



Confidentiality of PhD Theses in the UK

Report and Discussion Paper

Stuart Powell and Howard Green

UK **Council** *for* **Graduate Education**



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- REPORT AND DISCUSSION PAPER

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Contents

Preface	5
1. Introduction	6
2. Background to the Survey	6
3. The Survey	10
4. Analysis of Survey Data	10
5. Conclusions	15
6. Summary	16
References	17
The Authors	18
Appendices (1-5)	
Appendix 1 The Questionnaire	19
Appendix 2 Confidentiality of PhD Theses – All Responses	20
Appendix 3 Confidentiality of PhD Theses – Other Comments	32
Appendix 4 Reasons Cited for Confidentiality	36
Appendix 5 Where, Within Institutional Structures, Confidentiality is Granted	37
UKCGE Published Titles	38

CONFIDENTIALITY OF PHD THESES IN THE UK

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Preface

The UK Council for Graduate Education (UKCGE) determined a need to establish the national picture regarding confidentiality of the PhD thesis and therefore surveyed its membership through a questionnaire (see Appendix 1). The questionnaire was sent to 129 member institutions, eliciting 70 responses (representing a 54% response rate).

The Council disseminated the basic findings of the survey to members early in 2005. This report builds upon the initial paper adding comment as appropriate. The authors wish to acknowledge the work of Elizabeth Long and Suzanne Hayward in compiling the initial findings. The work that Professor Steven Hoddell from the University of West of England did in initiating the survey and designing the questionnaire is also acknowledged.

Appendices 2 and 3 are replicated from the initial paper and Appendices 4 and 5 replicate material that was included in the body of the text.

The discussion of the findings represents the views of the authors and does not necessarily represent the stance of the UKCGE.

It is evident from the findings of the survey reported here that confidentiality of PhD theses is an aspect of doctoral study where there is variability of practice across different institutions within the UK. The nature of that variability and its significance are discussed in this report.

1. Introduction

In many parts of Europe doctoral theses are made public before or during the examination phase that is then conducted in a public forum. However, in the UK it is typically the case that theses are treated, implicitly or explicitly, as documents in confidence until examination processes are complete. After these processes it is common practice in the UK for theses to be made public - available in the University library and noted to the British Library. Again, it is typically the case that universities allow exceptions to this process of going public. The survey that this report considers, addressed the nature of such exceptions, their extent and their prevalence.

The report gives some background to the issue of confidentiality of theses, outlines the nature and scope of the survey and then reports and discusses its findings before setting out some conclusions.

2. Background to the Issue of Confidentiality of Theses

2.1 Purpose of making theses publicly available

The purpose of making public the content of PhD theses may be separated out into two broad concerns: (i) with research as an intellectual activity and (ii) with standards of award.

(i) First, most if not all in academia would argue that in principle the outcomes of research should be in the public domain and indeed, as noted elsewhere in this report, that this is part of the basic ethic of doing research. If the intellectual community is to move forward then there has to be a sharing of what is found and an openness of discussion. Research degrees are in a unique position in this respect in as much as they are defined (to some extent at least) by making a 'contribution to knowledge'. That contribution can only be realised when the intellectual community at large can have access to the work and therefore its potential to inform future studies.

(ii) Second, making public the outcomes of research degree study is a key part of the transparency of standards of the award. Only when a thesis is in the public domain can peers across the sector gain access to the outcomes of students' programmes of study and be in a position to judge the level of contribution to the field that has been made. Clearly, the integrity of the award is maintained by the peer review that takes the form of the 'external' (to the institution) examiners who assess the thesis. Nevertheless this may be seen as an initial assessment that, again, can only be fully realised in the wider field. In short, research degrees are unique in as much as they are not (typically) awarded for meeting a set of learning outcomes but rather on the basis of criteria that inevitably revolve around 'contribution to knowledge'.

The survey reported here did not enquire directly into the stance of individual institutions with regard to the purposes of 'making public'. However, in 'other comments' (see Appendix 3 for a full list) some respondents did explicitly or implicitly address such purposes. For example:

- *“It is difficult striking a balance between the requirements of commercial/industrial funding bodies and the underlying requirements to publish a PhD or MPhil thesis”*
- *“Increasingly we do not like allowing confidentiality – we think all research should be in the public domain”*
- *“It is valuable to have it and we wish to retain it – even though a few academics think that it interferes with academic freedom and all such work should be published. The point made to them is that publication can still take place – but at a later time.”*
- *“Restriction of access to theses is only permitted in exceptional circumstances – we try to avoid it whenever possible.”*
- *“There is increasing pressure from those in the University who negotiate commercial links to agree very lengthy periods (e.g. 10 years). The committee is keen to avoid this because of the need for the PhD to make a contribution to knowledge, which it cannot do if it is kept confidential. We believe that it is mostly not necessary for the whole of a thesis to be kept confidential.”*

2.2 Publication of material to be submitted for the award of PhD

A central tenet of doctoral research internationally is that the work achieved should have an impact on the knowledge base in the relevant field and that the candidate should be able to understand that impact (including how the impact within the immediate field interfaces with other related areas) and give evidence that he/she has the ability to make a continuing contribution at that level (Green and Powell, 2005). The candidate must present his/her contribution clearly in a thesis and defend it against peer critique. Making findings public and testing them out in a public arena is a necessary part of doctoral study and assessment. The immediacy of this ‘public arena’ varies across European universities. Clearly, the caveat to all of this that needs to be considered relates to work that is deemed to require confidentiality for one reason or another. Most UK universities accommodate that requirement to a greater or lesser extent in their regulations. Whatever the case with regard to confidentiality, most UK universities would expect the PhDs that they award to contain material that is of ‘publishable quality’. Publication is, then, one of the criteria by which PhDs are judged, though the extent to which this is made explicit by institutions in regulatory statements varies considerably.

There is a sense in which this report explores one of the key tensions in terms of the relationship between publication and the award of a PhD. There is a measure of universal agreement in UK universities that a PhD should be awarded on the basis that the candidate has contributed to knowledge in an area of intellectual endeavour. There is variation in the wording with some requiring the contribution to be ‘significant’ and others using ‘understanding’ rather than, or as well as, ‘knowledge’ but the underpinning value judgement being made is that the doctoral award of PhD means that the successful candidate can demonstrate that he/she has contributed to knowledge and is capable of continuing to do so in an independent, original way. For a body of work to be realised as a contribution therefore it has to be available to others in the field - it has to be published in one form or another.

