



OFFICE OF THE VICE PRESIDENT - RESEARCH AND INNOVATION

OFFICE OF THE PRESIDENT
1111 Franklin Street, 11th Floor
Oakland, California 94607-5200

February 15, 2022

CHANCELLORS
ACADEMIC COUNCIL CHAIR HORWITZ
LABORATORY DIRECTOR WITHERELL
ANR VICE PRESIDENT HUMISTON

Re: Second Systemwide Review of Proposed Presidential Policy on University of California Research Data

Dear Colleagues:

Enclosed for a second systemwide review is the draft *Presidential Policy on University of California Research Data*. This policy is new.

Ownership of research data by the UC Regents is a long-standing precept originally articulated in Regulation 4 ([Academic Personnel Manual 020](#)), where it states “Notebooks and other original records of the research are the property of the University.” Regulation 4 was issued in 1958, and it is still in effect. The purpose of the new *Presidential Policy on University of California Research Data* is to 1) clarify ownership of and responsibility for research data generated during the course of University Research, 2) encourage active data management practices, and 3) provide guidance with respect to procedures when a researcher leaves the University.

The first systemwide review of the draft policy, entitled *Presidential Policy on University of California Research Data and Tangible Research Materials*, was launched on December 17, 2020. The Research Policy and Analysis (RPAC) unit within Research and Innovation received many thoughtful comments on the policy and made revisions based on that feedback, which is broadly summarized below.

Feedback on the Originally Disseminated Draft Policy

The feedback RPAC received regarding the proposed *Presidential Policy on University of California Research Data and Tangible Research Materials* generally falls into four categories:

1. Concern that the scope of the University’s ownership of research data and tangible research materials is too broad, including by:
 - Extending into works that are copyrightable or works that are personal
 - Imposing ownership on data and materials owned by third parties
 - Overreaching into tangible artifacts (e.g., archeological material excavated out of the ground)
2. Concerns over how to implement the policy, including:
 - Costs
 - Management plans
 - Transfer process

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3. Concerns regarding unintended impact on core research facilities performing services on a fee-for-service or recharge basis
4. Concerns over the unintended impact this policy might have on relationships with tribal nations

Revisions to the Originally Disseminated Draft Policy based on Feedback

RPAC made the following revisions and clarifications to the policy in response to the comments:

1. Explained that the intent of the policy is to clarify ownership of and responsibility for Research Data generated during the course of University Research and provide guidance with respect to procedures when a researcher leaves the University
2. Revised the definition of Research Data and rewrote the text of the policy concerning ownership to clearly differentiate between those data owned by Regents and those data covered under the Copyright Ownership Policy
3. Noted that there are exceptions to UC's ownership of Research Data when precluded by sponsorship or other related agreements
4. Removed the inclusion of tangible research materials in this policy
5. Revised the section of the policy related to procedures in the event that an investigator leaves the University

Systemwide Review

Systemwide review is a public review distributed to the Chancellors, the Chair of the Academic Council, the Director of the Lawrence Berkeley National Laboratory, and the Vice President of Agriculture and Natural Resources requesting that they inform the general University community, especially affected employees, about policy proposals. A second systemwide review also includes a 60-day full Senate review.

Employees should be afforded the opportunity to review and comment on the draft policy. Attached is a Model Communication which may be used to inform non-exclusively represented employees about these proposals. The Labor Relations Office at the Office of the President is responsible for informing the bargaining units representing union membership about policy proposals.

We would appreciate receiving your comments no later than **April 18, 2022**. Please submit your comments to RPAC@ucop.edu with the subject line "Research Data Policy Comments." If you have any questions, please contact Agnes Balla at agnes.balla@ucop.edu or (510) 987-9987.

Sincerely,



Theresa A. Maldonado, Ph.D., P.E.
Vice President, Research & Innovation
University of California Office of the President

Enclosures:

- 1) Draft Presidential Policy University of California Research Data (clean copy)
- 2) Draft Presidential Policy University of California Research Data (redline copy)
- 3) Draft Presidential Policy University of California Research Data FAQs
- 4) Model Communication

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cc: President Drake
Provost and Executive Vice President Brown
Executive Vice Chancellors/Provosts
Executive Vice President and Chief Operating Officer Nava
Senior Vice President Bustamante
Vice President and Vice Provost Gullatt
Vice President Lloyd
Vice Provost Carlson
Vice Provosts/Vice Chancellors of Academic Affairs/Personnel
Deputy General Counsel Woodall
Associate Vice Provost Lee
Assistant Vice Provosts/Vice Chancellors for Academic Personnel
Executive Director Baxter
Executive Director and Chief of Staff Henderson
Executive Director Silas
Chief of Staff Kao
Chief of Staff Levintov
Chief of Staff Peterson
Chief Policy Advisor Marisa McAuliffe
Director Grant
Director Roller
Director Sykes
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Manager Crosson
Analyst Durrin
Policy Advisory Committee
Executive Director Motton
Associate Director DeMattos
Research Policy Manager Balla