PURPOSE:
This policy is designed to define the institutional requirements on restricted research.

SCOPE:
All UM personnel must be aware of the complex and detailed rules provided under Federal and non-Federal regulations as well as the terms and conditions of the individual sponsored activity. While compliance with all applicable requirements is essential, it is equally important to maintain an open research environment that welcomes the participation of researchers from around the world as part of UM’s mission. To maintain this balance, UM personnel must be familiar with this policy in addition to the Federal and non-Federal regulations on restricted sponsored activities.

This policy applies to all UM personnel, namely:

- Faculty, including voluntary faculty.
- Faculty emeriti engaged as active researchers on UM research activities.
- Researchers, including research staff, postdoctoral fellows, and research associates.
- Graduate students, undergraduate students, and interns involved in research programs.
- Staff in departments, centers, institutes, and administrative offices charged with responsibilities under this policy.
- Consultants, agents, and volunteers associated with research and scholarly activities, as well as in departments and offices charged with responsibilities under this policy.

POLICY:
It is the policy of the University of Miami to encourage and preserve academic freedom in research and scholarly publication, and to protect each member of the academic community against influences that might restrict his/her ability to exercise such academic freedom in the pursuit of his/her area of scholarly interest and expertise.

Accordingly, the University of Miami generally does not enter into sponsored research agreements that grant the sponsor the exclusive rights to the research results. Members of the University academic community are expected to retain the right to publish, at their discretion, the results of research conducted at the University or by University personnel. Any publication of the research results by the sponsor or other third party in the peer-reviewed literature is
prohibited, unless said sponsor or third party has received the express written consent of the Vice Provost for Research. Research highlights that describe the outcomes of the Sponsor’s key research projects are allowed.

As a rule, the University of Miami does not accept grants or contracts that involve Classified Research (research that carries a United States security classification). Moreover, the University of Miami does not generally accept grants or contracts that restrict participation in, or access to, the research results, and no such work may be undertaken at the University except as permitted in this Policy or other University policies.

Examples of restrictions that are not generally allowed include, but are not limited to:

1) Restrictions that delay submittal for publication of research results for longer than 3 months after completion of the research.

2) Restrictions that require advance approval of publications by the sponsor or other agency.

3) Restrictions that delay or inhibit a trainee’s ability to publish his/her research results, or that inhibit his/her ability to use acquired skills or knowledge in the future.

4) Restrictions limiting the ability of the researchers, or of the University, to apply for or obtain grants/contracts from other sponsors.

5) Restrictions that limit publication or use because of research being designated “sensitive”, “non-releasable” or similar restrictive designations.

If a sponsor attempts to impose restrictions on the disclosure of research results after the research has begun, the University shall re-evaluate whether to continue the research project. In the re-evaluation, the University shall apply the provisions of this policy and a review process. Faculty should be aware that Export Control (EAR/ITAR) regulations may govern certain research projects and impose restrictions similar to those listed above. The Vice Provost for Research and Export Control office should be consulted about research grants or contracts subject to EAR/ITAR prior to acceptance.

University resources and facilities shall not be available for research that violates this policy. This includes long-term storage or use of classified data at any campus. Any exceptions shall be considered through a review process developed by the Provost.

**Exceptions**

Classified research is not allowed at the University unless specifically approved by the President of the University after consultation with the Research Council.

However, projects involving access to classified materials may be acceptable, such as projects involving off-campus access to Classified Materials authorized by University agreement with a government agency.
Faculty members on leave from the University or serving as independent consultant’s off-campus may perform classified research, so long as they are not performing such research as members of the University faculty.

With respect to research grants or contracts containing restrictions described in Paragraph 4 above, certain exceptions may be approved by the Vice Provost for Research. These are:

1) Delays exceeding three months (up to 6 months) that are necessary to allow a sponsor to submit a patent application.
2) Restrictions expressly permitted by other University rules/policies including Export Control restrictions.

Other exceptions may be approved by the Vice Provost for Research, in consultation with the Provost and General Counsel. Such approval is required prior to application for research contracts/grants or other agreements that contain research restrictions, and requires explanation by the investigators of the rationale for allowing an exception as well as the expected impact of the restrictions on the University and/or its researchers.

**DEFINITIONS:**
Please refer to UM’s ORA website for a list of acronyms and terms commonly used in sponsored/research administration grants, contracts, and cooperative agreements:
http://ora.miami.edu/_assets/pdf/ora-policies/glossary.pdf

**PROCEDURE:**
UM personnel are to use UM’s ORA website for guidance on matters pertaining to sponsored activities.

UM personnel are to follow the Standard Operating Procedures (SOP) outlined, as well as utilize the various required forms and templates that have been implemented for the activities related to this policy.

UM personnel should contact the Pre or Post Award staff for consultation if additional information is needed. Contact information can be found on UM’s ORA Contacts Webpage.