

## Data Rights and Responsibilities Guidance 1.0

### General:

The University claims ownership rights to intellectual property, including data<sup>1</sup>, generated with significant University resources including grant funding.<sup>2</sup> University faculty and researchers have a responsibility to maintain research data and make that data available for preservation by the University both as a matter of research integrity, and because of the University's ownership rights. Increasing numbers of granting agencies and entities now also impose specific planning for data preservation and access as a condition of grants compliance.

All principal investigators must familiarize themselves carefully with all grant terms and conditions, including those relating to intellectual property and data responsibilities. NSF grants now require a data management plan. <http://www.nsf.gov/bfa/dias/policy/dmp.jsp> Investigators have a responsibility to cooperate in the deposit of research data in any University repository being made available for preservation purposes.

UVA Policy specifically provides:

#### ***Recording and Storage of Laboratory Data:***

*The retention of accurately recorded and retrievable results is of the utmost importance in the conduct of research, and it is the responsibility of each investigator to maintain such records in a secure location.*

*Data and notebooks resulting from sponsored research are the property of the University of Virginia. It is the responsibility of the principal investigator to retain all raw data in laboratory notebooks (or other appropriate format) for at least five years after completion of the research project (i.e., publication of a paper describing the work, or termination of the supporting research grant, whichever comes first) unless required to be retained longer by contract, law, regulation, or by some reasonable continuing need to refer to them.*

*If the principal investigator leaves the University of Virginia, he or she may transfer such data to*

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<sup>1</sup> The NSF Data Management and Sharing FAQs provide a rough definition of data at: <http://www.nsf.gov/bfa/dias/policy/dmpfaqs.jsp#1>. The NIH data sharing guidelines are found at: [http://grants.nih.gov/grants/policy/data\\_sharing/data\\_sharing\\_guidance.htm#def](http://grants.nih.gov/grants/policy/data_sharing/data_sharing_guidance.htm#def)

<sup>2</sup> **“Significant” University Resources:** The use of University resources is “significant” when it entails substantial and dedicated use of University equipment, facilities, or personnel. The use of a computer in a faculty office, incidental supplies and occasional use of University personnel or shared facilities would typically not be considered significant use. In contrast, utilization of University laboratories or special instrumentation, dedicated assistance by University employees, special financial assistance or extensive use of shared facilities would constitute significant use.” **Sponsor-Provided Resources:** Funds and facilities provided by governmental, commercial, industrial or other private organizations which are administered and controlled by the University shall be considered University resources for purposes of this policy.” See UVA RES-001 “Ownership Rights in Copyrightable Material” <https://policy.itc.virginia.edu/policy/policydisplay?id='RES-001'>

*another institution, provided that the Vice President for Research and Graduate Studies is informed of this transfer and approves of it. This shall be subject to the proviso that the University is given written assurance that the data will be retained for the required five-year minimum retention period.*  
*The notebook or logbook shall be kept in a secure location where it cannot be removed by an unauthorized person.*<sup>3</sup>

**Publication:**

Publication rights and responsibilities are complex in any academic environment. Determination of publication rights to research results is primarily the responsibility of the principal investigator, with the expectation that principled standards of scientific conduct, appropriate acknowledgement of collaborators and contributors, and sharing of results in the interest of the broader scientific community, are core standards expected of each member of the University community. The Office of the Vice President for Research provides guidance on these issues and has the responsibility for addressing disputes arising out of the application of these policies. **For questions, please contact: David Hudson, [djh2t@virginia.edu](mailto:djh2t@virginia.edu) or 243-0900.**

**Licensing and Commercialization:**

As a general matter, employees of the University (faculty and staff) and students working in lab and research environments do not develop personal rights to or interests in research data or results. However, all University employees, including student employees, can have rights to share in any profits that might be realized if/when the University disseminates or licenses intellectual property commercially. For more information on this, the University's Patent<sup>4</sup> and Copyright<sup>5</sup> policies should be consulted. The Office of the Vice President for Research provides guidance on the application of these policies and has the responsibility for addressing disputes arising out of the application of these policies. **For questions, please contact: David Hudson, [djh2t@virginia.edu](mailto:djh2t@virginia.edu) or 243-0900.**

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<sup>3</sup> See <https://policy.itc.virginia.edu/policy/policydisplay?id=%27RES-002%27>

<sup>4</sup> See <http://www.virginia.edu/polproc/pol/xve2.html>

<sup>5</sup> See <https://policy.itc.virginia.edu/policy/policydisplay?id=%27RES-001%27>