For the reasons given above, most institutions are wary of allowing theses to be held as confidential for other than a short period of time. Lengthy confidentiality runs counter to this main ethic of research, which is about the necessary dissemination of findings. Yet within this overall tension there is considerable variation: some institutions do not allow publication of material to be submitted prior to examination for PhD, some allow published material to be referred to in the text of the PhD thesis, some allow such material to be appended to the thesis, while others allow published work to be included in the main body of the text.

2.3 Submissions in relation to variation in kinds of doctoral award

The ever-widening range of doctoral awards is challenging the ways in which doctoral evidence is presented. While the traditional thesis is still the dominant form of submission in the UK other methods are emerging. As noted above, it is worth stressing here that the doctoral submission as it is typically conceived in the UK stands apart from the kinds of submission prevalent in several other, if not all other, parts of Europe. In much of northern mainland Europe and Scandinavia a doctoral submission typically comprises, in part or in whole, previously published papers. Here then the matter of confidentiality of submitted thesis does not arise in the same way as in the context of the typical UK procedures. Work that has been published is by definition 'in the public domain' and any questions of confidentiality (e.g. relating to the need for anonymity of participants) will have been dealt with in that process of making public. Of course any confidentiality issues may not have been resolved satisfactorily in that process but nevertheless prior publication obviates any need for further discussion of confidentiality at the thesis submission stage. The same principles can be seen to operate in the context of the PhD by Published Works in the UK.

2.4 Intellectual Property Rights (IPR), confidentiality and doctoral submissions

The relationship between intellectual property rights and doctoral work are not straightforward and, like many other aspects of doctoral study, vary significantly between universities. Intellectual property rights cover a range of intellectual products, all of which are potentially applicable to the Doctorate process or doctoral outcomes. These include: (i) copyright (e.g. essays, reports, creative writing, computer programmes, music, drawings, images, independent studies and any other credible work undertaken for assessment); (ii) design rights and registered designs (e.g. patterns and shapes) and (iii) trade marks (e.g. logos and signs); patents (e.g. invented products and processes that may be patented).

UK universities are becoming increasingly aware of the importance of IPR and in particular its potential for generating commercial income, and as a consequence are increasingly explicit about ownership and IPR management. Across the sector there are at least three approaches to the ownership of IP: (i) where the IPR is retained by the student, (ii) where the University itself

holds it and (iii) where a student may agree to share the IPR or transfer it to a third party (often where that third party is a sponsor of the project). The student ownership of IPR becomes more complex in joint or collaborative projects in which more than one party is involved and may well involve written agreement about sharing among the parties. The candidate may be asked to empower a university librarian to allow a thesis to be copied in whole or in part without further reference on the understanding that only single copies are made for study purposes alone and subject to normal acknowledgement.

It is notable that IPR is one of the few areas in which doctoral students are regarded as any other student, undergraduate or postgraduate, and yet, in terms of the potential benefits to either party, the Doctorate is a very different product from that typically achieved by undergraduates and taught postgraduates. Normally theses are available for consultation once a final definitive copy has been lodged in the University library or 'thesis store'. As is noted in the outcomes of the survey reported here, in certain cases, theses many remain confidential for an additional period of time. A significant number of institutions cite a reason for allowing confidentiality as being commercial sensitivity, protection of IPR for patents (see Appendix 4).

2.5 Electronic submission of theses

Recently there has been growing interest in the submission of theses in electronic format. Ultimately the objective, in some minds at least, is to create a repository of theses at national or sub-national level that will be accessible electronically on-line. Although many students in the UK have been producing their theses electronically for several years, there is evidence to suggest that countries such as the USA, Australia, New Zealand and Germany have been much more proactive in building on this as an opportunity for better dissemination (see for example <http://www.ndltd.org> and <http://scholar.lib.vt.edu/theses>). In the USA the company ProQuest (<http://www.umi.com/>) has built up considerable capability and experience in this field.

For the purposes of this current report it is perhaps worth noting that data from Virginia Polytechnic Institute and State University suggest a dramatic increase in the accessing of research information from doctoral theses since their introduction of electronic theses. Electronic submission offers new challenges to those who might wish to restrict access to the whole of, or to certain parts of, the submitted work. In a purely pragmatic sense, where copies of a printed thesis may be limited in number and restricted to certain readers (e.g. supervisors and examiners) such limitations and restrictions may be harder to achieve in the context of an electronic submission. It can be argued that the immediacy of access dramatically increases the propensity of the research community to access and read current work and may be seen as increasing the 'risks' in the breaking of confidentiality.

The issue of intellectual property (IP) within the notion of an electronic submission is significant. Legally a thesis in the UK is an unpublished work (accepting differences here in relation to certain PhD's by Published Work).

Electronic storage may change this status to one of a publication, locally available and searchable and ultimately remotely available for hard copy production, a far cry from a thesis retained by an academic library, retained for reference only, and subject to restriction as far as duplication and photocopying is concerned. There are other secondary issues that are generated relating to embedded material which itself is protected by copyright if published. Such material might include maps, diagrams, representations of works of art, text and photographs. Where for the unpublished thesis, this does not normally constitute a copyright problem, it may do so in the case of the electronic theses.

3. The Survey

The questionnaire was designed by Professor Hoddell from the University of the West of England and is set out in Appendix 1. It was sent to all member institutions of the UK Council for Graduate Education in 2004.

Of the 129 questionnaires sent to member institutions, 70 were returned completed, a response rate of 54%. On closer inspection, six of the respondent institutions declared that they did not have independent Research Degree awarding Powers, that responsibility being with a partner University. These responses were discarded to avoid problems of double counting. The analysis is then based on 64 institutions, giving a final response rate of 49.6%

Almost all the responding institutions included some coverage of confidentiality within their regulations although as will be seen this was far from uniform, both in purpose and regulatory requirements across the sector.

4. Analysis of Survey Data

This section highlights the key issues arising from the survey responses.

4.1 The existence of regulatory mechanisms to allow periods of confidentiality

All except two of the respondents who award PhDs had regulations in place to permit confidentiality of the PhD thesis after the examination process is complete. Of the two exceptions, one noted that the issue had not arisen and the other stated that confidentiality would only be an issue if they produced commercial theses. Yet despite this almost universal ability to grant confidentiality, the number of applications indicated in responses was low. For example, nine institutions responded that they had not had any applications for periods of confidentiality in the census year of 2003/04 (several others failed to respond to that question at all, so the real figure may in fact be higher).

