

Research Data Policy

1. Objectives

Research Data are a valuable asset to The University of Tennessee (the University). This policy protects the faculty's and University's property rights by addressing definition, responsibility, control, and distribution of Research Data produced during activities supported by the University; supported by external sponsors; or produced with University facilities, resources, or other personnel.

This policy is applicable to Research Data developed by University employees in performing the duties of their employment by the University or through substantial use of funds and facilities provided by the University. This policy assures that Research Data are adequately recorded, archived, retained, and accessible for sufficient time to support the associated research that produced the data and any intellectual property developed by that research. This policy supports the academic freedom for free and broad dissemination of Research Data, consistent with University policy and needs.

2. Definition of Research Data

For purposes of this policy, Research Data includes all records necessary for the reconstruction and evaluation of reported results of research and the events and processes leading to those results, regardless of form or media. Research Data may include laboratory notebooks, databases documenting research, and other compilations of information developed during research.

Research Data are distinct and separate from, but may be associated with, other intellectual property such as patentable or copyrightable works, and trademarks. Intellectual property is subject to a separate policy (see The University of Tennessee Statement of Policy on Patents, Copyrights, and Other Intellectual Property), as is Tangible Research Property (see Tangible Research Property Policy).

3. Responsibility for Research Data

The University is ultimately responsible for the accuracy and sufficiency of research records, the cornerstone of rigorous research. Therefore, the University is responsible for Research Data developed by University personnel in performing the duties of their employment by the University or through substantial use of facilities or funds provided by the University. Such responsibility applies to research funded by external sources and managed by the University, unless the University agrees to another arrangement in a grant, contract, or other agreement.

The University's responsibility for the scientific record for projects conducted at the University, under University auspices, or with University resources is based upon (a) United States Office of Management and Budget Circular A-110, Sec. 53, (b) the University's need to assess and defend charges of intellectual dishonesty, (c) the University's need to support and commercialize the management of intellectual property, and (d) the University's mission to develop and disseminate new knowledge.

4. Control of Research Data

The University supports the principle of openness in research. Free dissemination of data, processes, and results of research and other sponsored activity is crucial to a vibrant and healthy academic environment. The University promotes the prompt and open exchange of Research Data with scientific colleagues outside the investigator's immediate laboratory or department, subject to relevant grants, contracts, other agreements, or applicable law.

In the case of externally sponsored research involving a grant, contract, or other agreement, the Principal Investigator (PI) is responsible for controlling storage, use, and distribution of Research Data arising from the research activity, subject to provisions of the applicable grant, contract, or other agreement, or University policy, or applicable law. The PI, or laboratory/department head is responsible in situations where the research is performed without a grant, contract, or other agreement, such as institutionally sponsored research. The PI or laboratory/department head is responsible for the following:

- a) Collection of Research Data, including production of defensible laboratory notebooks;
- b) Management of Research Data ensuring efficient and effective retrieval by the PI, other personnel within the research group, or appropriate administrative personnel or research sponsors;
- c) Development of a formal Research Data plan and procedures where appropriate;
- d) Consideration of a system for preserving Research Data in the event of a natural disaster or other emergency;
- e) Retention of Research Data for the requisite period of time (see below); and
- f) Documented communication of the management system and description of the data managed to members of a research group and to the Chief Research Officer.

Control of Research Data, however, remains at all times subject to the other provisions of this policy.

5. Retention of Research Data

The PI or laboratory/department head must preserve Research Data for a minimum of three (3) years after the final project close-out, with original data retained where feasible. The following circumstances may require longer retention:

- a) Where data supports a patent, such data must be retained as long as the patent and any derivative patents are valid;
- b) If allegations of scientific misconduct, conflict of interest, or other charges arise, data must be retained until such charges are fully resolved;
- c) If a student is involved, data must be retained at least until the degree is awarded or the student has unambiguously abandoned the work; and
- d) Data must be retained if required by the terms of a grant, contract, or other agreement, or applicable law.

Beyond these periods, destruction of the research record is at the discretion of the PI or the laboratory/department head. Research Data will normally be retained in the administrative unit where generated. Research Data must be retained on a University facility unless specific permission to do otherwise is granted by the Chief Research Officer.

6. University Responsibilities

University responsibilities with respect to Research Data include the following:

- a) Ensuring the academic freedom of the faculty in pursuit of the University's mission of developing and disseminating new knowledge;
- b) Securing and protecting intellectual property rights for Research Data and commercialization of such data where appropriate and feasible;
- c) Protecting the rights, including those of access to data, of faculty, postdoctoral scholars, students, and staff;
- d) Avoiding undue interference with appropriate dissemination of Research Data in an academic community;
- e) Complying with the terms of a sponsored grant, contract, or other agreement;
- f) Facilitating the investigation of charges of scientific misconduct, conflict of interest, and similar charges or disputes; and
- g) Ensuring the appropriate care of animals, human subjects, recombinant DNA, radioactive materials, controlled substances and the like.

7. Research Data Transfer When a PI Leaves the University or a Grant is Transferred

If a PI leaves the University and a research project is to accompany the PI to a new institution, ownership of the data may be transferred with the approval of the Chief Research Officer and with written agreement from the PI's new institution that ensures: (1) its acceptance of custodial and other responsibilities for the data; (2) the University

and any sponsors have access to the data when necessary and upon reasonable notice; and (3) protection of the rights of human subjects.

8. Resolving Disputes Concerning Research Data Ownership or Policy

Questions of Research Data ownership or other matters pertaining to the Research Data policy will be resolved by the Chief Research Officer in conformance with applicable University policies.

9. University Access

When necessary to assure access to Research Data, the University has the option to take custody of the data in a manner specified by the Chief Research Officer.