Excerpts from the University Senate Policy File: 

**Intellectual Property and Publication Waiver Process**

1. **Classified Research?**
   - Yes → **Does Academic Senate Policy 2.2 apply?**
   - No → **Privileged Research?**

2. **Privileged Research?**
   - Yes → **Waiver Process and College Negotiations**
   - No → **Determine type of project: 1) Research 2) Instruction 3) Other**

3. **Determine type of project:**
   - 1) Research → **Negotiations Successful**
   - 2) Instruction → **Negotiations Successful**
   - 3) Other → **Negotiations Unsuccessful**

4. **Negotiations Successful**
   - **Sponsored Research Contracting and Compliance (SRCC) negotiates to remove restrictive language from award.**
   - **SRCC and TTO again negotiate with sponsor to remove restrictive language.**

5. **Negotiations Unsuccessful**
   - **SRCC and TTO negotiate with sponsor to remove restrictive language.**

6. **Request Revisions**
   - **Revisions are accepted** → **End – No waiver needed**
   - **Revisions are declined** → **Negotiations**

7. **Negotiations**
   - **Sponsor accepts or declines requested revisions**
     - **Revisions are accepted** → **End – No waiver needed**
     - **Revisions are declined** → **SRCC proceeds**

8. **SRCC Proceeds**
   - **PI submits waiver to department/college for consideration and possible approval**
     - **Department and College approve waiver** → **End – No waiver needed – Agreement signed**
     - **Department and College decline waiver** → **End – No waiver needed – Agreement decline**

9. **SRCC and/or TTO submits waiver to the Vice President for Research for consideration: If needed, VP for Research requests additional information**
   - **VP for Research approves waiver: Notifies SRCC and/or TTO**
   - **VP for Research declines waiver: Notifies SRCC and/or TTO**

10. **End – No waiver available – Project declined/award not received**

**Policy References:**

1. Privileged research may be acceptable under the following conditions: a. Brief delays in the publication of research for patenting or other propriety purposes (one year maximum on approval of the Associate Vice for Research or for sponsor review and comment on manuscript). b. Protection of specifically identified proprietary information essential for the conduct of the research that is disclosed to the San Diego State University investigator by an outside sponsor, person, or entity under the terms of a confidentiality agreement between the investigator, the San Diego State University Research Foundation, and the owner of the intellectual property. c. Maintenance of confidentiality in certain research-related activities primarily undertaken as a service (e.g., certain subcontracted clinical trial studies) wherein the project director certifies in advance that the activity is not primarily “research” and the results are not independently publishable (on approval of the President of the university or designee).