

UNIVERSITY OF CALIFORNIA, ACADEMIC SENATE

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Assembly of the Academic Senate, Academic Council
University of California
1111 Franklin Street, 12th Floor
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November 8, 2004

ROBERT C. DYNES
PRESIDENT

Re: Academic Council's Statement of Principles On Competing for the NNSA Laboratories

Dear Bob:

At our October 20 meeting, members of the Academic Council endorsed the enclosed statement on competing for the national labs, which was prepared by the Academic Council's Special Committee on the National Laboratories (ACSCONL).

The statement contains a set of principles and some specific recommendations that we believe the university should carefully consider when deciding whether to bid for the management of the NNSA Laboratories. The principles and recommendations are based on the premise that UC should only manage the laboratories as a public service to the country. In Council's view, this public service rationale creates special responsibilities that UC should be prepared to assume if it decides to go forward with a bid. It is Council's hope that these principles might serve to both inform and guide this important decision.

Best regards,

A handwritten signature in cursive script, appearing to read "George Blumenthal".

George Blumenthal, Chair
Academic Council

Encl.: Academic Council's Statement of Principles on Competing for the NNSA Laboratories

Copy: Academic Council

GB/bjm

**Academic Council's Statement of Principles
On Competing for the NNSA Laboratories
October 16, 2004**

The Los Alamos and Livermore National Laboratories are important national resources that the University of California has historically managed and sponsored on a "no cost/no gain" basis as a public service to the country. This is the only basis on which UC should offer to manage the laboratories in the future. This public-service rationale creates special responsibilities and burdens different from those facing a bidder who would operate the labs on a for-profit basis or as part of a corporate strategy. The ability to implement these special responsibilities and bear these burdens must underlie UC's decision whether to bid for a renewed management contract. Primary among these considerations are the kind of working environment UC will try to foster inside the laboratories, and the kind of external operating environment UC attempts to create for the laboratories.

Principles that should guide UC on these issues include:

- Recognizing the need to respond to the terms of the National Nuclear Security Administration (NNSA) RFP, UC's bid must be based upon what UC brings to the laboratories and must be consistent with and enhance UC's education, research, and public-service mission.
- UC should bid only if it believes that it *actually can* manage the laboratories in the national interest more effectively than any other manager. This judgment depends in part on the terms of the RFP, the expected future relationship with the Department of Energy and the NNSA, as well as on UC's own strengths and weaknesses.
- As stewards of the laboratories, UC must promote an organizational structure and a culture inside the laboratories that advance the basic scientific and technical missions of the labs. In particular, UC must protect the intellectual and scientific freedom critical to promoting creativity and ensuring the integrity of the scientific and technical work. Laboratory personnel must feel free to "speak truth to power." In order to protect intellectual and scientific freedom, the organizational structure and culture of the laboratories must also integrate the safety and the security missions with the scientific mission of the laboratories.
- UC's students and faculty make the university what it is. We believe UC's students and faculty are a major resource that UC can contribute to the mission and management of the NNSA labs. Although some UC faculty currently provide expertise in the review and evaluation of the scientific and technical programs, UC faculty should play a more active role in the future management of the laboratories than they have in past. Indeed, UC's principle of shared governance suggests that the faculty must be involved if UC is to manage the labs to maximum effectiveness.

- UC must play a stronger role in the external environment in which the laboratories function. UC must attempt to insulate the laboratories from outside interests that would micromanage lab operations. UC must also shelter the laboratories from excessive reporting, regulatory, or administrative burdens that impose high costs and impede the scientific and technical mission of the laboratories. Indeed, preserving and enhancing the environment in which scientific and technical achievement is nurtured must be the core of UC's relationship with the laboratories. At the same time, maintaining a safe and secure laboratory environment is critical.

These principles provide guidance and a general framework for responding to a NNSA RFP. However, much depends on the specific ways that the principles are implemented. ACSCONL believes that if UC chooses to bid for the NNSA laboratories it should commit itself in its proposal to the following concrete actions:

- In order to further the scientific and technical missions of the laboratories, UC must be the dominant partner in any partnering agreement. The potential partner(s) must be compatible with the academic mission of the University and such a partnership agreement must coordinate the safety and the security mission with the scientific mission of the laboratories. UC must retain the right to hire and fire key laboratory managers as well as the scientific and technical personnel, subject to the DOE/NNSA's long-standing right to approve laboratory directors.
- In collaboration with the laboratories, UC will formalize personnel procedures so that UC faculty, working closely with laboratory technical staff, will provide peer review for critical laboratory personnel decisions in a manner similar to the faculty review responsibility on our campuses.
- At the time a management contract is awarded to UC, the Academic Senate will establish a standing committee of the Senate, preferably a subcommittee of the University Committee on Research Policy (UCORP), to oversee the Laboratory operations, with representation of lab technical staff at meetings of this committee.¹

¹ The establishment of a Standing Committee or Subcommittee of the Academic Assembly requires an amendment to the Title IV. Standing Committees of the Academic Senate of the Senate Bylaws. Such action would not be proposed to the Assembly until a contract is awarded to the University.