

# Policy Revision Proposal: Proprietary Research

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# Background

- In 2012, the University approved the “Proprietary Research” policy to record the faculty’s commitment to freedom to publish research results (<https://policies.uoregon.edu/vol-2-academics-instruction-research/ch-6-research-general/proprietary-research>)
  - Core purpose is to ensure University research serves public rather than private purposes
- The policy prohibits University researchers from conducting proprietary research where the freedom to publish is limited
  - Allows publication delays up to 60 days to give research sponsor the opportunity to review publications and/or determine proprietary data are not disclosed
  - Allows publication delays up to 90 days to check for intellectual property protections
  - Otherwise prohibits sponsored research projects where the sponsor restricts the full dissemination (excluding proprietary data or material) of scholarly findings



# Rationale for Revising the Policy

- This well-intentioned policy does not respect that there are many
  - ways our research and scholarship can impact public good besides through publication
  - researchers on campus who want to collaborate with responsible industry sponsors or community partners for the greater public good
- The proposed policy revision seeks to respect University researchers' autonomy to engage in proprietary research while simultaneously ensuring that research primarily serves the public
  - Proposes a tiered exception process
  - Pre-approved class of exceptions vetted by VPRI
  - All other exceptions vetted by faculty committee
  - Ensures all exceptions abide by guiding ethical principles



# Policy Revision Process

- (Spring) Senate President charged an *ad hoc* committee
  - Emily Tanner-Smith, Associate Professor, CPHS, Committee Chair
  - Nick Allen, Professor, Psychology
  - Gina Biancarosa, Professor, Special Education (Senator)
  - Nico Larco, Professor, Architecture (Senator)

Orca Merwin, Associate Director of IPS, OVPRI  
Jessica Price, Associate General Counsel, Office of General Counsel  
Chuck Williams, AVP of Innovation, OVPRI
- (Spring – Fall) Committee convened to draft policy revision proposal
  - Conducted a peer institution audit and comparison (see next slides)
  - Sought extensive campus stakeholder input (see next slides)
- (Spring) Committee delivered revision proposal to Senate President
- (Fall) Committee chair presented revision proposal to Senate Exec Team



Arizona, U of
Berkeley
Buffalo, U of
Colorado Boulder, U of
Florida, U of
Georgia Tech
Illinois, U of
Indiana U
Iowa State U
Iowa, U of
Kansas, U of
Maryland, U of
Michigan State U
Michigan, U of
Minnesota, U of
Missouri, U of
North Carolina Chapel Hill, U of
Ohio State, The
Penn State U, The
Pittsburgh, U of
Purdue U
Rutgers U
Stony Brook U
Texas A&M
Texas Austin, U of
UC Davis
UC Irvine
UC San Diego
UC Santa Barbara
UC Santa Cruz
UCLA
Utah, U of
Virginia, U of
Washington, U of
Wisconsin Madison, U of

# Peer Institution Audit

- Compiled and reviewed peer AAU institutions' proprietary research policies
  - No policy
  - Similar policies, allowing publication delays up to 180 days
  - Policies with vague exception/waiver possibilities
  - ★ Policies with formal exception/waiver processes



# Campus Stakeholder Engagement

## **Primarily Faculty / Researchers**

College of Arts and Sciences

Divisional Dean & Department Heads, Humanities

Divisional Dean & Department Heads, Natural Science

Divisional Dean & Department Heads, Social Science

College of Education

Research and Outreach Council

Knight Campus Leadership

Office of the Provost

Sponsored Research Council

Office of the Vice President for Research & Innovation

Center & Institute Directors

Financial Conflict of Interest in Research Committee

Research Advisory Board

## **Primarily Administrative**

Office of General Counsel

Office of the Provost

Division of Graduate Studies

Office of the Vice President for Research & Innovation

Innovation Partnership Services

Research Compliance Services



# Feedback Received

- Minor editorial comments (RCS, OtP)
- ✓ • Support and thanks for the proposed revisions (FCOIR, C&Is, CAS Deans & DHs, COE ROC, RAB, DGS)
- ✓ • Thanks for acknowledging faculty's academic freedom to decide when/if to publish (SRC)
- ✓ • Suggestion to ensure implementation process allows for a list of approved exceptions, upon request (C&Is)
- Suggestion to remove tiered exception process and simply require VPRI determination (KC, SRC)



# Revised Policy Summary

- General policy remains unchanged – publication delays not exceeding 60 days are acceptable for sponsors to provide comments/suggestions and determine proprietary data are not disclosed; delays not exceeding 90 days are permitted for sponsors to screen for intellectual property protection
- What is new in the revised policy is the option for researchers to request exceptions to the policy. These exceptions fall into three categories:
  1. Exceptions for publication delays
  2. Exceptions for other publication restrictions (pre-approved class of exceptions)
  3. Exceptions for other publication restrictions (all other requests)





# Revised Policy Summary (cont.)

## 1. Exceptions for publication delays (new)

Allows for publication delays exceeding 90 days when

- Principal investigator agrees,
- Time is needed for filing/registering for IP protection,
- VPRI signatory approves, AND
- Delay is not expected to affect graduation-ability of students involved in the research



# Revised Policy Summary (cont.)

2. Exceptions for any other publication restrictions – preapproved class of exceptions (new)

Allows for researchers to request direct OVPRI approval for any other sponsor publication restrictions in the following categories:

- Cultural resources or cultural property
- 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
- Participation in bona fide standards bodies
- Restrictions to protect human subjects, endangered species, or other personally identifiable information
- Contributions to standardized tests or standardized assessments



# Revised Policy Summary (cont.)

3. Exceptions for any other publication restrictions – all other exceptions that are not preapproved (new)

Allows for researchers to request approval for any other exceptions that do not fall within the pre-approved class of exceptions

- Researchers must submit documentation to OVPRI highlighting the potential public benefit despite publication restrictions
- Requests will be reviewed by an OVPRI committee with predominant faculty representation
- Committee reviews request to assess whether these restrictions could compromise the mission to serve public rather than private purposes
- Committee makes the recommendation to VPRI whether to grant, grant with conditions, or deny the exception
- VPRI or designee makes final decision



# Proposed Motion

## Section I

1.1 WHEREAS a joint administrative and senate task force was charged by the Vice President for Research and Innovation and University Senate President with reviewing and revising the former “Proprietary Research” policy; and

1.2 WHEREAS 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; and

1.3 WHEREAS it is expected that results from research conducted at the University will be published or otherwise disseminated on a nondiscriminatory basis and within a reasonable period of time; and

1.4 WHEREAS the current policy, first adopted in 2012, currently impinges on the academic freedom of University researchers to engage in proprietary research with clear public benefit; and

1.5 WHEREAS the joint Administration-Senate committee charged with this work sought to set forth exemption principles that will permit university researchers to engage in proprietary research with publication delays or other publication restrictions that would not interfere with the University’s mission as a public university;

## Section II

2.1 THEREFORE BE IT MOVED that the University Senate approves the revisions to the existing policy “Proprietary Research,” with this revised policy proposal entitled, “Proprietary Research” as outlined in the Related Documents.



Q&A

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