4.2 Number of individual applications made

It is notable that very few candidates actually apply for confidentiality. For the year 2003/4 only 118 applications were reported by 37 of the 64 institutions

giving an average of just over three per institution. The three institutions that had 19, 17 and 15 applications each that year skew this figure significantly. As noted above, for at least nine institutions there were no applications.

The question asked in the survey related to 'how many requests were made' – it did not ask for information on how many of these requests were successful. It is therefore not possible to be sure of the proportion of the overall number of applications for confidentiality that were approved or rejected. Despite this uncertainty, the pattern of applications (regardless of success or failure) does not appear to be changing significantly as 39 of the respondents reported a static picture with only 13 indicating that numbers of applications had increased over recent years.

4.3 Purposes of treating theses as confidential

Institutions were asked to give the kinds of reasons that are permissible within their regulations with regard to the granting of periods of confidentiality. In Appendix 4 these reasons are listed and their incidence within responses noted. Sixty-five institutions gave reasons. The list includes all reasons given and as some institutions gave more than one reason, the total number exceeds the number of institutions responding to the question.

Clearly, institutions may not have given exhaustive lists and no attempt was made to ascertain how commonly committees accept the various reasons. Also, reasons were given that differ in terminology but not necessarily in meaning. In short, the list is not exhaustive nor are the categories used mutually exclusive. Accepting these caveats, it is noticeable that the reasons most commonly cited by institutions may be categorised as involving the protection of 'commercial sensitivities'. Institutions are clearly prepared to use periods of confidentiality to enable commercial applications to be exploited and such exploitation may involve application for patent protection (the latter being cited explicitly by 24 institutions with a further nine citing 'IPR issues relating to industrial or commercial sponsors').

Less common, but nonetheless cited in 22 instances are reasons that relate to various sensitivities not primarily of a commercial kind but relating rather to contexts defined, for example, as political, racial or religious. Here there are clearly issues that are not going to be resolved with any short-term embargo of the kind discussed in the conclusion to this report. We suggest there is a qualitative difference requesting confidentiality in order to enable the exploitation of research findings for gain and requesting it to protect participating individuals or organisations from repercussions of one kind or another.

Six responses indicate that institutions may respond positively to requests for confidentiality from participating organisations – here of course the reasons may be commercial. Five responses relate specifically to issues of safety and security and fall therefore into the camp of non-commercial reasons.

Taking all of the difficulties of interpretation of responses into account it seems reasonable to suggest that the predominant reasons given for requesting confidentiality relate to protection of commercial interest/patent application/IPR and so on. Requests for confidentiality that do not relate specifically to these kinds of issues but relate instead to protection of those taking part in studies, make up a minority of the overall reasons given. Nevertheless these latter are not an insignificant minority, being cited directly 37 times.

4.4 Point in time at which application for confidentiality may be made

There is an interesting question as to the point in time (in relation to the development and progression of the research project) an application for confidentiality may be made. In the 'other comments' section one institution noted, "application for confidentiality has to be made at the time of registration of the project" whereas another noted, "where there is a requirement for the thesis to remain confidential for a period of time after completion of the work, application for approval shall normally be made at the time of registration". The 'normally' implies that such approval may be given at a later stage than registration. Presumably such later application for approval would be justified by the need for confidentiality becoming evident only at a later stage in the programme of work. Some institutions routinely consider applications for confidentiality for the first time at the 'examination arrangements' stage.

This timing matters in as much as it reflects upon the institution's underlying purpose in granting confidentiality. Reasons may relate to the deliberate planning of a research output that is in need of some degree of protection from public scrutiny – on the other hand those reasons may be a reaction to a need for such protection that has arisen from the way in which the project has been carried out. For example, it may be that there is a realisation on the part of all concerned that subjects who have taken part in the project will be at risk because they are identifiable in the thesis (despite attempts to disguise their identities in the write-up). Clearly, application may need to be made at the stage of examination arrangements being made for bureaucratic reasons – the question that remains however is the extent to which that need to apply was considered and signalled at the earlier stage of registration. Here 'consideration' might be expected to contain consideration of the long-term implications of denying public access to findings as well as to difficulties arising from that access.

4.5 Limited time period for confidentiality

The general case is for institutions to specify an upper limit to the period of confidentiality. In the responses to the survey this was the case for 57 of the respondents. On the other hand 7 institutions had no upper limit and suggested in subsequent comment that the issue of timescale was taken case by case and was subject to individual negotiation.

Where a maximum period is specified, there is considerable variation across the sector as is illustrated in Table 1

Table 1 Maximum Period for Confidentiality.

Number of Years	Number of Institutions
2	33
3	5
4	0
5	12

For the majority of the respondents, then, two years is the maximum permitted. This period may be seen as consistent with the majority of the declared reasons for confidentiality that are noted above. The longer period of 5 years is difficult to reconcile with both the purpose of doctoral work and the process involved in protecting new ideas through publication and patent.

Of those institutions that noted a declared maximum period, the majority (43) suggested that they always apply the maximum period. A small minority negotiate the precise number of years in each case. No reason was given for always using the maximum. However, it is possible that administrative efficiency and clarity and transparency of policy are the likely reasons.

In those cases where a period is negotiated, institutions suggested that they always attempted to negotiate the shortest period possible- with respect to the specific needs of the individual project and its contact.

The 'other comments' section (see Appendix 3) contains indications of a marked difference in attitude to time period with some institutions indicating a desire to restrict that period to the minimum matched by a preference for theses to be made public and others expressing a much more relaxed approach suggesting that the period is dependent on applicant need. Similarly, comments differ in whether or not this is an issue with some indicating it is a tension (i.e. the need for the protection of confidentiality vying with the need for work to be made publicly available) and others indicating that it is not an issue (though here some acknowledge that it may not be an issue because of the nature of the research projects undertaken in their particular institution).

4.6 Extending the period of confidentiality

Thirty-one institutions responded that their regulations permit a further application for extension of the period of confidentiality, the extensions allowed varied. Thirty did not allow for extensions and two did not know. This is clearly a fairly balanced profile of response. The survey did not include questions relating to the kinds of reasons that might be acceptable for any extension nor the institutional stance to such requests and therefore it is not possible to explore the notion of grounds for extension further with any certainty. However, we can surmise from the 'other comments' section that on this matter there is likely to be a continuum of institutional attitude. This continuum ranges from the reluctant - encompassing those who perceive a tension between the respective needs of public availability and protection from

public scrutiny (e.g. ... ‘restriction of access to these is only permitted in exceptional circumstances – we try to avoid it whenever possible’), to the relaxed - those who perceive it not to be much of an issue or who see confidentiality as a necessary part of doing research (e.g. ‘...fully support the idea of confidentiality provided it is appropriate...could conceive of cases where confidentiality could be for 10 years and more....’).

