AUTHENTICATED,
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COMMISSION
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Ohio Administrative Code

Rule 3361:10-30-03 Research: policy on sensitive but unclassified research.

Effective: August 5, 2005

(A) Applicability.

This policy applies to all sponsored research agreements involving university of Cincinnati employees, or which will be carried out on university of Cincinnati premises, or utilizing university of Cincinnati resources, and which, although not subject to federal security classification, have been identified by the sponsor or the university as involving information or materials which are sensitive or inappropriate for release to the public, or which are subject to DFARS 204.404-70(a) ("Disclosure of Information") or equivalent contractual controls. The policy excludes the following:

(1) Technical services.

Activities involving technical measurement, analysis, observation, or evaluation in a controlled setting which have been approved by appropriate offices within the university and are not intended or expected to lead to publishable information.

(2) Personal consulting.

Personal consulting activities under the existing rules and regulations of the university which do not involve the use of university facilities or resources.

(B) Background.

The university of Cincinnati values the free dissemination of knowledge through education, publication, and other means. The performance of classified research for which dissemination of research methods or results is restricted to individuals with government security clearances is incompatible with the values and legal status of the university and is not permitted. The performance of governmentally funded research which, although not classified, includes requirements for equivalent publication controls, restrictions on participation based on national origin, or significant

restrictions on free communication between and among faculty and students imposed for reasons of national security, law enforcement, or similar reasons is also in conflict with basic values of the university, and may jeopardize the status of the university under federal export control regulations and other regulations. Notwithstanding the foregoing, the university of Cincinnati recognizes that there may be instances in which the expertise of the university and its facilities may be required to meet the needs of the national government in cases of emergency and that such circumstances may justify a determination that the performance of sensitive but unclassified research is in the best interests of the university.

(C) Requirements for approval of sensitive but unclassified research:

(1) Agreements calling for the performance of sensitive but unclassified research projects require the approval of the vice president for research. Such approval should normally be obtained prior to the submission of a formal proposal to the potential sponsor. In all cases, however, approval is required before acceptance of the award by the university.

(2) Petitions for the conduct of sensitive but unclassified research will have a cover sheet containing the following information:

(a) Project title

(b) Names of principal investigator and co-investigators

(c) Address and phone number(s) of principal investigator

(d) The granting agency

(e) Proposed funding level

(f) Time period of the research

(g) The university of Cincinnati location of the research

(h) Time deadlines (if any) for proposal submission

(3) In addition, the following factors should be addressed explicitly in the petition in the order shown:

(a) A summary of the proposed research expressed in non-technical terms and suitable for public dissemination;

(b) A statement of the intellectual content of the proposed research; i.e., the extent to which it may lead to significant new knowledge in science, engineering, or other fields;

(c) The relationships between the proposed research and the openness of the academic environment; i.e., the extent and duration of special security arrangements; the extent to which portions of the campus will have restricted access; the extent to which students and faculty involved in the research will be allowed to discuss their results with students and faculty not involved in the research; and the restrictions that will be applied to publication of results;

(d) The effect of the proposed research on the resources of the university (funds, equipment, personnel, space, etc.), i.e., the extent to which the research project will contribute new resources that can be applied to non-classified work, and the extent to which the research project will require the dedication of resources that would otherwise be available for non-classified work;

(e) The extent to which students will be involved in the proposed research; and;

(f) The proposed time duration of the project.

(4) All petitions shall be reviewed and approved by the appropriate academic unit head prior to submission to the vice president for research.

(5) Projects receiving continuation funds do not require further review and approval unless there is a change in the scope of the required security arrangements.

(D) Additional conditions for the performance of approved classified or sensitive but unclassified

research:

(1) Export controls.

Any contract for the performance of sensitive but unclassified research must be conducted in compliance with all federal export control laws.

(2) Patent rights.

The interests of the principal investigator and of the university in patentable discoveries, inventions, and improvements that are made during the performance of approved sensitive but unclassified research shall be subject to the university's patent policy.

(3) Human and animal studies.

Federal law and guidelines mandate that the usual committee reviews for human and animal studies, when included in sensitive but unclassified research, will not be modified in any way from those required for other types of research.

(4) Utilization of sensitive but unclassified research in faculty personnel decisions.

The university will continue to base decisions concerning faculty personnel matters on contributions to teaching, research, and service. Sensitive but unclassified research results which may not be published in the open literature will not be considered in faculty personnel decisions until and unless the research results are released for publication.

(5) Student theses/dissertations.

Students must be free to pursue knowledge in an open environment. Consequently, formal academic work by students (coursework, theses, dissertations, etc.) shall not include sensitive but unclassified research.

(6) Security costs.

All classified and sensitive but unclassified research projects will finance the unique security costs that are required with sponsor funds.