Background information to the resolution of the Committee on Administration and Budget regarding classified research, to be presented to the Manoa Faculty Senate.

I. Current BOR policy prohibits all publication-restricted research, but practice permits it.

The current Board of Regents policy dates from the late 1980's and was intended to implement a faculty decision that there should be no classified research on campus. However, the policy as written was discovered to be impossible to implement. Essentially, the policy is stated so broadly, even vaguely, that it can be seen as prohibiting any research projects that have any conditions on the publication of results. As it turns out, many research grants and contracts include some sort of agreement about publication--conditions which researchers often willingly accept as not unduly restrictive to free interchange of knowledge. Bureaucratic mechanisms would be need to be set up to scrutinize contracts and somehow decide whether they could be accepted. And, the process of scrutinizing every research project for compliance would add another step in the bureaucratic approval process, to the dismay and anger of researchers trying to meet deadlines. Given the difficulties of implementing the policy, the University some time ago decided to adopt the philosophy that the individual researcher was the best judge of whether the project should be reviewed for compliance. (This is the origin of the infamous check box on the back of the ORS form, where you are asked to assert that you assent to all restrictions on publication and are warned that failure to do so will result in delays in processing the paperwork.) Thus, policy prohibits all publication-restricted research, but practice permits all publication-restricted research, including, of course, the classified research that was the focus of the initial debate that resulted in the policy.

II. The proposed new policy would remove all the restrictions, thus explicitly permitting classified research on campus.

In order to reconcile practice with policy, the administration has proposed a revision of the policy. This revision removes all prohibitions against publication-restricted research, including classified research. (This will make the infamous check box unnecessary.)

III. CAB reacts to the proposal by distinguishing classified research from other sorts of publication-restricted research and advocating that classified research not be permitted on campus.

CAB accepts that the harmonization of policy and practice is a good thing. However, CAB feels that proposed revision in policy is in too great conflict with the spirit of the faculty resolution which gave rise to the original (flawed) policy. CAB therefore distinguishes "classified" research, for which government security clearance is required, from proprietary and other publication-restricted research. CAB insists that classified research not be conducted on campus and that the policy be written to reflect that prohibition. (CAB considers that simply receiving and reading classified documents on campus should not count as conducting research and should be permitted.) Proprietary or other publication-restricted research may be engaged in by individual faculty members at their own discretion, on- or off-campus.

IV. CAB has appointed a subcommittee to work with the University administration to rework the policy, in order to implement the condition that classified research may not be conducted on campus. (There are, obviously, many complex issues involved here,
notably including the definition of "conduct" and "on campus."}

Robert Bley-VromanChair, Manoa Faculty Senate Committee on Administration and Budget