

SOUTH DAKOTA SCHOOL OF MINES AND TECHNOLOGY

Policy Manual

SUBJECT: Restricted Thesis Policy

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

REVISED: January 2025

Purpose: Access to technical material of a master's thesis or PhD dissertation 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 International Traffic in Arms Regulations (ITAR), the Export Administration Regulations (EAR) and/or Controlled Unclassified Information (CUI); or (3) it is covered under an existing proprietary or non-disclosure agreement. This policy describes when and how this restriction may be authorized and the special handling procedures applied to a restricted thesis. In this document, "thesis" is used to refer to either a master's thesis or a doctoral dissertation.

1. Definition of Terms

- A. **Graduate Committee:** A committee organized for the purpose of guiding the graduate student through his or her program and conducting the defense and evaluation of the thesis. This committee is variable in size depending on the level of the graduate program and is established according to guidelines present in Graduate Education Policy GEP VI.1 Supervision of Advanced Degree Programs.
- B. **Major Professor:** A member of the faculty who serves as the chair 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. A co-major professor may be appointed from the department or from an external organization sponsoring the research, in accordance with Graduate Education Policy VI.1.
- C. **Restricted Thesis:** A document that represents the technical results of the research program conducted by a master's or Ph.D. student and has been authorized for special handling due to the nature of its content. Two categories of Restricted Thesis are recognized. A **Proprietary Thesis** contains patentable content or is covered by an existing non-disclosure agreement. A **Controlled Thesis** contains content that is subject to export control laws including ITAR, EAR, and/or CUI; it may also contain proprietary content.
- D. **Embargo Period:** The length of time during which all materials and information in the thesis shall be restricted in distribution.
- E. **Sponsor:** An individual or organization that originated or assisted the research by providing funding, data, facilities, or other resources to initiate or support it.

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- 2. The Vice President for Research (VPR), or the Vice-President for Research's designee, has the authority to declare that Restricted Thesis status be granted upon petition of a student or major

professor, based on a written justification of the need for restriction and the requested Embargo period.

3. A Graduate Committee that supervises a Restricted Thesis is appointed according to the guidelines and policies specified by the Office of Graduate Education for any Graduate Committee and may include a co-major professor or a committee member representing the project sponsor. Members of committees advising restricted work must be advised of the restriction prior to appointment to the committee, and a faculty member may decline to serve on any committee involving a restricted thesis without prejudice.
4. The Graduate Office must receive notice that the content has been declared restricted prior to effecting the special defense procedures applied to restricted material. The declaration must be signed by the petitioning graduate student, all Graduate Committee members, the VPR/designee, and the Dean of Graduate Education.
5. Only the Graduate Committee may witness the restricted thesis defense or examine the restricted material, whether for a thesis defense or in any other capacity. The restricted status of all experimental materials, computational data, manuscripts, and final thesis products for the candidate will be maintained by all parties for the approved embargo period.
6. Restricted thesis copies normally required for distribution will be submitted to the Office of Graduate Education for pre-graduation review and to Devereaux Library and ProQuest for archiving, but the copies will not be released for university or public distribution until the agreed embargo period has expired.
7. The embargo period must be approved by the VPR/designee and is normally determined by a reasonable timeline to file patents, by the terms of a nondisclosure agreement, by other agreements set 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.
8. Extension of an embargo period after initial approval but prior to the end of the embargo period may be requested by petition and justification to the VPR/designee and the Dean of Graduate Education. Devereaux Library will honor the extension upon approval. However, the student is signatory to the ProQuest publication agreement and must contact ProQuest directly to request an extension to the release date.
9. Redaction may be used to render a controlled thesis acceptable for public release. Redactions must be made in such a way that the resulting document remains a readable description of significant research, worthy of scholarly attention. The sponsor is responsible for reviewing and approving the public version for compliance with export control laws. In the absence of a sponsor, the major professor is responsible for reviewing and approving the document. A proprietary thesis may not be redacted.
10. Dissemination and/or publication of a thesis is usually of critical importance for a student's career prospects. For this reason, it is strongly discouraged for students to work on controlled research that does not have a fundamental research component and cannot ever result in a thesis legal for public distribution. Under rare and extraordinary circumstances, the major professor and student may petition the Vice President for Research and the Dean of Graduate Education, at the time the research is initiated, for an exception to this rule. If the exception is granted, the thesis will be examined only by the committee and will not be released to the Graduate Office, Devereaux Library, or ProQuest. Because the normal Graduate Office pre-graduation review process is bypassed in this scenario, the Dean of Graduate Education or his/her designee must serve as the Graduate Division Representative on the committee.
11. A student and major professor may make a request to the Dean of Graduate Education for a publication delay of up to 12 months for any unrestricted thesis to provide time for publication. This publication

delay does not require restricted thesis status, and the defense is conducted as a normal public event.

Procedure

1. The student and the major professor must ensure that committee members are aware of the potential restricted nature of the student's work as soon as the restriction is anticipated, which may occur well in advance of a formally declared and approved restriction. Current committee members must be advised at once. New committee members must be advised of the possible restriction prior to appointment to the committee.
2. A restricted thesis request must be made in writing to the designated official of the Office of Entrepreneurship and Innovation no later than three weeks before the anticipated defense date. This request will be supported with an explanation by the student and major professor of the need for a restricted thesis and a justification for the length of the proposed embargo period. If the embargo period is longer than three years, then the designated official must consult with the Dean of Graduate Education prior to approving the extended embargo.
3. If the request is approved, the designated official will sign the restricted section of the student's defense scheduling form and indicate the approved embargo period. The restricted section must be completed and signed before presenting the form to the committee for their approval of the date and time of the defense.
4. After the major professor and committee approve the defense scheduling form, it is submitted to the Office of Graduate Education to initiate the restricted thesis procedures. The defense is not announced to the campus, and only the committee will attend. The committee conducts the defense according to standard procedures and notifies the Graduate Office of the result. Revisions and subsequent committee review, if required, are also conducted using standard procedures, and the committee signs the title page upon acceptance of the document.
5. Final review and processing by the Graduate Office and the Library will follow standard procedures, except that the student will be provided with a special Restricted Library Order Form to ensure special handling by the library. When the student uploads the document to ProQuest, the appropriate embargo end date should be entered by the student.
6. If a redacted version of a controlled thesis will be presented for processing, a slight variation of this procedure will be followed.
 - a. The Graduate Office must be advised of the redacted thesis prior to the due date for committee review and the format check. The format check will be delayed until after the defense.
 - b. After the defense and approval of the thesis by the committee, the redacted version must be reviewed by the project sponsor and/or the major professor for compliance with nondisclosure agreements and/or export control laws. The Office of Graduate Education will provide up to three weeks extension of post-defense thesis submission deadlines to provide additional time for this review, if needed. Additional time may be granted but could delay the student's graduation date.
 - c. The approved redacted version will be provided to the Graduate Office for review for adherence to Graduate School thesis guidelines and formatting. Formatting changes, if needed, will be the responsibility of the student. Issues with content or redaction will be discussed with the student, major professor, and sponsor, if necessary.
 - d. The redacted document will proceed through the remaining steps for approval and archiving using the standard thesis processing procedures.

Revision History: Graduate Office, Aug. 1994, May 2021, Aug. 2022, January 2025

BOR Policy/Committee References: [Policy 4.9.1](#)