

## JHU Procedure for Review of Proposed Classified or Restricted Work

### A. Introduction

This document outlines the procedure for review of proposed classified or otherwise “restricted” work, which includes projects that will involve publication restrictions for the purpose of protecting national interests or the receipt of Controlled Unclassified Information (“CUI”), as that term is defined by the National Institute of Standards and Technology (“NIST”), an office of the U.S. Department of Commerce.<sup>1</sup> Framing this procedure is the University’s dual commitment to the following concepts, as documented in the University’s Policy on Classified and Otherwise Restricted Research:

*“As part of its commitment to its public service mission, the Johns Hopkins University endorses faculty participation in research in the national interest;” and*

*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.”*

In addition to the potential advancement of the national interest, some classified or otherwise restricted work may have additional, demonstrable derivative benefits and/or spillover effects to the University, the academic mission, and/or faculty and students.

This procedure is intended to be fluid and responsive to sponsor deadlines; the order of the process listed below may be modified on a case-by-case basis to provide flexibility in responding to sponsor proposals.

### B. Classified/Restricted Work Review Procedure

This procedure is intended to ensure that any classified or restricted work undertaken at the University (“Project”) (1) can be performed in a compliant fashion; (2) is consistent with the mission and values of the University; (3) includes safeguards to appropriately protect the interests of faculty and students; and (4) is ethical. Prior to proposing a Project, the Principal Investigator (PI) should confer with the applicable department director and Vice Dean for Research to confirm support for the Project. Once confirmed, the procedure for University review and assessment of proposed classified or restricted work is as follows:

1. Initial Facility Security Review for Proposed Classified Work: Any PI contemplating submission of a proposal or in any way participating in or conducting classified research (including submissions, proposals, and research conducted with the Applied Physics Lab) must first consult with the University’s Facility Security Officer (FSO) to determine the feasibility of conducting the work *prior* to engaging in the proposed work. The University’s existing facility clearance, facilities, and capabilities may not be appropriate for all types of classified research. The FSO will assess the administrative and compliance requirements and provide initial confirmations regarding whether, for example, it may be necessary for the PI to conduct certain activities at the sponsor’s or a

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<sup>1</sup> Generally speaking, this review process will not apply to projects involving non-defense related commercial sponsors who oppose publication for commercial reasons. Those sponsor requests to limit publication should be denied as a matter of course; special circumstances shall be decided by the Vice Provost for Research.

collaborator's cleared facility, or if a statement of work needs to exclude work that cannot be supported at JHU.

2. Initial Technology Review for Proposed Work involving CUI: Any PI contemplating submission of a proposal or in any way participating in or conducting research that will involve the receipt of CUI (including submissions, proposals, and research conducted with the Applied Physics Lab) must first consult with the University's Chief Information Security Officer ("CISO") to determine the feasibility of conducting the work *prior to* engaging in the proposed work. The CISO will assess the administrative and compliance requirements of the work and provide initial confirmations regarding whether the University can receive the CUI in compliance with applicable federal rules and regulations and sponsor requirements.
3. Written Request for Classified or Otherwise Restricted Work Review: After establishing the feasibility of the contemplated work pursuant to #1 or 2 above, the FSO will assist the PI in developing an internal written request for review and approval, including for those projects that will not be classified but will be subject to other restrictions, such as CUI limitations or defense-related publication prohibitions. A template to facilitate these requests is attached hereto as Exhibit A. Depending on the nature of the compliance requirements for a proposed project, the Export Controls Office, research administration office(s), and/or Compliance Office will also be consulted. The request must include the following elements:
  - a) The name of the sponsoring agency or organization, and/or partner (as appropriate);
  - b) An unclassified summary of the research/activity/work to be performed if the proposed work will be classified;
  - c) A justification of the Project, its academic merit, and the restrictions on the dissemination of its results (if any);
  - d) Confirmation that the principal investigator's department and division support the Project and are able to comply with the applicable restrictions;
  - e) A justification for why/how the Project serves the national interest;
  - f) A summary of what additional, demonstrable derivative benefits and/or spillover effects might arise from undertaking the classified or restricted work, whether to the University, the academic mission, and/or faculty and students. (Note that such additional benefits are not a prerequisite to permitting the classified/restricted work, but would serve as a positive favor in evaluating the request);
  - g) Names of all proposed JHU project personnel and their role (e.g., principal investigator, co-investigator, professional research staff, or graduate student(s)); and the

- h) Plan for preserving academic freedom for all faculty and students involved (e.g., considerations of the impact of the project on related dissertations, promotion and tenure, and student mentoring).

