# NOVA SOUTHEASTERN UNIVERSITY
# OFFICE OF SPONSORED PROGRAMS
## POLICIES AND PROCEDURES

**PURPOSE:**

To describe the rights and responsibilities of investigators and the university in the use, retention, and maintenance of data produced as a result of research that is consistent with applicable laws and regulations, terms and conditions of sponsored awards, and university policies. This policy complements, but does not supersede, other university policies, including but not limited to, those related to protection of human subjects, data security, intellectual property, and HIPPA.

**DEFINITIONS:**

Research Data: Recorded information, regardless of form or the media on which it may be recorded. For the purposes of this policy, Research Data includes any records and materials that would be used for the reconstruction and evaluation of reported or otherwise published results. Examples include, but are not limited to, laboratory notebooks, notes of any type, photographs, films, digital images, original biological and environmental samples, protocols, numbers, graphs, charts, numerical raw experimental results, instrumental outputs from which Research Data can be derived, and other deliverables under sponsored agreements

Principal Investigator (PI): The individual whom the university designates to direct the scientific, technical, or programmatic aspects of a sponsored program, project, or activity. The PI is responsible and accountable to the university and the sponsor for the proper conduct of the project or activity. In addition to accepting the overall responsibility for directing the research or program activities, the PI also accepts primary responsibility for administrative/financial oversight of the award and for compliance with relevant university policies; federal, state, and county regulations; and sponsor terms and conditions.

**POLICY:**

Best practices for Research Data ownership, management, retention and access are necessary to protect the university's investment in research, to promote scientific discovery and integrity, and to share research results. Stewardship of Research Data is governed by applicable laws and regulations, terms and conditions of sponsored awards, and university policies.

1. **Ownership**: The university asserts ownership over Research Data generated or acquired by university employees and students though projects conducted at university facilities, under the auspices of the university, or using university resources, unless such ownership is superseded by specific written terms of sponsored agreements. Multiple organizations may share ownership of Research Data when such data is generated or acquired through collaborative research.

2. **Responsibilities:** Responsibilities for data ownership, management, retention, and access are shared by many university stakeholders, as outlined below.

   a. **Principal Investigators are responsible for**:
      i. Determining what Research Data needs to be retained, and in what detail, to enable responses to questions about accuracy, authenticity, primacy, and compliance.
      ii. Selecting an appropriate method of storing and archiving Research Data, and retaining such Research Data for the appropriate retention period.

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    iii. Identifying/complying with data use and security obligations based on laws, regulations, policies, and binding commitments (i.e., sponsored agreements, data use agreements, university policies, etc.).

    iv. Managing access to and establishing appropriate procedures for protection of Research Data.

    v. Communicating procedures and requirements to the entire research team, and providing oversight to ensure procedures and requirements are followed.

    vi. Ensuring publishing agreements are consistent with university and sponsor policies regarding ownership of and access to data and research results.

    vii. Sharing data and ensuring accessibility of results generated from federally funded scientific research to the public, as applicable.

    viii. Notifying the Institutional Research Board (IRB) immediately when data concerning human subjects in an IRB-approved research study has been breached, either because of wrongful access, disclosure, loss of data, or other reason.

    ix. Notifying the appropriate individual in their College/Institute/Center immediately if there is any concern in meeting his or her responsibilities as PI.

**b. Colleges/Institutes/Centers are responsible for:**

    **i.** Providing oversight to the PI to ensure obligations related to Research Data management and retention practices are met.

    **ii.** Working with the PI if there is an issue meeting any responsibilities assigned to the PI related to data management, and notifying appropriate university officials as appropriate.

**c. Office of Research and Technology Transfer is responsible for:**

    i. Protecting researchers' rights of access to data generated from research in which they participated.

    ii. Assisting faculty in development of data management plans and ensuring data management plans are included in proposals where required.

    iii. Securing protection of intellectual property rights.

    iv. Facilitating investigation of research misconduct or conflict of interest allegations.

    v. Notifying the PI, College/Institute/Center, Office of Innovation and Information Technology, IRB, and other university officials as appropriate, when sponsor requirements for Research Data management are unusual or exceptional.

**e. Office of Innovation and Information Technology is responsible for:**

    i. Developing and implementing strategies and policies for electronic data storage and security.

    ii. Establishing and maintaining infrastructure and security measures to support systems for documenting, depositing, managing, archiving, preserving, retrieving and accessing electronic data.

    iii. Assessing data security risks and assisting investigators in application of appropriate controls to comply with data security requirements.

**f. NSU Libraries are responsible for:**

    i. Assisting and providing researchers with accessibility and preservation of Research Data through curation, metadata, repositories, and other access and retrieval mechanisms to meet federal, state, sponsor, and university requirements.

