



**Rights and Responsibilities for Research Data and Other Research
Property #2370.006**

INITIAL EFFECTIVE DATE:	LAST REVISION DATE:	RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT
April 28, 2025	April 28, 2025	Office of Research and Economic Development

POLICY STATEMENT

Accurate and detailed Research Data are essential to the integrity of research projects. The University Research Personnel have shared responsibilities and rights concerning Research Data for research conducted by University faculty, students, or staff. The PI has overall responsibility to ensure the appropriate collection of Research Data in the PI’s projects as well as for ensuring the appropriate management (control, use, access, storage, retention and maintenance) of that Research Data and other Intangible Property and Tangible Property on the research project. However, all other Research Personnel have shared responsibility for data stewardship. Among the obligations of the Research Personnel in relation to Research Data, is the obligation that the Research Data is appropriately used in scholarly publications and presentations and is appropriately collected and maintained in accordance with research and scholarly principles and all compliance obligations (e.g., IRB, IACUC, IBC). Under Florida law and federal regulation, any Tangible Property and Intangible Property, including but not limited to Research Data, that results from University research other than research that is conducted solely as part of academic course and that is not funded by a sponsor that is external to the University is owned by the University. The University owns such Tangible Property and Intangible Property regardless of funding source, unless specific terms of a sponsored research or other agreement or University policy supersede these rights. This policy only applies to research projects that are sponsored research projects or research projects that are not solely performed as part of academic coursework.

SCOPE

Applies to: Faculty, staff (includes postdoctoral researchers and fellows), and students involved in the design, conduct, or reporting of research performed at or under the auspices of the University other than those typically used for academic instruction.

REASON FOR POLICY

The reason for this policy is to describe the rights and responsibilities of the University, faculty, staff and students in the collection, control, use, access, storage, retention and



maintenance of Tangible Property and Intangible Property, including without limitation, Research Data, obtained or produced as a result of the research enterprise of the University.

DEFINITIONS	
TERM	DEFINITIONS
FIU or the University	Florida International University
HWCOM	The FIU Herbert Wertheim College of Medicine
Intangible Property	Property having no physical existence, such as trademarks, copyrights, patents and patent applications and property, such as loans, notes and other debt instruments, lease agreements, stock and other instruments of property ownership (whether the property is tangible or intangible). Research Data is intangible property.
ORED	The FIU Office of Research and Economic Development
Principal Investigator (PI)	The individual with overall responsibility for the performance of a University research project in accordance with the requirements of the award document, the sponsor requirements and FIU policies and procedures
Research Data	<p>The recorded factual material commonly accepted in the scientific community as necessary to validate research findings, but not any of the following: preliminary analyses, drafts of scientific papers, plans for future research, peer reviews, or communications with colleagues. For the avoidance of doubt, physical objects (<i>e.g.</i>, laboratory samples) are research data. Research data does not include:</p> <p>(i) Trade secrets, commercial information, materials necessary to be held confidential by a researcher until they are published, or similar information which is protected under law; and</p> <p>(ii) Personnel and medical information and similar information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, such as information that could be used to identify a particular subject in a research study.</p> <p>Information recorded in physical form, regardless of form or the media on which it may be recorded. For the purposes of this policy, Research Data is further defined as including any records that would be used for the reconstruction and evaluation of reported or otherwise published results and the events and processes leading to those results. Research Data also includes materials such as unmodified biological specimens, environmental samples, and equipment. Examples of Research</p>

	Data include 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 from research projects.
Research Personnel	Means the Principal Investigator and all other personnel conducting research on the PI's project
Tangible Property	Means all material and other matter capable of being touched, including but not limited to: (1) Equipment, which includes information technology systems, having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000; and (2) Supplies, which refers to all tangible personal property other than equipment. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the non-Federal entity for financial statement purposes or \$5,000, regardless of the length of its useful life. Tangible Property also includes capital assets, computing devices, general purpose equipment, information technology systems and special purpose equipment as defined in the Uniform Guidance.

ROLES AND RESPONSIBILITIES

The Principal Investigator has the primary responsibility for, and all other Research Personnel also have shared responsibility for:

1. The appropriate management (collection, control, use, access, storage, retention and maintenance) of Tangible Property and Intangible Property, including without limitation, Research Data, for the PI's projects for the periods required by this policy;
2. Controlling access to Tangible Property and Intangible Property, including without limitation, Research Data, to authorized individuals, including without limitation in accordance with export control, system security and technology control requirements;
3. Ensuring the retention of Research Data and other Intangible Property for the period required by the sponsor requirements and applicable University policy; and
3. Selecting the vehicle for publication or presentation of the Research Data.

