WHEREAS, Virginia Tech is committed to supporting a robust research enterprise that advances scholarship in all disciplines; and

WHEREAS, to achieve and maintain excellence in all research endeavors the university delineates the roles and responsibilities for the stewardship, sharing, and administration of research data, results, and related materials; and

WHEREAS, Virginia Tech complies with the laws, regulations, contractual agreements and other expectations of all federal, state, private and public sponsors of university research; and

WHEREAS, Virginia Tech is committed to protecting the rights and responsibilities of researchers, research partners, and the university; and

WHEREAS, all parties to research efforts benefit from clarity on the ownership and proper management of data generated under the auspices of the university; and

WHEREAS, as the owner and steward of data, results and related materials generated under the auspices of the university, Virginia Tech promulgates policies and procedures to support the university’s research activities; and

WHEREAS, the proposed revisions to policy 13015, “Ownership and Control of Research Results,” clarify the role of the university and the principal investigator in the ownership, stewardship, sharing, and administration of research data, results, and related materials

NOW, THEREFORE BE IT RESOLVED, that policy 13015 be approved with all revisions; and

BE IT FURTHER RESOLVED, that appropriate electronic and printed university documents including handbooks, catalogues, and website be revised to reflect the approved policy.
Ownership and Control of Research Results

Data, Results, and Related Materials
1.0 Purpose

This policy is to protect the rights of the university in regard to ownership, stewardship, sharing, and administration and retention of research data, results, and related materials.

2.0 Policy

The university Virginia Tech owns asserts ownership over 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 set forth in the university's 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

In addition, 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." University ownership of intellectual properties is covered in Policy 13000, "Policy on Intellectual Properties." These 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, supersede, or contradict any portion of the policy on Intellectual Properties (IP) (13000). The University's Statement of Policy in regard to Intellectual Property (the "IP Policy"). 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 remain 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, thereafter described as “sensitive data.” 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 regarding individual research subjects.

Sensitive Research data may also be made available to other 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, which 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 the 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.

Consistent with the university’s overarching goals of creation and dissemination of knowledge, it is important that research data be shared and distributed openly. There are legitimate and compelling reasons, however, why data must be kept confidential. For instance, data must remain confidential when their release would reveal proprietary ideas and techniques of researchers and their partners, or when they include private information regarding individual research subjects.

Data collected by University research is owned by Virginia Tech and can address concerns regarding ownership disputes. The University has the proper resources to secure and manage research data, as well as protect associated intellectual property rights, and therefore is the appropriate administrator of such data. Consequently,

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 rights, responsibilities, and principles that determine how research data, results and related materials records should be handled ultimately belong to the University.

Commented [MP3]: Establishing the PI’s responsibilities and VT’s right to take custody of the data in the event of a concern.

Commented [MP4]: Updated language (Harvard) to address open access where possible. Additional language added to address the protection of research participants and the security of the data.

Commented [MP5]: Updated language (Harvard) to address open access where possible. Additional language added to address the protection of research participants and the security of the data.

Commented [MP6]: Asserting VT’s stewardship responsibilities.

Ownership and Control of Research Results - No. 13015 - Page 3
The University is responsible for the stewardship and administration of the research data, results, and related materials in compliance with federal and state laws and regulations. These rights and responsibilities are shared with the PI and research team members who generate and acquire, and work with the research data and who work with it directly.

Although the University is the owner of all such research data, sound management practice calls for the University and researchers to work in partnership to fulfill these obligations. This policy defines "research data," assigns roles and responsibilities to key actors, and describes its relationship to other relevant University policies.

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 to 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 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 PI or project leader (including the chairs of student thesis and dissertation committees) 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. Creation of intellectual properties must be disclosed to the University as described in Policy 13000, “IP Policy on Intellectual Properties.”

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 appropriate indicated;
e. Maintaining appropriate data use agreements for the sharing of research data, where indicated; and
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. 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). In this event, the ownership of the research data remains with the University and original data must be retained at Virginia Tech by the PI. In either of these instances, the members of the 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 as well as 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).

The university asserts its rights to the results of research, funded wholly or in part with university resources. In addition, university ownership of intellectual properties is covered in Policy 13000, "Policy on Intellectual Properties." These ownership rights extend to all permanent and visiting faculty, research faculty, classified staff, wage employees, and students.

