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COMMITTEE ON GOVERNANCE
COMMITTEE ON OVERSIGHT OF THE DOE LABORATORIES
January 20, 2011

TO THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

1. **AMENDMENT OF REGENTS POLICY 7104: PROCEDURE FOR APPOINTMENT OF LABORATORY DIRECTORS**

The Committee on Oversight of the Department of Energy Laboratories recommends that Regents Policy 7104, Procedure for Appointment of Laboratory Directors, be amended as shown in Attachment 1.

2. **AMENDMENT OF STANDING ORDER 100.4, DUTIES OF THE PRESIDENT OF THE UNIVERSITY, TO AUTHORIZE THE PRESIDENT TO EXECUTE CERTAIN AMENDMENTS TO THE DEPARTMENT OF ENERGY CONTRACT FOR THE LAWRENCE BERKELEY NATIONAL LABORATORY**

The Committee on Oversight of the Department of Energy Laboratories recommends that:

- A. Standing Order 100.4(dd)(2) be amended as shown in Attachment 2; and
- B. Pursuant to Bylaw 7.3, the notice requirement in Standing Order 130.1 be suspended.

Additions shown by underscoring; deletions shown by strikethrough

**Regents Policy 7104: ~~PROCEDURE FOR APPOINTMENT~~ POLICY ON SELECTION
OF LABORATORY DIRECTORS**

~~That the following procedure for appointment of Directors of the three major Department of Energy Laboratories be endorsed by The Regents and be utilized for an experimental period, subject to review after appropriate experience:~~

- A. Procedure for the Appointment of a Director of the Lawrence Berkeley National Laboratory
- (1) The President will engage in succession planning for the position of Director of the Lawrence Berkeley National Laboratory in support of the systematic nationwide search that will be undertaken each time a vacancy occurs.
 - (2) When a vacancy occurs or is imminent in the position of Director of the Lawrence Berkeley National Laboratory, a joint Committee, including Regents and others, will be appointed to advise the President of the University. The Committee will consist of five Regents appointed by the Chairman of the Board, five members appointed by the President of the University from the University's faculty, research scientists, and research administrators (including 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 convene the Committee.
 - (3) The President of the University will submit to the Committee for evaluation not less 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 solicit the opinions of other interested groups in whatever manner it considers appropriate.
 - (4) 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) After the Committee has completed its evaluations and advised the President of the University, ~~he~~ the President will make his or her recommendation to the Regents through the Committee on Oversight of the Department of Energy Laboratories for consideration and approval.

(~~ Revised to update Atomic Energy Commission to Department of Energy and Committee on Special Research Projects to Committee on Oversight of the Department of Energy Laboratories.~~)*

- B. Procedure for Nomination of Los Alamos National Security, LLC (LANS) and Lawrence Livermore National Security, LLC (LLNS) Laboratory Directors (and LLC Presidents)
 - (1) The Chairman of the LANS and LLNS LLC Board of Governors will engage in succession planning for the position of 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) When a vacancy occurs or is imminent in the position of the Director of the Los Alamos National Laboratory or the Lawrence Livermore National Laboratory, the University-appointed Chairman of the LLC Board of Governors and the President of the University will appoint a Committee to advise the Chairman of the LLC Board. The Committee will consist of members drawn from the LLC Board of Governors, Regents, and members of the University of California faculty as well as others with appropriate expertise and experience, and will include 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 Board will convene the Committee.
 - (3) The Chairman of the LLC Board will submit to the Committee for evaluation an appropriate list of candidates (typically not fewer than five or more than fifteen) whom he or she considers promising. The Committee will evaluate these nominations and may consider or suggest other names. It may interview candidates. It will solicit the opinions of other interested groups in whatever manner it considers appropriate.
 - (4) Both the Committee and the Chair of the LLC 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) After the Committee has completed its evaluations and advised the Chairman of the LLC Board, the Chairman of the LLC Board will make his or her recommendation to the Chairman of the Regents, the Chairman of the Committee on Oversight of the Department of Energy Laboratories, and the President of the University for consideration and concurrence.

Deletions shown by strikeout; additions shown by underscore

STANDING ORDER 100.4

DUTIES OF THE PRESIDENT OF THE UNIVERSITY

(dd)

Except as otherwise specifically provided in the Bylaws and Standing Orders, the President is authorized to execute on behalf of the Corporation all contracts and other documents necessary in the exercise of the President's duties, including documents to solicit and accept pledges, gifts, and grants, except that specific authorization by resolution of the Board shall be required for documents which involve or which are:

1. Exceptions to approved University programs and policies or obligations on the part of the University to expenditures or costs for which there is no established fund source or which require the construction of facilities not previously approved.
2. Renewal or modification of the prime contracts with the Department of Energy for the operation of the Ernest Orlando Lawrence Berkeley National Laboratory, the Los Alamos National Laboratory or the Lawrence Livermore National Laboratory that, in the opinion of the General Counsel, would constitute a cardinal change as a matter of law; and renewals or substantive modifications of the Los Alamos National Security LLC and Lawrence Livermore National Security LLC Agreements; ~~and modifications to the prime contracts pertaining to the Los Alamos National Laboratory or the Lawrence Livermore National Laboratory that would constitute a cardinal change.~~