ORED has the primary responsibility for:

1. Securing the intellectual property rights in Tangible Property and Intangible Property, including without limitation, Research Data, as necessary;

2. Approving archival and transfer of Research Data and other Intangible Property, if any; between a FIU-managed environment and a non-FIU managed environment and
3. Addressing allegations of research misconduct including those involving Research Data and publications resulting from University research and conducting inquiries and investigations in regards to such allegations, as needed.

Chairs, Deans and the Provost have the primary responsibility for managing disputes concerning access to and authorship of publications and presentations involving Research Data provided that all requirements of sponsored research awards and sponsor requirements are met. Research misconduct matters related to Research Data must be addressed in accordance with the University's Research Misconduct policy.

RELATED RESOURCES

University Policies and Procedures:

Data Stewardship #1930.021

Export Control #2370.010

FIU Records #150.110

HIPAA & Research: Certification for Research Using Decedent Protected Health Information #2370.521

HIPAA & Research: Certification of Review Preparatory to Research #2370.510

HIPAA & Research: Obtaining Authorization or Waiver of Authorization #2370.515

HIPAA & Research: Use of Limited Data Sets and Data Use Agreements #2370.522

HIPAA & Research: Use of Protected Health Information for Research Purposes #2370.520

Incident Response Plan #1930.021

Information Technology Security #1930.020

Information Technology Security (SEIU) #1760.127

Records Retention Schedule for Sponsored Project Documents #2350.065

Research Misconduct #2370.070



Responsibilities for FIU Network and/or System Administrators #1910.005

Laws and Regulations

Chapter 119, Florida Statutes, Public Records.

Export Administration Regulations (EAR)- 15 CFR sections 730-774,
<https://www.ecfr.gov/current/title-15/subtitle-B/chapter-VII/subchapter-C>

Health Insurance Portability and Accountability Act (HIPAA),
<https://aspe.hhs.gov/reports/health-insurance-portability-accountability-act-1996>

International Traffic in Arms Regulations (ITAR) - 22 CFR sections 120-130,
<https://www.ecfr.gov/current/title-22/chapter-I/subchapter-M/part-120>

Section 1004.23, Fla. Stat., Universities; powers; patents, copyrights, and trademarks.

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 200 (“Uniform Guidance”) including without limitation, 2 CFR Section 200.313, Equipment, Section 200.314, Supplies, Section 200.315, Intangible Property, and Section 200.316, Property trust relationship.

CONTACTS

Office of Research Integrity
Modesto A. Maidique Campus, MARC 430
11200 S.W. Eighth Street
Miami, Florida 33199
Telephone: (305) 348-2494

HISTORY

Initial Effective Date: April 28, 2025

Review Dates (*review performed, no updates*): N/A

Revision Dates (*updates made to document*): April 28, 2025



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PROCEDURE STATEMENT

I. University Obligations relating to Tangible and Intangible Property

The responsibilities of the University in regard to Tangible Property and Intangible Property including Research Data, include but are not limited to:

1. Ensuring the compliance with the terms of sponsored project agreements and sponsor requirements;
2. Ensuring the appropriate use of animals, human subjects, recombinant DNA, biological agents, radioactive materials, etc. in compliance with federal law and regulations and sponsor and award requirements;
3. Protecting the rights of faculty, staff, and students, including, but not limited to, their rights to access to Research Data from research in which they participated;
4. Securing the intellectual property rights of the University;
5. Ensuring that Research Data is retained as required by Florida and Federal law and regulations and the sponsor award requirements for the required retention period to address, as needed, any questions about accuracy, authenticity, primacy, and compliance with laws and regulations governing the conduct of the conducted research; and
6. Addressing allegations of research misconduct including those involving Research Data and conducting inquiries and investigations, as needed.