4.7 Process of applying for confidentiality

Diversity also characterises the process of application for confidentiality. Table 2 highlights the main elements of the responses that reflect very much the traditions of different institutions and their structures. The new universities tended to adopt the Research Degree Committee route - at faculty level for the larger institutions that have devolved many of their processes to faculties. The Graduate Board or Graduate School route was more typical of the pre-1992 institutions. In seven institutions, applications are made to the library – hence separating the process of gaining an award from guarding its contents.

Table 2 To whom is the request made?

RDC (Institution level)		21
RDC (Faculty level)	5	
Library		7
Academic Registrar	2	
Grad school/ Grad Committee	9	
Others*	20	

(*Others include: Head of School, Head of Department, Research Audit Committee Chairs, PVC research, Faculty Boards, Examinations Office and Senate)

4.8 Confidentiality agreements

The analysis so far has dealt with the confidentiality of the thesis or submission. The purpose in these cases has been to protect the research from those likely to read the thesis once approved. Before that point, the thesis and its contents may be regarded as a public document as those involved in its development and production will have access to its contents - confidential or not. This is particularly the case as far as the examination is concerned. The examination process may involve several individuals each of whom will have access to what ultimately may become an embargoed document. Of particular importance in this case is the external examiner or examiners.

Of the 65 institutions who responded, only 16 stated that they had a confidentiality agreement with the external examiners. Forty-five stated that they had no such agreement. At first sight this appears to be a slightly startling conclusion. However, as Powell and McCauley (2003) noted, the appointment of externals is a very variable procedure. Where institutions provide contracts to externals, these will normally include a statement that the

examiner must abide by the rules and regulations of the university. This statement will invoke University practices for example with reference to ownership of IPR – thus potentially obviating the need for formal confidentiality agreement.

5. Conclusions

5.1 Reasons for PhD theses to be made public

Earlier in this report we noted two reasons for theses to be made public – the first relating to the underlying ethic of doing research and the second to transparency of standard of award. These reasons imply that it is necessary for research degree theses to be made publicly available following successful examination. Any deviation from this principle should be exceptional rather than commonplace and only ever temporary in nature. The longer a thesis is allowed to remain hidden from public scrutiny the more likely it is that these reasons are held in jeopardy. Institutions should think carefully therefore about making such exceptions and – where deemed unavoidable – they should be monitored with rigour.

5.2 Accessibility to a ‘contribution to knowledge’

The view expressed above is derived in part from an understanding that the ‘contribution to knowledge’ (which, as already noted, is a central tenet of doctoral achievement)

must be in a form that is viable enough to be sustained over a period of time and readily accessible to others in the field. Lack of such viability and accessibility would deny the purpose of ‘contribution’ in that others cannot make use of the new understandings. The implication here is that theses should never be kept confidential; to do so is to deny the key purpose of doctoral study. The only exception to this would be a limited embargo on information within the submission in order to protect commercial sensitivity such as a patent pending.

5.4 Mis-use of confidentiality

Confidentiality should not be used as an alternative to legitimate ways of anonymising data within a research report to protect participants. We would argue that where such legitimate anonymising is deemed not possible then the research should not be acceptable for a research degree award. Clearly, such unacceptability would need to be determined at the outset of the project rather than at the stage of final assessment. This implies that any need for confidentiality should be discussed and agreed – one way or the other - at the stage of project negotiation, i.e. at registration of the programme of study rather than at the process submission for examination. Clearly, such discussion and agreement would be based on predictions of likely outcomes of the research project but would be viable nonetheless.

5.5 Justifying the need for confidentiality

It may be useful to think of any confidentiality period as synonymous with a temporary 'embargo' - always limited in time and for a specific purpose but accompanied by an underlying intention that information in the thesis is withheld from public scrutiny to enable a process of e.g. commercial exploitation to take place on the understanding that it will be subjected to public scrutiny as soon as that process is complete. This implies that a candidate for examination would need to provide explicit justification for any such confidentiality period.

6. Summary

6.1 Universal practice treated with caution

In the UK at the present time it is almost universally common practice for universities to have mechanisms in place to allow for applications to be made for periods of confidentiality of PhD theses following the completion of the examination phase. It is also the case however that the majority of these universities are cautious about allowing for such confidentiality without sound reasons and are reluctant to allow periods of time for confidentiality to be extended beyond what is deemed absolutely necessary.

6.2 Mis-use of periods of confidentiality

Despite this general caution about confidentiality, in this paper we have raised concerns about the mis-use of periods of confidentiality for PhD theses. We have suggested that it is worthwhile for universities to consider the reasons that they deem to be acceptable for such periods to be granted and that caution is necessary where applications are made that seek to redress inadequacies in research design – in particular with regard to preserving the anonymity of participants.

6.3 Explicit and transparent policies

Universities need to develop an overview of the policy they deem appropriate. Such a policy needs to be underpinned by a rational stance to the possibly conflicting pressures to make public research findings as part of a research ethic and the need to protect findings from public scrutiny for limited periods in order for commercial possibilities to be consolidated. University policies in these regards need to be consistently applied and processes of application, review and monitoring need to be both explicit and transparent.

References

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The Authors

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Howard Green is Chair of the UK Council for Graduate Education. Formerly Dean of the Research and Graduate School and Pro Vice Chancellor with responsibility for planning and innovation, he is now senior adviser to the Vice Chancellor at Staffordshire University. An urban planner by training he continues to research and teach in the field of urban planning and policy and has written extensively on these themes, more recently with reference to France. He is actively involved in the development of postgraduate education, both as advisor and researcher and has written and lectured widely on the subject both in the UK and overseas.

