

University Policy Number: 4XXX

Subject: Ownership and Maintenance of Research Records

Responsible Parties: Vice President for Research; University Records Manager; Department Chairs, Deans, Institute Directors; and individual researchers

Procedures:

Related University Policies: University Policy Number 1102 – Records Management; University Policy Number 4002 – Copyright in University Works; University Policy Number 4003 – Patenting University Inventions; University Policy Number 4007 – Misconduct in Research and Scholarship

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## I. PURPOSE AND SCOPE

This policy addresses the ownership and maintenance of records that are created by George Mason University employees and students as a result of scholarly inquiry and that are necessary to validate research findings. As a steward of the body of knowledge created within its environment, the university has a strong interest in ensuring that the records that support the findings of its researchers are complete, responsibly maintained, and available for review in appropriate circumstances. Sound recordkeeping practices are essential to meet the obligations of sponsors and to protect the intellectual property rights of both the university and inventors. And no concern is more central to members of the university community who engage in scholarly research than protecting the integrity of the research enterprise.

## II. POLICY STATEMENT

The ownership and responsibility for maintaining research records produced by George Mason University faculty, staff, and students is an issue of increasing importance. Virginia law contains provisions relating to the retention and disposition of research records created by university employees.<sup>1</sup> Requirements applicable to Federally-funded research include some that relate to the maintenance of research records by recipient institutions.<sup>2</sup> This policy provides guidance to the university community on these topics.

Records relating to certain kinds of research, such as that involving human subjects and classified research, are subject to requirements of Federal law, including requirements adopted at the university to implement Federal statutory or regulatory

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<sup>1</sup> Virginia Public Records Act, section 42.1-76 *et seq.*, Code of Virginia, as amended.

<sup>2</sup> See, for example, 2 CFR Part 215 (OMB Circular A-110) and 42 CFR Part 93 (Public Health Service Policies on Research Misconduct).

provisions. If Federal law requires that records be treated differently than this policy generally provides, the requirements of that law must be observed. Similarly, records created pursuant to university agreements with third parties, such as sponsorship agreements, non-disclosure agreements, and material transfer agreements, may be subject to requirements that are different from what this policy generally provides. So long as these requirements are consistent with the Virginia Freedom of Information Act,<sup>3</sup> they must also be observed.

#### A. Ownership of research records

All research records as defined in Part III of this policy are the property of George Mason University. Except where prohibited by law, the researcher may retain a copy of any research record he or she creates. In addition, the researcher may use these records in subsequent research and in publicizing research findings in reports, as defined in Part III, except where limited by another university policy, the terms of a related sponsored research agreement, or national security-related constraints.

#### B. Responsibility for collection and retention of records

The researcher is responsible for the collection and maintenance of the research records related to his or her research that are subject to this policy. The collection and maintenance of these records must be in compliance with applicable law, the requirements of any sponsor of the research, the university's policy on records management, and generally accepted standards for the conduct of research. Department Chairs or, in their absence, Deans and Institute Directors, are responsible for oversight of the record collection and maintenance practices of their faculty and students. Assistance regarding methods for maintaining records in hard copy and electronic form may be obtained from the University Records Manager.

#### C. Custody of records

Original research records must remain under the control of either (1) the researcher or his or her Department Chair, Dean, or Institute Director, or (2) the University Records Manager, pursuant to the university's policy on records management. The Vice President for Research may authorize exceptions to these requirements for good cause, such as the relevance of the records to a research misconduct proceeding, the threat of imminent loss of custody, or the need to protect the university's rights in intellectual property.

When a researcher terminates his or her employment or enrollment at the university, custody of original records may be transferred from the university if the recipient and the Department Chair (or, in the absence of a Chair, the Dean or Institute Director) enter into a written agreement that assures that the records will be retained for the period required in Part II (D) of this policy and that appropriate access to them will be

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<sup>3</sup> Section 2.2-3700 et seq., Code of Virginia, as amended.

provided. If the university retains custody of original records, the university retains them for the required period and provides appropriate access.

#### D. Record retention period

A research record must be retained for the period specified in regulations of The Library of Virginia<sup>4</sup> except as otherwise provided in this paragraph. The retention period may be extended to comply with the requirements of other applicable law, academic societies, journals, or a sponsorship or other agreement, or, in the discretion of the Vice President for Research, to ensure the ability to refer to the record. Research records relating to patentable inventions must be retained for the 20-year patent term plus any extensions.

### III. DEFINITIONS

“Employee” means a person who works for the university full-time or part-time and is paid through the university’s payroll system.

“Faculty” means an employee who is appointed as a member of the instructional, research, administrative, professional, or visiting faculty, including adjunct faculty, or as a post-doctoral fellow.

“Report” means a researcher’s summary or description of his or her research that is published in the open literature or provided to the public, the university, a government agency, a sponsor or potential sponsor, or another researcher.

"Research record" means the record, in any form or medium (including original research notebooks), of data, results, methods, or protocols, that –

(1) Embody the facts resulting from scholarly inquiry or, in the case of research methods and protocols, describe how those facts were obtained, within the scope of an individual's employment or enrollment at the university; and

(2) Are commonly accepted in the relevant research community as necessary to validate research findings.

For records created by a student, “research record” includes only a record that (1) is created by the student in the course of his or her employment by the university, (2) is created in the course of sponsored research, (3) relates to a report intended for publication or dissemination in which the student’s affiliation with the university is stated, (4) constitutes a record needed to protect the university’s rights in intellectual property, or (5)

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<sup>4</sup> Current regulations require that records generally be retained for five years after the end of sponsored research or three years after the end of other research and then offered to the archives, special collections, or the library. See The Library of Virginia Records Retention and Disposition Schedule, General Schedule 111; Sept. 24, 2007.

involves research the subject matter or the method of which is subject to government regulation.

“Staff” means an employee who is not a member of the faculty or a student.

“Student” means a person who is officially enrolled in a course or program of study offered by the university.

#### IV. RESPONSIBILITIES

The Vice President for Research is responsible for the administration of this policy. Department Chairs, Deans, Institute Directors, and individual researchers have certain responsibilities stated in the policy. The University Records Manager is responsible for the university’s record management program.

#### V. EFFECTIVE DATE, REVIEW, AND APPROVAL

This policy is effective upon approval by the Provost and the Senior Vice President. The policy will be reviewed and, if necessary, revised every five years or sooner if circumstances require. Any revision will take effect at the beginning of the first university fiscal year following its approval unless the revision specifies a different date.

Approved:

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Provost

Date: \_\_\_\_\_

\_\_\_\_\_

Senior Vice President

Date: \_\_\_\_\_