

Approved

REPORT OF THE NATIONAL LABORATORIES SUBCOMMITTEE

November 15, 2018

AMENDMENT OF REGENTS POLICY 7104 – SELECTION OF LABORATORY DIRECTORS, REGENTS POLICY 7105 – APPOINTMENTS OF INDIVIDUALS TO THE EXECUTIVE COMMITTEES OF THE BOARDS OF GOVERNORS OF LOS ALAMOS NATIONAL SECURITY, LLC AND LAWRENCE LIVERMORE NATIONAL SECURITY, LLC, AND BYLAW 22.2 – SPECIFIC RESERVATIONS

The Subcommittee recommended that:

1. Policy 7104: Policy on Selection of Laboratory Directors be amended as shown in Attachment 1.
2. Policy 7105: Policy on Appointments of Individuals of the Executive Committees of the Boards of Governors of Los Alamos National Security, LLC and Lawrence Livermore National Security, LLC be amended as shown in Attachment 2.
3. Following service of notice, Bylaw 22.2: Specific Reservations be amended as shown in Attachment 3.

Subcommittee vote: Regents Estolano, Morimoto, Napolitano, Pérez, Tauscher, and Zettel voting “aye.”

Board vote: Regents Anderson, Anguiano, Butler, Estolano, Graves, Guber, Kieffer, Lansing, Leib, Makarechian, Morimoto, Napolitano, Park, Pérez, Sherman, Tauscher, and Zettel voting “aye.”

Additions shown by underscoring; deletions shown by strikethrough

Regents Policy 7104: POLICY ON SELECTION OF LABORATORY DIRECTORS

POLICY SUMMARY/BACKGROUND

Policy 7104 outlines the procedures prescribed for the selection of Directors of ~~the three~~ University-affiliated National Laboratories: ~~Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, and Los Alamos National Laboratory.~~

POLICY TEXT

- A. Procedure for the Appointment of ~~a Directors of the Lawrence Berkeley National Laboratories~~ Managed Directly by the University
1. This procedure shall apply so long as the University directly holds the contract to manage and operate the Lawrence Berkeley National Laboratory (LBNL) or other University-affiliated National Laboratory. This policy shall not apply to short-term appointments of a Laboratory Director in an acting or interim capacity.
 - ~~1.2.~~ The President ~~will~~ shall engage in succession planning for the position of Laboratory Director of the Lawrence Berkeley National Laboratory in support of the systematic nationwide search that will be undertaken each time a vacancy occurs.
 - ~~2.3.~~ When a vacancy occurs or is imminent in the position of Laboratory Director of the Lawrence Berkeley National Laboratory, a joint Committee, including Regents and others, ~~will~~ shall be appointed to advise the President of the University. The Committee ~~will~~ shall consist of five Regents appointed by the Chairman of the Board, five or more members appointed by the President of the University from the University's faculty, research scientists, and research administrators (including one employee of the respective National Laboratory and one Academic Senate member selected from a slate of faculty with appropriate expertise that is proposed by the Chair of the Academic Senate), and the Chairman of the Board and the President of the University, ex officio. The President of the University ~~will~~ shall convene the Committee.
 - ~~3.4.~~ The President of the University ~~will~~ shall submit to the Committee for evaluation an appropriate list of highly qualified candidates (typically not fewer than five or more than fifteen) ~~not fewer than five nor more than fifteen names of candidates whom he or she considers promising~~. The Committee will evaluate these nominations of the President and may consider or suggest other

names. It may interview candidates. It ~~will~~may solicit the opinions of other interested groups in whatever manner it considers appropriate.

4.5. ~~Both the Committee and the President shall be mindful of the University's firm commitment to diversity in the employment of women and minorities in seeking out the most qualified candidates.~~

5.6. ~~After the Committee has completed its evaluations and advised the President of the University, the President will~~shall make ~~his or her~~a recommendation to the Regents through the ~~National Laboratories Subcommittee~~Committee on Oversight of the Department of Energy Laboratories for consideration and approval.

B. ~~Procedure for Nomination-Selection of Los Alamos National Security, LLC (LANS) and Lawrence Livermore National Security, LLC (LLNS) Laboratory Directors of National Laboratories Managed by Limited Liability Companies or Other Business Entities (and LLC Presidents)~~

1. ~~This procedure shall apply so long as (1) the University participates as a member of a limited liability company or other business entity holding the contract to manage and operate the Los Alamos National Laboratory, Lawrence Livermore National Laboratory, or other University-affiliated National Laboratory and (2) the respective entity's operating agreement provides that the University appoints the Chair of the entity's governing board and allocates responsibility for executing the Laboratory Director search and selection process to the University or the University-appointed Chair. This policy shall not apply to short-term appointments of a Laboratory Director in an acting or interim capacity.~~

1.2. ~~The Chairman of the LANS and LLNS LLC entity's bBoard of Governors will~~shall engage in succession planning for the position of Laboratory Director of the Los Alamos National Laboratory and the Director of the Lawrence Livermore National Laboratory in support of the systematic nationwide search that will be undertaken each time a vacancy occurs.