Normally, the faculty principal investigator or project leader (including the chairs of student theses and dissertation committees even if not explicitly noted hereafter) is expected to manage the university’s ownership of research results and material (this includes all data) in the ways that best advance the standard routes of publication, presentations, and other usual means of dissemination of research results for that particular field. Creation of intellectual properties must be disclosed to the university by the prescribed route.

It is the responsibility of the faculty principal investigator or project leader to preserve the research material and results in the manner that is customary to the field. This includes notebooks and files (independent of whether they are in analog or digital format), samples, specimens, prototypes, etc. that are germane to the veracity and validity of the research.
claims, but not any of the following: preliminary analyses, drafts of scientific papers, plans for future research, peer reviews, or communications with colleagues.

In the event that the faculty principal investigator or project leader permanently departs the university, it is the responsibility of that person’s department head to determine the disposition of the research materials and results.

It is the responsibility of principal investigators or project leaders to establish appropriate levels of security, confidentiality, and access. Access levels for research data should advance the standard routes of publication, presentations, and other usual means of disseminating research results for that particular field. When appropriate, access to research results and materials will be limited to the university faculty, staff, and students who generate them and/or need access to them for bona fide research or administrative purposes.

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

All members of the university community are expected to foster and uphold the principles set forth in the university’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).

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 may be 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.

Other definitions?

Principal Investigator?

5.0 References

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

6.0 Approval and Revisions

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


- 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
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.
Modifications to Policy 13015
Ownership and Control of Research Data, Results and Related Materials

Policy Effective: 2/7/1994
Policy Revised: 6/30/2015
Proposed Revision: Fall 2020
Considerations

- Increasing data generation and collaboration
- Changing data privacy regulatory and risk landscape
- Increasing complexities of safeguards
- Lack of clarity around data ownership, IP and related roles and responsibilities
2020 Proposed Policy

VT Responsibilities:
- Ensuring compliance with research agreements and laws/regulations;
- Protecting the rights of researchers to access to data resulting from research they conducted;
- Securing intellectual property rights;
- Facilitating the investigation of concerns related to research misconduct or financial conflicts of interest;
- Providing guidance for implementing confidentiality and security protections;
- Providing guidance for compliance with funder and publication requirements.
2020 Proposed Policy (cont.)

- **PI Responsibilities:**
  - Ensuring proper management and retention of research data, results, and related materials;
  - Establishing and maintaining appropriate procedures for the protection and access of research data and other essential records;
  - Ensuring compliance and the appropriate use of animals, human subjects, and biological materials;
  - Maintaining confidentiality of research data;
  - Obtaining data use agreements for the sharing of research data;
  - Complying with applicable laws and regulations.
2020 Proposed Policy (cont.)

- Addition: Open data is encouraged when appropriate
- Addition: An appointed official may take custody of research data, results, and related materials for an investigation into research misconduct
- Clarification: Information sharing may need a supporting agreement to outline security, confidentiality and sponsor requirements
- Clarification: PIs can delegate data protections to their research group; however, the PI is responsible
- Clarification: Virginia Tech’s rights and obligations are not negotiable
- Clarification: Research teams retain rights to use the original data for publication
- Clarification on the connection between policy 13015 and other university policies
December 4, 2020

The Faculty Senate reviewed several documents related to the Commission on Research (COR) Resolution 2020-21B: Resolution to Modify Policy 13015. Faculty Senators had the opportunity to raise questions and considerations.

Policy 13015 has important implications for faculty, particularly those who may be transferring institutions. We understand the resolution is designed to help clarify aspects of the policy that may have been previously misunderstood.

In general, Faculty are supportive of COR Resolution 2020-21B. Thank you for the opportunity to comment.

Respectfully,

Eric Kaufman, President
Virginia Tech Faculty Senate
December 11, 2020

To: Vice President of Policy and Governance

The Staff Senate Committee on Policy and Issues has reviewed and approves COR Resolution 2020-2021B. We have no comment at this time.

Thank you,
LaTawnya Burleson, Chair Staff Senate Policies and Issues Committee