

## Campus Administrative Policy

**Policy Title:** Restricted, Proprietary, and Classified Research

**Policy Number:** 6010A      **Functional Area:** Research

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**Effective:** March 4, 2024

**Approved by:** Thomas Flaig, MD, Vice Chancellor for Research

**Applies to:** CU Anschutz

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### A. INTRODUCTION

This campus administrative policy replaces rescinded administrative policy statement 1023, Restricted, Proprietary, and Classified Research, and supports the principles contained in Regent Law, Article 5 as related to the fundamental value of academic freedom.

### B. POLICY STATEMENT

The ability of University of Colorado Denver | Anschutz Medical Campus (“University”) faculty, staff, and students to develop new knowledge within the context of academic freedom is crucial to supporting the mission of the University (Regent Law, Article 5). University researchers depend on financial and infrastructure support from federal, state, and private sector sponsors. Sponsored research is critical to fulfilling the University’s mission to acquire knowledge and disseminate it widely. In keeping with this commitment, the University shall not accept restrictions on research involvement or publication, absent compelling reasons.

There may be circumstances in which the University and the public may benefit from participation in restricted or classified research. The purpose of this policy is to clarify those situations in which the University can accept publication or other restrictions while still preserving the principle of openness in research.

### C. CATEGORIES OF RESTRICTED, PROPRIETARY, AND CLASSIFIED RESEARCH

1. *Restricted research* is defined as sponsored research that imposes restrictions on who can participate in the project, or on the ability of University researchers to share or publish information about the project. This may be reflected in research agreements that: (a) restrain the University from disclosing the existence of a contract or grant, the identity of the sponsor or prime contracts, or the purposes and scope of the research; (b) require pre-publication review of results beyond the scope of proprietary review, as described below; and/or (c) impose limitations on who in the University community may participate in the research (e.g., U.S. Citizens only).

2. *Proprietary research* is defined as sponsored research for which the sponsor or prime contractor imposes data ownership restrictions, or requires pre-publication review for the purposes of identifying proprietary information or intellectual property to which the sponsor claims ownership.

The University is committed to working with sponsors and funding agencies to identify and remove any proprietary information within reasonable timeframes as is customary in the research community. Research agreements that impose pre-publication reviews greater than 365 days (not including days for patent review purposes) require an exemption per this policy.

3. *Classified research* is defined as research that bears a security classification from the federal government, such as top secret, secret, or confidential. Classified research restricts some or all of the results, procedures, and personnel working on the project under rules established by the agency for which the research is being conducted.

#### **D. EXCLUSIONS**

1. Routine Testing Services. Faculty involvement in activities requiring University expertise and University health care facilities for technical measurement, analysis, observation, or evaluation in a controlled clinical setting that do not lead to publishable information are excluded from the policy.
2. Multi-Site Clinical Trials. Faculty members participating in clinical research trials involving multiple institutions and the coordination of multiple sites for which (a) upon conclusion of the trial, the sponsor requires greater than six (6) months to collect and analyze the data from all participating sites, and (b) all participating institutions agree to said delay in publications, are excluded from this policy.
3. Personal Consulting. Personal consulting activities by Faculty members subject to the 1/6<sup>th</sup> Rule taking place in non-University facilities are excluded from this policy. Faculty members who are a member of a faculty practice plan do not fall under the personal consulting exclusion and such activities are subject to this policy.

#### **E. PETITION TO CONDUCT RESTRICTED, PROPRIETARY, OR CLASSIFIED RESEARCH**

1. Prior to performing or agreeing to perform *restricted or classified* research, researchers must have a waiver approved by the Vice Chancellor for Research.
2. Prior to performing or agreeing to perform *proprietary* research, researchers must have a waiver approved by the Vice Chancellor for Research.
3. Only the Chancellor of the faculty member's home campus can approve classified research. This authority cannot be delegated. The Chancellor or the Chancellor's designee may approve restricted or proprietary research. Approval is required before acceptance of the award by the University, or prior to executing any agreements related to the conduct of restricted, proprietary, or classified research.
4. Projects receiving continuation of funds do not require either further review or action by the Chancellor or the Chancellor's designee, unless a change in scope of the required proprietary or security arrangements occur.

## **F. IMPACT ON FACULTY PERSONNEL DECISIONS**

In accordance with Regent Policy 5.D.2 the University will base decisions concerning faculty personnel matters on contributions to teaching, scholarly/creative work, and leadership and service. Restricted, proprietary, or classified research results that may not be published in the open literature may not be considered in faculty personnel decisions until and unless the research results are released for publication.

## **G. INVOLVEMENT OF STUDENTS, POSTDOCTORAL RESEARCHERS, AND NON-TENURED FACULTY**

1. Students must be free to pursue knowledge in an open environment. No thesis or dissertation should be based exclusively on a restricted or classified research project, nor should a thesis or dissertation include restricted or classified information. Any petition for student involvement in restricted or classified research projects that could affect the students' academic research and publications must include a contingency plan that permits the students to publish their work in due course or provides an alternative means for completing their degree work. This contingency plan must be approved by the faculty member's department chair and must also be provided to the students.
2. The ability of postdoctoral researchers and non-tenured faculty to publish is paramount to their academic careers. Any restrictions on publications placed upon research projects conducted by such personnel must be addressed by the petitioner accordingly.

## **H. USE OF UNIVERSITY FACILITIES FOR CLASSIFIED RESEARCH**

The University shall strive to maintain campus environments fully open to the University community. Classified research projects shall, therefore, be conducted off campus unless the Chancellor verifies the necessity of on-campus University facilities for the proposed classified project.

## **I. SECURITY COSTS**

All security costs required for classified research shall be borne by the research sponsor and outlined in the security plan.

## **J. OTHER COMPLIANCE CONSIDERATIONS**

1. Research conducted under this policy must comply with all other University policies, and applicable state and Federal laws, rules, and regulations, including but not limited to reviews required for human or animal subjects research; radiation or biohazards; conflicts of interest; and export controls.
2. The interests of the principal investigator and of the University in intellectual property that are made in all research, including that considered restricted, proprietary, or classified, shall be protected by University intellectual property policies.

## **Notes**

1. History
  - Adopted March 4, 2024.
2. Cross References
  - [Regent Policy 5.D.2](#)
3. Responsible Office
  - Office of the Vice Chancellor for Research