政策标题：受限、专有和机密研究

政策编号：1023

申请人：学术

简要描述：指定程序，CU研究人员需要向校长申请在有赞助条件的背景下进行研究，这些条件可能会限制他们自由发表或传播研究结果的能力。

生效日期：2012年2月1日

批准人：布鲁斯·B·本森

大学负责人：学术副校长

负责部门：学术副校长办公室

政策联系方式：学术副校长办公室，303-860-5623

替代政策：2007年9月24日

最近审查/更新：2012年2月1日

适用范围：所有校区

政策理由：实施理事会政策4-F，机密研究。

I. 引言

该行政政策声明实施理事会政策4-F，机密研究。

II. 政策声明

大学教职员工、教职员工和学生开发新知识的能力，在学术自由的背景下至关重要，以支持大学的使命。CU的研究人员依赖于来自联邦、州和私营部门赞助者的财务和基础设施支持。赞助研究是实现大学使命的关键，即获取知识并广泛传播。为了保护CU教职员工、教职员工和学生的知识传播能力，大学必须实施特定的政策和程序，以确保遵守理事会关于发表限制的政策以及研究赞助者的要求。

III. 定义

A. 受限研究被定义为赞助的研究，赞助商要求延迟发表结果超过180天，或由大学规定的较短时间。

B. 专有研究被定义为受版权保护的研究，其结果的发布被限制超过180天，或由大学规定的较短时间。
C. **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.

IV. **EXCLUSIONS**

A. **Routine Testing Service**

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 this policy.

B. **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 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.

C. **Personal Consulting by Faculty Members**

Faculty members may perform personal consulting under the existing rules and regulations of the university; such consulting may include work on restricted, proprietary or classified projects. The normal campus approval procedures for faculty consulting will be followed even if some or all of the work is restricted, proprietary or classified. Personal consulting conducted in non-university facilities is excluded from this policy. However, personal consulting conducted in university facilities is included in the policy and, therefore, requires approval of the chancellor, or the chancellor's delegate and must follow all university policies regarding such consulting.

If a faculty member includes university students in personal consulting on restricted, proprietary or classified projects conducted outside university facilities, the faculty member must consider any potential restrictions that would affect students' academic research and publications and must include a contingency plan that permits the students' ability to publish their work in due course. This contingency plan must be approved by the faculty member's department head and must also be provided to the student(s).

V. **PATENT POLICIES**

The interests of the Principal Investigator and of the university in patentable discoveries that are made in all research, including that considered restricted, proprietary or classified, shall be protected by the patent policies established by the Board of Regents.

VI. **HUMAN AND ANIMAL STUDIES**

Federal law and guidelines mandate that the usual committee reviews for human and animal studies, when included in restricted, proprietary or classified research, be the same as those required for unrestricted research.

VII. **IMPACT ON FACULTY PERSONNEL DECISIONS**

The university will continue to base decisions concerning faculty personnel matters on contributions to teaching, research and creative work, and service. Restricted, proprietary or classified research results that may not be published in the open literature will not be considered in faculty personnel decisions until and unless the research results are released for publication.

VIII. **IN Volvement of Student, Postdoctoral Researchers, and Non-Tenured Faculty**

The ability of students, 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.
IX. **PUBLICATION OF STUDENT WORK**

Students must be free to pursue knowledge in an open environment. Formal academic work by students (coursework, theses, dissertations, etc.) shall not include classified research. Any petition for student involvement in research projects that imposes either explicit or potential restrictions that would affect students' academic research and publications must include a contingency plan that permits the students' ability to publish their work in due course. This contingency plan must be approved by the faculty member's department head and must also be provided to the student(s).

X. **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, preferably be conducted at off-campus locations unless the chancellor verifies the necessity of on-campus university facilities for the proposed classified project.

XI. **SECURITY COSTS**

All security costs required for classified research shall be borne by the research sponsor. The university may provide facilities to store classified documents.

