

Proprietary Research

Policy Number:

II.06.05

Reason for Policy:

To record the faculty's commitment to freedom to publish research results.

Entities Affected by this Policy:

Anyone who conducts or supports research at the University of Oregon

Responsible Office:

For questions about this policy, please contact the Office of the Vice President for Research and Innovation at (541) 346-2090, vpri@uoregon.edu

Website Address for this Policy:

<https://policies.uoregon.edu/vol-2-academics-instruction-research/ch-6-research-general/proprietary-research>

Enactment & Revision History:

12 October 2016 - Policy number changed from 09.00.07 to II.06.05

14 June 2012 - Reviewed and approved the interim university president

Policy:

Preamble:

To fulfill its mission and meet requirements arising from the University of Oregon's status as a tax-exempt, public educational and research institution, research conducted at the University of Oregon must primarily serve public rather than private purposes. University researchers must have autonomous freedom to conduct research and to publish and disseminate that research, limited only by the standards and methods of accountability established by their profession, their individual disciplines, and the principles of research integrity. Therefore, it is expected that research results will be published or otherwise disseminated on a nondiscriminatory basis and within a reasonable period of time.

Policy Statement:

Except as expressly provided below, University researchers may not conduct proprietary research where the freedom to publish the results of that research is limited, and the University of Oregon shall not accept any limitation on the freedom to publish research results from any research sponsor, including, but not limited to, restrictions that convey veto or censorship authority. Publication delays not exceeding sixty (60) days are acceptable so that a research sponsor may review publications and (1) offer comments or suggestions and (2) determine that its proprietary data are not disclosed. Delays not exceeding ninety (90) days also are permitted so that the University and the research sponsor may screen proposed publications for intellectual property protection. If both sixty- and ninety-day delays are applicable, the total period of delay should not exceed ninety (90) days.

Sponsored research projects allowing access to or use of the sponsor's proprietary data or materials will be accepted only if regulations regarding access, use, and protection of such data or materials do not restrict the full dissemination (excluding the proprietary data or materials) of scholarly findings made under the research agreement. Proprietary data or materials must

be labeled as such by the research sponsor before release to University researchers. Research sponsor requirements shall not proscribe citation of the sponsor name in publications.

Only under the following scenarios may exceptions be granted regarding additional publication delays or for other publication restrictions.

Exceptions for Publication Delays

Reasonable publication delays exceeding ninety (90) days are only permitted when all of the following requirements are satisfied: (1) the University principal investigator agrees; (2) the time is necessary for filing or registering for intellectual property protection; (3) the VPRI signatory approves; and (4) the agreement to delay is not reasonably likely to result in the delay of the graduation of any students participating in research.

Exceptions for Any Other Publication Restrictions

Requests for any other reasonable publication restrictions are only permitted as follows:

- A. Pre-approved classes of exceptions: University researchers may submit a written request to the OVPRI for an exception under one or more of the following pre-approved classes of exceptions. The OVPRI shall use a streamlined process to review these types of requests and ensure, prior to approval, that all proposed and future UO participants will agree in writing to comply with the proposed publication limitation. The following classes of exceptions will be eligible for this streamlined application and review process:
 - i. Publication restrictions on cultural resources or cultural property, defined as any property of great importance to the cultural heritage of a people. For instance, tribal cultural resources may include land, tribal names, symbols, stories, medicines, and language.
 - ii. Publication control in a project managed by an academic, government, or non-profit organization with a clear mission to publish data and works authored by contributors to the project.
 - iii. Participation in bona fide standards bodies, defined as non-discriminatory, non-industry-controlled consortia or organizations focused on creating and disseminating standards. Standards are defined here as published documents that establish specifications and procedures to maximize the reliability of materials, products, methods, and/or services used by the public.
 - iv. Publication restrictions to protect human subjects, endangered species, or other personally identifiable information.
 - v. Publication restrictions for contributions to standardized tests or standardized assessments.
- B. Other exception requests: For any other sponsor limitations on publication that do not fall within the pre-approved class of exceptions described in section A above, university researchers may submit a written request to the OVPRI for an other exception request.

University researchers submitting other exception requests will be required to provide a summary of the proposed research, the academic value of the research, the research's potential benefit to the public despite publication restrictions, and assurances that the publication restrictions are not reasonably likely to result in the delay of the graduation of any students participating in research. These requests will be reviewed by the OVPRI to assess whether there are any regulatory concerns.

If the OVPRI review described above finds no concerns, a committee convened by the OVPRI that predominantly includes faculty representation shall review the exception request. The committee will review these requests to assess whether the proposed sponsor limitations on publication could compromise the University's pursuit of its mission to serve public rather than private purposes. The committee makes a recommendation to the VPRI whether to grant the exception, grant the exception with conditions, or deny the exception. The VPRI or their designee makes the final decision to grant, grant with conditions, or deny the exception request.

The following guiding principles may be used by the Committee when reviewing these other exception requests:

- The proposed research, even considering the proposed publication restrictions, must have substantial benefit to the public.
- The proposed publication restrictions should not be expected to adversely affect the graduation ability of any involved University student researchers.
- The proposed publication restrictions should not effectively restrict a substantial area of intellectual inquiry for any other University researchers.
- If there are costs associated with complying with the proposed publication restrictions, the grant management unit must provide evidence of accepting responsibility for those additional costs and those costs must be congruent with allowable expenses and in compliance with terms and conditions of the award. The grant management unit must also provide evidence that they have the physical and technological facilities/capacities needed to ensure compliance.

Chapter/Volume:

- Volume II: Academics, Instruction and Research
- Chapter 6: Research, general

Original Source:

UO Policy Statement