February 15, 2022

M. 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
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
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
      Associate Director Fishel
      Manager Crosson
      Analyst Durrin
      Policy Advisory Committee
      Executive Director Motton
      Associate Director DeMattos
      Research Policy Manager Balla