

1. **Projects in which the Research Results are Prohibited from Open Dissemination.** Projects in which publication of the research results is expressly prohibited (based on an assessment of the language of the proposed contract or communications with the sponsor). An example of a prohibition would be a subcontract from a defense contractor which requires prior approval of draft manuscripts by the contractor and the contractor confirms that no publications are likely to be approved for publication due to the sensitivity of the project. This is distinguished from a sponsor's request for prior review of draft manuscripts or presentations, which is commonplace.

2. **ITAR Projects.** Projects involving receipt of "defense articles" as defined in the International Traffic in Arms Regulations other than commercial or scientific spacecraft covered under Category XV of the USML (such as equipment, software or devices or related technical data specifically designed, developed, configured, adapted or modified for military applications) as confirmed by the applicable Federal agency (or its contractor). This applies even where a Department of State license could be secured or some other ITAR exemption might apply. Indicia would be a project in which the grants office or the researcher is notified that the defense articles being received or the resulting research results must be maintained in a secured area and/or must be specially marked and handled. Ordinarily, UMass projects sponsored by Federal military agencies do not actually involve receipt or development of defense articles. Most of these projects satisfy the fundamental research exclusion from export controls (including DARPA 6.1 and 6.2 projects).

3. **Classified Projects.** Projects designated as being "classified." The indicia would be that the contract and/or scope of work are designated or marked "secret" or "classified."

From time to time, the grants office may use a "technology control plan" to ensure compliance with the special terms of a Federal grant, such as a prepublication approval requirement. Use of a technology control plan is an effective means for reducing risk and ensuring compliance, but does not mean that the project necessarily falls under one of these three prohibited categories. Bear in mind that under the Department of Commerce regulations, for some kinds of projects, a project can include access or dissemination controls and still constitute "fundamental research."