

Research Council Review
of the Implications for
Conducting Restricted
Research at the University
of Maryland.

Keith Marzullo, subcommittee chair
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Restricted Research

- What is restricted research?
 - Restrictions on *publication*
 - Sponsors can review or approve publication
 - Can occur with both Federal and industry sponsors
 - “Restricted” is not equal to “classified”
- Why are restrictions imposed?
 - Corporate concerns and proprietary technology
 - National security, critical infrastructure, ...
 - Can lead to citizenship restrictions

USM Vision and Mission

The vision of USM is to be a preeminent system of public higher education, admired around the world for its leadership in promoting and supporting education at all levels, fostering the discovery and dissemination of knowledge for the benefit of the state and nation, and instilling in all members of its community a respect for learning, diversity, and service to others.

The mission of the University System of Maryland (USM) is to improve the quality of life for the people of Maryland by providing a comprehensive range of high quality, accessible, and affordable educational opportunities; engaging in research and creative scholarship that expands the boundaries of current knowledge; and providing knowledge-based programs and services that are responsive to the needs of the citizens of the state and the nation.

USM Policy

106.0 IV-2.20-POLICY ON CLASSIFIED AND PROPRIETARY WORK summary (Full policy approved by BOR 4/25/1991)

1. No classified research on campus. When appropriate, must be conducted at an off-campus site.
2. No contractual agreement that restrains disclosing an agreement.
3. No agreement that bars publishing/disclosing the findings. With concurrence of investigators, may agree to delay publication for a maximum of 90 days (+ 90 days) are possible.
4. Will use reasonable efforts to protect a sponsor's proprietary information or materials from disclosure, but cannot accept liability if such efforts fail.
5. No graduate theses/dissertations that cannot be made public, but (3) holds.
6. Does not apply to consulting or other activities conducted off-campus or without the use of University facilities or resources.
7. Human identity/confidential student, patent or employee records privacy protected.
8. Under highly unusual circumstances, exceptions to sections 1-4 may be granted by the Chancellor of the University of Maryland System on the recommendation of the appropriate President or Director. The Chancellor will make an annual report to the Board of Regents specifying exceptions granted under this provision.

Interest in refining policy

- **Objective:** Give guidelines, criteria, and clarity to the process of granting exemptions.
- **Drivers:**
 - **National Interest:** Allow researchers to work on important applied topics related to our national security, and give government direct access to University expertise that might not be readily available from other sources.
 - **Economic Interest:** Allow researchers to work on proprietary commercial product development of interest to industry and to more directly promote economic development.
 - **Education:** Provide real-world experience and career pipelines for students interested in working for certain areas of government or industry.

Charge to Research Council

1. Review the University System of Maryland Policy on Classified and Proprietary Work (IV-2.20)
2. Consider the scope of restrictions on publication and nationality that would ensue were this policy to be changed.
3. Identify potential costs, benefits, and risks (e.g., legal, reputational) to the university community associated with pursuing a more flexible policy to conduct research with publication and citizenship restrictions.

4. Identify potential risks and benefits to the various members of the university community (students, post-docs, junior and senior faculty) associated with conducting research with publication and citizenship restrictions (academic and career implications, legal risks, etc.).
5. Identify the costs and benefits of conducting restricted research on campus versus in University facilities off campus.
6. Review involvement in restricted research at peer and other Big Ten Academic Alliance. If restricted research is conducted, investigate if limitations are imposed and in what context(s).
7. Actively seek input and recommendations from the broader University of Maryland community about whether, under what conditions, and through what processes the university should permit faculty to engage in restricted research.

8. Consult with the University's Office of General Counsel on any proposed recommendations.
9. If the recommendation is to proceed, produce a draft policy that is concise and clear (2-3 pages) and briefly recommend next steps toward the development of implementation procedures.

We ask that you submit your report and recommendations to the Senate Office no later than January 17.

Subcommittee members

- Michael O. Ball, Management Science / ISR (faculty)
- C. Scott Dempwolf, Urban Studies and Planning Program (faculty)
- Jen Gartner, Office of General Counsel (administrative staff)
- Adam Grant, Export Compliance Officer, Div. of Research (administrative staff)
- Reggie Harrell, Environmental Science and Technology (faculty)
- William Idsardi, Linguistics (faculty)
- Christian Johnson, Computer Science (student)
- Daniel Lathrop, Physics / Geology / ME / IREAP (faculty)
- Keith Marzullo, iSchool (faculty, chair subcommittee)
- Donald Milton, Applied Environmental Health (faculty)
- Amy Mullin, Chemistry and Biochemistry (faculty)
- Thomas Murphy, ECE / IREAP (faculty, chair University Research Council)
- Deborah Nelson, Journalism (faculty)
- Ray Sedwick, Aerospace Engineering (faculty)
- Elizabeth Tennyson, Materials Science and Engineering (student)
- Jonathan Wilkenfeld, Government and Politics (faculty)

Prior Studies

- Draft Exception Policy (December 8, 2004)
- Working Group to Consider University Affiliated Research Institutes (2014)
- UMD Division of Research White Paper on Restricted Research (November 30, 2015)
- Informal survey results of Big 10 Academic Alliance (2015)
- Background information from VPR (August 22, 2016)

Working Schedule (Tentative)

- Kickoff meeting August 22, 2016: round table introductions, review charge, discussion on issues and process. Members asked to solicit thoughts from their colleagues.
- September Senate presentation.
- September meeting: discuss prior studies and framing of response. Task further information gathering.
- October meeting: discuss further information on (selected) peers. Begin synthesis, task writing.
- October town hall.
- November meeting: discuss further information, continue synthesis, review draft.
- December meeting: Review draft, task final writing.
- January Senate presentation of final recommendations.