

MEMORANDUM

Date: September 7, 2023

To: University of Michigan Board of Regents

From: Rebecca Cunningham, Vice President for Research

Re: Resolution Delegating Duties and Responsibilities Concerning Access To, Management, Handling, and Protection of Federally Classified Information

Attached for your review is an amendment to the Resolution Delegating Duties and Responsibilities Concerning Access To, Management, Handling, and Protection of Federally Classified Information, May 16, 2019.

On March 19, 2020, U-M received a new FCL and has enjoyed access to classified information by select researchers. Former President Schlissel served as the FCL Senior Management Official (SMO) until his departure as President. U-M has since that time installed an interim SMO with the approval of the Defense Counterintelligence and Security Agency (DCSA). DCSA has expressed a strong requirement to have the SMO position filled by a senior U-M official and, if not the President, the highest-ranking researcher at U-M.

The attached proposed amendment would establish the Vice President for Research as the U-M SMO, adjust the membership of the FCL-EC, and update U-M's required exclusion resolution.

Respectfully submitted,



Rebecca Cunningham
Vice President for Research

Attachment

September 2023

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION

ACTION REQUEST

Subject: Resolution Delegating Duties and Responsibilities Concerning
Federally Classified Information

Action Requested: Approval of Resolution

RESOLUTION DELEGATING DUTIES AND RESPONSIBILITIES CONCERNING
ACCESS TO, MANAGEMENT, HANDLING, AND PROTECTION OF
FEDERALLY CLASSIFIED INFORMATION

WHEREAS, the Board of Regents of the University of Michigan desires to delegate to a certain board member, officer, and management personnel of the university (the "Institution") all duties and responsibilities concerning access to, management, handling, and protection of classified information relating to national defense and security, in order to simplify compliance with facility clearance and individual security clearance requirements of 32 CFR Part 117, National Industrial Security Program Operating Manual (NISPOM), or any applicable requirements of other Federal offices and Cognizant Security Agencies.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Regents as follows:

1. The University of Michigan (U-M) desires to amend its resolution of May 16, 2019, same subject, to allow investigators access to install Rebecca Cunningham, Vice President for Research, as Institution Senior Management Official (SMO) and replace the Institution President on the Facility Security Clearance Executive Committee (FCL-EC). The FCL-EC retains its authority and mandate to make all operations, administrative, and contractual decisions impacting the security of U-M's access to classified information. and compliance with the NISPOM. Members of the FCL-EC are Key Management Personnel (KMP) and must have, or obtain a security clearance at the SECRET level. In consultation with Defense Counterintelligence and Security Agency (DCSA), the following management structure is proposed:

Facility Clearance Executive Committee (FCL-EC)

1. Rebecca Cunningham, Vice President for Research (Senior Management Official)*
2. Regent Katherine E. White, Designated Regent
3. Jacqueline Jeruss, Associate Vice President for Research (Assistant Senior Management Official)
4. Vacant, Associate Vice President for Facilities & Operations
5. Steven Dawson, Assistant Director of Research Compliance (Facility Security Officer)*

* **NOTE:** The Senior Management Official and Facility Security Officer are mandatory members of the FCL-EC.

2. The individuals now, or at any time hereafter, serving in the above official capacities, within the Institution, are hereby designated as members, during their tenure in such capacities, of the FCL Executive Committee to which is hereby delegated all authority and responsibility of the Board pertaining to access to, management, handling, and protection of any and all such classified information which may now or in the future be in the possession of the Institution.
3. The Board will elect a "Designated Regent" for the FCL Executive Committee should such a need arise in the future.
4. The present and future members of the Board, other than one individual Board member designated above (the "Designated Regent"), and the President do not and will not require access to any classified information relating to national defense and security which may now or in the future be in the possession of the Institution. Accordingly, all present and future Board members, other than the Designated Regent, can effectively be, and shall be excluded from and shall not have access to, any and all such classified information. This exclusion shall not be interpreted as preventing such excluded members from participating in consideration of and voting upon proposed federal contract or grant documents which may come before the Board and which relate to, but which do not in themselves contain, classified information.
5. The members of the Board of Regents and Executive Officers who are not members of the FCL Executive Committee may receive unclassified briefings on a need-to-know basis. Such members and officers with the appropriate security clearance may receive classified briefings on a need-to-know basis.
6. The Secretary of the University is authorized to furnish copies of this resolution to the Cognizant Security Office processing that facility security clearance for the Institution and that the Cognizant Security Office will be notified prior to any change in conditions which would require the officials to have access to the classified information.

Respectfully submitted,



Rebecca Cunningham
Vice President for Research



Santa J. Ono
President

September 2023