disabled veterans status, medical condition (cancer) related (as defined in Section 12926 of the California Government Code), ancestry or marital status; nor does the University discriminate on the basis of citizenship, within the limits imposed by law or University policy.

We are of the view that this restriction conflicts with the University's nondiscrimination policy. It discriminates against University employees who are permanent U.S. residents as it prevents them from participating in this ONR program. This issue, therefore, raises a concern for us as to whether UC faculty may continue to apply to this ONR program.

In addition to our own policy concerns, it seems to us that a restriction like this unnecessarily robs the ONR program of the contribution that could be made by some very able new scientists. So far as we know, there is not a security reason for requiring U.S.

Mr. John Starcher
August 14, 1992
Page 2

citizenship, so this restriction may also run afoul of the provisions of National Security Decision Directive 189 which attempts to unfetter these fundamental research projects as much as possible.

The enclosed program announcements from other federal agencies and the American Cancer Society for similar faculty research awards allow applicants to be either U.S. citizens or permanent residents. We would appreciate your review of this issue and request that the Office of Naval Research add "and permanent residents" to the eligibility statement of the Young Investigator Program so that ONR program requirements would be in accordance with other laws and policies governing this area with which higher education institutions must comply.

In the meantime, we will advise campuses that individuals may continue to apply for these grants, but we will also advise that permanent residents (or those who meet the definition of 8 USC §1324b (a) (3) (B)) (See attachment.) may also apply so long as they properly notify your office of their citizenship status.

Thank you for your consideration of this matter.

Sincerely,



David F. Mears
Director
Research Administration Office

Attachments

cc: Susan Thomas, University Counsel
Linda Dale, San Diego campus
Nancy Wilson, Scripps
Lisa Emrich, Irvine campus
Patricia Gates, Berkeley campus



ONRDET PASADENA

DEPARTMENT OF THE NAVY
OFFICE OF NAVAL RESEARCH
RESIDENT REPRESENTATIVE

UNIVERSITY OF CALIFORNIA, SAN DIEGO
Scripps Institution of Oceanography

0234
La Jolla, California 92093-0234

IN REPLY REFER TO:

243:jmp
UCSD General
6 December 1993

Mr. David F. Mears, Director
Research Administration Office
University of California
Office of the President
300 Lakeside Drive
Oakland, CA 94612-3550

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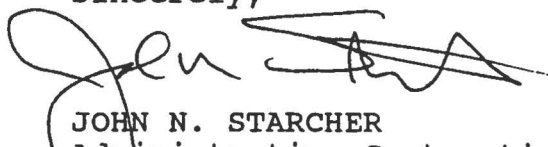
RESEARCH ADMINISTRATION

Dear Mr. Mears:

After a lengthy review, a decision was made by the Office of Naval Research (ONR), to extend the eligibility requirements to include permanent U. S. residents in the ONR Young Investigator Awards Program. ONR will include this broadened eligibility statement in the next competition expected for release in April, 1994.

I would like to thank you for bringing this matter to the attention of ONR and we hope your institution and future program applicants are pleased with the decision. I also apologize for the delay in securing a response. Please contact me if you have any further questions. My phone number is 619/534-6537.

Sincerely,



JOHN N. STARCHER
Administrative Contracting
Officer

Copy to:
Samuela A. Evans,
UC Systemwide Research Admin.