APPENDIX 1

The Questionnaire

1.	Do your regulations permit a thesis submitted for the degree of PhD or MPhil to be kept confidential after the examination process is completed?	
2.	Do your regulations specify an upper limit on the length of time that a thesis can be kept confidential? If yes, please specify the length of time allowed. (please state in years and/or months)	
3.	When confidentiality is agreed, is it usually for the maximum period, or for some lesser period? If a lesser period, please specify the time limit. (please state in years and/or months)	
4.	Is this time period appropriate?	
5.	What are the usual reasons for a thesis to be kept confidential? (please specify)	
6.	To whom is the request for confidentiality made? (please specify)	
7.	How many requests were made in 2003/4? Please provide an estimate if precise data is not available.	(exact) (estimate)
8.	Are the number of requests per year static, rising or falling?	
9.	Do you require the examiners to sign a confidentiality agreement?	
10.	Do your regulations permit a further application for extension of the period of confidentiality? If yes, what period is this extension likely to cover?	
11.	Do you have any other comments about confidentiality of research degree theses?	

Appendix 2 - Confidentiality of PhD Theses – All Responses¹

Institution	Regulations permit confidentiality (1)	Specify Upper Time Limit (2)	Specified period of confidentiality allowed (2a)	Specified Time period (3)	Period appropriate? (4)	Reasons for confidentiality	Request made to	Exact No. requests 2003/04	Estimate No. requests 2003/04	Fluctuation in No. requests	Confidentiality agreement for examiners	Permit extension to period of confidentiality	Extension period time limit
Anglia Polytechnic	Yes	Yes	2 years	Maximum	Yes	Commercially sensitive information; information concerning identifiable individuals	Research Degrees Committee	3	-	Static	Yes	No	-
Bangor	Yes	Yes	Up to 5 years	Maximum	Yes	Commercial sensitivity	Academic Registry	-	5	Static	No	Yes	Max 5 years
Bath Spa University College	See response for UWE												
Bishop Grosseteste College	Do not currently award PhD's												
Bolton Institute	Yes	Yes	Normally 2 years	Maximum	Yes	Allow patent application, or protect commercial or political sensitive material	Board of Studies for research degrees	3	-	Rising	No	Yes	Discretionary
Bournemouth	Yes	Yes	2 years	Lesser – if a shorter period would be adequate, the University will not automatically grant confidentiality	Yes	Protect commercially or politically sensitive material, employer/ employee confidentiality or allow a patent	Research Degree Committee at time of registration	-	1-2	Static	Yes	Yes	-

¹ Except for 'other comments' which are in the following Table

				for 2 years		application to be lodged							
Bradford	Yes	Yes	5 years	Lesser – 2 years in first instance	Yes	Commercial sensitivity	Senate, recommended by Research Degrees committee	-	4	Static	-	No	-
Cambridge	Yes	Yes	2 years	Maximum	Yes	Patents pending, sponsors' requirements regarding IP, political/ security/racial/ ethnic/ religious etc sensitivities, confidentiality of informants	Board of graduate Studies. Degree Committee of the Faculty must agree request & time limit	-	20	Rising	-	Yes	2 years. Longer for national/ ethnic/ racial/ security reasons
Cardiff	Yes	Yes	5 years	Lesser – 2 years	Yes	Commercial Sensitivity, patent pending, confidentiality of information, student safety	Chair of Graduate Board makes recommendation to University of Wales Academic Board	3	-	Static	No	Yes	Usually another 2 years, then up to the maximum of 5 years total. Some can go beyond the 5 years maximum if student safety is a concern
Central England	Yes	Yes	2 years	Maximum	-	Commercial confidentiality	Research Degrees Committee	0	-	-	No	No	-
Central Lancashire	Yes	Yes	2 years normally but can vary	Maximum	Yes	-	Appropriate Faculty Research Degrees sub-committee at point of registration	-	3	Don't know	No	No	-

Chichester (University College)	Comply with University of Southampton regulations												
Cranfield	Yes	No	No upper limit specified but normally 5 years	Lesser – Usually 1 or 3 years	Yes	Commercial sensitivity of data, security –related concerns	Head of School (1 year) Faculty Board (up to 3 years) Senate (over 3 years)	-	25-30	Static	No	Yes	Variable but same parameters apply as for first restriction
Derby	Yes	Yes	2 years	Maximum	Yes	-	School Research and Research Degrees Committee	0	-	Static	No	No	-
Dundee	Yes	No	-	-	Don't know	Patent's pending, commercial sensitivity, political sensitivity in the student's home country	The Library	17	-	Rising	No	Yes	Period varies
Edinburgh	Yes	Yes	5 years	Lesser – 1 year	Yes	Intellectual property issues relating to commercial or industrial sponsors	University Library	-	-	Don't know	Yes	No	-
Exeter	Yes	No	-	-	-	Contain sensitive material	Graduate School Office, and occasionally the external examiners	-	10	Rising	Yes	Yes	Whatever they wish
Glamorgan	Yes	Yes	2 years	Maximum	Yes	Commercial sensitivity, intellectual property rights	Secretary, Research Programmes Audit Committee	1	-	Static	No	No	-
Glasgow	Yes	Yes	3 years	Lesser – 1 year	Yes	Intention to publish, commercially or socially sensitive	University Library	-	200	Static	No	No	-

						material							
Glasgow Caledonian	Yes	Yes	2 years	Maximum	Don't know	Commercial or politically sensitive, patent application in progress	Higher Degrees committee	0	-	Static	No	No	-
Gloucestershire	Yes	Yes	2 years	Maximum	Yes	Allow publication of other research based on same unpublished source material	University Research committee via Research Office	1	-	Rising	No	Yes	Ad hoc
Greenwich	Yes	Yes	2 years	Maximum	Don't know	Protect commercial value, protect confidential nature of research, compromises conservation of species, allow patent application, protect political sensitivity	Pro-Vice Chancellor via Research Student Administrative Office	3	-	Don't know	No	Yes	Any period in extenuating circumstances
Heriot-Watt	Yes	Yes	2 years	Maximum	Yes	Company confidentiality	Convenor, Postgraduate Studies Committee	-	5	Rising	Yes	No	-
Hertfordshire	Yes	Yes	2 years	Maximum	Yes	Commercial sensitivity	Research degrees board	-	4	Falling	Yes	Yes	Not defined
Huddersfield	Yes	Yes	2 years	Lesser – 1 year	Yes	Sensitive research material, commercially sensitive material	Chair, University Research Committee	1	-	Static	No	Yes	Variable
Hull	Yes	Yes	5 years	Maximum	Yes	Commercial or political sensitivity	Chair of Graduate Research Committee	-	10	Static	No	Yes	1 year upwards

