

Restricted Research Policy

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Subject: Research and Public Service

Policy: Restricted Research Policy

Revised: April 5, 2023

Effective: January 8, 2020

Review Date: April 6, 2026

Responsible Party: Office of the Provost and Office of Research and Economic Development

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100.00 Basic Principles

Montana State University is committed to an open academic environment that supports the discovery and public dissemination of new knowledge arising from the scholarly activities of its faculty, staff, and students. The University is also committed to its public service mission and, as part of that commitment, understands that faculty and staff may offer unique contributions by participation in certain kinds of research that may result in restrictions in the level of public dissemination.

Montana State University recognizes that the University and the public may benefit from participation in restricted research and supports those faculty, staff and students who engage in this valuable research. The university adopts this policy to regulate restricted research undertaken by faculty, staff, and students of Montana State University.

This policy sets forth the approval requirements and the framework for the conduct of

restricted research involving faculty, staff, and students as part of university programs.

This policy applies only to research and research agreements that involve restrictions on full disclosure, publication or personnel as set forth in the Section 200.00.

200.00 Definitions

Restricted Research: For purposes of this policy, “restricted research” is the umbrella term for any research performed by faculty or staff or students that imposes limitations that would affect the free and open participation in research activities and dissemination of research results, including *proprietary, classified, or other restricted research* as defined below.

- a. *Nonexempt Proprietary Research:* Sponsored research projects for which the sponsor or prime contractor claims certain ownership of materials, research outcomes or intellectual property and that requires prepublication approval or prepublication review that exceeds 60 days and, if necessary, an additional 60 days for potential patent filing. Sponsored proprietary research projects that do not impose these publication restrictions are exempt from this policy.
- b. *Classified Research:* Classified Research: Research that is classified by the Federal Government pursuant to Executive Order 13526, “Classified National Security Information” that bears security classification levels: “Top Secret,” “Secret,” or “Confidential” due to the determination by the Federal Government that release of such information is presumed to cause damage to the national security. Such information shall be governed in accordance with 32 CFR 2001 and 2003, “Classified National Security Information,” and restricts some or all the results, procedures, physical access, and personnel working on the project and any guidance provided by the Government Contracting Activity (sponsoring agency). Faculty, Staff or Students working with classified research must receive a favorable adjudication from the federal government and receive a security clearance equal to or higher than the classification of the program to be considered to participate in classified research. The ultimate authority for classified activities at Montana State University is the Senior Management Official (university president) and the management of the classified program at Montana State University is under the direction of the MSU Facility Security Officer pursuant to 32 CFR 117, “National Industrial Security Program Operating Manual.”
- c. *Other Restricted Research:* Any other research projects or agreements that impose restrictions on who can participate in the project or on the ability of the researchers to share information about the project. This may include research agreements that:
 - - restrain the university from disclosing the existence of a contract or grant, the identity of the sponsor or prime contractor, or the purpose or scope of the research;
 - require pre-publication approval of results or publications;

- impose limitations on who in the university community may participate in the research (e.g., US citizens only) unless such restrictions are imposed by the requirements of the export control laws. Restrictions imposed by export control laws are managed by the Office of Research Compliance.

Dissemination: Oral or written disclosures to the academic community or the public.

300.00 Approval Processes for University Restricted Research

The university will accept restricted research projects and agreements subject to the approval processes outlined below:

- a. Research projects that restrain the university from disclosing the existence of a contract or grant, the identity of the sponsor or prime contractor, or the purpose or scope of the research must be approved by the President or designee before the application for funding or submission of any proposal for funding. The university will not accept any research projects that impose restrictions that are not consistent with the public records laws of Montana.
- b. Proprietary Research agreements that impose prepublication reviews of no more than 60 days (as well as an additional 60 days for patent review purposes, if required and by mutual agreement) may proceed according to normal university review procedures. Agreements requiring longer review periods require a written exemption from the Vice President for Research, Economic Development or designee.
- c. All other restricted research, as defined in Section 200.00, will comply with applicable [Office of Research Compliance policies/procedures](#), and be approved through the procedures established by Office of Sponsored Programs before acceptance of funding. Classified research proposals must receive review and approval through the Electronic Proposal Clearance Form (ePCF) system by the University Facility Security Officer (FSO) and the Applied Research Lab. If required, project personnel must obtain the appropriate security clearance through the FSO.

