Restricted Research Policy
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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 and students. The University is also committed to its public service mission and, as part
of that commitment, understands that faculty 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 of Montana State University.

This policy sets forth the approval requirements and the framework for the conduct of
restricted research involving faculty 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 2.

200.00 Definitions
Restricted Research: For purposes of this policy, “restricted research” is the umbrella term for any research performed by faculty or staff 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: Research that bears a security classification from the federal government, such as top secret, secret, or confidential. Classified research restricts some or all of the results, procedures, and personnel working on the project under rules established by the sponsoring agency.

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 will be approved before acceptance of funding through the procedures established by Office of Sponsored Programs and the Applied Research Lab.

400.00 Faculty Participation in Restricted Research

The university supports the right of every 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 Participation in Restricted Research

Research Faculty 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 faculty member's work.

600.00 Student Participation in Restricted Research

a. 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. 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 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.

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 contingency plan, approved by the 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.

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.

b. 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.

c. Student Participation as Employees. Any student may work on restricted research projects as university student workers or employees.