



UWM OPENNESS IN RESEARCH POLICY

No: 14-01

Date: June 2023

Authority: UW System Board of Regents Policy Document 4-21

Initiator: Vice Provost for Research, Office of Research

Responsible Party: Vice Provost for Research, Office of Research

I. Purpose

The University must foster and protect an environment of openness and academic freedom to sustain and strengthen its research and higher education mission. Avenues of inquiry should be unlimited, participation in research and the academic community unrestricted, and dissemination of knowledge unfettered.

II. Policy

The University will not undertake Research with restrictions on openness or academic freedom on its campus. Examples of unacceptable restrictions include classification, required external approval of Research results before publication, or exclusion of members of the University's community from participation in Research. In particular, foreign faculty, students, or scholars should not be singled out for restriction in access to the University's educational and Research activities. Most Research can be conducted in accord with this policy and the ideals of freedom of inquiry and open exchange of knowledge.

This policy does not apply to contracts and agreements for non-Research purposes, such as Routine Tests and Routine Services.

III. Exceptions

The University recognizes that, in some instances, the best interests of society will mitigate against broad participation in Research and the open exchange of information. In choosing to accept or decline Restricted Research projects, the Vice Provost for Research (VPR) will weigh the potential of a project for generating and disseminating new knowledge supporting the mission of the University against the project's potential for adversely affecting the climate for Research conducted in a free and open environment. All decisions by the VPR are considered final and are not appealable. It is expected that Restricted Research projects will never represent more than a small fraction of the total Research effort of the University.

A. Exception Criteria

In cases of Restricted Research to be conducted on campus or as part of assigned duties, the VPR may, in accordance with Wisconsin law, grant exceptions to this policy and accept Research contracts involving government security classifications or other similar restrictions on participation in Research or access to or dissemination of Research results, if all of the following conditions are satisfied: 1) the Research must be deemed critical to the

University's mission; 2) the educational interests of all participating students must be adequately protected; 3) appropriate facilities, infrastructure, and administrative resources must be available for the Research; and 4) the sponsors of the Research, the Principal Investigator (PI), or the PI's college must cover all additional costs associated with the security requirements of the Research. If the requirements are not met, the University will decline or discontinue the Research.

B. Dissemination Restrictions

It is the University's policy not to accept any Research funding for a project if the sponsor requires the investigator to secure permission from the sponsor to disseminate their Research results. However, providing that no basis exists at the beginning of the Research project to expect that the sponsor would attempt either to suppress publication or impose substantive changes in the manuscripts, a delay of up to six months in the publication of Research results, for patenting purposes; or for the sponsor or data source to identify the inadvertent disclosure of the sponsor's confidential or proprietary information, is permissible, provided that any such provisions for delay are reasonable. In the rare event in which a Principal Investigator wishes to enter into a Restricted Research agreement that imposes additional dissemination restrictions upon a proposed Research project (such as requiring a sponsor's permission prior to publication), a request must be sent to the Principal Investigator's college leadership (Dean, or Dean's designee), for preliminary review, and shall then be forwarded to the VPR for further review and a final determination in conjunction with the Principal Investigator's Dean.

C. Participation Restrictions

As a general proposition, the University adheres to all applicable non-discrimination legal requirements (federal, state, and local) and does not limit participation in Research activities on the basis of citizenship. In certain circumstances, the conduct of Restricted Research may require that a member of a Research group must meet certain citizenship requirements to obtain or to have access to certain proprietary or US Government-restricted information, where that information is subject to Export Control or other regulatory restrictions. All such exceptions must be reviewed and approved, first by the relevant college leadership (Dean, or Dean's designee), and then by the VPR, at the Research proposal submission stage, and again at the awards negotiation stage if there are any changes.

D. Theses or Dissertations

Theses or dissertations, whether undertaken by graduate or undergraduate students, are an integral part of the Research program of the University and fall under this policy. No student may undertake a thesis or dissertation project that, at its inception or at any point during its conduct, requires restrictions on openness or academic freedom, unless the VPR grants an exception to this policy. In such cases, the student, the student's mentor committee, department/program, and the Dean of the Graduate School (for graduate students) or Provost (for other students) must: 1) confirm that the student understands the negative consequences that publication restrictions could have on the appearance of productivity; and 2) determine in advance the criteria by which the student will satisfy requirements for the degree if the work is not available for assessment of its scholarly merit.

IV. Definitions

- A. *Research* is systematic study directed toward fuller scientific knowledge or understanding of the subject studied, and for the purposes of this policy, 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.
- B. *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).
- C. *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).
- D. *Restricted Research* is Research that is restricted in who can work on the project or how and when the researchers can discuss or disseminate the results of the project. This type of Research includes projects that are deemed to be "sensitive but unclassified" by the sponsor. If accepted, Restricted Research requires an export control review as it may fall under Export Control restrictions.
- E. *Export Control* refers to Federal regulations that restrict the release of certain items (e.g., commodities, software, technology, equipment, or information) and the provision of certain services (e.g., technical assistance, training) to foreign destinations or to foreign nationals in the United States and abroad for reasons of national security, foreign policy, anti-terrorism, or non-proliferation.

V. Procedures

The Openness in Research Exception Request Form is included in Attachment A.

VI. Contact Information

Office of Research

Attachment A
UWM Openness in Research Policy Exception Request Form

UWM's Openness in Research Policy states that UWM may not undertake restricted research, including research restricted by export control regulations, without obtaining prior approval from the Vice Provost for Research. Please complete the following form to the best of your current knowledge.

To be completed by the principal investigator:

PI: _____

Co-I/Key Personnel: _____

Award Department: _____

Award number/MIL#: _____

Project Title: _____

Sponsor: _____

- 1) Provide a summary of the proposed research in non-technical terms, suitable for public discussion:

- 2) Provide a summary of research restrictions, include information on controlled data/materials, specific export control regulations, or agreement term restrictions:

- 3) Please provide a summary of the significance of the proposed research. Specifically address:
 - How will the proposed research advance UWM's mission?
 - How will the proposed research advance your program of research?
 - How will the proposed research contribute significant new knowledge to science, and/or benefit the state or national public good?

- 4) Please provide a summary of how the educational progress of students working in your group may be impacted. Specifically address:
 - How will the educational interests of all participating students be adequately protected?
 - To what extent will students involved in the project be able to publish and discuss the progress and results of their work with individuals not involved in the project?
 - Will the proposed research provide educational opportunities that could not be found elsewhere?

- 5) Please provide a summary of how the career progress of faculty, staff, or postdocs working in your group may be impacted. Specifically address:
- How will the career interests of all participating faculty, staff, and postdocs be adequately protected?
 - To what extent will faculty, staff, and postdocs involved in the project be able to publish and discuss the progress and results of their work with individuals not involved in the project?
- 6) Will any special facilities, infrastructure, administrative resources, or security be required for the proposed research? If yes, describe them, how long they will be needed, the cost, and who will pay for them.
- 7) Please provide a summary of any history of work you have with this sponsor.
- 8) Are there any other reasons why this exemption should be granted?

PI: _____ Signature: _____ Date: _____

Dean: _____ Signature: _____ Date: _____

Please submit completed and signed form along with an Export Control Screening Form to OR-ExportControls@uwm.edu

VPR: _____ Signature: _____ Date: _____