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**Dartmouth Guidelines on Open Dissemination of Research Findings**

Dartmouth is committed to maintaining a research environment that fosters the creation and dissemination of new knowledge. Results of research conducted at Dartmouth should, therefore, be made accessible to the public and freely disseminated on a non-discriminatory basis. With few exceptions outlined below, Dartmouth will not undertake research if results cannot be freely disseminated.

Paramount to any consideration of restrictions on the disclosure of research results is the finding that any such restrictions are consistent with the College’s institutional mission.

While primarily relevant for the acceptance of externally sponsored research, these guidelines shall apply to all research conducted at Dartmouth.

In accordance with College policy, sponsored agreements shall not restrict the involvement of faculty, staff and students in projects. Principal investigators shall select participants based on scholarly and professional criteria alone.

Notwithstanding the above, the College may undertake research projects with restrictions as described in Section 1 below. Research activities with restrictions beyond those described in Section 1 may be accepted in rare cases, under compelling and extraordinary circumstances as described in Section 2.

1. The following types of restrictions are generally permissible, and any one or more of them may be accepted without Review Committee[[1]](#footnote-1) approval following appropriate oversight (e.g., by the Office of Sponsored Projects or the Office of Entrepreneurship & Technology Transfer) with respect to a particular project:

a. Restrictions on the disclosure of confidential patient data, or other confidential information concerning identifiable human subjects.

b. Restrictions permitting a delay in publication of a manuscript or other public presentation of study results for a period not to exceed 90 days from the provision of a draft of the manuscript or other public presentation to the sponsor (or a prospective licensee) solely for the purpose of affording the sponsor or prospective licensee an opportunity to take the steps necessary to obtain patent rights with respect to any inventions described in the manuscript or presentation. Such agreement may not give the reviewing party the right to edit or otherwise modify the manuscript or presentation. Moreover, irrespective of any comments or other response of the reviewing party, the College or applicable faculty member has the right to freely disseminate information following the expiration of the agreed upon review period.

c. Restrictions permitting delay of publication of a manuscript or other public presentation of study results for a reasonable period of time in order to accommodate legitimate scholarly considerations, e.g., to assure accuracy, completeness and integrity of data, or rigorous interpretation of results. If the College represents one site in a multi-site study, provisions may include a delay that allows reasonable time (generally no later than 6 months after the conclusion of the award) for data aggregation and analysis.

d. With respect to

(i) Proprietary information owned by the sponsor not consisting of work generated by Dartmouth faculty or students or

(ii) sponsor-provided information of a “background” nature (i.e., its disclosure is not essential to the description or replication of the study), made available to Dartmouth investigators pursuant to a non-disclosure obligation, restrictions may specify that the sponsor is given the opportunity to review a draft manuscript or other public presentation of the study results solely for the purpose of determining whether it contains any such restricted information. This period is not to exceed 90 days from the provision of a draft of the manuscript or other public presentation to the sponsor. If the sponsor fails to notify Dartmouth within the agreed upon review period that any information contained therein constitutes restricted information, the College or the applicable faculty member has the right to freely disseminate all information contained in the manuscript/presentation. If the sponsor notifies Dartmouth within the agreed upon review period that the information in the manuscript/presentation contains restricted information, such restricted information shall be removed from the manuscript/presentation.

2. Research projects containing disclosure restrictions that do not satisfy the criteria set forth in Section 1 may occasionally be recommended to the Provost (or designee) by the Review Committee for exemption from the nondisclosure prohibitions if, taking into account the countervailing concern described in Section 3, the committee finds that this exemption is justified, based upon the considerations outlined below,:

a. Compelling public policy reasons (e.g., national security or public health and safety) warrant the nondisclosure restriction.

b. The nondisclosure restrictions are “narrowly tailored” so as to extend no further than necessary to address legitimate policy concerns.

c. The results of the principal investigator’s College-based research activities are predominantly intended for publication in the open literature.

d. The interests of students, postdoctoral scholars and other trainees will be protected. They will not be required to participate in any project involving disclosure restrictions, and will not be allowed to participate in any such project for their thesis research or other activities necessary to fulfill academic requirements.

3. If the project is expected to involve technology that is subject to restrictions under U.S. export control regulations, consideration should be given as to whether acceptance of disclosure restrictions would require prohibition or restriction of participation by foreign nationals in such project.

1. The Review Committee shall consist of the Council on Sponsored Activities (CSA), or when there is need for an expedited review, a subcommittee of the CSA convened by its Chair. Following recommendation from the review committee, decisions made by the Provost (or designee) with respect to whether an exemption may be granted are final. [↑](#footnote-ref-1)