2.3. ~~When a vacancy occurs or is imminent in the position of the Laboratory Director of the Los Alamos National Laboratory or the Lawrence Livermore National Laboratory, the University-appointed Chairman of the LLC entity's Board board of Governors and the President of the University, will~~shall appoint a Committee to advise the ~~Chairman of the LLC entity's Boardboard~~. The Committee ~~will~~may consist of members drawn from the ~~LLC entity's bBoard of Governors~~, Regents, ~~and~~ members of the University of California faculty, ~~as well as~~and others with appropriate expertise and experience, and ~~will~~shall include one employee from

the respective National Laboratory and one Academic Senate member selected from a slate of faculty with appropriate expertise that is proposed by the Chair of the Academic Senate. The Chairman of the LLC entity's Board-board will convene the Committee.

- 3.4. The Chairman of the LLC entity's Board-board will submit to the Committee for evaluation an appropriate list of highly qualified candidates (typically not fewer than five or more than fifteen) whom he or she considers promising. The Committee will shall evaluate these nominations and may consider or suggest other names. It may interview candidates. It will may solicit the opinions of other interested groups in whatever manner it considers appropriate.
- 4.5. Both the Committee and the Chair of the LLC entity's Board shall be mindful of the University's and the LLC's firm commitment to diversity in the employment of women and minorities in seeking out the most qualified candidates.
- 5.6. After the Committee has completed its evaluations and advised the Chairman of the LLC entity's Board, the Chairman of the LLC entity's Board will make his or her a recommendation to the Chairman of the Regents, the Chairman of the Committee on Oversight of the Department of Energy Laboratories National Laboratories Subcommittee, and the President of the University for consideration and concurrence.

NO RIGHT OF ACTION

This policy is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the University of California or its Board of Regents, individual Regents, officers, employees, or agents.]

Additions shown by underscoring; deletions shown by strikethrough

REGENTS POLICY 7105: POLICY ON APPOINTMENTS OF INDIVIDUALS TO VOTING MEMBERS TO THE GOVERNING BOARDS OF THE BUSINESS ENTITIES MANAGING UNIVERSITY-AFFILIATED NATIONAL LABORATORIES~~THE EXECUTIVE COMMITTEES OF THE BOARDS OF GOVERNORS OF LOS ALAMOS NATIONAL SECURITY, LLC AND LAWRENCE LIVERMORE NATIONAL SECURITY, LLC~~

~~POLICY SUMMARY/BACKGROUND~~

~~[Optional. Use summary if policy text is lengthy (more than approximately 500 words). Enter text summarizing the purpose of the policy in a few sentences. This should be a high level executive summary. Also include any brief contextual background that explains the origins or goal of the policy if appropriate.]~~

POLICY TEXT

1. When a vacancy occurs or is imminent with respect to a University-appointed position ~~or voting member of the Executive Committee of the Bgoverning board of Governors the limited liability company or other business entity holding the contract to manage and operate~~of Los Alamos National ~~Security~~Laboratory, LLC, or of Lawrence Livermore National Security, LLCLaboratory, or other University-affiliated National Laboratory, the Chairman of the Board of Regents and the President of the University ~~will shall~~ identify one or more candidates for appointment to such position, along with any proposed terms or conditions of the appointment. Candidates may be drawn from the ranks of Regents, University officers and senior managers, or others having expertise and experience pertinent to the management and operation of the Department of Energy National Laboratories. ~~The Chairman of the Executive Committee of the Board of Governors shall be drawn from the ranks of Regents.~~ The President ~~wi shall~~ confer with appropriate organizations within the University regarding the identification of candidates and applicable terms and conditions of the appointment.
2. Following such consideration, the Chair of the Board of Regents~~man~~ and the President ~~will shall~~ recommend the selected candidate to The Regents through the National Laboratories Subcommittee ~~Committee on Oversight of the Department of Energy Laboratories~~ for consideration and approval.

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BYLAW 22.2: SPECIFIC RESERVATIONS

BYLAW TEXT

22.2 Specific Reservations.

The matters in the following areas are specifically reserved to the Board and/or its Committees for approval or other action, within parameters that may be specified in a Committee Charter or Regents Policy:

(b) Academic Matters

- Upon recommendation of the Academic Senate, approving criteria for University admissions and conferral of certificates and degrees
- Establishing or eliminating colleges, schools, graduate divisions and organized multi-campus research units
- Establishing or eliminating a session of instruction
- Approving the appointment of Regents Professors and University Professors
- Approving dismissal of academic appointees with tenure or security of employment
- Bidding on or entering into a prime contract to manage and operate a National Laboratory or other Comparable Facility (as defined in the Academic and Student Affairs Committee Charter)
- Creating a business entity to hold a prime contract to manage and operate a National Laboratory or other Comparable Facility
- Approving material changes in the type or scope of work for such a business entity
- Appointing voting members to a ~~University position on the Executive Committee of the Board of Governors~~ the governing board of such a business entity
