

## **Proposed Auburn University Research Data Policy**

April 2022

### **Scope of Policy**

This policy applies to all Auburn University faculty, staff, postdoctoral appointees, students, and any others involved in conducting research using Auburn University facilities and resources, regardless of funding source. This policy will:

- clarify responsibilities and accountability with respect to research data management;
- aid in decision-making concerning acceptable practices for management of research data;
- promote coordination between supporting units and personnel to ensure that data services meet the needs of the Auburn research community; and
- help researchers and Auburn University ensure compliance with applicable laws and regulations (both internal and external) regarding research data management practices, data storage, data security, sharing, and dissemination of research data.

### **Definition of Research Data**

Research data as defined by this policy is recorded, tangible, or intangible research information, regardless of the media on which it is recorded, that is created, collected, or otherwise produced in the process of performing research as part of Auburn University responsibilities and/or with the use of Auburn University funds, equipment, or other resources.

### **Definition of Principal Investigator**

A Principal Investigator (hereafter PI) is the primary individual responsible for the preparation, conduct, and administration of a research grant, cooperative agreement, training or public service project, contract, or other sponsored project in compliance with applicable laws and regulations and institutional policy governing the conduct of sponsored research.

### **Ownership and Stewardship of Research Data**

Auburn University owns research data resulting from scholarly activities, unless otherwise agreed in writing by the University. The PI has primary stewardship of research data on behalf of AU and bears primary responsibility for the overall conduct of the sponsored research or scholarly activity. Auburn University will assist the PI with the development of data management plans and fulfillment of data management obligations. This assistance may include providing access to and helping maintain data storage systems and training faculty, students, and staff on best practices in data management. Auburn University will not prescribe specific actions pertaining to data management beyond what is necessary to fulfill funder requirements but will support additional efforts to preserve and add value to research data as resources allow.

Unless otherwise provided in a written agreement (eg, sponsored research contract) or prohibited or restricted by a legal or compliance requirement, University researchers may use research data that they create, collect, or produce to generate scholarly works.

Students own research data that they generate or acquire during independent research unless the data are a) generated or acquired within the scope of their employment at the University; b) generated or acquired through the use of substantial University resources; c) generated as a part of a sponsored project; or d) subject to other agreements and regulations that supersede this right, e.g., IRB requirements. Questions about student ownership of data should first be directed to the supervisor of the student's research, then the project PI (if they are not the same person). If the student and the project PI cannot reach agreement, the issue should be brought to the PI's department/school or the department/school in which most of the work was done, and the college or school's Associate Dean for Research should be notified. In cases where

questions are not resolved after discussion with the PI, supervising department or school, and the ADR, the Office of Research Compliance should be contacted.

### **Copyright and Patent Policies**

If research data also constitutes a copyrightable work under the Policy Governing the Creation of Copyrighted Material or a potentially patentable invention under the Patent Policy, then ownership of the research data shall be determined in accordance with the applicable copyright or patent policy. Such data may still be subject to applicable data management requirements described in this policy.

### **Exceptions to University Ownership**

The University may agree in writing to waive or otherwise decline to exercise ownership of research data. For example, an outside research sponsor, funding entity, or data provider may require ownership as a condition of a grant, contract, or other award. The University also typically agrees not to exercise ownership of data generated by research that is entirely self-funded by the researcher without substantial commitment of University resources. "Substantial commitment" involves more than ordinary use of University libraries, offices, and customary office equipment. The University also may waive or decline ownership of research data in other extraordinary circumstances.

In addition, as noted above, research data that constitutes a copyrightable work is subject to the Policy Governing the Creation of Copyrighted Material, and ownership of such material may vest in the author-researcher pursuant to that policy.

If a faculty, staff, or student researcher believes that certain research data should not be owned by the University, then the researcher may contact the Office of the Vice President for Research and Economic Development for a determination regarding ownership. In making such determination, the OVPR should consult with the PI associated with the research data and the relevant college dean, if any. Determinations by the OVPR are final and are not subject to appeal.

