



# University of California Research Data Policy

<b>Responsible Officer:</b>	VP – Research and Innovation
<b>Responsible Office:</b>	RI – Research and Innovation
<b>Issuance Date:</b>	8/9/2022
<b>Effective Date:</b>	7/15/2022
<b>Last Review Date:</b>	New Policy
<b>Scope:</b>	This policy (“Policy”) applies to all Research Data generated or collected during the course of University Research.

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## I. POLICY SUMMARY

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The Regents of the University of California owns Research Data generated or collected in the course of University Research, and exercises this responsibility to support research, collaborations, public dissemination of information, and to meet its responsibilities under sponsored research awards and other research agreements.

Ownership of Research Data by the Regents of the University of California is a long-standing precept originally articulated in Regulation 4 ([Academic Personnel Manual 020](#)) which states “Notebooks and other original records of the research are the property of the University.” The intent of this Policy is to clarify the ownership of and responsibility for Research Data generated during the course of University Research, encourage active data management and sharing practices, and provide guidance with respect to procedures when a University Researcher leaves the University.

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## II. DEFINITIONS

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**Principal Investigator(s):** The University Researcher primarily responsible for a research project, including design, conduct and reporting, regardless of funding source or formal title.

**Research Data:** Recorded information embodying facts resulting from a scientific inquiry, regardless of the form or media in which they may be recorded. Research Data do not include:

- “Scholarly & Aesthetic Works” defined under the University of California’s [Copyright Ownership Policy](#);
- Informal notes, preliminary analyses, drafts of scientific papers, and communications with colleagues that do not include recorded information embodying facts resulting from a scientific inquiry;
- Administrative records incidental to award administration such as financial records, contract and grant records, or records related to institutional reviews and approvals; and
- Patient source documents and medical records created in the course of clinical care.

**University Research:** Research conducted by a Principal Investigator or University Researcher that is within the course and scope of their assigned or assumed duties, uses University resources, and/or is funded by or through the University.

**University Researchers:** The academic appointees, faculty, staff, post-doctoral scholars, trainees, clinicians, and any others involved in the design, conduct or reporting of University Research regardless of the funding source. Students who participate in the design, conduct or reporting of a Principal Investigator’s research project are considered University Researchers for the purpose of this Policy.

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## III. POLICY TEXT

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The University of California is committed to disseminating research results as widely as possible. As part of this mission, and in accordance with numerous University policies, the University supports the free and unfettered dissemination of information, knowledge, and discoveries generated by University Researchers.

The University’s ownership of Research Data facilitates the University’s ability to

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promote its mission and to carry out its legal responsibilities, including its responsibilities as the contracting party for extramural awards that impose obligations of access to and maintenance of Research Data. At the same time, the University has an obligation to ensure that its resources are used to further develop knowledge and not impede its research mission.

Consistent with federal and state<sup>1</sup> laws and University of California Regulation No. 4 (APM-020)<sup>2</sup>, the Regents of the University of California retain ownership of Research Data created by or at the direction of University Researchers or Principal Investigators during the course of University Research, unless specifically agreed otherwise by the University under sponsorship or other related agreements. University policies and guidance ensure that such ownership will prevent impediments to the use of Research Data for:

- Other University Research,
- Sharing with collaborators and academic communities,
- Independent publication of outcomes, and
- Creation of Scholarly & Aesthetic Works.

It is important to note that this Policy does not:

- Restrict Principal Investigators' decision-making autonomy regarding what Research Data should be preserved or dispositioned, provided that legal and contractual obligations are met.
- Assert exclusive ownership of Research Data owned by third parties or that is jointly owned, (e.g., as agreed upon between the University and a third party collaborator on a joint research project).
- Interfere with requirements to share Research Data in accordance with the standards of their scholarly discipline and/or data management plan, as well as with any legal, funder, or contractual requirements.

To fulfill the University's research mission and the free exchange of ideas as well as to meet obligations with legal, funder, and contractual requirements, Principal Investigators are the primary stewards of Research Data. Research Data will be retained by the Principal Investigator of a research project. However, the University may take custody of Research Data under certain circumstances, such as where necessary to perform any investigations associated with allegations of research misconduct, litigation, or to ensure continuity of research.

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<sup>1</sup> California Labor Code §2860 provides that everything that an employee acquires by virtue of his/her employment (except compensation) belongs to the employer whether acquired during or after the term of employment.

<sup>2</sup> Issued in 1958, University of California Regulation No. 4 (APM-020) states, "Notebooks and other original records of the research are the property of the University." This Policy elaborates on expectations established in Regulation No. 4.

## **IV. COMPLIANCE / RESPONSIBILITIES**

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### **A. Vice Chancellors for Research**

At each campus, the Vice Chancellor for Research or their designee(s), in consultation with the appropriate campus stakeholders, including the Academic Senate, is responsible for the interpretation, implementation, and oversight of this Policy and shall:

- Establish local policies or procedures as necessary for implementing this Policy.
- Provide guidance to promote campus compliance with Research Data obligations arising by law, regulation or agreement.
- Sequester or otherwise obtain access to Research Data as needed for a required investigation pursuant to University policy and/or legal, funder, or contractual requirements.
- Protect the rights of University Researchers, including their right to access Research Data from University Research in which they participated.