XII. **PETITION TO CONDUCT RESTRICTED, PROPRIETARY OR CLASSIFIED RESEARCH**

A. Each proprietary or restricted research project involves submission of a petition for the approval by the campus chancellor, or the chancellor's delegate. Authority for the approval of petitions to conduct classified research resides with the chancellor and cannot be delegated. Approval is normally required prior to the formal submission of the research proposal to the potential sponsor, but in all cases approval by the chancellor, or the chancellor's delegate, is required before acceptance of the award by the university.

B. Prior to submission to the chancellor, or the chancellor's delegate, the petition shall be reviewed and approved on the campus utilizing a process defined by the chancellor of that campus.

C. Upon receipt by the chancellor, or the chancellor's delegate, the petition shall be referred to a faculty committee for review and recommendation. Following the committee's review and the chancellor's or the delegate's decision, the petitioner shall be notified, and the chancellor's or the delegate's decision shall then be made public. Normally, this process will be completed within four weeks of the receipt of the petition by the chancellor, or the chancellor's delegate.

D. The petition shall be an open document and shall contain the information listed in Appendix B.

E. Projects receiving continuation funds do not require either further review or action by the chancellor, or the chancellor's delegate, unless a change in the scope of the required proprietary or security arrangements occurs.

XIII. **FACULTY COMMITTEE ON RESTRICTED, PROPRIETARY AND CLASSIFIED RESEARCH**

A. **Composition**

The campus committee on classified, proprietary and restricted research shall be composed of faculty members representing the broad range of scholarly disciplines appropriate for the campus. They shall be appointed by the chancellor or her/his designee for three year, staggered terms.

B. **Procedures and Criteria**

The committee shall utilize the procedures and criteria listed in Appendix B.

C. **Confidentiality**

The committee shall conduct its deliberations and handle all material with strict confidentiality, rigorously observing national security laws and protecting proprietary information.
D. Reporting Responsibility

The campus chancellor or his/her designee shall provide an annual report to the Office of the President each August concerning restricted, proprietary or classified research, which shall include its general nature, funding, campus locations, number of square feet of space used, FTE employed, and extent of security arrangements.

XIV. HISTORY

The purpose of this administrative policy statement is to specify the procedures by which CU researchers are required to petition for approval by the chancellor, or where allowable under Section XII of this APS, the chancellor's delegate, to conduct research under sponsorship conditions that may limit their ability to publish or disseminate findings freely. This administrative policy statement was prepared by the Office of the Vice President for Academic Affairs in consultation with the Faculty Committee on Restricted, Proprietary and Classified Research, the Faculty Council, and the Educational Policy and University Standards Committee.

Original policy effective February 1, 1987
Revised November 1, 1987
Revised March 14, 2005
Revised September 1, 2007
Revised September 24, 2007
Revised February 1, 2012
APPENDIX A

Regent Policy 4: ORGANIZATION OF ACADEMIC UNITS

4-F. CLASSIFIED RESEARCH

The University of Colorado is honored to have been selected for research of every conceivable kind over many generations. The products of this inquiry by distinguished faculty and students have advanced the reputation of our University and serve society.

In the case of restricted, proprietary, and classified research, potential impacts on the University need special consideration. Therefore, individual campuses of the University of Colorado will undertake, conduct, or manage only those restricted, proprietary, and classified research projects that receive the specific approval of the campus chancellor, or her/his delegate. Authority for the approval of petitions to conduct classified research resides with the Chancellor and cannot be delegated. For the purpose of this policy, these types of research are defined as follows:

A. Restricted research is sponsored research for which the sponsor requires a delay in the publication of results for more than 180 days, or a lesser time period prescribed by a campus, beyond the date of submission to the sponsor for review.

B. Proprietary research is sponsored research for which the sponsor imposes data ownership restrictions that limit publication of the results beyond 180 days, or a lesser time period prescribed by a campus, from the date of submission to the sponsor for review.

