

August 3, 1970

CHANCELLORS:

Re: Restrictions on Rights to Publish or Disseminate Information Resulting from Work under Sponsored Projects

A long-standing University policy, published in Section 14 of the Policy and Procedure Manual for Contract and Grant Administration, states that "freedom to publish results is a major criterion of the appropriateness of a research project." Section 14-0 authorizes Chancellors, Vice Presidents, and the University Dean of University Extension to make exceptions to this policy under three conditions, one of which is stated in subparagraph c as being when special or extraordinary circumstances prevail which do not involve censorship of the results of the project (emphasis added).

Recently the U. S. Department of Interior has refused to allow the University to release the results of a study contract, basing the decision on a restrictive "Rights in Data" clause, incorporated into the contract. Thus the University has been denied the right to reveal the results of the work performed. The acceptance of the restrictive clause by the campus, and the subsequent refusal by the Department of Interior to release the information is inconsistent with the University's duties as the principal research agency of the State of California.

The exception authorized in Section 14-0-c is not intended to authorize the acceptance of grants or the execution of contracts which give the sponsoring agency the right to prevent, for an unreasonable or unlimited time, the release for publication in the open literature, or the release in some other manner, of the results of the work performed. Thus, the Department of Interior "Rights in Data" Article which requires approval by the Project Officer before any information can be disseminated or published is unacceptable, and any clause like it from any other agency is also unacceptable, unless the sponsoring agency is able to make a showing in the particular case that there is a strong overriding reason, acceptable to the University, why the information in the report must be sequestered.

If there is any doubt in a particular case, the doubt should be resolved either by refusing to accept such a restrictive clause or by referring such cases to the President for resolution.

Charles J., Hitch

cc: Vice Presidents
University Dean of University Extension
General Counsel of The Regents
Contract and Grant Officers