

# User Policy

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 [als.lbl.gov/users/current-users/user-policy/](https://als.lbl.gov/users/current-users/user-policy/)

## 1. Guiding Principles

The aim of User Policy at the Advanced Light Source (ALS) is to provide a framework for establishing a challenging yet congenial environment where talented scientists from different backgrounds can work together in pursuit of the new scientific opportunities presented by the availability of this innovative facility. User policy must address a variety of user needs and sensitivities. On one hand, the qualified researcher with little financial backing needs assurance of adequate access to the facility. On the other hand, qualified groups that make a large commitment of time and resources need some assurance of an equitable return on their investment. A national facility should be accessible to all qualified researchers, and at the ALS there are three modes of access: as a [General User](#), a member of an [Approved Program \(AP\)](#), or as a member of a [Participating Research Team \(PRT\)](#). All proposals for research to be conducted at the ALS are evaluated based on the criteria endorsed by the International Union of Pure and Applied Physics (IUPAP). These criteria are detailed on the IUPAP Web site at [IUPAP Recommendations for the Use of Major Physics Users Facilities](#).

## 2. Safety

Safety is a critical function for all research performed at the ALS. All users and staff are expected to know and follow applicable safety requirements at all times. For information about user and experiment safety, please see the [safety](#) web pages.

## 3. General Users

General Users are researchers who are allocated beam time, based on peer-reviewed proposals, to conduct experiments at the ALS.

### Proposals

Allocation of the beam time for general users will be based on proposals evaluated by [Proposal Study Panels](#). Proposals may be for a single experiment requiring one visit or for a program requiring multiple visits.

### Scheduling

Scheduling will be done by the ALS management, in close consultation with beamline scientists.

## 4. Approved Programs

Approved Program (AP) status enables an investigator or a group of investigators to receive an assured percentage of beam time for a period of a few years to carry out an extended program of research. It is generally expected that the investigator(s) will bring in some resources that enhance the capability of the facility.

The criterion established by the ALS [Scientific Advisory Committee](#) (SAC) is that for an AP to come into existence, the science must be well above that of the general user program. AP status is not an entitlement based on prior history. AP status creates a direct partner to the ALS strategic mission of promoting world-class science and helps to justify the existence of the ALS. As only a limited number of APs can be accommodated on a particular beamline, it is anticipated that relatively few proposals will be approved.

Members of an AP team are not entitled to submit additional General User proposals for beam time on the beamline where they have AP time.

See [Approved Program Proposal Guidelines](#) for information about AP requirements and proposal submissions.

## 5. Participating Research Teams

Participating Research Teams (PRTs) engage in varying degrees in the funding, building, and operation of beamlines. PRT members may be from a single institution or from a consortium of institutions. Proposals to form PRTs are reviewed for approval by the SAC. The term of a PRT is typically for three years, and the PRT is expected to set aside some percentage of the available beam time during this period for general users. The actual percentage of beam time will be based on the resources contributed by the PRT, as negotiated with the ALS management. The amount of beam time set aside for the PRT and for general users is determined with guidance from the SAC and recorded in a memorandum of understanding (MOU). PRT members are not eligible to apply for general user beam time on their own beamline unless this is specifically authorized in their MOU. PRT members may, however, use unassigned independent investigator beam time when it is available. At the end of the three-year period, the PRT is reviewed for renewal by the SAC.

## Conformance and Performance

While variances from the terms of the MOUs are acceptable, subject to good faith adherence to the provisions noted above, the ALS management will have the right to renegotiate terms in the event of nonperformance or nonconformance by a PRT.

## 6. Special Projects

Some portion of the general user beam time may be allocated to special projects in order to meet LBNL contractual obligations, such as CRADAs (Cooperative Research and Development Agreements). Such agreements will be monitored by the SAC.

## 7. Director's Discretionary Beam Time

Some small fraction of the available beam time may also be designated as "director's discretionary beam time" to be allocated by the ALS Division Director, typically for short trials deemed desirable for the development of the ALS scientific and/or industrial program.

## 8. Proprietary Research

General User Proposals for proprietary research form only a small fraction of the proposals received by the ALS. We welcome proprietary proposals, which should be submitted as described for general users. Once received, the proposals will not be sent for peer review, but instead will be considered by the ALS management during the beam time allocation process. Typically, these projects will be allocated beam time via the Director's discretionary route. A charge is made for proprietary use as described below.

## 9. Users' Executive Committee

Current and potential users of the ALS are represented by the Users' Executive Committee (UEC), which will serve as the official voice of the user community in its interactions with ALS management. The UEC charter, committee members and details of activities are available on the [UEC web page](#).

