PART II: University Research

Chapter 1

CLASSIFIED, PROPRIETARY, AND RESTRICTED RESEARCH

Section 1. Basic Principles

The most fundamental commitment of the University is to the maintenance of an open academic environment that fosters intellectual creativity, freedom, and the open dissemination of research results. In order to maintain such an environment, faculty, staff, and students must be free to carry out research in an open and unrestricted manner. They must have freedom to select research topics, to participate in research, and to publish or otherwise disseminate the results of their research. This freedom is undermined by restrictions on participation that are based on factors other than interest or competence, by restrictions on access to research facilities that disrupt the overall climate of openness on campus, and by restrictions on publication or dissemination of research findings. These restrictions may be imposed by security classification, export controls, proprietary rights in privately sponsored research, or other sources.

Section 2. Obligation

The policy stated below, except as noted, is intended to eliminate such restrictions. It does not, however, prohibit self-imposed restrictions based on the professional ethics of a particular discipline. It also does not prohibit the existence of classified or restricted information on campus such as sometimes arises, for instance, in connection with consulting work. Thus, parts of the policy are directed towards maintaining a separation between classified or restricted information and the teaching and research functions of the University.

1. Unless exception is made using the review process described in Section 3, the University will not enter into any contract or accept any grant which:

   a. Prohibits the open publication or dissemination of research results within a reasonable period of time.

   b. Restricts participation on grounds other than interest or competence.

   c. Restricts access to campus facilities in ways that are judged to disrupt the overall research activity of the University.

   Under unusual circumstances relating to special scholarly expertise of a faculty member or his or her research activities, or to the national security, exceptions may be necessary. In these cases a review of the proposed grant or contract shall be made by the Faculty Council on Research to ensure that the academic benefits to the University, and the communities it serves, will justify the exception. The criteria for exceptions and the recommendation and decision procedures shall be formulated by the Faculty Council on Research.*

2. No University courses that are given for credit shall be classified or restricted in any part.

3. No theses or dissertations will be accepted in fulfillment of degree requirements that cannot be freely published or disseminated.

4. The University will continue to facilitate the participation by faculty members in classified or otherwise restricted work of their choice, if their knowledge of their fields and pursuit of their research is advanced by access to classified material or by participation in government research and policy activities. Normal university provisions and procedures for consulting activities, public services and leaves of absence without pay will apply.

5. A record open to the faculty and students will be kept of University agreements that involve access to classified information.

6. Every reasonable effort will be made by the University to keep projects that involve classified or otherwise restricted information physically separated from the rest of the University.
Conferences or meetings related to research and requiring security clearances should be governed by the spirit and provisions of these principles, and should be reviewed in the same way and according to the same criteria as herein specified. For the purposes of this provision the term "conference" means any meeting involving the participation of non-university persons and requiring formal approval of the University. Consultations needed in connection with already approved classified research projects and not requiring additional financial support will not be considered to be "conferences" within the context of this provision.

Section 3. The Review Process

A. Preamble

1. As the governing body of the University of Washington, the Board of Regents has the legal responsibility for entering into research grant and contract agreements on behalf of the University. The Board, however, seeks recommendations from the faculty concerning policy matters relating to the conduct of research within the University.

2. The policy on classified, proprietary and otherwise restricted research approved by the Faculty Senate and by the faculty calls for the Faculty Council on Research to make recommendations concerning the appropriateness of entering into research grants or contracts before final decisions are made concerning their acceptance by the University.

B. Mandate

The Faculty Council on Research, in accordance with the policy statements in Section 2 above, shall:

1. Review every proposal for a research grant or contract that carries a provision expressed or implied that seeks to limit participation, access to facilities, or the freedom of the investigators to publish or not to publish the results of such research in full. Proposals will be referred to the Faculty Council on Research by the Vice Provost for Research, deans, or department chairs whenever in their judgment a review is necessitated. Notification to the faculty of each recommendation by the Faculty Council on Research shall be promptly published in a University official notice.

