

BOARD OF REGENTS
BRIEFING PAPER

HANDBOOK REVISION – CONFIDENTIALITY OF CERTAIN RECORDS

2. BACKGROUND & POLICY CONTEXT OF ISSUE:

The Board of Regents at its June 2007 meeting adopted a policy on classified and proprietary research with specific provisions to address the confidentiality of records. The policy adopted by the Board included definitions of classified research, sensitive but not classified research, and proprietary research. UNR faculty raised a concern that this policy did not fully incorporate all aspects of classified and proprietary research. To this end, they developed a definition of “confidential research information” that was approved by the Research and Economic Development Committee at the August 9, 2007, meeting. The definition of “confidential research information” clarifies that such information includes, but is not limited to all records of an institution that have been developed, discovered, disclosed to, or received by or on behalf of faculty, staff, employees, or students of the institution concerning research that has not been published, patented or otherwise made public. In addition, the revision provides that the policy is not to be interpreted to require the release of any confidential patient or other medical records in violation of federal and state privacy laws.

3. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

Amend *Title 2, Chapter 9, Section 9.1* to provide for a definition of “confidential research information” and further state that policy is not to be interpreted to require the release of any confidential patient or other medical records in violation of federal and state privacy laws (See attached Policy Proposal).

4. IMPETUS (WHY NOW?):

The policy proposal is being brought forward in response to concerns raised about the need for two more areas to be included within the policy on confidential records previously adopted at the June 2007 Board meeting.

5. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- Providing for a clear definition of “confidential research information” will help to protect the confidentiality of faculty research while in progress
- The definition will provide reassurance to potential sponsors considering sponsoring confidential projects at a university or DRI, which may act to encourage such sponsorship
- The clear inclusion of patient and medical records is wise

6. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

- This broadens the restricted research policy beyond that already approved by the Board

7. ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:

Do not approve the policy definition as recommended leaving “confidential research information” without clear protection to be confidential

8. COMPLIANCE WITH BOARD POLICY:

- Consistent With Current Board Policy: Title #_____ Chapter #_____ Section #_____
- X Amends Current Board Policy: *Title 2, Chapter 9, Section 9.1*
- Amends Current Procedures & Guidelines Manual: Chapter #_____ Section #_____
- Other:_____
- Fiscal Impact: Yes_____ No_____ Explain:_____

POLICY PROPOSAL
TITLE 2, CHAPTER 9, SECTION 9.1
Confidentiality of Certain Records

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

INSERT THE FOLLOWING NEW SUBSECTIONS INTO SECTION 9.1 DEFINITIONS:

- (d) *“Confidential Research Information” includes, but is not limited to any and all records of an institution that have been created, developed, discovered, disclosed to, or received by or on behalf of faculty, staff, employees, or students of the institution concerning research that has not been published, patented or otherwise disclosed, such as:*
- 1. information contained in research proposal funding applications and human, animal, or clinical research protocols;*
 - 2. preliminary research data and memorandum discussions regarding preliminary data;*
 - 3. unpublished manuscripts or unpublished lecture notes, data, and other information relating to research;*
 - 4. creative works in process; or*
 - 5. intellectual property disclosures, laboratory notebooks and computer records associated with confidential research information, and scholarly correspondence prior to official publication of research results.*
- (e) *Nothing in this policy shall be construed to require release of any confidential patient or other medical records in violation of federal and state privacy laws.*