

Guidelines for Research Involving Restricted-Access and Proprietary Information as Part of Graduate Thesis and Dissertation Activities

A key overall goal of the graduate program activities for any department, college, or other entity within SLU is generation of new knowledge through research activities, and public dissemination of that knowledge by means of publications and presentations. The following guidelines are intended to address the use of restricted-access and confidential or proprietary information as part of graduate student thesis and dissertation activities. Specific conduct, however, may be dictated by the terms and conditions of applicable confidentiality agreement or non-disclosure agreements, hereinafter referred to as “NDA”.

To further the University's goals as a research institution and to support research and scholarly activities within the University community, some component of the defense of the thesis or dissertation must be public.

Background

In some cases, research sponsors may require information which they provide to undertake a research project, or information generated by the research effort, to be handled in a confidential or proprietary manner with restricted or limited public accessibility. In general, proprietary information is that which requires limited or no public disclosure or accessibility, as specified by the research sponsor and as agreed by relevant personnel (project PI, Grant Manager, General Counsel) within SLU (the Proprietary Information).^{*} Overall guidance or detailed specific instructions in regard to such confidential or proprietary information are generally addressed, or considered in some manner by the NDA, research agreement, or research contract which pertains to the effort. The scope of coverage in restricting public access to such information must be defined and clearly understood by all parties involved at the beginning of the research effort. Of particular importance are the items which the sponsoring agency or company requires to remain confidential pursuant to the terms of a confidentiality agreement or NDA. Sponsors are also referred to the SLU policy on Dissertations and Theses, which is available from the Graduate Education Office.

Execution of Confidentiality Agreements

Only individuals with written authority from the President are authorized to execute contracts on behalf of the University. In general, the principal investigator(s), hereinafter referred to as “PI”, and co-PI’s will work with the Office of Research Development and Services, and the Office of the General Counsel to review and execute any necessary confidentiality agreement or NDA related to a research project. Graduate students involved in the research effort may also be required to sign a written acknowledgement indicating that s/he has reviewed and understands the terms and conditions of the underlying agreement and/or verify compliance with the terms and conditions of the underlying agreement. **Graduate students seeking to use proprietary or confidential information as part of a thesis or dissertation project are encouraged to obtain formal approval and agreement with respect to the treatment of proprietary or confidential information at each stage of the project (including defense, presentation, and publication) prior to beginning any such graduate research activities.**

Faculty members serving as advisors or committee members for graduate thesis or dissertation activities may also be required to provide written acknowledgment indicating that s/he has reviewed and understands the terms and conditions of the underlying agreement and/or verify

compliance with the terms and conditions of the underlying agreement. In general, it is not necessary for a graduate student to collect signatures from faculty members in relation to a project which involves proprietary or confidential information. This will be the responsibility of the PI's or co-PI's.

In some cases, a research or project agreement between a sponsor and SLU may require that any students involved in the project sign a NDA according to the requirements of the project agreement. A copy of the signed NDA signed by all parties must then be also provided to the sponsor.

The thesis defense presentation and thesis document may also subject to the terms of the project or research agreement. As such, appropriate notifications must be made to the sponsor in advance of such activities. Since the details of such a thesis are confidential, attendance may be limited to authorized SLU personnel or sponsor personnel pursuant to the terms and conditions of the underlying agreement.

The PI associated with the research effort may be required to (a) certify compliance with all terms of the associated agreements and contracts, and (b) maintain restricted information access in an appropriate manner, including access of involved persons to relevant information. It is, thus, the responsibility of the PI to insure that the full scope of coverage, of the associated agreement and/or contract, is fully satisfied. When differences exist, the provisions of such a contract or agreement supersede the present policy and procedures. Such activities are essential to maintain the appropriate professional relationships with research sponsors.

Suggested Structure for Thesis and Dissertation Presentations

Students working with proprietary material as part of research performed in pursuit of a graduate degree, may need to modify their defense and thesis presentations to comply with the terms and conditions of an applicable confidentiality agreement or NDA. Approaches suggested by the Saint Louis University GAAC (Graduate Academic Affairs Committee), include, but are not limited, to the following.

(i) A student's presentation, detailed thesis/dissertation discussions, and thesis/dissertation defense may be closed to the public, with attendance only by the Guidance Committee. The thesis/dissertation defense can then include all confidential and public information, subject to the terms and conditions of the applicable confidentiality agreement or NDA. The published thesis must then be a publically acceptable version of the proprietary information (with any Proprietary Information [defined above*] redacted consistent with the terms and conditions of the applicable confidentiality agreement or NDA), provided the thesis/dissertation committee finds the whole thesis/dissertation (with the proprietary information) to be adequate and acceptable to obtain the degree.

(ii) Alternatively, a student may submit to the thesis/dissertation committee a thesis/dissertation without reference to the proprietary information. If the thesis/dissertation committee determines the submission to be adequate and acceptable to obtain the degree by itself (without reference to the proprietary information), a student may proceed with the thesis/dissertation defense and publish the thesis containing only non-proprietary and otherwise publicly available information.

In either of the above case approaches ((i) or (ii)), written consent must be obtained from the sponsoring agency or company. The written approval should clearly state that the student has

authority to use the Proprietary Information and other company research results and activities for the associated graduate degree work, including the published thesis or dissertation.

Please note that a thesis or dissertation employing either of these approaches ((ii) or (iii)) may be embargoed, with no public access for a period of two years. At the time of electronic submission of the thesis/dissertation (ETD), a student/author can choose to block access by delaying publication in order to protect the work for patent and/ or proprietary purposes for up to two years. The work will default to whichever publishing method selected at the expiration of that embargo. At the end of the initial embargo, if there is a need to delay publication beyond two years, a request must be made in writing to the chairperson of the author's committee explaining the rationale for an extension and the additional time requested. This must be then approved by the committee chair and the department chair. If approved, the author then contacts ProQuest/UMI to notify them of the extension.

These guidelines should be included in the relevant handbook of each college, center, or school which conducts research involving restricted-access and proprietary information as part of graduate thesis and dissertation activities.

Other Applicable Policies:

SLU Policy on Dissertations and Theses.

SLU Graduate Education Catalog