

POLICY ON CLASSIFIED AND OTHERWISE RESTRICTED RESEARCH

JOHNS HOPKINS UNIVERSITY

October 23, 2005

Executive Summary

As part of the commitment to its public service mission, the Johns Hopkins University endorses faculty participation in research in the national interest. At the same time, however, the University's commitment to openness in documentation and dissemination of research results precludes the pursuit of classified research or the use of classified information within the academic enterprise. Thus no classified research will be carried out on any academic campus of Johns Hopkins nor will classified information be used to satisfy the criteria for any academic degree requirements, faculty appointments, or faculty promotions. Further, Johns Hopkins will not accept other restrictions on research or research information related to non-statutory classifications. An exception to this policy is the Applied Physics Laboratory, which is not an academic division, and has a distinct mission that makes it an appropriate venue for classified research.

POLICY ON CLASSIFIED AND OTHERWISE RESTRICTED RESEARCH

1. Introduction

The mission of the Johns Hopkins University is “to educate its students and cultivate their capacity for life-long learning, to foster independent and original research, and to bring the benefits of discovery to the world.” The University’s endeavors in educating students and advancing knowledge are fundamental to the well-being of the nation, and to the security of our people. Johns Hopkins is dedicated to academic freedom and to the public documentation and dissemination of the knowledge that it creates. A free and open academic environment is an essential element in fulfilling the Johns Hopkins research and educational missions, and in achieving the University’s ultimate objective of contributing to the benefit of the public. Conversely, policies or practices that inhibit the free exchange of ideas, by limiting scholarly interchange, can markedly restrain both the advancement of knowledge and its productive use.

In pursuing its public service mission the University and its faculty may find it important to engage in research in the national interest where restrictions may be imposed on access to and documentation and dissemination of information. In these cases, the specific research may be characterized as “classified” or “sensitive.” Restrictions on these projects create potential conflicts with the academic values of this institution. A university policy on research under these conditions must be in accord with the basic academic principles of Johns Hopkins while, at the same time, providing the opportunity to engage in research in the national interest that the University, its faculty and staff deem important.

2. Policy

This policy applies to all academic divisions of Johns Hopkins. The Applied Physics Laboratory (APL) is a non-academic division of the University largely conducting research for the government and is exempted from the restrictions of this policy. APL is a secure facility authorized by the Defense Security Service to conduct classified research projects on behalf of the University.

The following section outlines Johns Hopkins’ policy relating to information or projects that potentially lead to restrictions on the free and open documentation and dissemination of research information, or that may limit access by certain faculty, staff or students to the research program. Classified research and sensitive information are defined in Section 3 of this document.

A. Classified Research

Johns Hopkins is committed to its public service mission, and as part of that commitment we support faculty participation in research in the national interest that on occasion may involve classified information related to national security. However, the fundamental values of the University make it imperative that the University's academic campuses provide an environment where free inquiry and documentation and dissemination of information are rigorously maintained. Effective documentation and dissemination of research results is one of the most important contributions that Johns Hopkins can make to the nation.

Classified research will not be carried out on any academic campus of Johns Hopkins University. Research programs using classified materials cannot be used to satisfy the criteria for completion of academic degree requirements, faculty or scholarly appointments, or promotions.

Any member of the research community at Johns Hopkins who is planning to participate in a project conducted under the auspices of the University that may involve classified research must first obtain approval from her/his divisional research administration office on behalf of the University before submitting a proposal for the project. This approval must include a plan for a non-academic site where the expected research will be conducted.

B. Sensitive Information

Efforts have been made by some government agencies to impose restrictions on certain research projects by requiring a review of research results prior to publication to ensure there is not a disclosure of any "sensitive information." These restrictions are proposed despite the fact that there is no law or regulation defining or requiring restrictions on "sensitive information," and despite the fact that this information has not been classified using accepted procedures. Proposed restrictions have included the manner in which the results of the research project are compiled and disseminated, as well as prohibiting access by foreign nationals to this information.

The University will not accept any contracts or grants for research projects with restrictions imposed by sponsors that research should be reviewed for possible disclosure of "sensitive information." Information that is characterized as "sensitive" will not be accepted for use in research projects on academic campuses nor will "sensitive" information be held on those campuses. Research programs using "sensitive" information cannot be used to satisfy the criteria for completion of academic degree requirements, faculty or scholarly appointments, or promotions.

C. Research Sponsored by Industry

Research sponsored by industry at Johns Hopkins frequently involves requests by the sponsoring organization to restrict the documentation and dissemination of the results of the research. Under certain circumstances, Johns Hopkins is willing to consider requests for restrictions proposed by industrial sponsors on open publication or presentation of research results, and may permit delays in documentation and dissemination of information in order to permit assessment of the potential of the intellectual property for patentability.

