

April 18, 2022

Robert Horwitz  
Chair, UC Academic Senate

Re: (Second Systemwide Senate Review) Proposed Presidential Policy on UC Research Data

Dear Chair Horwitz,

The Divisional Executive Board, councils, and committees appreciate the opportunity to review the Proposed Presidential Policy on UC Research Data. The Executive Board reviewed the proposal and divisional council and committee feedback at its meeting on April 14, 2022. Although members support measures to uphold research ethics, the Executive Board is unable to endorse the proposed revised policy because of ongoing concerns about its scope and purpose, possible contradictions and unintended consequences, and poor fit with ethnographic and community-based research.

Members agree with the importance of addressing unethical and careless behavior in research. They acknowledged that university policy long has included assertions of ownership over research records, yet they are concerned that this proposed policy unnecessarily expands this in ways that are likely to impinge on the integrity, practicality, and disciplinarily accepted norms of scholarly research.

Members concluded that the purpose and intent of the proposed policy was neither clear nor helpful. It appears from the proposed language that the University is concerned about tenured faculty leaving the institution and taking research-related resources, and members understand that concern. However, members questioned whether this proposed policy is the right way to address it. Members suggested more clearly identifying the problem this proposed policy is trying to solve, and then refining the scope accordingly.

Members noted many facets to research ownership including patent, copyright, funding, and myriad activities that are not patentable, copyrightable, transferable, or quantifiable. Ownership can, for example, be a story owned by an Indigenous clan or data generated under an agreement recognizing data sovereignty of a community or nation.

In addition to concerns about its expansive scope, members suggested the proposed policy as written may cause potential conflicts of interest, have internal contradictions, and lead to unintended consequences. Specifically, members noted the proposal has important discipline-specific practices that might contradict the VCR's "unfettered access" to data, and that the latter might in some cases be in tension with IRB protections. Sometimes data may be co-owned with communities as is the case with some anthropological research (in ways more profound than the language of "third-party agreement" addresses). Members appreciated the reference to disciplinary norms, but the default approach to data in this policy would make it difficult to pursue community-engaged scholarship.

Thank you again for the opportunity to review this proposal. These are matters of great importance to researchers.

Sincerely,

A handwritten signature in cursive script, reading "Jessica R. Cattelino".

Jessica Cattelino  
Chair  
UCLA Academic Senate

Encl.

Cc: April de Stefano, Executive Director, UCLA Academic Senate  
Shane White, Immediate Past Chair, UCLA Academic Senate