### **B. University Researchers**

University Researchers have the right to choose the nature and the direction of their investigations, to maintain and use Research Data they generated or collected in the course of their University Research to pursue future research, to publish their results, and to share their findings with scientific and academic communities.

University Researchers have the following responsibilities:

- Follow best academic practices with respect to research integrity, including in the collection, recording, and storing of Research Data.
- Manage and share Research Data in accordance with the standards of their scholarly discipline, and/or data management plan, and University policies, legal requirements, and the terms and conditions of applicable third-party agreements (such as sponsored awards, material transfer agreements, or data use agreements). University Researchers are encouraged to consult with the California Digital Library, campus libraries, or other campus or systemwide resources for advice on documenting, preserving, and appropriately disposing of Research Data.
- Consult with the Principal Investigator and/or Vice Chancellor for Research (or their designee) for clarification of obligations and resolution of disputes related to Research Data.

### **C. Principal Investigators**

As stewards of the Research Data, Principal Investigators have the following responsibilities:

- Provide scholarly leadership pertaining to Research Data, including the collection, recording, managing, retention, and disposal of Research Data.
- Determine use of the Research Data by other University Researchers and collaborators on the project in accordance with relevant agreements and their

scholarly discipline’s practices, and taking into account the need for academic progress of academic appointees, post-doctoral scholars, degree candidates, and other students.

- Make decisions regarding what Research Data should be preserved or dispositioned, provided that legal, funder, or contractual requirements are met. Principal Investigators are responsible for knowing retention requirements of their scholarly discipline, campus departments, funding agencies, and applicable law and regulation, and for following the most stringent of these multiple requirements. Principal Investigators must take the following key circumstances into account when determining the retention period:
  - **Inventions:** Research Data must be kept as long as necessary to protect intellectual property and to complete University patenting and licensing procedures for inventions.
  - **Allegations, Investigations and Litigation:** If Research Data are the subject of any allegations of research or other misconduct, investigations or litigation, the University and University Researchers must preserve potentially relevant information until the Vice Chancellor for Research (or their designee), in consultation with Campus Counsel, issues instructions regarding disposition.
  - **FDA-Regulated Research:** If a research project involves articles regulated by the U.S. Food and Drug Administration (FDA), consistent with 21 C.F.R. §§ 312.6 and 812.140, Principal Investigators must keep records for two years or as long as required following the date a marketing application is approved for the product; or if a marketing application is not filed or FDA-approved, for two years after the investigation is terminated, completed, or otherwise discontinued and the FDA is notified.
  - **Student Participation in Research:** If, in advancing to a degree, a student participates in the design, conduct or reporting of research, the Research Data connected to that research must be retained until the student has been awarded a degree, or until the student is no longer working on the project or is not enrolled in the University.

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## V. PROCEDURES

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### **Procedures in the Event that an Investigator Leaves the University**

When University Researchers (other than the Principal Investigator) involved in a University Research project leave the University or the research project, they may take copies of Research Data that they generated or collected in the course of their University Research, subject to approval by the Principal Investigator and any applicable sponsor requirements. In this event, the ownership of the Research Data remains with the University and Principal Investigators continue to be the primary stewards of Research Data.

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When a Principal Investigator leaves the University and a University Research project is to be moved to another institution, the ownership of Research Data may be transferred or licensed to the new institution in accordance with a locally developed process. This may include approval from the applicable institution, school, department and/or other academic units. The University may impose conditions on such transfer or may require the Principal Investigator to leave copies of the Research Data with the University.

In either of these instances:

- The remaining members of the research team retain the rights to use the Research Data needed to continue their work.
- The individual who leaves the University must arrange with their school, department and/or other academic unit for the management or disposition of any Research Data that remain at the University in accordance with University policies and/or legal, funder, or contractual requirements. This may include the use of data repositories.
- The University has the right to sequester or otherwise obtain access to Research Data for a required investigation pursuant to University policy and/or legal, funder, or contractual requirements, litigation, or to ensure continuity of research, regardless of the location of Research Data.

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## VI. RELATED INFORMATION

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### University Policies and Guidance

- [University of California Regulation No. 4](#)
- [UC Copyright Ownership Policy](#)
- [UC Records Retention Schedule](#)
- [Electronic Communications Policy](#)
- [Electronic Information Security Policy \(IS-3\)](#)
- [California Digital Library – Resources for Faculty](#)
- [Export Control Policy](#)
- [University Policy on Integrity in Research](#)
- [The Faculty Code of Conduct \(APM 015\)](#)

### Federal and State Rules and Regulations

- [Federal Copyright Act](#)
- [California Labor Code § 2860](#)

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## **VII. FREQUENTLY ASKED QUESTIONS**

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Frequently Asked Questions and implementing guidance related to this Policy is posted on the [UCOP Research Policy Analysis and Coordination](#) (RPAC) website.

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## **VIII. REVISION HISTORY**

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**July 15, 2022:** Effective date of this NEW Policy. It expands on University of California Regulation No. 4 (APM-020).

This policy is also reformatted to meet the Web Content Accessibility Guideline 2.0.