

- (1) Seeking or being awarded Classified Contracts or subcontracts, seeking to or in any way performing Research or other activities involving access to, dissemination of, or storage of Classified Information;
- (2) Development, production or use of Classified Information; or
- (3) International travel and collaborations that involve research, or related activities, involving Classified Information.

IV. Definitions

Authorized Person: A person who has a need-to-know Classified Information in the performance of official duties at UC and who has been granted a personnel clearance at the required level by the applicable Cognizant Security Agency.

Classified Activity/Classified Activities: Any activity described in part III (“Scope”) of this Policy.

Classified Contract or subcontract: Any contract or subcontract requiring access to and/or safeguarding of classified information in the performance of the contract. (A contract may be a classified contract even though the contract document is not classified when access to and/or safeguarding of classified information is necessary for performance). The requirements applicable to any specific classified contract (including, as applicable, all phases of precontract activity, including solicitations (bids, quotations, and proposals), precontract negotiations, and post-contract activity) are described in the DD 254 form applicable to the contract or subcontract.

Classified Information: As defined in the Classified Information Procedures Act of 1980, any information or material that has been determined by the U.S. government, pursuant to an executive order, statute, or regulation, to require protection against unauthorized disclosure for reasons of national security and any restricted data, as defined in paragraph r. of section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

Cognizant Security Agency or CSA: Any agency of the executive branch of the U.S government that has been authorized to establish an industrial security program to safeguard Classified Information under the authority of such agency when disclosed or released to U.S. industry.

Facility Clearance or FCL: An administrative determination made by the Department of Defense that, from a national security standpoint, a facility (in this case, UC) is eligible to access and/or safeguard Classified Information at the same or lower classification category as the clearance being granted (e.g., confidential, secret, or top secret).

National Industrial Security Program Operating Manual, 32 CFR part 117 (NISPOM Rule): DoD 5220.22-M, which establishes the standard procedures and requirements for all government contractors required to access and/or safeguard Classified Information, as codified at 32 CFR part 117.

Personnel Clearance or PCL: Authorization granted by a Cognizant Security Agency to an individual to access and/or safeguard Classified Information at the same or lower classification category as the clearance being granted (e.g., confidential, secret, top secret).

Research: A systematic investigation, study, or experiment designed to develop or contribute to general knowledge. This term includes basic and advanced research, and, in the context of Classified Activities, research on subjects within the scope of the Classified Contract.

V. Responsibilities of UC Key Management Personnel Regarding Classified Activities

The UC key management personnel responsibilities in connection with Classified Activities are described in Board Rule 10-03-04. As set out in Board Rule 10-30-04, the Vice President for Research will develop unclassified policies and/or procedures for the conduct of Classified Activity (to include policies related to access to, dissemination of, and storage of classified information, and reporting as applicable). The Vice President for Research will provide drafts thereof to the Advisory Committee on Classified Research for review as provided below. The Vice President for Research may request the assistance of the facility security officer (FSO) and/or the insider threat program senior official (ITPSO) in the performance of these responsibilities, provided that the vice president for research shall retain ultimate responsibility therefor.

VI. Responsibilities of the Advisory Committee on Classified Research (ACCR)

As set forth in Board Rule 10-30-04, the President, in consultation with the Vice President for Research and the Provost, shall appoint a University Advisory Committee on Classified Research (ACCR). The ACCR may elect a chairperson from among its members. In addition to the responsibilities set forth in Board Rule 10-30-04, and for purposes of implementing those responsibilities, the ACCR shall:

- (1) Meet not less than quarterly and shall have the right to request any person(s) involved in Classified Activity to appear at such meeting and/or provide written reports regarding the Classified Activity for its review; and
- (2) Submit an annual report to the President, which shall contain a review of all UC Classified Activities, including whether each Classified Activity has been performed in conformance with applicable policies, procedures, laws, and regulations, as well as any recommendations for changes in such policies and procedures. The annual report shall be maintained by the FSO in their confidential records.

In connection with the review of policies and operational matters, the Vice President for Research or designee shall provide draft policies and procedures governing conduct of Classified Activities to the ACCR for review prior to implementation, and the ACCR shall provide comments within 20 business days of receipt of the draft documents.

VII. Approval of Classified Activities

(1) Establishing Written Procedures

Board Rule 10-30-04 sets forth the requirements for approval for Classified Research. Pursuant to Board Rule 10-30-04, the Vice President for Research, in collaboration with the ACCR, and in

consultation with the Office of General Counsel, shall establish procedures governing submission of requests for approval of Classified Activity, and, upon approval of the ACCR as described above and the President, shall publicize such procedures to all faculty members. Such procedures shall provide that all documents setting forth the terms of the proposed Classified Activity must be unclassified and that the general nature of the research must not be subject to any restrictions on disclosure and shall include timeframes within which each of the four (4) phases of the approval process described in Board Rule 10-30-04 must be accomplished. Proposals that are submitted promptly after agency issuance of a funding opportunity announcement (or similar document) and that have rapidly approaching due dates shall be prioritized whenever possible. Parallel review for each of the first two (2) phases of the review process under Board Rule 10-30-04 may be incorporated but must be completed prior to the third phase (administrative review).

(2) Approval Criteria

The following non-exhaustive criteria may be used as evaluative factors by the ACCR when considering whether to recommend approval of a proposed Classified Activity:

- (a) Whether the Classified Activity does or will involve unique UC capabilities;
- (b) Whether the Classified Activity has or will have substantial scholarly, scientific, or educational benefits;
- (c) The financial and other costs and benefits to UC; and
- (d) Whether the Classified Activity will contribute to U.S. national security, as identified by the government sponsor of the classified research.

The ACCR shall meet on a date and at a time set by the chairperson to consider whether to support and recommend the proposed Classified Activity. Prior to senior leadership (as defined in Board Rule 10-30-04) reaching a decision, the President may seek input from the Chair of the UC Board of Trustees.

Written notice of the approval or disapproval of senior leadership, and reasons therefore, shall be signed by all members of senior leadership and issued by senior leadership to the affected investigator(s) through the applicable dean and department chair with a copy to the FSO, and the FSO shall maintain such record in their confidential files. The confidential record shall include the title of the proposed Classified Activities (i.e., project); the name of the principal investigator or administrator; and the source or sources of funds for support of project.

References

Board Rule 3361:10-30-04

NISPOM Rule, 32 CFR part 117 (<https://www.ecfr.gov/current/title-32/subtitle-A/chapter-I/subchapter-D/part-117>)

Related links:

Office of Research (<https://researchhow2.uc.edu/>)

University (Board) Rules (<https://www.uc.edu/about/trustees/rules/administration.html>)