

A. Academic and Student Affairs Committee

Revisions to Resolution: Federal Contracts–Officers of the University

RECOMMENDED ACTION:

It is the recommendation of the administration and the Academic and Student Affairs Committee that the Board of Regents approve the following three updates to a resolution passed on October 21, 1994 regarding security of classified information related to Federal contracts with the University of Washington.

Proposed updates to the resolution:

1. The first change to the 1994 resolution involves the title of a member of the managerial group. The resolution uses the title “Assistant Provost for Research”. It is recommended that the resolution be amended to change to “Vice Provost for Research or their designee”.
2. The second change involves the phrase, “the negotiation, execution, and administration of classified ‘Department of Defense contracts with the University of Washington under the meaning of the Industrial Security Manual for Safeguarding Classified Information’.” Since the diversity of sponsors of classified contracts at the University has increased since the 1994 resolution, it is recommended that the phrase be changed to “classified U.S. Government contracts with the University of Washington under the meaning of the National Industrial Security Program Operating Manual.”
3. The third change involves the exclusion of each Board member by name rather than by position.

BACKGROUND:

A signed security agreement between the University of Washington and the Department of Defense establishes the context for classified research contracts. This agreement includes mandatory elements of the University’s classified security program and guidelines for compliance. One mandatory element is the designation of key management personnel. The minimum key management personnel list is the President, Board of Regents and the Facility Security Officer. All key management personnel must either have a TOP SECRET security clearance, or be legally excluded from matters related to classified contracts.

Security clearances are conducted by the US Office of Personnel Management and a full background check may take anywhere from 60 days to 12 months. A TOP SECRET security clearance requires full disclosure of 10 years of personal data including details on family members, all residences, employment and

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B. Academic and Student Affairs Committee

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employment relationships, all foreign travel, and a list of all contact with foreign nationals. Interviews are conducted with family members, neighbors, references and employers/employees. Cleared individuals must also participate in annual training and report all travel to foreign countries, including Canada. A full re-investigation is required every 5 years.

The Board of Regents passed a resolution on October 21, 1994 to amend the University's agreement with the Department of Defense to exclude the Regents from access to classified information, thereby exempting the Regents from the requirement that each voting member obtain and maintain a TOP SECRET government security clearance. That resolution created a managerial group, to which the Board delegates all of its duties and responsibility for the negotiation, execution, and administration of classified Defense Department contracts with the University of Washington. The managerial group was designated as the President, the Assistant Vice Provost for Research, and the Facility Security Officer.

Prior to the 1994 resolution, the Department of Defense granted a waiver to the security requirement that each regent must be excluded as an individual, as opposed to the exclusion of the entire Board as a group. During the University's annual classified security program audit in April 2008, Defense Department auditors informed the Facility Security Officer that the waiver was not consistent with national policy and the administration of the National Industrial Security Program at other universities. The waiver has been rescinded, resulting in the need to name each regent in the resolution.

Proposed Management Group

As detailed in the University Handbook, the President (or the President's designee) is authorized to act for the Board regarding all matters concerning grants and contracts for research.

The Vice Provost for Research has designated the Associate Vice Provost for Research Compliance and Operations as the managerial group member who provides institutional perspective and oversight for classified research and contracts at the University. The Associate Vice Provost reviews and addresses any audit findings that have institutional policy issues and serves as a back up to the Facility Security Officer.

The Facility Security Officer (FSO) is the security program manager for classified research at the UW. The FSO directs and oversees the federally mandated security measures necessary to protect national security information.

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REVIEW AND APPROVALS:

The resolution has been reviewed and approved by the Facility Security Officer and reviewed by the Vice Provost for Research and the Associate Vice Provost for Research Compliance & Operations.

Attachments:

1. Security Clearance Resolution
2. October 21, 1994 Regents Item: Security Clearance–Officers of the University

BOARD OF REGENTS

UNIVERSITY OF WASHINGTON

RESOLUTION

DATED JANUARY 15, 2009

Security Clearance–Officers of the University

- 1) RESOLVED, that the members of the University of Washington Board of Regents named below shall not require access to classified information in the possession of the University of Washington and, therefore, shall not require, shall not have, and can be effectively excluded from access to all classified information in the possession of the University of Washington and would not be able to affect adversely the institution's performance of classified contracts or programs for the U.S. Department of Defense or other Federal agencies.

Stanley H. Barer
Kristianne Blake
Jeffrey H. Brotman
Craig W. Cole
William H. Gates
Sally Jewell
Fredrick C. Kiga
Constance L. Proctor
Herb Simon
Jean-Paul A. Willynck

- 2) RESOLVED, that the Board of Regents shall and does hereby authorize and designate the President, the Vice Provost for Research or their designee, and the Facility Security Officer as the managerial group of the University of Washington to which is delegated all of the Board's duties and responsibility for the negotiation, execution, and administration of classified U.S. Government contracts with the University of Washington under the meaning of the National Industrial Security Program Operating Manual, with the President being the final authority on such matters.
- 3) Resolved that the University shall not engage in research or other activities involving violation of:
 - a. Professional standards of academic, legal, or medical conduct;
 - b. U.S.-recognized international law; and/or
 - c. U.S. or Washington State law

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B. Finance Committee

Security Clearance - Officers of the University

RECOMMENDED ACTION:

It is the recommendation of the administration that the Board of Regents adopt the following two-part resolution:

- 1) RESOLVED, that the current Board of Regents, and all subsequently appointed members of that Board, shall not require access to classified information in the possession of the University of Washington and, therefore, shall not require, shall not have, and can be effectively excluded from access to all classified information in the possession of the University of Washington and would not be able to affect adversely the institution's performance of classified contracts or programs for the Department of Defense of other Federal agencies.
- 2) RESOLVED, that the Board of Regents shall and does hereby authorize and designate the President, the Assistant Provost for Research, and the Facility Security Officer as the managerial group of the University of Washington to which is delegated all of the Board's duties and responsibility for the negotiation, execution, and administration of classified Department of Defense contracts with the University of Washington under the meaning of the Industrial Security Manual for Safeguarding Classified Information.

BACKGROUND:

The University's agreement with the Department of Defense (DoD) covering the control of classified information requires either that all members of the Board of Regents have and maintain security clearances or that the University declare that the Regents have no need for access to classified information and are, therefore, excluded from access to such information. The Regents and the administration have opted for the latter. Since 1987, it has been necessary to list all Regents by name in this declaration, but Mr. Baldwin has recently gained DoD approval to omit listing the Regents by name and instead refer to "the current Board of Regents, and all subsequently appointed members of that Board". Thus, it will not be necessary, in the future, to adopt a new resolution each time there is a change in membership of the Board of Regents.

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The University is also required by the DoD to identify the officers having authority and responsibility for the negotiation, execution, and administration of classified DoD contracts with the University of Washington. It is, therefore, necessary to modify previous Board resolutions to establish the generalized reference to the Board of Regents and to reaffirm the University officers included in the managerial group.

Classified research affects only a few contracts at the University of Washington and, even in those areas, the security restrictions apply mainly to the handling of classified reference materials or reports directly related to the research.

The Managerial Group of three remains the same: President Gerberding, Donald Baldwin, Assistant Provost for Research, and Kelley Knickerbocker, Facility Security Officer.