II. Research Personnel Obligations relating to Tangible and Intangible Property

The responsibilities of the Research Personnel in regard to Tangible Property and Intangible Property including Research Data, include but are not limited to:

1. Ensuring the appropriate collection, control, use, access, storage, retention and maintenance (collectively, hereinafter the “Use”) of Research Data and that all Tangible Property and Intangible Property are obtained, maintained and used in accordance with the sponsor award, sponsor requirements and applicable laws and regulations, including without limitation, export control, system security and technology control requirements.
2. As relates to the Research Data, the Research Personnel should adopt an orderly system of Research Data Use, including without limitation procedures for the protection of essential records in the event of a natural disaster or other emergency, and should communicate that system to all members of the PI’s research team and to applicable administrative personnel, where appropriate.
3. Ensuring that any Research Data that is collected in accordance with University policies and the requirements of the applicable compliance oversight committee, e.g, the Institutional Review Board (IRB), the Institutional Animal Care and Use Committee (IACUC), the Institutional Biosafety Committee (IBC), and ensuring that any Research Data incorporates protected health information (PHI) or other individually-identifiable participant information must comply with all University policies including without limitation, policies relating to the Health Insurance Portability and Accountability Act (HIPAA) and all requirements of the IRB overseeing the research project. Data that does not follow the above requirements may be withheld by the University from the Research Personnel..
4. Ensuring that the Research Data for his/her research project(s) is retained as required by the University policy, Records Retention Schedule for Sponsored Project Documents #2350.065.
5. Ensuring that if any allegations regarding his/her research arise, such as allegations of research misconduct or conflict of interest, Research Data must be retained until such allegations are fully resolved, or as required by applicable University policy; and
6. If one or more University student(s) is/are involved in the research project, ensuring that the Research Data is retained at least until all involved students’ degrees are awarded, or until it is clear that the students have abandoned the work.
7. Beyond the period of retention specified in this policy and/or the sponsor award terms, the destruction of Research Data is at the discretion of the Research Personnel in accordance with the Research Personnel’s college or department policy (if applicable). Research Data will normally be retained in the unit where they are produced. Research Data must be retained in University owned / approved facilities, unless the Senior Vice President for Research grants specific permission to do

otherwise. For additional information regarding records retention requirements, see the Records Retention Schedule for Sponsored Project Documents policy #2350.065.

III. Data Security

A. Research Data that incorporates PHI or other personally identifiable information (such as Social Security numbers), or proprietary University information or trade secrets or includes controlled unclassified information (CUI) or export controlled information, must have adequate security protections and be maintained confidential as required by University policies, including without limitation, Information Technology Security #1930.020 or Information Technology Security (SEIU) #1760.127. It is the responsibility of the Research Personnel to properly identify the classification of their Research Data and to provide appropriate protections, as well as any additional data security that may be specifically required under the terms of a sponsor award agreement or a technology control plan (TCP) or a system security plan (SSP). The Research Personnel should refer any questions related to Research Data security to the ORED, Research Information Systems unit.

B. It is the responsibility of the Research Personnel to immediately report any suspected or proven disclosure or exposure of personal information or other restricted Research Data in the custody of the PI, co-investigator(s), research staff or students, which is stored in a University computer, system, or data network resource to the University Division of Information Technology. The Research Personnel also have an obligation to immediately report to ORED any collection, use or storage of Research Data that is suspected to not be in compliance with FIU policies, applicable law or the requirements of the IRB, IACUC or IBC. Additional information on handling data disclosures or releases can be found in the University Incident Response Plan, policy #1930.021. The Research Personnel must also report any violations related to HIPAA as required by the University policy, Reporting of HIPAA Incidents and Notification in the Case of a Breach #1660.095.

IV. Publication and Authorship

A. The Research Personnel have the right and responsibility to ensure that research is accurately reported to the scientific and academic community, as well as to select the vehicle for publication or presentation of Research Data and research results. In the case of research conducted with one or more co-PI, the co-PI(s) jointly share in the right and responsibility to ensure that research is accurately reported to the scientific and academic community as well as to select the vehicle for publication or presentation of Research Data and research results unless they agree otherwise in writing.

B. It is the responsibility of the Research Personnel to ensure that all persons listed as authors on publications or presentations related to the Research Personnel's research meet accepted criteria in their field for authorship credit, and that only such persons are listed as authors.

The Research Personnel are responsible for ensuring that anyone who does not meet the criteria for authorship, yet has provided special assistance or contributions to the research, be listed in an acknowledgments section, if available in the publication.

V. Access to Research Data

A. The Senior Vice President for Research may take custody of primary Research Data and research records as needed to address research compliance matters and inquiries, including but not limited to, as needed to address allegations of research misconduct or non-compliance with the requirements of the IRB, IACUC or IBC.

