

VII. STANDING COMMITTEES

A. Academic and Student Affairs Committee

Revision 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 update to a resolution passed on May 13, 2010 regarding security of classified information related to Federal contracts with the University of Washington.

The recent membership changes on the Board of Regents necessitate this proposed update to the resolution.

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 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 five years.

The Board of Regents passed a resolution on May 13, 2010, 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

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President, the Vice Provost for Research or designee, 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 *Board of Regents Governance*, Standing Orders, Chapter 1, 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 is the security program manager for classified research at the UW. The Facility Security Officer directs and oversees the federally mandated security measures necessary to protect national security information.

REVIEW AND APPROVALS

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

Attachment

Resolution Dated May 3, 2012

BOARD OF REGENTS
UNIVERSITY OF WASHINGTON
RESOLUTION

DATED MAY 3, 2012

Security Clearance—Officers of the University

- 1) RESOLVED, that the Board of Regents shall and does hereby designate the President, the Vice Provost for Research or her designee, and the Facility Security Officer as the managerial group of the University of Washington with regard to all matters involving classified information, including, but not limited to, the negotiation, execution, and administration of classified contracts with the University of Washington under the meaning of the National Industrial Security Program Operating Manual, and shall and does hereby delegate to the managerial group such powers as may be necessary thereto, with the President being the final authority.
- 2) 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 any and all classified information in the possession of the University of Washington, and these members do not occupy positions that would enable them to adversely affect the institution's performance of classified contracts or programs.

William S. Ayer (New)
Kristianne Blake
Craig W. Cole
William H. Gates
Joanne Harrell
Sally Jewell
Kelsey E. Knowles (New)
Patrick M. Shanahan (New)
Herb Simon
Orin Smith

- 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

ATTACHMENT