C. Classified research is 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.

A faculty advisory committee on each campus will advise the chancellor or her/his delegate, on individual cases.

In the case of multi-campus research, the president will review the recommendations of the involved chancellors and faculty advisory committees and make a determination. Actions taken by the chancellor or, in the case of multi-campus proposals, the president shall be public information. Classified research projects approved by the chancellor will be conducted at off-campus locations whenever possible. The work produced on restricted, proprietary or classified research projects cannot be used either in faculty personnel decisions or in student theses/dissertations until the work can be published in open literature. All classified research projects will fully finance any security costs required by the projects out of the sponsor-funded direct or indirect costs.

Not included in this policy are routine testing services provided to industry by the University whose results are not publishable.

Faculty members shall not perform restricted, proprietary or classified research in University of Colorado facilities under the one-sixth rule without specific approval of the campus chancellor as provided in this policy.

A report on restricted, proprietary, and classified research shall be provided annually to the Regents which shall include its general nature, funding, and campus locations.

APPENDIX B
SAMPLE FORM TO PETITION TO CONDUCT RESTRICTED, PROPRIETARY, OR CLASSIFIED RESEARCH

The attached sample form provides for the information required by the campus Faculty Committee on Restricted, Proprietary and Classified Research (FCRPCR) for their consideration of a petition to conduct classified, proprietary, or restricted research. The form may be enlarged to include additional information required in the campus-specific approval process. It is recommended that the petitioner be provided an electronic copy so that the form may be filled in using a computer, where the space for responses can be expanded or contracted as needed. It is not necessary to maintain specific page breaks. It is recommended that the information be provided in a font and size that distinguish the information from the form prompts. It is not the responsibility of the FCRPCR to review the scientific merits of the proposed project. The charge to the Committee is to evaluate petitions on the basis of whether the proposed project is in the best interests of the University in accordance with the Regent Law on Academic Freedom and Regent Policy on Classified Research. All petitions will be reviewed and approved on the local campus utilizing a campus process defined by the Chancellor. The Faculty Committee requires explicit approval by the Department Chair prior to any others specified by the Chancellor.

The recommendations of the Faculty Committee will be based on its judgment of the appropriateness of the proposed research at the University and its evaluation of the following factors, which should be addressed explicitly in the petition in the order shown:

PETITION TO CONDUCT RESTRICTED, PROPRIETARY, OR CLASSIFIED RESEARCH INVOLVING UNIVERSITY RESOURCES

1. Project title
2. Project director/Principal investigator(s)
3. Granting agency
4. Proposed funding level
5. Beginning and ending dates of the proposed research (also specify the total period and portion involving classified, proprietary, or restricted research if not the entire period)
6. The location of the proposed research
7. Time deadlines for the proposal
8. Unclassified summary of the proposed research expressed in non-technical terms and suitable for public dissemination and understanding. Petitioners are advised that the diverse expertise of FCRPCR members reflects a wide range of disciplines and thus may not overlap with those of the petitioner.
9. The intellectual content of the proposed research. That is, the extent to which the research may lead to significant new knowledge and the importance to the University's principal mission of creating knowledge and disseminating it to students.
10. The relationships between the proposed research and the openness of the academic environment. Specifically,
   a. The extent and duration of special security arrangements (if applicable)
   b. The extent to which portions of the campus will have restricted access (if applicable).
   c. The extent to which students and faculty involved in the research will be allowed to discuss their results with students and faculty not involved in the research.
   d. The restrictions that will be applied to publication of results.
11. The impact of the proposed research on the resources of the University (funds, equipment, personnel, space, etc)
   a. The extent to which the research project will contribute new resources that can be applied to unclassified or unrestricted work.
b. The extent to which the research project will require the dedication of resources that would otherwise be available for unclassified or unrestricted work.

12. Involvement of student, postdoctoral researcher and/or non-tenured faculty in the proposed research; including a detailed contingency plan that ensures timely completion of student degree requirements and the ability to publish study results critical to career advancement.