B. Students, postdoctoral researchers, research associates and fellows, or other research trainees (hereinafter "Researchers") may be granted access to Research Data by Research Personnel for academic or research purposes in connection with a research project, course of study or degree program or in their capacity as university employees. Researchers given access to Research Data from any source are subject to all University rules, Florida and Federal laws, and sponsor award obligations relevant to the Research Data. Faculty and staff who give Researchers access to Research Data must inform them, in writing where appropriate, of any limitations or restrictions on the use or dissemination of the Research Data. Researchers must retain access to Research Data resulting from research projects they themselves have initiated, and to Research Data acquired by processes for which they were primarily responsible. Researchers previously given access to Research Data in connection with a course of study, degree program, or sponsor award may be denied such access by the PI or other responsible University official for reasonable cause.

VI. Transfer of Research Data in the Event an Investigator or Researcher is no longer with the University

A. In general, when the co-investigator or Researcher involved in a PI's research project at the University is no longer at the University, they may take a copy of Research Data for projects on which they have worked, although they are required to maintain the confidentiality of the Research Data as required by applicable University policy and sponsor requirements. However, the University may withhold any Research Data that was not collected, used or stored as required by University policies, applicable law, or the requirements of the IRB, IACUC or IBC.

B. The use of such Research Data (for example, to conduct additional research, or for presentation or publication) is dependent on agreement between the co-investigator or Researcher who is leaving the University and the University PI, and/or as may be formally agreed-upon beforehand in a data use agreement between the University and the new institution of the co-investigator(s) and/or Researcher(s).

C. In all cases, the Research Personnel must retain the primary Research Data at the University unless otherwise specifically authorized as set forth in section VII below.

D. In instances where the Research Personnel is no longer at the University, authorization for researchers who were not part of the Research Personnel's University study(ies) to use the Research Data, whether those other researchers are within or outside the University, will require prior written authorization by the Office of Research Integrity (ORI).

VII. Transfer of Research Data in the Event any Research Personnel is no longer at the University

- A. The Research Personnel who leaves the University generally may take a copy of their laboratory notebooks and other Research Data with them to their new institution, although they are required to maintain the confidentiality of the Research Data as required by applicable University policy and sponsor requirements. However, the University may withhold the copy of the laboratory notebooks and other Research Data that were not collected, used or stored as required by University policies, applicable law, or the requirements of the IRB, IACUC or IBC. The original notebooks and other Research Data will remain at the University.
- B. Prior to transferring a copy of the Research Data to another institution, the departing PI will need to determine where and with whom the original Research Data will reside at the University. It is recommended that the PI work with his/her department to ensure the Research Data is retained appropriately at the pertinent department or center. The PI and his/her department/center must involve the ORED Research Information Systems unit staff and any other applicable personnel, as needed.
- C. If any Research Personnel leaves the University or a project is moved to another institution, the primary Research Data may be transferred to the new institution with the approval of the dean of the college, center director, PI, as well as the Senior Vice President for Research or designee, and the HWCAM authorized official (for data that incorporates HWCAM patient information with personal identifiers), and with written agreement from the new institution. Such written agreement, at a minimum, must provide:
 - 1. Adoption by the new institution of all custodial responsibilities for the Research Data, including acceptance of all University and Federal security requirements for restricted Research Data that is transferred to the new institution;
 - 2. Formal recognition by the new institution of the University's continued ownership of the Research Data; and
 - 3. Guaranteed access by the University to the primary Research Data, upon the University's request should such access become necessary.

VIII. Export Control

A. The Research Personnel are responsible for ensuring compliance with any agreed-upon restrictions from sponsors (including publication and sharing with non-U.S. citizen collaborators and/or students) when using Research Data that is controlled under Federal export control requirements including but not limited to, the International Traffic in Arms Regulations or Export Administration Regulations.

B. For more information, see the University Export Control policy.

IX. Research Data Access Disputes

A. If a dispute arises concerning a researcher's access to data, an initial effort to resolve the dispute will be made by the graduate program director (in the case of graduate students) or the chair or center director (for other researchers) of the relevant academic unit(s) involved, following stated procedures for the graduate program or academic unit(s).

B. If the matter is not resolved pursuant to the process in section IX.A, then any subsequent reviews will be referred to the following entities, in order: the relevant college associate dean for research, or other qualified faculty administrator appointed by the dean (for other researchers), the University Graduate School (for graduate students), and the Office of Research of Research and Economic Development (for sponsored projects).