With respect to (g):

- Faculty on the promotion track must have a portfolio that includes unclassified work (i.e., a “divided portfolio”); and
- Student participation in classified/restricted work must meet a particularly high bar, because no part of a thesis or dissertation submitted for an advanced degree at the University may use classified work or CUI.

4. Formal University Committee Review: Once the PI and FSO finalize the content of the request, the FSO will route the request for review and approval by the Classified/Restricted Work Review Committee.

The Committee shall assess the proposed Project for consistency with the University’s mission and values; potential for compromise of basic human dignity and freedom; a significant moral or ethical concern (e.g., weapons development); the appropriateness of the safeguards proposed to preserve academic freedom for all faculty and students involved; the consistency of the proposal with the University’s Policy on Classified and Otherwise Restricted Research; whether there are additional, demonstrable derivative benefits and/or spillover effects that might arise from undertaking the classified/restricted work, whether to the University, the academic missions, and/or faculty and students.

For the proposed classified/restricted work to proceed, the Committee must be unanimous in support of the project.

Please note that the University has long reviewed proposed restricted projects in a manner similar to the process articulated herein. The University likewise remains committed to facilitating a broad and deep range of basic, translational, and applied research in all areas of study. The ethical review described above is not intended to place value judgments on faculty members’ academic interests, but instead serves to ensure that research which will—contrary to the University’s standard practice and expectation—be limited from full public disclosure serves the University’s mission of advancing science and the progress of human discovery.

5. Post-Committee Review: Post-approval changes to Project scope or restrictions must be reviewed by the Committee before those changes are accepted by the principal investigator, department, or division.

- C. Contact Information:

Faculty with questions about this process may contact the University's FSO, Khaleena Hairston, at [khairst4@jhu.edu](mailto:khairst4@jhu.edu), or Associate General Counsel and Deputy Chief Compliance Officer for International Affairs Carrie McMullan at [ckmcmullan@jhu.edu](mailto:ckmcmullan@jhu.edu).

The University's Chief Information Security Officer is Darren Lacey; he can be reached at [dll@jhu.edu](mailto:dll@jhu.edu).

D. Committee Structure:

Members of the Classified/Restricted Work Review Committee are:

- Committee Chair: Denis Wirtz Vice Provost for Research (*ex officio*)
- Members:
  1. Ralph Etienne-Cummings, Vice Provost for Faculty (*ex officio*)
  2. Jon Links, Chief Risk Officer (*ex officio*)
  3. Debra Mathews, Associate Director for Research and Programs, Berman Institute for Bioethics
  4. Carey Priebe, Professor of Applied Mathematics and Statistics

The Committee will be staffed/supported by the FSO and the University's Office of General Counsel. The Committee may consult scientific subject matter experts from APL or the relevant academic department as needed.

**Exhibit A**

**Template Proposal for Classified Work Review Committee**

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- 1. Principal Investigator:**
- 2. Department:**
- 3. Title of Proposed Project:**
- 4. Proposed Project Sponsor:**
- 5. Proposed Prime Sponsor:**
- 6. Proposed Funding Level:**
- 7. Proposed Duration:**
- 8. Proposed physical location for project:**
- 9. Will students be involved in the project? If yes, please describe to academic level of the students and the number of students anticipated to participate in the project.**
- 10. Will junior faculty be involved in the project?**
- 11. Please briefly describe the proposed project and your academic interest in pursuing the project.**
- 12. Please describe the proposed restriction for the project. (Examples of academic restrictions include publication restrictions, restrictions on foreign national participation in the project, designation of data related to the project as Controlled Unclassified Information, a sponsor determination that the project is classified, etc.)**