## 10. Proposal Study Panels

### Responsibilities of the Proposal Study Panels

It is the responsibility of the Proposal Study Panels (PSPs) to evaluate beam time proposals from general users and make recommendations on beam time allocation.

### Evaluation Criteria

The following criteria, endorsed by the International Union of Pure and Applied Physics (IUPAP) in the IUPAP Recommendations for the Use of Major Physics Users Facilities, will be used to evaluate beam time proposals.

## Procedures

The General Sciences PSP meets at least twice a year to review beam time proposals from general users. Prior to the meeting, each proposal has been scored by up to four external reviewers and two PSP members. The PSP compares the scores for each proposal, discussing and resolving any large variance in scores. The external reviewers and PSP members are encouraged to provide constructive comments for beam time proposals. PSP members are required to provide a spread in scores between the highest- and lowest-rated proposals, thereby providing the basis for the beam time allocation process. The PSP is encouraged to maintain a balance in science among high- and low-rated proposals. Multiple proposals for similar science from a single user or group of users may be treated as a single proposal.

Panel members who are a primary author, a co-author, or a collaborator in a proposal under study are required to recuse themselves from the discussion and grading of the proposal. Panel members are not permitted to vote or discuss proposals that are in direct competition with their own scientific program.

Users in disagreement with their PSP score may request, in writing to the PSP Chair, a review of their proposal.

The Structural Biology PSP holds virtual meetings, with scores and comments collated and used by representatives at the allocation meetings to assign beam time.

## PSP Membership

PSP members are appointed by the ALS Director based on nominations submitted by the ALS Users' Executive Committee. Every attempt is made to have all the scientific disciplines at the ALS represented on the panel. The term of an appointment to the PSP is usually three years.

## 11. Scientific Advisory Committee

A [Scientific Advisory Committee](#) (SAC) is appointed by the Berkeley Lab Director to advise the Laboratory through the ALS Director on current operations, allocation of facility resources, strategic planning, budget development, and other major issues. The SAC also reviews proposals to establish new PRTs and special projects, and monitors progress and performance of approved teams. The SAC is composed of at least nine scientists knowledgeable in the areas of research relevant to the ALS, and meets at least twice a year. The chairs of the UEC and the PSP serve as ex officio members of the SAC. Sensitive deliberations of the SAC are confidential, but they are communicated, in writing, to the Director of the ALS and to the Director of Berkeley Lab. The SAC charter, and the list of members are available on the [Advisory Panels web page](#).

## 12. Beam Time Charges

The ALS is a national user facility funded by the Department of Energy, Office of Basic Energy Sciences. There will be no charge for beam time used for nonproprietary experiments, but DOE pricing policy will apply for experiments whose results are not intended for the open literature. In addition, experimenters will be required to open operating or equipment/fabrication accounts to collect non-beam time related costs, such as stores issues, equipment purchases, or fabrications performed in Berkeley Lab and ALS facilities.

## 13. User Agreements with Berkeley Lab

All ALS users conducting research at the facility will execute either a User Agreement or another available, approved, legal instrument for agreement with Berkeley Lab. This agreement, between the user's institution and Berkeley Lab, will form the contractual basis covering certain laboratory administrative practices, the distribution of intellectual property rights, and the allocation of funds and responsibilities. With respect to patent protection, ALS users may, in most cases, receive advance rights to any inventions or proprietary data developed under the

User Agreement whereby the user has the option to take title to such inventions. The technical data may be deemed proprietary if the user pays full cost for the use of the ALS facility. The U.S. Government reserves certain rights to intellectual property and those rights are outlined in the agreements as negotiated between the parties.

## **14. Conflict Resolution Process**

A formal grievance mechanism exists at the ALS for the resolution of conflicts between users and/or between users and the ALS. Parties seeking redress or resolution of a conflict can submit a petition to the ALS Director, who will, if warranted, appoint an ad hoc committee to review the matter under dispute. The committee, composed of representatives from the Users' Executive Committee, the Scientific Advisory Committee, and the ALS, will advise the Director on the fair resolution of the dispute.

## **15. Lost Beam Time**

When user beam time is lost due to beamline or storage ring malfunction, it is difficult to directly compensate those users without negatively affecting other scheduled users. However, the ALS is committed to actively working with affected users in an effort to maintain the continuity of their experimental programs. On an individual user basis, director's discretionary time may be allocated when possible. On beamlines where warranted, the director's discretionary time may be increased at a future allocation meeting.