

Applies to: All Research Grants, Contracts and Agreements Accepted by the University

I. Regents' Policy

The mission of the University is to generate and disseminate knowledge in the public interest. Essential to this mission are two fundamental principles: open scholarly exchange and academic freedom. Normally, these principles are mutually supportive. On those rare occasions when they conflict, they must be balanced, taking into account the University's mission and the public interest. The University also has had a longstanding tradition of conducting research aimed at enhancing human life and the human condition. Given these principles and continuing tradition, the following guidelines govern the acceptance of research grants, contracts, or agreements by the University:

1. The University will not enter into or renew any grant, contract, or agreement that would restrain its freedom to disclose the existence of the document, the identity of any sponsor of the proposed research, or the purpose and scope of the proposed research.
2. The University normally does not accept grants, contracts, or agreements for research that unreasonably restrict its faculty, staff, or students from publishing or otherwise disseminating the results of the research.
3. The University will accept a classified research grant, contract, or agreement if it can be accommodated without compromising the University's pursuit of its educational mission and if its purpose is clearly in the public interest.
4. Nothing in these provisions shall prohibit grants, contracts, or agreements that restrict publication or other public dissemination of classified or proprietary information supplied to the investigator by the sponsor, as distinguished from information generated in the course of research performed by members of the University community.
5. Where the sponsor supplies classified or proprietary information to the investigator, the grant, contract, or agreement may include reasonable provisions for submission of manuscripts arising from the sponsored research to the sponsor for review prior to publication or other public dissemination so that the sponsor may verify that no such classified or proprietary information is disclosed.
6. The responsibility for compliance with these policies rests with the principal investigators, the department chairs, the deans of the schools and colleges, and the directors of the institutes and centers, and the Vice President for Research, in the regular channels for review and authorization of such research grants, contracts, and agreements.
7. Periodic assessment and review of the impact of these policies are appropriate and necessary. The Vice President for Research shall provide to the Regents, after consultation with the Senate Assembly Committee, an annual report on the implementation of this policy.

II. Definitions and Review Procedures

Definitions

To facilitate compliance with the Regents' Policy, sponsor-imposed restrictions on openness of research will be categorized as follows:

1. "Standard Restrictions"

The following restrictions are outer limits of what has been routinely accepted in research grants, contracts, and agreements by the University provided that the principal investigator agreed to them:

a) Delay in publication or other dissemination of research results, not to exceed 180 days, to permit sponsor review for:

- (1) Comment (not for prior approval).
- (2) Protection of confidential information provided by the sponsor.
- (3) Possible participation in the protection of intellectual property.

b) Delay in publication or other dissemination of research results in order to provide reasonable time for research units participating in a multi-center or consortia project to conclude their studies. Such research may be conducted either concurrently or sequentially at a number of university or research centers. A reasonable and determinate time delay for publication will be agreed upon by all parties at the outset of the project.

c) Forms of routine testing and the provision of routine services, where the results are not expected to be publishable as research findings, are not included under this policy. For the purpose of these guidelines, a "routine test" involves the authorized use -- for evaluation and assessment -- of experimental or prototype equipment, models, devices, pre-release versions of software, or other copyrightable material -- which are not publicly available -- and "routine services" is the provision of services using procedures and methodologies that are published or otherwise in the public domain in each instance on the condition that only the results will be shared with the provider sponsor and/or its designee(s).

d) Agreement to refrain from disclosing the sponsor's confidential information. Note - if protection of information by Federal security classification is involved, the restriction will be treated under Category 3, "Classified Research." See below.

e) Controlled access to University facilities that does not interfere with other University activities and does not interfere with access to non-classified, non-confidential information.

If the sponsor-imposed restrictions fall within the above parameters, no special documentation or consideration of their reasonableness is required.

All other sponsor-imposed restrictions on openness that exceed the limits above must be handled in Categories 2 or 3 below.

2. "Non-Standard Restrictions"

Restrictions that do not fall within those described above as "Standard Restrictions" and which do not involve Federal security classification such as a publication delay in excess of 180 days, requiring sponsor approval of publications or characterizing results generated by the University as confidential are called "Non-Standard Restrictions."

Categorization of a restriction as "non-standard" is not in itself a determination regarding its reasonableness or compliance with the Regents' policy. Such restrictions require explicit review and approvals. Procedures for such approval are maintained by the Office of Research and Sponsored Projects and can be found at orsp.umich.edu/openness-research.

3. "Classified Research Restrictions"

"Classified Research Restrictions" are restrictions that involve Federal security classification and therefore impose a detailed set of external requirements on the University. A classified research contract or agreement can be accepted if it can be accommodated without compromising the University's pursuit of its educational mission and if its purpose is clearly in the public interest. "Classified Research Restrictions" require explicit review and approvals. Procedures for such approval are maintained by the Office of Research and Sponsored Projects and can be found at orsp.umich.edu/openness-research.

Attachment

Size

SPG number:

303.01

Date issued:

February 17, 1993

Last updated:

July 6, 2015

Next review date:

July 6, 2020

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University

Owner:

Office of the Vice President for
Research

Primary contact:

Office of the Vice President for
Research

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