Institute of Education	Yes	Yes	2 years	Maximum	Yes	Politically sensitive	Dean of Doctoral School	0	-	Static	No	No	-
Keele	Yes	Yes	5 years	Maximum	Yes	Request of sponsor, Confidential data, intention to publish	Student can amend the Copyright Declaration Form when lodging the thesis in the Library	4	-	Static	No	No	-
Kent	Yes	No	Candidates can normally stipulate the period (usual range is 5-10 years)	Maximum	Yes	Sensitivity of area under investigation, records of information owned by other parties (e.g. business, pharmaceutical companies, government)	University Librarian	5	-	Static	Yes	Yes	Normally from 1-5 years, but negotiable
King's College London	Yes	Yes	2 years	Maximum	Yes	Commercial application & exploitation, patenting & very exceptional circumstances	Academic Board, though they are usually considered under Chair's action	8	-	Rising	No	No	-
Kingston	Yes	No	-	No maximum or minimum – agreed by negotiation between student, supervisor & institution	-	Commercially sensitive data	The appropriate Faculty Research Degrees Committee	1	-	Static	Yes	No	-
Lancaster	Yes	Yes	5 years	Maximum	Don't know	Sensitivity of sources, protect people who have been interviewed/	Director of the Graduate School/ Librarian	1	-	Static	No	Yes	Exceptional permission granted case by case

						provided confidential information							
Leeds Metropolitan	Yes	Yes	2 years	Maximum	Yes	Commercial sensitivity or requests by collaborating organisations	Faculty research awards sub committees	1	-	Static	No	Yes	Extensions in exceptional circumstances only. Latest case approved a 10 year confidentiality period
Leeds	Yes	Yes	Thesis can either be made available after 1, 2, 3 or 5 years (specified) OR Thesis remains confidential for an indefinite period (subject to regular review between Library & Head of School)	-	-	Commercial sensitivity, patents pending, work awaiting publication	Examination Group of the Graduate Board	Data not collected	Data not collected	Data not collected. Anticipate it being static.	Normally no. In exceptional cases, yes	-	Where a thesis has been made confidential for an indefinite period this is reviewed regularly by the library with the appropriate School
Leicester	Yes	No	-	Maximum	-	Commercial reasons, requirement of sponsor, sensitivity of subject area	Board of Graduate Studies	-	4	Static	No	No	-

Lincoln	Yes	Yes	2 years	Maximum	Yes	Protection of IPR for patents etc	University Research Degrees committee	-	0	Static	Don't know	Don't know	-
Liverpool	Yes	Yes	5 years	-	-	Preparation for publication; patent application; commercial reasons where research is sponsored by an external company	Head of Academic Department; part of formal contract with sponsor	-	30	Don't know	No	No	-
Liverpool Hope	Liverpool Hope University College delivers University of Liverpool research degrees and is therefore subject to the same regulations & practices												
Liverpool John Moores	Yes	Yes	2 years	Maximum	Yes	Reasons vary but mainly to do with commercial exploitation	Research Degrees Committee	-	2-3	Static	No	Yes	Whatever is appropriate
London Metropolitan	Yes	Yes	5 years	Maximum	Yes	Commercially or politically sensitive material	Research Degrees Committee	0	-	Static	Yes	Yes	Minimum necessary
London School of Economics	Yes	Yes	2 years	Maximum	Don't know	National security, Safety of interviewees	Chair Graduate Studies Sub committee	1	-	Rising	No	Don't know	-
Loughborough	Yes	Yes	3 years	Maximum	Yes	Commercially or otherwise sensitive material, patent pending	To be arranged at commencement of research with a sponsor, negotiated through Head of Dept or Supervisor	-	15-20	Rising	No	No	-
Luton	Yes	Yes	2 years	Maximum	Yes	Commercial Sensitivity	Research Degrees Committee	0	-	Static	No	No	-

Manchester Metropolitan	Yes	No	Normally not to exceed 2 years. In exceptional circumstances the Research Degrees Committee may approve a longer period	Where a shorter period is adequate the RDC does not normally grant confidentiality for 2 years	Yes	Patent applications to be made; protect legitimate interests of stakeholders	Faculty or Research Degrees committee	-	2	Static	No	No	No inclusions in regulations
Middlesex	Yes	Yes	2 years	Maximum	Yes	Commercial sensitivity, usually patenting	Research & intellectual property officer	1	-	Static	Yes	Yes	A further year
Napier	Yes	Yes	2 years	Maximum	Don't know	Commercial reasons	Higher Degrees committee	-	2	Don't know	No	No	-
Newcastle	Yes	Yes	3 years	Maximum	Yes	Sensitive information or possible implications for patent	Student Progress Office, Academic Registrar's Office	9	-	Static	No	Yes	Normally a further 2 years
Newport	Yes	Yes	5 years	Lesser – variable	Yes	Protect commercial or industrial sensitive information	University of Wales	2	-	Static	No	No	-
Nottingham	Yes	Yes	5 years	Lesser – 2 years	Don't know	Projects funded by outside agency may have a restriction stipulated	Business committee of the Research Degrees Committee	19	-	Rising	No	Yes	For same reasons as the initial restriction
Oxford Brookes	Yes	Yes	2 years	Maximum	Yes	Candidates wishes to exploit aspects of the thesis. Requirement of sponsor or collaborating	Research Degrees committee	1	-	Static	Yes	Yes	Extension up to 1 year

Queen Mary (UoL)	Yes	Yes	2 years	Maximum	Yes	establishment Protect intellectual property pending patent applications	Academic Registrar	2	-	Static	No	No	-
Reading	Yes	Yes	5 years	Maximum	Don't know	Sponsorship, sensitive data (allows people/organisation to be identified), students desire to exploit results commercially	Exams Office	-	Very few	Don't know	No	Yes	Dealt with on a case by case basis and are very infrequent
Robert Gordon	Yes	Yes	3 years and then re-application	Maximum	-	Patents	Research Office	1	-	Rising	Yes	Yes	-
Royal Holloway	Yes	No	-	-	-	Regulations state that when a thesis is placed in the public domain parts may be excised if the college believes it to include material that is of significance for national security	Not specified	-	-	-	-	-	-
Royal Veterinary College	Yes	Yes	2 years	Maximum	Yes	Patents pending	Higher Degrees committee and then University of London	1	-	Static	Yes	No	-
St Mark & St John (College of)	No	No	-	-	-	-	Librarian	0	-	-	No	No	-
St Martin's College	No	No	N/A	-	-	Commercial theses	Librarian via Research Administrator	2	-	Static	No	-	Theses are not kept confidential but authors