400.00 Faculty Participation in Restricted Research

The university supports the right of every tenure-track faculty member to solicit, conduct, or participate in private and government-sponsored research of the faculty member's choice. It is also recognized that some research may be difficult or impossible to conduct without restrictions on public dissemination or without access to classified or proprietary materials.

The university will continue to base decisions concerning faculty personnel matters on open and unrestricted contributions to teaching, scholarship and service. Research projects that

restrict or prohibit publication in the open literature will not serve as the basis for retention, tenure, promotion decisions unless the research results are released for publication. Restricted research governed by this policy may be considered in annual review and merit pay decisions provided that sufficient evidence is available to the reviewer(s) of the extent and quality of the faculty member's work.

The faculty member's participation in restricted research may reduce the faculty member's availability to mentor undergraduate and graduate students and to supervise students' research. This may affect the faculty member's ability to fulfill their job duties based on their assigned percentages of effort. While the university respects the faculty member's research choices to engage in proprietary, restricted or classified research, a faculty member's involvement in restricted research should not rise to a level that would conflict with or detract from the performance of the faculty member's regularly assigned duties in teaching, scholarship and service.

500.00 Research Faculty and Other Staff Participation in Restricted Research

Research Faculty and other staff may work on restricted research projects. Annual evaluations and advancement for research faculty will be subject to the departmental policies and procedures for Research Faculty. Restricted research projects may be considered in annual review and advancement provided that sufficient evidence is available to the reviewer(s) of the extent and quality of the research faculty member's work.

600.00 Student Participation in Restricted Research

Students must be free to pursue knowledge and learning in an open academic environment. Students' academic work must be available for assessment by faculty. Students must have the opportunity to publish their research findings to obtain degrees and professional recognition.

610.00 Graduate Student Participation.

Formal academic work by graduate students (theses, dissertations, etc.) must be based upon research results and publications that are available without restriction to the public.

Any faculty member who proposes graduate student involvement in restricted research must obtain advanced approval in writing by the department head, college dean, and the Dean of the Graduate School.

Graduate students will be notified in writing of any potential restrictions on publications or other limitations that may affect the graduate student progress toward degree by the faculty member. A copy of this must be sent to the department head, college dean, and the Dean of the Graduate School.

Any request for graduate student involvement in restricted research projects that could affect a graduate student's academic research and publications must include a written thesis dissertation plan, approved by the faculty member, graduate student and the student's thesis or dissertation committee, that permits the student to publish their work in due course or provides an alternate means for completing their degree work. The department head, college dean, and Dean of the Graduate School must be copied on this thesis dissertation plan. Thesis dissertation plan will not consist of any confidential restricted research information but rather define a course of action for ensuring students have the opportunity to publish their research to obtain their degree.

Based on these documents, the faculty member, department head, college dean, and Dean of the Graduate School will review the proposed graduate student involvement in restricted research. The faculty member, department head, college dean, and Dean of the Graduate School will provide approval or not.

Graduate students working on restricted research projects will not receive tuition waivers for the component of their work that is classified as restricted research. Graduate Research Assistantships may be funded by the research project if the research advisor who is supervising the student's work has full access to the research scope, purpose and progress of the student's work.

620.00 Undergraduate Student Participation

Undergraduate students may participate in restricted research projects if qualified to do so. If academic credit is sought for the work, the project and the academic credits must be approved in advance by the Dean of the college granting the academic credit.

Undergraduate internships that involve restricted research may be approved for credit if the undergraduate student's performance can be evaluated without necessity for a security clearance and the student can meet the learning objectives without need for disclosure of proprietary, restricted, or classified information. Internship credits must be approved in advance by the Dean of the college granting the academic credit.

630.00 Student Participation as Employees

Any appropriately cleared student may work on restricted research projects as university student workers or employees.