

C. *Other Matters*

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| <p>1. Adopt Updated Resolution Transferring Board’s Authority to Exercise Management Control Over Security of Certain Kansas State University Related Classified Information to a Security Executive Committee – KSU</p> | <p>Theresa Schwarz,
Associate General Counsel</p> |
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The Kansas State University requests that the Board adopt an updated Resolution to incorporate a recent change to the National Industrial Security Program Operating Manual and to name the newly appointed Interim President General Richard Myers and Vice President for Research Peter Dorhout to the University Security Executive Committee. In support of the University’s pursuit of this Biosecurity Research Institute project, the Board first adopted a Resolution of this nature at its March 2009 meeting, accompanied by a requirement for annual feedback from the Security Executive Committee regarding its activities. The Resolution was most recently updated in September of 2015. If the Board desires Kansas State University’s continuance of the project and Board members wish to be excluded from Personnel Clearance requirements that accompany the Facility Clearance process, the Board must adopt an updated Resolution that transfers its management control over the classified information that may become available to individuals at the University. The updated Resolution below adds the new individuals to the Executive Committee, incorporates the new reporting changes that are now required by the Operating Manual, and provides that management control and authority resides in a Security Executive Committee comprised of the university’s Interim President, Provost, Vice President of Research and Facility Security Officer for Kansas State University.

Proposed Updated Resolution

A RESOLUTION OF THE KANSAS BOARD OF REGENTS TO TRANSFER AUTHORITY TO EXERCISE MANAGEMENT CONTROL AND SUPERVISION OVER SECURITY OF CLASSIFIED INFORMATION PROTECTED PURSUANT TO EXECUTIVE ORDER 13526, AS AMENDED, ITS SUCCESSOR OR PREDECESSOR ORDERS, AND THE ATOMIC ENERGY ACT OF 1954, AS AMENDED, AND IN THE POSSESSION OF KANSAS STATE UNIVERSITY; SUCH AUTHORITY TO BE TRANSFERRED TO A LEGALLY CONSTITUTED SECURITY EXECUTIVE COMMITTEE COMPOSED OF THE KANSAS STATE UNIVERSITY PRESIDENT, THE KANSAS STATE UNIVERSITY PROVOST, THE KANSAS STATE UNIVERSITY VICE PRESIDENT FOR RESEARCH AND THE KANSAS STATE UNIVERSITY FACILITY SECURITY OFFICER.

WHEREAS, the Kansas Board of Regents (the "Board") is vested under the Constitution and laws of the State of Kansas with supervision and control over Kansas State University (the "University") and is authorized under such laws to adopt this Resolution and perform, execute and carry out, or cause to be performed, executed and carried out, the powers, duties and obligations of the Board under this Resolution in connection with the University’s operation as a Contractor pursuant to Department of Defense Directive No. 5220.22-M, “National Industrial Security Program Operating Manual,” dated February 28, 2006 and Incorporating Change 1 dated March 28, 2013 and Change 2 dated May 18, 2016; and

WHEREAS, the Board has, pursuant to K.S.A. 76-712, delegated responsibility for administration of the affairs of the University to the chief executive officer (“President”) of the University; and

WHEREAS, the Defense Security Service and the Board have heretofore determined that, in order for the University to obtain Facility Clearance pursuant to Department of Defense Directive No. 5220.22-M, supra, it is advisable to

specifically, by Board Resolution, transfer authority to exercise management control and supervision over security of classified information protected pursuant to executive order 13526, as amended, its successor or predecessor orders, and the atomic energy act of 1954, as amended, and disclosed to the University, to a Security Executive Committee composed of the University President, the University Provost, the University Vice President for Research and the University Facility Security Officer; and

WHEREAS, the University President, the University Provost, the University Vice President for Research and the University Facility Security Officer have been processed for a personnel security clearance for access to classified information to the level of the facility security clearance to be granted to the University, as provided for National Industrial Security Program established by Executive Order 13526.

NOW THEREFORE, BE IT RESOLVED BY THE KANSAS BOARD OF REGENTS, AS FOLLOWS:

SECTION 1. The Board hereby transfers authority to exercise management control and supervision over security of classified information protected pursuant to Executive Order 13526, as amended, its successor or predecessor orders, and the atomic energy act of 1954, as amended, and disclosed to the University, to the University Security Executive Committee. This transfer includes responsibility over all matters involving the security of such classified information in the possession of the University.

SECTION 2. The University Security Executive Committee to which the Board transfers authority under Section 1 shall consist of four members, each of whom have been processed for a personnel security clearance for access to classified information to the level of the facility clearance granted to the University. The four members shall be the following individuals, or their successors once cleared:

- Interim President, Richard B. Myers
- Provost, April C. Mason
- Vice President for Research, Peter K. Dorhout
- Facility Security Officer, Craig A. Beardsley

SECTION 3. The following members of the Kansas Board of Regents agree that they shall not require, shall not have, and can be effectively excluded from, access to all classified information protected pursuant to executive order 13526, as amended, its successor or predecessor orders, and the atomic energy act of 1954, as amended, that is disclosed to the University and will not knowingly take action to affect adversely the policies and practices of the University in the performance of classified contracts of the Department of Defense, or associated User Agencies with the National Industrial Security Program, awarded to the University.

- Joseph B. Bain
- Daniel Shane Bangerter
- Ann M. Brandau Murguia
- William Charles Feuerborn
- Dennis A. Mullin
- David Murfin
- Zoe Anne Forrester Newton
- Daniel J. Thomas
- Helen H. Van Etten

CERTIFICATE

We, the undersigned Chair and President and CEO of the Kansas Board of Regents (the "Board"), hereby certify that the foregoing Resolution was lawfully adopted by the Board at its meeting held on June 15, 2016.

KANSAS BOARD OF REGENTS

(SEAL)

By _____
Shane Bangerter, Chair

ATTEST:

By _____
Blake Flanders, President and CEO