### **Data Management Responsibilities**

The PI, as part of responsible stewardship of research data on behalf of Auburn University, is expected to have a management plan in place for all data products created during scholarly activity. This data management plan can be an internal document and is not required to conform to the template of any particular sponsor or agency. The data management plan should have provisions in place for all the following where applicable:

**Roles and responsibilities** — Communicate AU research data policy and the data management plan to all members of the research team and appropriate administrative offices. While ultimately responsible for data management, the PI can delegate specific data management tasks to other project participants and AU support personnel. Roles should be made explicit within the plan.

**Security and compliance** — Appropriately secure research data, particularly data that must remain confidential (examples include personally identifiable or sensitive information about human subjects, proprietary university information or trade secrets, and controlled unclassified information such as export control). The PI is responsible for protecting data from inappropriate disclosure and meeting all data security requirements specified under the terms of a sponsored program agreement. The PI should ensure project complies with all restrictions from sponsors (including publication and sharing with non-U.S. citizen collaborators and/or students) when using data that is controlled under federal regulations.

Access — Ensure timely and continuous access to research data by Auburn University and other stakeholders as deemed appropriate for the type of data, requirements of the funding agency, and applicable laws and regulations.

Documentation — Ensure the detailed documentation of experimental methods, processes, and accuracy of data collection, as well as the methods, processes, and accuracy of data interpretation. Organize data and documentation within an orderly and dated system. Provide for the creation of sufficient metadata for AU to record and track the project output in research administration systems.

Data sharing — Specify how research data will be shared with relevant stakeholders, including but not limited to collaborators, students, the research community, and the public, in a manner that complies with the applicable policies of sponsors and Auburn University. For data that will not be shared under an open access license, data use agreements (binding contracts governing access to and treatment of such data) should be developed in consultation with the relevant AU offices.

Preservation and archiving — At project closeout, provide for continued access to analog and digital research data for as long as deemed necessary. This includes determining what data needs to be retained in sufficient detail and for an adequate period to enable appropriate responses to questions about accuracy, authenticity, and primacy of the data, and compliance with laws and regulations governing the conduct of research. For data that requires long-term archiving, identify a suitable repository and format.

Disaster preparedness — Establish and maintain procedures, particularly for long-term research projects, to protect essential records in the event of a natural disaster or other emergency, and secure such records should such an event occur.

### **Retention of Research Data**

Research data must be retained by the PI for five years after publication of the results or submission of the final report on the project for which the data were collected. If the retention requirements specified in other statutes or external agency regulations are longer, those requirements will apply.

During the retention period and under the appropriate circumstances (conflicts of interest, audit compliance, regulatory infraction, etc.), research data must be provided to relevant administrators promptly upon request. Data must also be available to representatives of external sponsors or designated governmental officials.

Situations may arise which will require an extended retention period for certain research data. If any intellectual property resulting from the work has been or is likely to be commercialized by AU, research data must be kept for as long as deemed necessary to protect it. If any charge, audit, claim or litigation regarding the research arises, such as allegations of research misconduct or conflict of interest, data must be retained for seven years after the proceedings are completed and final action is taken. If a student is involved, data must be retained at least until the student's degree is awarded or if the student has abandoned the work.

Questions related to requests for research data should be directed to the Office of Research Compliance.

### **Transfer of Research Data**

If a PI leaves Auburn University, research data must be retained by the University at an appropriate location, taking into consideration the nature of the research data and the need for access by AU personnel. However, unless a legal or compliance requirement or project

agreement provides otherwise, the University typically allows a PI to transfer research data to the PI's new institution. Determinations regarding transfers of research data, and any corresponding conditions or requirements, are to be made by the OVPR in consultation with the PI and the relevant college dean, if any. Such determinations by the OVPR are final and may not be appealed.

PIs should note that many contractual agreements require the sponsor's consent before data are transferred or removed. Also, if approved by OVPR, and before transferring the original data, the PI should verify that any special conditions stated in the grant, contract, or cooperative agreement have been met. Prior to transfer, other investigators, including students associated with the project, may make copies of data unless restricted by the terms of any contractual agreements or regulations that may apply.

Departing investigators who transfer original data may be required by the University to preserve the data for a relevant retention period. The original research data must be returned to the University, if requested. Disputes regarding requests for original data, copies of data, or transfer of data will be resolved by the OVPR.

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