D. Other Restrictions

Some restrictions on documentation and publication of research emanate from foreign governments as part of their conditions for obtaining research visas or participating in collaborative research with their nationals. Non-governmental actors such as community leaders or non-governmental organizations may impose other restrictions. The University carefully examines proposals involving research projects that could possibly restrict documentation and dissemination of information or result in the indefinite delay of publication. In general, the University will not agree to such restrictions on the research except when ethical considerations could become an issue. The sponsor's right to review and reply may entail a reasonable delay in publication or dissemination.

E. Consulting

The restrictions outlined in this policy are not intended to prevent members of the Johns Hopkins faculty from acting in a private capacity as a consultant working with agencies or other institutions on matters of a classified or proprietary nature.

F. Special Exceptions

Only under special conditions shall the University accept a classified project when there are restrictions on the disclosure of its existence, its general nature, and its sponsor's identity. In such cases, a final determination for accepting such projects will be made by the President of the University.

G. Applied Physics Laboratory

The Applied Physics Laboratory is a non-academic division with a distinctively different mission that involves substantial work associated with national security and requires access to classified information. The Applied Physics Laboratory provides a venue that allows faculty from the academic divisions to participate in research with national

security significance. The University, through the President and the Board of Trustees subcommittee on APL, provides management oversight of the direction and quality of the APL program, including classified research and development.

H. Standing Committee on Research Information Practices

The University shall establish a Committee on Research Information Practices whose purpose will be to review all matters concerning classified, “sensitive” and proprietary research. The committee will have cognizance over the policy for classified, “sensitive” and proprietary research areas. It will continue to review the federal policies and practices as well as program requirements from various other funding sources, and recommend an appropriate Johns Hopkins response to these issues. The Provost shall appoint the members of the Committee.

3. Definitions and Terms

A. Classified Information

The government may classify information that is deemed to be important to the national security interests of the United States. Classification is the means by which information is restricted. The standard categories of classification include confidential, secret, and top secret. Successive levels of classification imply a greater level of importance to national security interests, and more stringent requirements for access or use of the information. Several more restrictive levels of information have been added to this set of classifications, but are only available under very special conditions. The categories successively impose greater restrictions on the documentation and dissemination and use of the information, as well as imposing more stringent requirements on persons who wish to be authorized access to information in the respective categories. The process by which individuals are granted access to the various categories of classified information is deemed to be security clearance, and is conducted by the Defense Security Service.

B. Classified Materials

Classified materials can be any resources, equipment, or supplies utilized in a project that contains classified research. These materials are most often (but not limited to) computer disks used to compile information about the project as well as hardcopy documents, forms, drawings, notebooks, cameras, tapes, chemicals, substances, or any other resources related to a classified research project. All classified materials are kept in containers that meet the specifications set forth in the National Industrial Security Program Operating Manual as they apply.

C. Classified Research

Classified research is defined as research that has a security classification established by an authorized agency of the federal government. An entire sponsored research project or a specific section of a research project may be categorized as classified. Classification requirements typically emerge due to certain contractual conditions, but may, in some cases, arise after the research has been conducted as a result of the extreme importance of the research results to national security.

Classification is not normally applied to basic research projects. It is more typically used to limit use and dissemination of information about applied research or development efforts.

Johns Hopkins University carries out a significant amount of classified research and development at the Applied Physics Laboratory. As a result of their governance responsibilities with respect to the University's security program, a number of senior university officers and trustees are required to have security clearances.

Johns Hopkins also maintains a facility security office to meet its security obligations. A number of Johns Hopkins faculty and research staff hold security clearances in connection with research programs in which they are engaged or in connection with their roles as advisors in various government programs.

D. "Sensitive Information"

Most recently, government-contracting officials have identified certain research projects where a review and approval of research results is required prior to publication to ensure there is not a disclosure of any "sensitive information." Restrictions on publication of research results have included the manner in which the results of the research project are compiled and disseminated, as well as the limitations on specific research staff that have access to this information. Particular emphasis has been given to restrictions that limit the access to this information to research staff who are not foreign nationals. Inasmuch as there is no consistent understanding of or definitions for the term "sensitive" across various government agencies, the requirements for the institution, the principal investigator and the research team lack clarity.

E. Restrictions

Restrictions on research projects at Johns Hopkins are proposed on some occasions by government agencies or other external funding organizations. These restrictions may include the right to use the results of the research, the ownership of documents produced in the work, or distribution of the information involved in the project. In certain instances, the University may be requested to accept contracts prior to receiving

the award that require specific controls over the dissemination of the results of the research. For example, funding agencies frequently attempt to restrict publication of research results by requiring agency approval rather than a simple review. In other cases, the external funding entity may place limits on who may participate in a sponsored project based on factors such as national origin. There are circumstances where funding institutions may attempt to impose restrictions that are in direct conflict with the University's federally approved rules.