

Information

Classified or Sensitive Research

Effective

April 19, 2010

Number

RES-3.01

Applicability

This policy applies to the University Community (administrators, faculty, staff, and students).

Administrative Authority

Executive Vice President for Research and Innovation

Responsible Unit

Office of Research Integrity
300 E. Market, Suite 300, Louisville, KY 40202
Phone: 502-852-2454
Email: exportcontrol@louisville.edu

History

Revision Date(s): July 16, 2013; May 27, 2022 (minor revisions); January 9, 2023
Reviewed Date(s): December 15, 2022
Approved by Compliance Oversight Council - April 19, 2010

Categories

Reason for Policy:

It is the policy of the University of Louisville to encourage freedom of communication of ideas and information in all areas of academic endeavor. However, in some instances, academic inquiry produces results, the full and immediate disclosure of which would be detrimental to the national security of the United States. In such cases, it may be appropriate for the University to accept certain limitations on the conduct and communication of research results. The process by which the University of Louisville shall accept or continue a research project that produces classified or sensitive results is included in this policy. Because of the stringent requirements surrounding classified research, the university generally does not accept such contracts. This policy covers those rare instances where an exception might be made on a case-by-case basis.

Statement:

The University will not accept or continue research contracts for which the identity of the sponsor and the purpose and scope of the research cannot be disclosed. The University must be free to publish the names of the sponsor and principal investigator, the project title and the award amount.

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

Post-doctoral fellows may not participate in classified or sensitive research if there are any restrictions that would limit their academic progress.

The University does not permit the conduct of programs that have as their sole or primary purpose the destruction of human life or the malicious incapacitation of humans.

To fulfill its mission as a tax-exempt academic institution the University must disseminate the results of research and other scholarly activities. Typically, the University will decline agreements that prohibit or restrict the right to publish or release research results. The University, however, may accept agreements that

prohibit or restrict the right to publish or the release of information/research results inherent in **classified or sensitive research** when:

1. The restricted results are only a small part of the overall project results or the sponsoring agency allows publication of non-classified, non-sensitive reports of research results, subject to their review;
2. The research has academic merit and is compatible with the mission of the University; and
3. The restrictions on publication do not have an adverse effect on any faculty personnel action, such as decisions about promotion and tenure, periodic career review, or contract renewals.

Sponsors of classified or sensitive research projects will finance the unique public relations, safety and/or security costs, including cost associated with biosafety, hazardous materials and storage of data required for conduct and security of the project.

Definitions:

Classified research is defined as a research project where some or all of the results must be reviewed by the sponsoring agency for security classification as defined by the federal government that could restrict the right to freely share the details of the conduct of or the outcome of the research.

Sensitive Research is defined as a research project where the release or publication of some or all the results or information about the research project must be approved¹ prior to release or publication by the sponsoring agency or other governmental entity and thus would restrict the right to freely share the details of the conduct of or the outcome of the research. Examples include descriptions such as Sensitive but Unclassified, For Official Use, and contract provisions requiring compliance with export control laws which limit the sharing of information/controlled items with foreign individuals (e.g. deemed export) or transfer of that information/controlled items outside the U.S.

Procedures:

A faculty member who wishes to submit a proposal or start or continue a classified or sensitive research project must submit a written unclassified, non-sensitive request to the dean of the appropriate school for consideration. This unclassified, non-sensitive request will contain at least the following information and must be submitted thirty (30) days in advance of the sponsor's submission deadline:

1. Project title.
2. Names of Principal Investigator and all Co-Investigators.
3. Identity of the funding agency.
4. Proposed funding amount and duration.
5. The location of the proposed research.
6. The intellectual content of the proposed research. That is, the extent to which the research may lead to significant new knowledge and the importance to the University's principal mission of creating knowledge and disseminating it to students.
7. An unclassified, non-sensitive summary of the proposed research.
8. Any special requirements for public relations, safety and/or security.
9. Restrictions that will be applied to research results and an explanation as to how they will assure that such restrictions will not affect promotion or tenure considerations, progress to degree, or publications by graduate students or post docs.
10. For proposals, any time deadlines for submission will be extended by two weeks.

The format of this request may be university research proposal transmittal documents (such as the Proposal Clearance Form (PCF)) containing items a) through e) above, with an appended narrative describing items f) through i).

The dean will forward the request, along with the dean's recommendations, to the Executive Vice President for Research. The Executive Vice-President for Research will review the request and either approves or denies the request. Should the recommendations of the Dean and the Executive Vice-President for Research differ; the final decision will be made by the Provost.

The dean will inform the appropriate chair, director, or unit head that the research project has been approved so responsibilities required by this policy can be implemented.

If a project's status changes from sensitive to classified, the university will consider that grounds to terminate the contract.

1 Review and/or comment by the sponsoring agency, the ability to delay publication for a short length of time (typically no more than 90 days), and ability to request removal of confidential information supplied to the University by the sponsoring agency are not considered approval.

Responsibilities:

Deans, Directors, and Department Heads: Each chair, director or head of administrative unit shall ensure that all research under his / her direction has been properly reviewed and approved as required by University policy. Each chair, director, or head of administrative unit will take all necessary steps to assure that participation in classified or sensitive research will not adversely affect the progress of students to degree and post docs or faculty to advance through the academy. In addition, each chair, director, and unit head has a responsibility to oversee any classified or sensitive research being conducted in his / her area, to ensure that all such research is conducted in full compliance with regulatory or statutory requirements, contractual agreements and university policy and to ensure that the research remains consistent with the overall mission of the University.

Institutional Officials: University officials, other than chairs, directors or heads of administrative units, shall ensure that all research under his / her direction has been properly reviewed and approved as required by University policy and to oversee any classified or sensitive research being conducted in his / her area and to ensure that the research remains consistent with the overall mission of the University.

Administrative Offices: The Office of the Executive Vice President for Research shall be responsible for administering all University research policies, including this policy. The Executive Vice President for Research, or designee, shall be responsible for providing annual report on all classified or sensitive projects to University Community.

VIOLATIONS OF THIS POLICY

Failure of individuals to comply with this policy could result in a range of penalties. These penalties are outlined in the [University's Administrative Sanctions for Violations of University of Louisville Research Policies](#). All policies are listed at <https://research.louisville.edu/research-compliance/human-research-irb/resources-templates/policies-guidance>.