Ownership and Control of Research Data, Results, and Related Materials

No. 13015

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Affected Parties:
Undergraduate
Graduate
Faculty
Staff
Other

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1.0 Purpose

This policy asserts the university's ownership, stewardship, sharing, and administration of research data, results, and related materials.

2.0 Policy

Virginia Tech owns research data, results, and related materials for all projects conducted under the auspices of the university or supported wholly or in part with university resources. This policy defines "research data," assigns roles and responsibilities to key actors, and describes its relationship to other relevant university policies.

While Virginia Tech owns research data, results, and related materials, the university works in partnership with Principal Investigators (PIs) to fulfill stewardship, sharing, and administration obligations.

All members of the university community are expected to foster and uphold the principles in Virginia Tech's Statement of Professional Ethics and Responsibilities (see the Faculty Handbook, as well as the Graduate School Policies section of the Graduate Catalog).

Issues relating to the misinterpretation, incorrect application, or violation of these policies shall be resolved through the appropriate university grievance procedure (see the Faculty Handbook, as well as the Graduate School Policies section of the Graduate Catalog).

2.1 Intellectual Properties

The university's ownership of intellectual properties (IP) and the required disclosure of the creation of IP to the university is described in Policy 13000 "Policy on Intellectual Properties." The university's IP ownership rights extend to all permanent and visiting faculty, research faculty, classified staff, wage employees, and students.

Nothing in this policy (13015) shall supersede or contradict any portion of the policy on Intellectual Properties (IP) (13000). To the extent that any research data, as defined below, also qualifies as any defined term in the IP Policy (including without limitation "Supported Invention," "Incidental Invention," "Unpatented Materials," "Sponsored Computer Software," or "Sponsored Computer Invention") all terms of the IP Policy shall apply.

2.2 Research Data Stewardship and Appropriate Sharing and Access

Principal Investigator. Principal investigators (PIs) and research group members are stewards and custodians of research data; if PIs choose to delegate responsibility within their research groups, the PIs are accountable to the university for the stewardship and proper sharing of research data, results, and related materials. These responsibilities are shared with the

university by the PI and research team members who generate, acquire, and work with the research data.

Consistent with the university's overarching goals of creation and dissemination of knowledge, it is important that research data be shared and distributed openly. PIs and project leaders are encouraged to share their data openly where appropriate. There are legitimate and compelling reasons, however, why data must be kept confidential. For example, data must remain confidential when their release would reveal proprietary ideas and techniques of researchers and their partners, or when they include private information concerning individual research subjects.

Research data may be made available to members of the Virginia Tech community and/or to research collaborators at other institutions, as appropriate, within the discretion of the PI, and subject to the terms of any applicable data use/transfer agreement (DTA/DUA), or other governing agreement, that outlines the security and confidentiality requirements and other terms of any sponsored agreement or human-subjects protection requirements.

University Access. Should it be necessary for the university to secure access to research data, results, or related materials (e.g., during a research misconduct proceeding) an appointed official may take custody of research data, results, and related materials in the manner described in the relevant research integrity policy or as directed by the Office of the Vice President for Research.

2.3 University Responsibilities and Stewardship of Data, Results, and Related Materials

The university determines the rights, responsibilities, and principles that govern the administration of research data, results, and related materials. The university's rights and obligations are not subject to negotiation and may not be altered in any agreement or proposal prepared by any faculty member or administrator.

The university is responsible for stewardship and administration of the research data, results, and related materials in compliance with federal and state laws and regulations and any contractual requirements when funded by or collaborating with public and private organizations.

These responsibilities are shared with the PI and research team members who generate, acquire, and work with the research data.

Virginia Tech's responsibilities with respect to research data include, but are not limited to:

a. Ensuring compliance with the terms of research agreements;
b. Protecting the rights of researchers, including, but not limited to, their rights to access data resulting from research that they conducted;
c. Securing intellectual property rights;
d. Facilitating the investigation of concerns related to research misconduct or financial conflicts of interest;
e. Providing guidance for implementing the appropriate confidentiality and security protections of research data;
f. Providing guidance for compliance with funder and publications requirements regarding data sharing and availability; and
g. Complying with applicable federal, state, and local laws and regulations.

The PI or project leader (including the chairs of student thesis or dissertation committee) is expected to manage the university's ownership of research results and material (including all data) in ways that best advance the standard routes of publication, presentations, and other usual means of dissemination of research findings.

