Meeting synopsis:

1. Call to Order and Approval of Agenda
2. Approval of minutes from November 10, 2010 FCR meeting
3. Announcements
4. Requests for Information and Updates
   - Research Agreement Security Controls: When Does FCR Review? Jim Poland (Facility Security Officer), Garrett Steele (Research Security Specialist) and Carol Rhodes (OSP Interim Associate Director, Compliance and Operations).
   - New Facilities & Administrative Rate Agreement – Lynne Chronister, Ass't Vice Provost for Research
5. Adjournment

1. Call to order
Council chair Ron Stenkamp called the meeting to order at 9:00 a.m.

2. Approval of Minutes
The minutes from the November 10, 2010 meeting were approved as written.

3. Announcements
Chair Stenkamp brought up three topics:
   - A new copy of the Reduced Responsibility GIM (Grants Information Memorandum) has been distributed for the FCR to respond to.
   - Senate Chair JW Harrington sent an email asking for comments on whether there are unnecessary rules. The council is free to give input on efficiency issues.
   - There is a gap in the faculty code regarding adjudication for the misconduct of research. In a recent adjudication case that was overturned by the President, the explanation given was that the faculty code doesn’t allow for any hearings on whether misconduct has occurred once the dean has made that determination. The Senate Executive Committee is looking into this, and the Faculty Council on Faculty Affairs will be discussing it. However, FCR will have to watch to make sure it makes sense for the overseers of research.

4. Requests for Information and Updates

Research Agreement Security Controls: When Does FCR Review?
Jim Poland (Facility Security Officer), Garrett Steele (Research Security Specialist) and Carol Rhodes (OSP Interim Associate Director, Compliance and Operations) presented information to the council about Sensitive Unclassified Information and the FCR’s role in working with the Office of Sponsored Programs (OSP). Rhodes went through a powerpoint slideshow on restricted research (attached – see Appendix A).

Throughout the presentation, the council asked a number of clarifying questions. The major points clarified were as follows:

- Industry requesting delay of publication for a reasonable amount of time (six months or less) is considered routine.
- Any time there is a proposed contract that doesn’t match UW policy, there is a negotiation process. Before the OSP would advise a principal investigator (PI) to come to FCR, negotiation has already occurred and they are at a point where the language in question won’t come out of the contract.
- Sensitive Unclassified Information (SUI) requires protection and is exempt from disclosure under the federal Freedom of Information Act.
- If conditions changed during the course of research and were impeding research results, FCR would review the situation, but if it wasn’t impacting people on the project, it’s not a violation of policy.
- There is no specifically prescribed appeal process, but there is precedent. An appeal process would travel through the Senate, to the dean.
- The policy has clear criteria to consider. For any decision made, one can go back to the criteria and see which way a decision was justified.
- The statement of work for a contract is generally unclassified and freely available. Most of the time, any member of the public could get a description of the work being done at UW through a Washington public records request. Currently, there is no research at the university with a classified statement of work.

**New Facilities & Administrative Rate Agreement**

Lynne Chronister, Assistant Vice Provost for Research, presented new facilities and administrative (F&A) rates for FY 2010-2014. She highlighted the new Other Sponsored Activity rate, explaining that it applied to sponsored activity that was not basic or applied research, not training, and not learning. It was formerly called the Service Rate. Examples that would fit in this category include providing services to the state of Washington, I-tech work, and sustainability work in Africa.

Chronister said that OSP has been working with Financial Management to figure out the next steps, especially as some rates have decreased. Proposals that went in after June 30, 2009 that would have gone in at a 56% rate will revert to a 54% rate. Anything not yet awarded but submitted before November 30, 2010 will go in at 54%. For awards that had expenditures after June 30, 2009, if there was federal funding or federal flow-through and the agreement hasn’t already closed out, it will be re-budgeted so that the difference between the 56% and 54% will go into the direct cost for faculty to use for their project.

Chronister and Sue Camber said they are still working out a number of questions, including the application of South Lake Union rates and revising cost sharing on some projects.
6. Adjournment
The meeting was adjourned at 10:28 a.m.

Minutes by Craig Bosman, Faculty Council Support Analyst. <cbosman@uw.edu>

Present:
  Faculty:   Stenkamp (chair), Fluharty, Haselkorn, Roseler, Spieker, Wright
  Ex Officio:  Nolan
  Guests:    James Poland, Carol Rhodes, Garrett Steele, Susan Camber,
             Lynne Chronister

Absent:
  Faculty:   Curran, Jain, Vogt
  Ex Officio:  Smith, Spelman

President’s Designee:  Eaton
Sensitive Unclassified Information - SUI

Presented to the Faculty Council on Research

 Fundamental Research
University Handbook: Volume 4, Part II: University Research, Chapter 1

- Open research environment for all faculty and students
- Freedom to select topics
- Freedom to publish or otherwise disseminate results

OSP Agreement Review
The Office of Sponsored Programs will not accept, without FCR review, sponsored funding or enter into any other agreement with:

- Restrictions on publication or dissemination of research results
- Sponsor review and approval of publications
- Sponsor ownership/control over research results, prohibiting freedom to disseminate
- Restriction on participation
- Foreign national limitation
- Sponsor approval required for any foreign personnel
- Restriction of access to campus facilities
- Due to nature of work, receipt by UW of third party controlled information at UW facilities/computers

Restrictions Types

- Export Controlled Information/Data
- Controlled Unclassified Information
- Classified Information

All types fall under the University of Washington definition of “Sensitive Unclassified Information” or “SUI”

What is Export-Controlled Information?

- Controlled by the Export Administration Regulations (EAR) or the International Traffic in Arms Regulations (ITAR) as sensitive to national security.

- Places restrictions on WHERE it can be exported and/or WHO may receive access to the information whether in the United States or abroad.

What is Sensitive Unclassified Information?

Markings that indicate the required level of protection for information and authorization (if required), these markings will also indicate that the dissemination is limited to a specific group of recipients.
Sensitive Unclassified Information Cont’d.

• Current marking system for sensitive and controlled information is inconsistent.
• The Federal Government has 107 unique marking and 103 different labeling practices for sensitive but unclassified material.

How does UW get Export-Controlled Information or SUI?

UW-Created Export Controlled:
Research Projects that include:
• Publication Restrictions
• Participation or Access Restrictions, and
• Results deemed controlled for security reasons (export controlled, defense related, sensitive to national security)

Sponsor or Third-Party SUI Received Under:
• Sponsored Research Agreement
• Non-Disclosure Agreement
• Material Transfer Agreement
• Collaboration Agreement

How does UW protect SUI?

Technology Control Plan, or TCP, describes the security controls implemented by the University to manage SUI, as required by U.S. Government statutes, regulations and guidance.

TCP is applies when the following occurs:
• Projects or activities involve the receipt of SUI from an outside party or sponsor, such as via a nondisclosure agreement or sponsored research agreement
• Projects or activities are not considered Fundamental Research
• Projects or activities involve export-controlled equipment or technology

Questions?
exports@uw.edu