Wayne State University Guidelines on data access, retention and ownership

Purpose of these guidelines

These guidelines provide graduate students, post-doctoral trainees, faculty, staff, and research volunteers information about their rights and responsibilities and the ethical and legal framework applicable to research data produced by students and employees at Wayne State University. These guidelines are of particular importance for collaborative work involving multiple stakeholders or investigators.

Definitions:

**Research Data** are the aggregated, recorded, retrievable information created or obtained through research, scholarly or creative work. Data include but are not limited to research and/or laboratory records created or maintained in the course of a research project (including paper or electronic files, interview notes, survey results, etc.), whether prepared on campus, off campus or at a research site pertaining to a research project.

**Principal Investigator** is a University employee or other researcher with primary responsibility for the conduct and administration of a research project.

**Employee** is any individual who receives salary, fellowship or other forms of remuneration for work produced or supervised at the University.

**Students** are individuals who are enrolled in courses at the University or are enrolled in a program of study, including individuals who have ABD status but are not registered for classes, during the period in which the research data covered under this policy is created, recorded, developed or manipulated.

**Volunteers** are individuals working without pay on research projects guided or directed by University staff or employees. Volunteers may be, but do not have to be, students.

**Stakeholders** include the Principal Investigator, Employees (including faculty and staff and administrators), Students, and Volunteers who participate on the research team or work on any aspect of the research project that produces the Research Data.

Guidelines:

- **University Responsibilities:**
  - Research Data ownership and/or access rights may be addressed by agreements between research sponsors and the University. In particular, researchers engaged in scholarly work that is carried out under external grants and/or contracts are required to follow the policies and guidance of the funding agency and the University and any relevant contract provisions.
  - In the absence of such contractual requirements or specific policies mandated by the research sponsor, Wayne State University asserts ownership of, and the right of access to, Research Data arising from all research conducted on the premises of or under the auspices of the University or supported by University resources. When necessary to assure appropriate access, the University may take physical custody of Research
Data in a manner specified by the Vice President for Research or his/her designee.

- **Principal Investigator Responsibilities:**
  - The Principal Investigator is the steward of Research Data and is responsible for its collection, management and retention, and has authority to make decisions regarding its dissemination. The Principal Investigator is also responsible for the maintenance and retention of research records and for compliance with any requirements of a research sponsor or funding agency related to Research Data. Appropriate record-keeping includes assurance of sufficient detail to allow replication of the research, response to questions about unintentional error or misinterpretation, establishment of the Research Data’s authenticity and confirmation of validity. The Principal Investigator must communicate in writing to all Stakeholders at the outset of a research project (and at appropriate intervals during the ongoing research) these guidelines and the applicable system of Research Data organization and retention selected by the Principal Investigator and any determinations as to the method and timing of dissemination of the Research Data.

- **Access by Stakeholders:** All Stakeholders participating in a research project have the right to access Research Data from the project and are responsible for complying with all requirements of a research sponsor or funding agency related to the Research Data and with applicable procedures for Research Data management, protection, security and dissemination communicated by the Principal Investigator. Access to data does not necessarily grant a right to disseminate or disclose data.

- **Research Data Retention:**
  - Research Data must be preserved for a reasonable length of time, as determined by the Principal Investigator, to allow an answer to questions from the scientific community regarding the research. Based on various sponsoring agency requirements and statutes of limitation, Research Data must be retained for a minimum of six years after the conclusion of a research project: an agreement with a research sponsor may require a longer retention period.

  - If a Principal Investigator leaves the University, the Principal Investigator must make arrangements prior to leaving with his/her department chair or dean regarding the disposition of Research Data. In those cases in which data is appropriately transferred to the Principal Investigator’s new institution, the University reserves the right to access the data for at least five years, unless there is an agreement between the two institutions providing otherwise.

  - When a Stakeholder other than the Principal Investigator leaves the University, Research Data must remain at the University unless specific written agreements are made between the Stakeholder, the Principal Investigator, and the department chair or dean. Federal regulations including those related to HIPAA prohibit the transfer of personally identifiable health or other information without the appropriate authorization from the Human Investigation Committee, which serves as the University’s Privacy Board.
In the event the research project results in intellectual property rights such as patents, strict documentation of Research Data—including, as applicable, original Research Data such as signed and dated original laboratory notebook pages—must be retained indefinitely for so long as the University may need such documentation to address protection and ownership issues. Stakeholders (including students and trainees) may retain copies of research notebooks only if that arrangement is consistent with any contractual agreements and arrangements with the funding agency, HIPAA restrictions, and determinations of the Principal Investigator and unit administrators such as the department chair and School or College dean. Stakeholders must meet with the Principal Investigator to discuss Research Data access and retention arrangements upon leaving the University and before pursuing any significant research and development activity in respect of the Research Data after leaving the University.

**Creative Work:** Creative work (including but not limited to musical arrangements/recordings, pieces of art, novels, etc.) resulting from collaborations between students and faculty can raise issues similar to Research Data retention and dissemination in some disciplines. It is recommended that faculty address ownership and rights of usage in advance of pursuing such collaborations, including development of written agreements outlining the intended nature of the collaboration and the roles of faculty and student Stakeholders, to ensure credit is not disputed at a later date.

**Authorship and Disputes regarding Research Data Access:**

- Scholarly work is typically intended for publication. Various journals and organizations associated with scholarly publication abide by authorship guidelines, such as the International Committee on Medical Journal Editors guidelines ([http://icmje.org/recommendations/](http://icmje.org/recommendations/)) and the Committee on Publication Ethics (COPE add link) that provide for broad feedback on publication and authorship issues. Each individual who has made an intellectual contribution to a body of work has a reasonable expectation to be listed as a co-author on papers, publications and other disseminations of the work.

- At the time that any dissemination project involving Research Data is initiated, Stakeholders must discuss co-authorship status among those who contributed to the work and reach a consensus regarding those who will be listed as co-authors. All co-authors must be provided the opportunity to provide input on the content and publication timelines for the work and be notified prior to submission of the work. It is the responsibility of the advisor/Principal Investigator for a project to ensure that these discussions happen in a reasonable timeframe so as not to hinder the dissemination of the work (including timely graduation for students) and that equitable decisions are made regarding publication/dissemination.

- If a graduate thesis is one of the potential forms of publication and agreement cannot be achieved among Stakeholders, the publication issue may be appealed first to the relevant dissertation committee for resolution and, if the
parties remain at odds, to the graduate officer and department chair. If the matter cannot be handled within the department, the final arbiter of such disputes is the Dean of the Graduate School.

- If other situations arise in which the Stakeholders involved in the generation, analysis, and/or reporting of Research Data cannot agree on the proper action, such disputes may be appealed to the department chair and, if the dispute remains unresolved, to the dean of the college or school. Either the dean or the Stakeholders may request that the Vice President for Research assist with a recommendation. The Dean’s decision is final.

- **Theses**: Doctoral and Masters theses are important publications associated with the scholarly work of the University’s students. Research Data that is included in these publications are expected to be predominantly the result of work by the primary author. A thesis may use Research Data from other Stakeholders in a research project only if the Principal Investigator or research supervisor provides a signed statement explicitly acknowledging the use as appropriate and setting forth any applicable limitations on use of the other Stakeholders’ Research Data as necessary to protect those Stakeholders’ interest in the research project.