

# SOUTH DAKOTA SCHOOL OF MINES AND TECHNOLOGY

## Policy Manual

**SUBJECT: Proprietary Thesis Petition**

**NUMBER: Policy 2-16** (Formerly Policy II-D-8 and II-29-2)

**REVISED: August 2022**

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Access to potential proprietary technical material of a thesis research project may be restricted for a specified period of time in certain situations including: 1) the research contains [patentable content](#); (2) it is subject to export control under ITAF or EAR; or (3) it is covered under an existing proprietary or non-disclosure agreement.

1. The graduate student will request, in writing, (including justification) to the South Dakota Mines Office of Research Affairs that a proprietary thesis status be granted. This request will be supported by an explanation by the project sponsor for the need for a proprietary thesis program and such an endorsement will include the appropriate authorized signature from the sponsor.
2. The proposed proprietary status of all experimental materials, computational data, manuscripts, and final thesis product for the candidate will be maintained for a period that will not normally exceed three calendar years from the date of the final thesis defense. The initial proprietary period or any extension thereof will be recommended by the student's Graduate Committee in consultation with the project sponsor and the Office of Research Affairs; final proposals and extension of the proprietary period must be approved by the executive administrators with responsibility for Research Affairs and Graduate Education.
3. A proprietary thesis Graduate Committee is appointed according to the guidelines and policies specified by the Office of Graduate Education for any Graduate Committee and may include a committee member representing the project sponsor. Potential committee members must be advised of the proprietary nature of the work prior to appointment to the committee, and a faculty member may decline to serve without prejudice on any committee involving a proprietary thesis program.
4. Only the Graduate Committee may witness the proprietary thesis defense or examine the proprietary material whether for a thesis defense or in any other capacity.
5. Proprietary thesis copies normally required for distribution will be submitted to the Library and ProQuest for archiving but will not be released for university or public distribution until the agreed proprietary period has expired.

6. The Graduate Office must receive notice that the content has been declared restricted prior to effecting the procedures applied to restricted material. The declaration must be signed by the petitioning graduate student, all Graduate Committee members, the designated representative of the Office of Economic Development, and the Dean of Graduate Education.
  
7. Definition of Terms
  - A. Graduate Committee: A committee organized for the purpose of guiding the graduate student through his or her program. This committee is variable in size depending on the level of the graduate program but must consist of a major professor (chairman), a Graduate Education and Research representative, and other members. The Graduate Committee has the responsibility to provide direction and counsel to the graduate student in areas of technical and administrative procedures relative to the degree program.
  - B. Major Professor: A member of the faculty who serves as the chairman of the Graduate Committee and who is a member of the degree- granting department. The major professor has the prime responsibility to direct the research activities of the student and convene the Graduate Committee for purposes of examining the student.
  - C. Proprietary Period: The length of time during which all proprietary materials and information shall be restricted in distribution as specified in the policy. This time period may be set by an existing agreement in writing with the sponsor, or by agreement of the student and the Graduate Committee, depending on the circumstances. The length of time is not to exceed three years except in unusual circumstances that must be approved by the Office of Economic Development and the Dean of Graduate Education.
  - D. Proprietary Thesis: A document representing the technical results of the proprietary research program conducted by a master's or Ph.D. student.
  - E. Proprietary Thesis Program: The program requested by the sponsor and directed by the Graduate Committee to provide reasonable security in restricted distribution of proprietary materials, including the proprietary thesis.

**Revision History: Graduate Office, Aug. 1994, May 2021, Aug. 2022**

**BOR Policy/Committee References: Policy 4.9.1**