2.4 Responsibilities of the Principal Investigator (PI)

The PI's responsibilities with respect to research data include, but are not limited to:

a. Ensuring proper management and retention of research data, results, and related materials in accordance with this policy and the university Records Retention Schedule;
b. Establishing and maintaining appropriate procedures for the protection of research data and other essential records, particularly for long-term research projects;
c. Ensuring compliance and the appropriate use of animals, human subjects, and biological materials;
d. Maintaining confidentiality of research data, where indicated;
e. Maintaining data use agreements for the sharing of research data, where indicated;
f. Establishing access levels for research data in compliance with the conditions of funding and IRB requirements, where applicable; and
g. Complying with applicable federal, state, and local laws and regulations.

Departure of PI or researcher. If a PI leaves Virginia Tech and a mutually agreed upon decision is made to move the project to another institution, ownership of the original data may be transferred to the PI's new institution. Data transfer is subject to written agreement from the PI's new institution that guarantees its acceptance of ongoing custodial responsibilities for the data and acknowledges that Virginia Tech retains access to the original data, should such access become necessary for any reason; and relevant confidentiality restrictions, where appropriate.

When individuals, other than PIs, who have been substantively involved in research projects leave the university the ownership of the research data remains with the university and original data must be retained at Virginia Tech by the PI. The departing researcher may take with them copies of research data resulting from these projects, subject to relevant confidentiality restrictions, any requirements of the original research project, and conditioned upon the approval of the individual's department head in collaboration with Scholarly Integrity and Research Compliance (SIRC) and the Office of Sponsored Projects (OSP).

Members of a research team remaining at Virginia Tech retain the rights to use the original data. Any publications resulting from the data will be subject to Virginia Tech authorship guidelines and the specific requirements of the journal in which publication occurs.

2.5 Graduate Student Research Data, Results, Related Materials

The Graduate School may, with the agreement of department heads, major professor(s), and students involved, embargo a thesis or dissertation up to one year after successful completion (see Graduate School Policies section of the Graduate Catalog).

3.0 Procedures

4.0 Definitions

Research Data Results and Related Materials are defined as recorded, tangible, or intangible research information, regardless of form or the media on which it is recorded, that are created or collected in the process of performing research, whether supported in whole or in part by university resources or by external funders. Research data, results and related materials include, but are not limited to, computer software (computer programs, computer databases, and documentation thereof), materials such as unmodified and modified biological specimens, new or

modified chemical entities, laboratory notebooks, notes of any type, materials submitted to and/or approved by IRB, IACUC, IBC or other research oversight committees (e.g., applications, outreach/advertising materials, consent forms, survey routines/questionnaires and debriefing scripts), photographs, films, audio recordings, digital images, original or modified biological and environmental samples, gels, spectra, cell lines, reagents, protocols, algorithms, graphs, charts, numerical raw experimental results, instrumental outputs, other deliverables under sponsored agreements; intangible data such as statistics, findings, conclusions, other deliverables under sponsored agreement; and any other records of, or in any form that could be used for, reconstruction and evaluation of reported or otherwise published results of research.

5.0 References

1. Code of Virginia Chapter 7, "The Virginia Public Records Act"
2. Policy 2000, "Management of University Records"
3. Policy 13000, "Policy on Intellectual Property"
4. Graduate Catalog
5. Faculty Handbook
6. Office of Sponsored Projects (OSP).
7. Scholarly Integrity and Research Compliance (SIRC)
8. Virginia Tech Intellectual Properties (VTIP)

6.0 Approval and Revisions

Recommended by the Commission on Research.
Approved by University Council: February 7, 1994.
Approved by the President: February 7, 1994.

Annual review October 3, 2001 by the Vice Provost for Research, Leonard K. Peters. No revisions.

- Revision 1
  This policy dated back to 2001 and made no reference to the possibility of digital files or notebooks. Language has been added referring to digital data. Data management plans are now commonly required by sponsors and revisions have been made to clarify the expectations for faculty members for research conducted here at the university.

  Approved by the Commission on Research on April 20, 2015.
  Approved by University Council on May 4, 2015.
  Approved by the Board of Visitors on June 1, 2015.
  Approved June 30, 2015 by University President, Timothy D. Sands.

- Revision 2

  The policy was updated to define Research Data and Materials, address the need for research data security and to provide additional guidance on the specific responsibilities of Virginia Tech and the Principal Investigator.

  Approved by the Commission on Research on February 11, 2021.
  Approved by University Council on March 15, 2021,
  Approved by the Board of Visitors on June 8, 2021.
  Approved by University President, Timothy D. Sands on June 8, 2021.