

Standard Practice Guide Policies

Openness in Research Grants, Contracts, and Agreements

303.01

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. When these principles 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 University's acceptance of Research grants, contracts, or agreements by the University:

- A. The University will not enter into or renew any grant, contract, or agreement that would restrain its freedom to disclose the existence of the award, the identity of the sponsor, or a non-confidential description of the purpose and scope of the funded Research.
- B. The University will not accept a grant, contract, or agreement for Research that unreasonably restricts its faculty, staff, or students from publishing or otherwise disseminating the results of the research.
- C. The principle stated in No. 2 above does not apply to:
 - 1. Grants, contracts, and agreements for classified Research if the award can be accommodated without compromising the University's pursuit of its educational mission and if the purpose of the federally funded work is clearly in the public interest.
 - 2. Grants, contracts, and agreements for Routine Testing, Routine Services, and other non-Research purposes.
- D. 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 University by a sponsor, as distinguished from information generated in the course of research performed by members of the University community.

- E. Grants, contracts, or agreements may include reasonable Standard Restrictions on the submission of manuscripts resulting from sponsored Research such that the sponsor is afforded an opportunity to verify no classified, proprietary or confidential information will be disclosed or to request a delay for the purpose of seeking protection of intellectual property.
- F. If sponsor-imposed restrictions fall within the limits of an acceptable Standard Restriction, no special documentation or consideration of their reasonableness is required.
- G. Sponsor-imposed restrictions on openness that exceed the limits of an acceptable Standard Restriction must be handled as a Non-Standard or Classified Research Restriction.
- H. Categorization of a restriction as Non-Standard or Classified 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.
- I. The responsibility for compliance with these policies rests with the principal investigators, the department chairs, the deans of the schools and colleges, the directors of the institutes and centers, and the Vice President for Research, and is normally effected through the regular channels for review and authorization of grants, contracts, and agreements to the University.
- J. 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

A. **"Classified Research Restrictions"**

A "Classified Research Restriction" is an award requirement that involves Federal security classification and therefore imposes a detailed set of external requirements on the University.

B. **"Non-Standard Restriction"**

A "Non-Standard Restriction" is an award requirement for U-M to temporarily delay related publications, keep sponsor information confidential, or limit access to University facilities that (a) is not a "Classified Research Restriction" and (b) exceeds the outer limits of an acceptable "Standard Restriction" (e.g., delaying publication in excess of 180 days, requiring sponsor approval of publications, characterizing results generated by the University as confidential, etc.).

C. "Research"

"Research" is systematic study directed toward fuller scientific knowledge or understanding of the subject studied, and for the purposes of this SPG, the systematic use of knowledge and understanding gained from research directed toward the production of useful materials, devices, systems, or methods, including design and development of prototypes and processes.

D. "Routine Service"

A "Routine Service" is the provision of services using procedures and methodologies that are published or otherwise in the public domain on the condition that only the results of the service will be shared with the sponsor or its designee(s).

E. "Routine Test"

A "Routine Test" involves the use of experimental equipment, models, devices, pre-release versions of software, or other copyrightable material on the condition that only the unanalyzed results will be shared with the sponsor or its designee(s).

F. "Standard Restriction"

A "Standard Restriction" is an award requirement for U-M to temporarily delay related publications, keep sponsor information confidential, or limit access to University facilities. The following restrictions are the outer limits of what may be accepted in Research grants, contracts, and agreements by the University provided that the principal investigator has agreed to them:

1. A delay in publication or other dissemination of Research results, not to exceed 180 days, to permit sponsor review for:
 - a. Comment (not prior approval).
 - b. Protection of confidential information provided by the sponsor.
 - c. Possible participation in the protection of intellectual property.
2. 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.
3. 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."
4. 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.

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