													can request their thesis are not made available to the public for a period of 3-5 years if they intend to submit for publication
Sheffield	Yes	Yes	5 years	Maximum	Yes	Commercial sensitivity	Student and supervisor are required to complete 'restricted access' form	-	5	Static	No	Yes	Unspecified
Sheffield Hallam	Yes	Yes	2 years	Maximum	Yes	Allow patent application, protect politically or commercially sensitive material	Research Degrees Sub Committee	2	-	Static	No	Yes	A further 1 or 2 years
Southampton	Yes	Yes	3 years	Maximum	Don't know	Commercial grounds or patent pending	Relevant School Board, then reported to the Senate	-	Low number	Don't know	No	No	-
Staffordshire	Yes	No	-	-	-	Commercial development	Research Degrees committee	0	-	Static	No	-	-
Stirling	Yes	No	-	-	-	Commercial reasons	Faculty Board	-	-	-	No	-	-
Strathclyde	Yes	Yes	2 years in first instance	Maximum but occasionally 1 year	Yes	Publication, commercial confidentiality, political sensitivity	Initial request for 2 year moratorium to Head of Department, request for a further period of up to 3 years to Senate on	6	-	-	No	Yes	Up to a further maximum of three years

							recommendation of Academic Committee						
Surrey	Yes	Yes	5 years	-	-	Request of sponsor(s)/ organisation(s) involved in research	The Library	-	8	Don't know	No	Yes	-
Sussex	Yes	No	-	-	Yes	Patent application pending; includes sensitive material	Director of Graduate Studies	-	2-3	Static	Yes – but only if the request is made prior to or at time of submission	Yes	Covers whatever period is requested
Swansea	Yes	No	-	Lesser – 3 years	Yes	Commercially or politically sensitive material. Allow patent application	Formal application to Federal University of Wales Academic Board via Postgraduate Office	15	-	Rising	No	No	-
Teesside	Yes	Yes	2 years	Maximum	Yes	Commercial sensitivity; potential for student/University to exploit IPR	Research Degrees Committee; occasionally to Legal Services through prior contracts on Collaboration	3	-	Static	Yes	Yes	Maximum of 2 years at a time
UMIST	Yes	Yes	5 years	Maximum	Yes	Industrial collaboration, patent pending	The University	-	10	Static	Yes	No	-
Warwick	Yes	Yes	2 years	-	-	Commercial sensitivities	The Graduate School	-	-	Don't know	No	No	-
West of England	Yes	Yes	2 years	Maximum	Yes	Commercial sensitivity of research done for or in a company	Sub Committee for Supervised Postgraduate Research Study	-	5	Rising	No	Yes	Decided on case-to-case basis

Wolverhampton	Yes	Yes	2 years (longer extensions may be considered at the time of application)	Maximum	Yes	Commercially sensitive data	University Research Committee	1	-	Static	No	No	-
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Appendix 3 - Confidentiality of PhD Theses – Other Comments

Institution	Other comments
Bolton Institute	The 3 requests for confidentiality arise from 12 theses submitted in 2003/4. Where a shorter period than the normal would suffice, the Board shall not automatically grant confidentiality for the normal maximum period
Bradford	Examiners may be requested to sign a confidentiality agreement in particular circumstances but not in all cases
Cambridge	We currently seek confidentiality agreements from the examiners only where intellectual property is claimed by another body eg sponsor
Central England	Due to UCE's subject mix, requests for MPhil or PhD theses to be kept confidential are less likely to be received. (There has been just one application to date)
Central Lancashire	It is difficult striking a balance between the requirements of commercial/industrial funding bodies and the underlying requirements to publish a PhD or MPhil thesis
Chichester	We comply with the University of Southampton regulations. These do permit a period of confidentiality if requested, usually relating to matters concerning the data or imminent publication. Very few requests have ever been made by our students; the few that have come from the Sports sciences. Examiners are not part of the process. I think it is sensible to retain a system, but it should be monitored for abuses.
Cranfield	<p>This is not an area where we have any particular concerns or encounter any problems. We have hundreds of theses or dissertations submitted each year and as many involve research in association with industry or government agencies, it is quite common for restrictions to be imposed. However most restrictions are for 1 to 3 years. Restrictions for more than 3 years are relatively infrequent, with between, say, 3 and 6 requests each year.</p> <p>With regard to examiners respecting confidentiality, we do not routinely require examiners to sign such confidentiality agreements but examiners are occasionally asked to sign such agreements in particular cases.</p>
Dundee	Confidentiality is a touchy subject, and there can be problems with tensions between supervisors, the students and the centre/library.
Edinburgh	<p>We require examiners to sign a confidentiality agreement only when asked for this by the student /supervisor.</p> <p>Our normal period of confidentiality is for one year, this can subsequently be extended by periods of 1 year at a time, up to a maximum of 5 years. Extension beyond 5 years is not allowed under the regulations but might still be possible in the event of an exceptional case to waive the regulation.</p>
Glamorgan	In exceptional circumstances a thesis can be kept confidential for up to 5 years
Glasgow	In very exceptional circumstances confidentiality has been set at 5 years or extended from 3 to 5 years. This is outside the set regulations.

Glasgow Caledonian	Application for confidentiality has to be made at the time of registration of the project
Gloucestershire	<p>As far as can be ascertained, this is the only request for confidentiality that the University has received – maybe to do with the nature of the University's academic portfolio (i.e. no hard science). The response to Q5 and Q8 are based on this one instance only. Prior to 1998/99 our research degrees were awarded by Bristol, who may have further information.</p> <p>Extract from Regulations 'Where there is a requirement for the thesis to remain confidential for a period of time after completion of the work, application for approval shall normally be made at the time of registration. In cases where the need for confidentiality emerges at a subsequent stage, the application for the thesis to remain confidential after submission shall be made at the same time as approval is sought for examination arrangements. The period approved shall normally not exceed two years from the date of the oral examination.'</p>
Hertfordshire	Increasingly we do not like allowing confidentiality – we think all research should be in the public domain.
Lancaster	Most candidates can get around the problem by anonymising sources but real challenges are presented by theses on politically sensitive subjects, particularly those relating to other countries.
Leicester	The position is not quite as simple as expressed in Q1-3. Students may request a temporary ban from inclusion in the British Thesis Service for up to 3 years which is granted by the Graduate Office. If students wish to place a total embargo on their work this has to be applied for in advance and is only granted by the Board of Graduate Studies. There is no maximum limit on this although 3 years is usually advised in the first instance. We do not usually require examiners to sign a confidentiality agreement but this does happen on a very small number of occasions. Generally the number of those affected by a request for an embargo is a tiny percentage of those examined each year.
Liverpool John Moores	Not all requests are approved if legitimate reasons are not provided
London Metropolitan	I fully support the idea of confidentiality provided it is appropriate and could conceive of cases where confidentiality periods could be for 10 years and more (much more likely on political rather than commercial grounds)
Loughborough	There will be an increasing need to ask Examiners to sign agreements.
Manchester Metropolitan	There could be a growing problem with examiner's reports which are written with confidentiality in mind, but, on appeal, or even just for interest, a student could ask to see them, citing the Information Act. Examiners' reports might then become banal.
Middlesex	It is valuable to have it and we wish to retain it – even though a few academics think that it interferes with academic freedom and all such work should be published. The point made to them is that publication can still take place – but at a later time.
Napier	It is difficult to assess the strength of the argument for confidentiality –