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ii.     Assisting in developing and providing development of Research Data management solutions for the university, and working with other university offices, as appropriate.

iii.    Providing an institutional repository for hosting research outcomes and data sets.

3.  **Data Recording/Management**:  Investigators' recording of Research Data should be consistent with the standard practices of their discipline.  The PI should determine that his or her data collection and recording systems meet any applicable standards. In the absence of such standards, a minimum standard is that Research Data are recorded, dated, and identified by project title, PI, and names of individual(s) conducting the research activity.

    Recording of Research Data and associated materials by the PI, whether written or electronic, should ensure sufficient detail to permit examination for the purpose of replicating the research, establishing authenticity of the records, and confirming validity of the conclusions.  Records should be in sufficient detail to enable the filing of patent applications and substantiation of the date of conception of any invention made in the course of the research.

4.  **Data Security**:  PIs must ensure that Research Data is adequately protected, and that confidentiality is maintained where appropriate, in accordance with university policies, specific requirements under the terms and conditions of sponsored agreements, and under applicable laws and regulations (i.e., HIPPA, FERPA, Privacy Act, protection of human subjects, export control, etc.).   Sensitive Research Data should be physically secured, password protected, or secured by encryption where required by law, to comply with university policies and sponsored agreements, or as otherwise appropriate.  Individuals are directed to contact the Chief Information Security Officer in the Office of Innovation and Information Technology whenever sensitive Research Data is processed, stored or transmitted.

5.  **Rights and Access to Research Data**:  PIs have access to the Research Data generated by their project(s), and have the right to use such Research Data to pursue future research, publish results and share findings, in accordance with laws and regulations, sponsored agreements, and university policies. Faculty, staff, students, or others involved in the creation of Research Data may have the right to review data that they created.  The University has access to Research Data as deemed necessary for purposes of technology transfer, compliance, or other purposes, including rights to take custody of Research Data related to allegations of research misconduct (refer to OSP Policy No. 17 – *Misconduct in Science*).  Requests for access to Research Data by sponsors or under the Freedom of Information Act must be coordinated through or the Office of Research and Technology Transfer and/or university legal counsel.

6.  **Retention of Research Data**:  The PI must retain Research Data for at least the minimum period required by applicable laws and regulations, sponsored agreements, and relevant university policies and procedures. Longer periods of retention may be justified under the following circumstances:

    a.  As necessary to protect any intellectual property resulting from the work.
    b.  Until resolution or final action has been taken on any litigation, dispute resolution, claims, or audit related to the research project – including research integrity allegations - that arose before the end of the retention period (or after the retention period if records have not been destroyed).
    c.  If a student is involved in the creation of Research Data, until the student's degree is awarded, the student otherwise leaves the university, or until any resulting papers are published.

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Research Data must be kept for the longest period of time applicable. Research Data will normally be retained by the PI in the academic unit where the data are produced.

5. **Destruction of Research Data**: Destruction of Research Data by the PI, after all retention requirements are met, must follow the university's Records Management and Destruction Policy, applicable laws and regulations, sponsor requirements, and other requirements as applicable.

6. **Transfer of Research Data**: If the PI leaves the university, and/or if the project is to be moved to another institution, a copy of the data may be transferred to the PI's new institution upon request from the PI subject to:
   a. the prior written approval of the Vice President for Research and Technology Transfer;
   b. compliance with terms of sponsored agreements, other agreements, university policies, or relevant confidentiality restrictions, as appropriate; and
   c. a written agreement from the PI's new institution that guarantees the institution's acceptance of any ongoing custodial responsibilities for the data and/or a Business Associate Agreement, if applicable.

Individuals other than the PI involved in research projects who leave NSU may take copies of the Research Data for projects on which they have worked, subject to approval by the PI and relevant confidentiality restrictions.

**REFERENCES:**

- Agency-specific policies regarding public access, including but not limited to NIH Public Access Policy, http://publicaccess.nih.gov/ and NSF Public Access Policy, http://www.nsf.gov/pubs/2016/nsf16009/nsf16009.jsp#q1
- NSU Records Management and Destruction Policy, http://www.nova.edu/records/policies-and-procedures.html
- NSU Institutional Review Board Policies and Procedures, http://www.nova.edu/irb/manual/index.html
- NSU Office of Innovation and Information Technology Policies and Procedures, https://www.nova.edu/portal/oiit/policies/
- NSU Office of Corporate Compliance, https://www.nova.edu/ccd/hipaa/index.html
- NSU Office of Clinical Research, Policies for Good Clinical Practice, http://www.nova.edu/ocr/policies-for-gcp/policies-for-good-clinical-practice.html