

Research Policy Guideline

Research Publication Approvals or Permissions

MIT POLICY

MIT will not undertake research on the campus requiring permission or approval of government or industrial research sponsors prior to publication. MIT will allow a brief review-and comment period (not to exceed 30-days) to request the deletion of a sponsor's inadvertently included proprietary information or to request the filing of patent applications(s). Any further delay requires the approval of the Office of Sponsored Programs.

OSP Identifies Potential Restrictions

In some instances, restrictions on publication of research results are imposed in research projects. These restrictions are identified by OSP staff, typically at the following two stages:

- a) **Proposal Stage** - BAA'S, RFP'S etc. sometimes indicate there might be some restrictions imposed on the dissemination of research results, although such restrictions are not as prevalent as restrictive foreign national language,. Most government sponsors that deal with universities on a regular basis are aware of the general policy of most major research universities as it relates to publications. As such, government sponsors typically do not put restrictive publication language in BAA'S that are directed to the university community. Nonetheless careful screening by OSP of BAA'S is still necessary. Issues relating to publication restrictions often arise when collaborating with industry under government sponsorship. It is especially important, in these collaborative arrangements to make university policy clear at the proposal stage.
- b) **Award Stage** – More often than not, this is when dissemination of information restrictions first surface. In collaborative efforts, industry often accepts restrictive language from the government and then tries to pass the language down in subawards to universities.

Notification to Principal Investigator of Potential Restriction

If OSP feels there is a potential restriction from either language in the BAA/RFP or from our past experience with the potential sponsor, the principal investigator is advised at the time of proposal submission there might be restrictive language that could delay award execution if that proposal is selected. Industry is also made aware, at the proposal stage, of our policies when we are collaborating with them under a government funded program.

Negotiation with Sponsor

Federal sponsors who do not deal with universities on a regular basis are more likely to impose restrictive language. Subrecipient arrangements with industry fall in this same category. OSP then discusses the issue with a sponsor and describes for them the parameters of our institutional policies. In most cases sponsors are satisfied with receiving an advance copy of a publication for review and comment within a specified time period (as opposed to approval). At times OSP involves the principal investigator in these discussions when they appear to be helpful. There are instances when – parallel with our discussions with contractual counterparts—OSP suggests to a principal investigator that it would be useful to discuss the issue with the sponsor’s technical representative. As in the case with the foreign national issue, there have been only a very few cases over the years that OSP has reached a stalemate with a sponsor and an award has been rejected. However, depending on the sponsor, this process could take several months.

The Vice President for Research is kept apprised of such situations. OSP also maintains and provides to the Vice President for Research a running inventory, updated at least bimonthly, of proposals/awards where there are potential/actual problems with foreign national and publication restrictions.

After the Negotiation

The award document which is signed by both parties is the legal agreement between MIT and the sponsor and contains all of the requirements and understandings for the operation of the agreement. Additional understandings (“side deals”) are inappropriate and can have serious negative consequences including criminal penalties for the investigator and for MIT.

Office of the Vice President for Research
Office of Sponsored Programs

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