University Research Relations with Government Agencies and Private Entities

I. Appropriateness of University Research. All activities of the University of North Carolina, including research collaborations with private entities, foundations, and government agencies, must support its teaching, research, and public service missions. The University environment must allow faculty and students to freely pursue learning and research. The University must also maintain its independence and integrity to assure impartiality, and it may not agree to any inappropriate limits on the freedom to publish research findings. Most importantly, the University must retain the public's trust by engaging in research activities that are consistent in nature, quality, scope, and importance with its mission, and that are conducted under conditions that ensure its academic integrity. The chancellors are the responsible officers for the administration of this policy and they are to take such steps as are necessary to maintain it.

II. Proprietary Information. Faculty and students of the University must have the right to disseminate freely and openly their research findings, and research sponsors may not abridge this basic right. However, in certain exceptional cases, the sponsor may be in possession of proprietary and confidential information that the institution and the research sponsor must share to conduct the research project. A constituent institution, with the approval of its chancellor, may enter into agreements to guard the confidentiality of such proprietary information. Disclosure of information pursuant to an agreement to protect proprietary information must comply with the requirements of the North Carolina Public Records Act and the North Carolina Trade Secrets Protection Act. Information in the public domain, or information that a constituent institution legally obtains from a third party, or information independently developed or possessed by a constituent institution is expressly excluded from the definition of proprietary information. Any agreement that involves the joint use of University facilities for proprietary purposes, or that purports to restrict faculty or students from publishing freely the results of their own work, shall be reported in writing to the president prior to its execution. No agreement, however, may interfere with the publication or oral defense of research theses and dissertations of graduate students. Section 500.2 of the UNC Policy Manual, *Patent and Copyright Policies*, provides that, under specified circumstances, publication may be delayed for not to exceed one year while patent protection is being secured.

III. Classified or Other Confidential Research Projects.

A. Research conducted under any form of sponsorship must maintain the University's open teaching and research philosophy and must adhere to a policy that prohibits secrecy in research. However, in cases involving United States government classification which impose actual or potential limitations on publication or dissemination of research findings, or in any other case which clearly involves exceptional circumstances, the chancellor is authorized to waive this requirement if it is in the national, state, or institutional interest to do so. All such agreements must be reported in writing to the president prior to their execution.

B. The UNC Board of Governors adopts the following framework for the management of facility security clearances to safeguard classified information. These provisions shall apply to each

constituent institution that holds a classified contract or facility clearance, or desires to hold a classified contract or facility clearance.

1. The constituent institution shall appoint, where applicable, its own Senior Management Official, Facility Security Officer, Insider Threat Program Senior Official, and Information System Security Manager ("Authorized Personnel"). Authorized Personnel, specifically the Senior Management Official shall have ultimate authority and responsibility over classified matters at the constituent institution. This includes complete executive control over constituent institution research plans, contracts, and security.

2. The constituent institution shall be responsible for and has authority to issue its own research proposals, receive its own federal grants, and possess independent control and obligation to manage its research enterprise, including managing classified information and facility security clearances. Constituent institutions shall adopt technical and administrative safeguards to ensure networks and facilities are secure from unauthorized access.

3. The constituent institution shall control its own classified spaces, systems, personnel, records and decisions. The Board of Governors and the UNC System Office, including the president, shall not receive classified information or participate in classified-program decisions.

4. The constituent institution has authority and budgetary independence over its classified contracts, where the constituent institution shall have independence to protect classified information. Decision-making and the management of classified information shall not flow to the Board of Governors or the UNC System Office, including the president.

5. The Board of Governors and the UNC System Office, including the president and all UNC System Office employees, will not require, will not have, and will not access any classified information disclosed to the constituent institution and shall not occupy a position that would enable them to adversely affect the constituent institution's policies or practices in the performance of classified contracts.

IV. Other Matters.

A. Effective Date. The requirements of this policy shall be effective on the date of its adoption by the Board of Governors.

B. Relation to Federal and State Laws. The foregoing policy as adopted by the Board of Governors is meant to supplement, and does not purport to supplant or modify, those statutory enactments which may govern or relate to the subject matter of this policy.

C. Regulations. This policy shall be implemented and applied in accordance with such regulations and guidelines as may be adopted from time to time by the president.