	many firms just ask for it as an automatic reaction – but it can hamper students' production of publications.
Newport	Thesis title and abstract is normally made available if a bar is agreed. Bar's are exceptional and rarely applied for at this institution
Newcastle	We are in the process of changing our regulations to ask Examiners to sign confidential agreements for a confidential thesis and have added a sentence to our standard examiner appointment letter to outline the confidential nature of all research theses.
Reading	Usually examiners are sent a letter requesting confidentiality and it is simply expected that they will honour this. On a couple of occasions a signature has been demanded but the university found this 'embarrassing' to ask for. In effect there are really no 'regulations' per se about this issue as Reading tends to deal with cases individually and through negotiation. There is a culture of expecting people to behave professionally, i.e. only to request confidentiality for very good reason and for examiners to respect these requests.
Robert Gordon	Would be difficult to keep a handle on if there were large numbers.
St Mark & St John	The issue has not arisen at the College – perhaps because research degrees are offered mainly in the Humanities.
St Martin's College	Confidentiality would only be an issue if we had commercial theses, ours our mainly education/health based.
Sheffield Hallam	Confidentiality cannot be granted in order to protect research leads
Southampton	Restriction of access to theses is only permitted in exceptional circumstances – we try to avoid it whenever possible.
Strathclyde	There does not seem to be a clear pattern to the number of requests for confidentiality. The figures for the last four years are: 2000/01 – 11; 2001/02 – 6; 2002/03 – 10; 2003/04 – 6 to date.
Surrey	Quotation from Regulations provided to students: 'If the sponsoring organisation or collaborating body considers that the dissertation or thesis contains matter of a confidential nature, the author may instruct the Librarian to restrict access to a dissertation or thesis for a period not exceeding five years. Access to the dissertation or thesis may be allowed during this period only with the permission of the person(s) specified by the sponsoring organisation or collaborating body. Similarly, if it is desired to seek a patent from the matter in the dissertation or thesis, the author may instruct the Librarian to restrict access for a period not exceeding one year. If it is desired to extend the restriction beyond the above periods, or restrict access on other grounds, application must be made by writing to the Assistant Registrar (Examinations).
Sussex	External examiners are required to sign a confidentiality agreement, but only if the request is made before or at the time of submission.
Teesside	It is static at the moment, but as the University is reviewing IPR, it is possible that this might increase in future.

Swansea	University of Wales and Swansea's Postgraduate Research Committee are currently considering whether there should be a confidentiality clause in external examiner appointment letters – in every case, or just where a bar on access to a thesis has been notified.
UMIST	External examiners are <u>sometimes</u> required to sign a confidentiality agreement – as it depends on the nature of the work as to whether the examiners need to sign a confidentiality agreement.
West of England	There is increasing pressure from those in the University who negotiate commercial links to agree very lengthy periods (e.g. 10 years). The committee is keen to avoid this because of the need for the PhD to make a contribution to knowledge, which it cannot do if it is kept confidential. We believe that it is mostly not necessary for the whole of a thesis to be kept confidential.

APPENDIX 4 - Reasons Cited for Confidentiality

Reasons for confidentiality included in institutional responses are listed below. Individual responses have been grouped to aid comprehension though clearly the groupings are somewhat arbitrary with instances where terminologies may differ but meanings are similar and categories not necessarily being mutually exclusive. Note also that the number bracketed after each reason gives the number of times that it was mentioned in the responses – clearly some institutions gave more than one reason – all reasons are included here.

Commercial Sensitivities (82 responses in total)

- commercial sensitivity (38)
- allowing time for patent application, (24)
- IPR issues relating to industrial or commercial sponsors (9)
- intention to publish (6)²,
- commercial application and exploitation/development (3),
- to protect commercial value (1),
- to allow university to exploit IPR (1)

Other (Non-Commercial) Sensitivities (22 responses in total)

- political sensitivity, (11)
- sensitive research material (6),
- politically sensitivity in the student's home country (1),
- racial sensitivities(1)
- religious sensitivities (1)
- socially sensitive material (1)
- compromises conservation of species (1)

Confidential Information about Organisations (or requested by organisations) (6 responses in total)

- requests by collaborating organisations (2),
- company confidentiality (1),
- to protect legitimate interests of stakeholders (1)
- records of information owned by other parties (1),
- projects funded by outside agency may have a restriction stipulated (1)

Confidential Information about Individuals (7 responses in total)

- to protect people who have been interviewed/confidentiality of informants (4),
- information concerning identifiable individuals, (2)
- employer/ employee confidentiality, (1)

Safety and Security (from national to individual) (5 responses in total)

- national security (2)
- security concerns (2)
- student safety, (1)

² Clearly publication may not necessarily be a commercial concern

APPENDIX 5 – Where, Within Institutional Structures, Confidentiality is Granted

The request for confidentiality is made to various individuals and committees. Examples provided included:

- The Research Degrees Committee,
- Academic Registry,
- Board of Studies for Research Degrees,
- Senate- recommended by Research Degree Committee,
- Board of Graduate Studies,
- Chair of Graduate Board makes recommendation to University of Wales Academic Board,
- Head of School,
- Library,
- Graduate Schools Office,
- Pro-Vice Chancellor,
- Examination group of the Graduate Board,
- Intellectual property officer,
- Exams office
- The appropriate faculty research award Sub Committee

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