2. Maintain a current record, open for review, of the review actions taken by the Faculty Council on Research.

3. Make an annual report to the Senate listing each restrictive grant or contract considered during the year. The report shall include:
   a. Title of project;
   b. Name of principal investigator or administrator;
   c. Source or sources of funds for support of project;
   d. Action by Faculty Council on Research as to approval or disapproval;
   e. If approved, a short statement of justification for the proposed research in terms of the purposes of the University and in the light of the criteria for approval as listed in Section 3.C. below; if disapproved, a short statement of the reasons for rejection.

C. Criteria for Approval

1. A proposed research grant or contract that involves restrictions on participation, access, publication or non-publication will be recommended for approval only when in the judgment of the Faculty Council on Research the merits of the proposed research and the potential benefits to be realized clearly outweigh the disadvantages of the restrictions. The following criteria shall be used as a basis for judgment; however, a proposal need not qualify under all criteria.
   a. Involves unique University capabilities.
   b. Has very substantial scholarly, scientific or educational benefits.
   c. Constitutes a very substantial public service.
2. All documents setting forth the terms of the proposed research grant or contract must be unclassified and the general nature of the research must be freely disclosed.

D. Recommendations and Advice

Any recommendation by the Faculty Council on Research shall be made by a majority vote of the quorum present. If the vote results in a tie, the matter shall be brought to the Senate Executive Committee for recommendation.

The Faculty Council on Research shall transmit to the Vice Provost for Research, through the Secretary of the Faculty, its recommendation on the approval or disapproval of each proposal together with the explanatory statements required by Section 3.B.3.e. The Vice Provost for Research may transmit to the funding agency in the normal manner each proposal that the Faculty Council on Research has approved. Disapproved proposals will be returned by the Vice Provost for Research through the dean and department chair to the initiator of the proposal, along with the Council's statement of why the proposal was disapproved and any advice or suggestions for resolution of the difficulties leading to rejection by the Faculty Council on Research. Such rejection may be appealed (Section 3.E). The Faculty Council on Research shall assist the initiator of the proposal and other University personnel to achieve the greatest degree of publishability compatible with the proposed research.

E. Appeals

When a recommendation has been made by the Faculty Council on Research (or, in the case of a tie, by the Senate Executive Committee), the investigator or a group of 10% or more of the voting faculty or 25% of the Faculty Senate, and/or the Dean of the Graduate School and the Vice Provost for Research may appeal the recommendation by requesting the Senate Executive Committee to bring it before the Senate. An appeal must be made within two weeks after official publication of the recommendation of the Faculty Council on Research. Those who are appealing may be invited to express their views at the next meeting of the Executive Committee and, if they desire, of the Senate during a reexamination of the recommendation of the Faculty Council on Research. The Senate members shall then vote to sustain (or override) the recommendation of the Faculty Council on Research (or Senate Executive Committee). The Senate action terminates the appeal process for the investigators of the proposed research or for the group of faculty who have appealed the recommendation of the Faculty Council on Research to the Senate. The Dean of the Graduate School and the Vice Provost for Research may at their discretion refer the matter, with a concise statement of the Faculty Council on Research recommendation and the Senate discussions and vote tally, to the Board of Regents for final decision.

F. Timing

The review committee's consideration of and recommendation regarding a specific proposal should be completed within four weeks from the time of referral. The resolution of an appeal through action by the Senate should be so coordinated that normally the time required would be less than sixty days after the time of appeal.

In the case of a proposal for a continuing research grant or contract, where a lack of funding during the time required for resolution of the appeals may cause undue hardship in the research operation, the Dean of the Graduate School may negotiate an extension for up to a period of one year.

S-B 108, with Presidential approval. November 1969; Faculty Referendum, February 1970; S-C 191, May 1970; S-C 200, January 1972; modification in administrative responsibilities, June 1976; S-C 351, November 1995; Executive Order No. 8 of the President, June 8, 2005