

HARVARD UNIVERSITY



Publications

Originally Issued: February 1, 2011
Last Revised: November 4, 2011
Responsible Office: Office for Sponsored Programs

Policy Statement

The University may agree to provide sponsors with copies (or drafts) of articles, manuscripts or other written publications up to thirty (30) days in advance of submission for publication or up to thirty (30) days in advance of the anticipated publication date (including electronic publication). When necessary, an extension of an additional thirty (30) days is permitted. At the end of this period, submission or publication would proceed.

The University may agree that sponsors will receive up to a thirty (30) day period to review material intended for public oral disclosure in venues such as scientific meetings, colloquia, or lectures at other institutions. When necessary, an extension of an additional thirty (30) days may be permitted. At the end of this period, public oral disclosure would proceed.

These advance review periods allow sponsors to identify patentable material, use of name, or the inadvertent disclosure of the sponsor's confidential or proprietary information (if any has been provided), or to permit the sponsor an opportunity to comment. Under no circumstances is the sponsor permitted to make or demand unilateral changes. The PI, however, would be obligated to delete the sponsor's confidential or proprietary information as required by a prior confidentiality agreement.

Commitments to sponsors must protect the right to discuss research results freely and informally (whether orally or through written or electronic means) with students, trainees, collaborators and colleagues.

Limited extensions of the above time limits may be permitted in agreements (on an exception basis) after consultation with the dean or his/her designee and approval by the Office of the Provost. OSP shall maintain records of these exceptions and report annually to the Provost.

Before the University signs an agreement which includes commitments regarding confidential information or sponsor review of publications/presentations, those terms must be approved by the PI. The PI will be responsible for ensuring that others working on the project are informed of and accept these obligations.

In cases in which Harvard represents one site in a multi-site study, it is acceptable to agree to a provision that allows reasonable time (generally no more than eighteen (18) months) for the lead center/or lead principal investigator to aggregate all sites' data and publish those data before Harvard's investigator publishes data from Harvard's own portion of the study. Such publication from single sites is fraught with difficulties and should only be considered when the full-study publication is unduly delayed, or if the purpose in doing so is to alert professionals or the public to an urgent and significant health or safety issue that would otherwise not be publicly known. Accordingly, a provision should be inserted into any such multi-site agreement assuring these rights to the Harvard investigators. Questions about reasonableness of the time allowed and about any specific provisions of agreements relating to this policy should be directed to the Office for Sponsored Programs and the Office of the General Counsel.

Reason for Policy

In academia, research should be published promptly in order to share the results with the scientific community and to establish a researcher's priority, upon which academic reputations and career advancement depend. Excessive delay of a publication may cause the results to become stale and may permit a competing academic group to publish first, devaluing the advances of Harvard's research group. It is, further, inconsistent with the academic enterprise if research results are in any way suppressed, including by conditions imposed by funders or sponsors of the research ([International Committee of Medical Journal Editors, Uniform Requirements for Manuscripts](#)).¹ Acceding to sponsor or funder demands for significant time delays in publication can even imperil a faculty member's ability to publish research results in leading peer-reviewed journals. Students must not be impeded from timely

¹ Taking into consideration that the University is a tax-exempt entity under Treasury Reg. 1.501(c)(3), certain activities beyond the charitable mission of the University may result in unrelated business income tax (UBIT). One such factor in the context of scientific research includes whether the results of research (including patents, copyrights, processes, or formulae resulting from research) are made available to the public on a non-discriminatory basis and without unreasonable restrictions.

publication of their own research; otherwise the granting of their degrees and the progress of their careers will be unnecessarily delayed. Finally, one of the conditions for a University's research being considered as "fundamental research" under the various export control regulations is that the research not be unduly restrained by publication delays, (e.g. a period of time that exceeds the standards above); maintaining a policy that allows and encourages prompt reporting of research results thus also adds credibility to the University's position that the vast majority of our research qualifies as "fundamental research" under those regulations.

Who Must Comply

All Principal Investigators at Harvard University schools, local units, and University-wide initiatives must comply.

Harvard University's three sponsored programs submitting offices must comply. The three offices are the Harvard University Office for Sponsored Programs, the Harvard Medical School Sponsored Programs Administration office, and the Harvard School of Public Health, Office of Financial Services.

Responsibilities

Principal investigators are responsible for ensuring that others working on the project are informed of and accept these obligations. Before the University signs an agreement which includes commitments regarding confidential information or sponsor review of publications/presentations, those terms must be approved by the Principal Investigator.

The submitting offices are responsible for negotiating the Publication Policy into the terms of the agreements and signing the agreement. OSP shall keep record of any exceptions and report annually to the Office of the Provost.

The Office of the Provost is responsible for granting limited extensions.

Related Documents

[National Security Decision Directive 189, Implemented through Executive Order 12356 \(1985\)](#)

Explains at a high level how the policy's requirements will be met for compliance. Lengthy or technical procedures may supplement a policy as Related Resources or Appendices.

Contacts and Subject Matter Experts

- [The Office for Sponsored Programs; Grants and Contracts Specialists, Sponsored Program Officers & Team Managers](#)
- [HMS/SPA](#)
- [HSPH/SPA](#)
- [Provost Office](#)
- [Office of the General Counsel](#)

Key subject matter experts who provided input in the development of this policy were the University's three submitting offices, as well as the Sponsored Administration Leadership Committee, including the Vice Provost for Research and the University Director of Sponsored Research.

Definitions

Fundamental Research

Basic and applied research in science and engineering, the results of which ordinarily are published and shared broadly within the scientific community, as distinguished from proprietary research and from industrial development, design, production, and product utilization, the results of which ordinarily are restricted for proprietary or national security reasons. (National Security Decision Directive 189)

Unrelated Business Income Tax (UBIT)

Section 513 of the Internal Revenue Code defines an "unrelated business" as an activity which is regularly conducted and not substantially related to the purpose for which the nonprofit organization was granted its exempt status. Subject to certain statutory exclusions and modifications, any income from such unrelated business income activity that exceeds its allowable deductible expenses is subject to unrelated business income tax. Annually, the University is required to report and remit any UBIT to the IRS.