University of California Research Data Policy

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<th>Responsible Officer:</th>
<th>Vice President of Research and Innovation</th>
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Scope: This policy ("Policy") applies to all Research Data created during the course of University Research.

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I. POLICY SUMMARY

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 is still in effect. 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 practices, and provide guidance with respect to procedures when a researcher leaves the University.

II. DEFINITIONS

Principal Investigator(s) (PI): The University-affiliated or employed Researcher(s) primarily responsible for a research project, including design, conduct and reporting, regardless of the source of funding. For the purpose of this Policy, the term PI is used whether or not it is a formal title designated by an external research sponsor.

Research Data: Recorded information reflecting original observations and methods resulting from a scientific inquiry, regardless of the form or the media on which they may be recorded. Research Data include material contained in laboratory notebooks (whether physical or electronic), but are separate from Scholarly & Aesthetic Works that are defined in the UC Copyright Ownership Policy. See FAQs #1-5 of this Policy for more information.

University Research: Research conducted within the course and scope of a Principal Investigator or University Researcher’s assigned or assumed duties, using University resources, or funded by or through the University.

University Researchers: The University-affiliated or employed persons involved in the design, conduct or reporting of research regardless of the funding source, including academic appointees, staff, postdoctoral scholars, research trainees, and medical center staff and clinicians. For the purpose of the Policy, students who participate in the design, conduct or reporting of a Principal Investigator’s research project are subject to this Policy.
III. POLICY TEXT

Exercising rights established by federal\(^1\) and state\(^2\) laws and University of California Regulation No. 4 (APM-020)\(^3\), 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. Principal Investigators and University Researchers shall have a right to use Research Data for University purposes that they have generated or collected in the course of their University Research. This includes using Research Data for publishing the outcome of their research, creating scholarly works, and transmitting a copy of Research Data to others, unless precluded by law, policy or contract and subject to approval by the Principal Investigator.

As stewards of Research Data, Principal Investigators are responsible for ensuring that Research Data, whether generated by them or their research team, are recorded, stored, and used in accordance with the standards of their respective discipline, data management plan if applicable, campus department, and any requirements of applicable federal or state law or regulations, University policies and guidelines, and University contractual commitments.

The University, through the campus Vice Chancellors for Research or their designee(s), has an obligation to ensure that its resources are used appropriately and that there are effective systems in place for the maintenance, preservation, and accessibility of Research Data.

IV. COMPLIANCE / RESPONSIBILITIES

A. Vice Chancellors for Research

At each campus, the Vice Chancellor for Research or their designee(s) is responsible for the interpretation, implementation, and oversight of this Policy and shall:

- Establish local policies or procedures as necessary for implementing this Policy, such as proposed minimum retention policies.
- Provide guidance to assure campus compliance with Research Data obligations arising by law, regulation or agreement.

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\(^1\) Title 17, Section 201 of the Federal Copyright Act states: "(b) Works Made for Hire.—In the case of a work made for hire, the employer or other person for whom the work was prepared is considered the author for purposes of this title, and, unless the parties have expressly agreed otherwise in a written instrument signed by them, owns all of the rights comprised in the copyright."

\(^2\) 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.

\(^3\) 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.
大学政策 — 研究数据政策

- 具备不受限制的访问研究数据的权利，用于大学的目的，包括执行大学职责（包括扣押，如必要）相关的调查或调查，以履行大学义务，如研究不端行为调查，或响应机构调查或法律程序。
- 实施当地程序来管理研究数据或数据副本的转移，例如，当大学研究人员因分离或死亡而不能履行职责时。
- 实施当地政策和程序来解决大学研究人员和其合作者之间关于控制、使用和发表研究数据的分歧，根据校园、学术学科和期刊的标准。

B. University Researchers

作为大学研究数据的管理人，大学研究人员应：
- 安全地收集、记录、管理和存储研究数据的整个生命周期，从设计到保存。鼓励大学研究人员利用加利福尼亚数字图书馆、校园图书馆或其他校园系统资源来获取关于文档和保存研究数据的建议。
- 根据其学术学科的标准，以及大学政策、法律法规和适用第三方协议（如资助协议、材料转移协议或数据使用协议）的条款和条件，管理和分享研究数据。
- 与主要调查人或副校长（或其指定人）协商，以澄清其义务和解决与研究数据相关的纠纷。

C. Principal Investigators

主要调查人，在进行大学研究时，有主要的责任来：
- 遵循最佳学术实践，以收集、记录、管理和存储研究数据。
- 确定由其他大学研究人员和项目合作人员使用研究数据，根据相关协议和学术学科的实践，并考虑到学术雇员、博士后学者、学位候选人和其他学生的学术进度。
- 代表大学保留研究数据。主要调查人应了解其学术学科、校园部门、资助机构和适用法律和规定的要求，并遵循多项要求中最严格的条款。主要
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, investigations or litigation, the University and University Researchers shall 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 degree, a student participates in the design, conduct or reporting of research, the Research Data connected to that research shall be retained until the student has been awarded a degree, or until the student is no longer working on the project or has otherwise left the University.

### V. PROCEDURES

#### 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 restrictions. Research Data, however, must be returned to and retained by the Principal Investigator on behalf of the University, absent University approval of a transfer of the Research Data to another institution.

When a Principal Investigator leaves the University and a University Research project is to be moved to another institution, Research Data may be transferred or licensed to the new institution in accordance with a locally developed process that most likely involves approval from the applicable 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 addition, other University investigators associated with a collaborative research project may make copies of Research Data prior to a permitted transfer by the Principal Investigator, unless restricted by the specific terms of an applicable agreement with the sponsor of the research.
Any individual who leaves the University, whether to move to another institution or because of retirement or separation, must arrange with their school, department or center for the storage of any Research Data that remain at the University in accordance with any policy adopted by the applicable school, department or center. When the University permits a Principal Investigator to leave the University with Research Data, they must hold the Research Data in trust for the University. A departing Principal Investigator must return the Research Data to the University if requested. In addition, such Research Data must be available to external sponsors, designated governmental officials and other University investigators who are collaborators with the departing Principal Investigator.

VI. RELATED INFORMATION

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](#)
- [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](#)

VII. FREQUENTLY ASKED QUESTIONS

Please refer to the attachment for Frequently Asked Questions. Implementing guidance related to this Policy may be posted on the [UCOP Research Policy Analysis and Coordination](#) (RPAC) website.
VIII. REVISION HISTORY

February 11, 2022 – This is a new policy. This policy expands on University of California Regulation No. 4 (APM-020).

IX. APPENDIX

N/A