



Ownership and Use of Data Policy

Policy Title:

Ownership and Use of Data Policy

Responsible Executive(s):

Jim Pardonek, Director and Chief Information Security Officer

Responsible Office(s):

University Information Security Office (UIISO)

Contact(s):

If you have questions about this policy, please contact the University Information Security Office.

I. Policy Statement

In fidelity to its identity as a university, the rules of Loyola University concerning ownership and access to data generated for scholarship and research purposes are intended to serve the public by making such data widely available. The University must also, however, protect the right to privacy of human research subjects, the reasonable proprietary rights of researchers, research sponsors and the University. With these conflicting considerations in mind, the University has established categories of data and enacted the following rules concerning its ownership, control and use. This policy supplements the one entitled Data Administration which addresses questions about electronic access to data owned by the University stored on university systems. Basic to copyright law is the principle that ideas and facts, or data, cannot be protected by a copyright. But copyright protection is extended to the expression of ideas and compilation of facts, or data. This policy complements the present University policy on copyrights and deals specifically with questions regarding the ownership and access to compilations of data collected and generated by University faculty, staff and students. Legal and binding contracts entered by all persons and entities having a rightful claim to ownership or control of data will take precedence over this policy.

II. Definitions

Not applicable.

III. Policy



This policy pertains to the compilations of data collected and generated by faculty, staff and students of the University, with and without university resources, including access and use of computing resources, facilities and services. Access and use of university computing resources and services is presumed be consistent with university rules and regulations on the matter, including university personnel policies, faculty and student codes of conduct, departmental policies and procedures, and other Information Services policies on computer use.

Faculty

As a university employee, a faculty member may collect and generate compilations of data as part of a specific assignment by the faculty member's supervisor. These data compilations are deemed owned by the University. Faculty members may collect and generate compilations of data as part of the faculty member's general responsibility to engage in scholarship. These data compilations are deemed owned by the faculty. To encourage scholarship, the University may decide to provide assistance to a faculty member to collect and generate compilations of data -- in those situations where the faculty member would not be acting as a University employee nor engaging in scholarship. For example, the assistance could be a grant or opportunities to engage in faculty development. The question of ownership will be agreed upon in writing between the faculty member and the University prior to the University providing the faculty member the necessary assistance. In situations where a faculty member gains unauthorized access and use of university resources to collect and generate compilations of data, contrary to university rules and regulations regarding such access and use, the University may elect to invoke disciplinary measures against the faculty member as provided for in the Code of Faculty Conduct. In addition, by the unauthorized access and use of university resources, the faculty member grants the University a license to use the compilations of data as a research base to support its various functions. Finally, for unauthorized access and use of university computing resources, including facilities and services, the faculty member may be liable to civil and criminal penalties under Illinois and federal statutes.

Staff

As a university employee, a staff member may collect and generate compilations of data as part of specific assignment by the staff member's supervisor. These compilations of data are deemed to be owned by the University. Staff members may be collecting and generating compilations of data, not as part of a specific assignment, but making substantial use of university-compensated time, personnel, facilities and services. In



these cases, the compilations of data are deemed to be owned by the University. To encourage professional development, the University may grant a staff member opportunity to access and use university resources for personal business. In these situations, the staff member may be collecting and generating compilations of data. These compilations of data are deemed to be owned by the staff member, unless it has been agreed upon otherwise, in writing, by the staff member and the University. However, access and use of university resources by staff members for personal business must be consistent with university rules and regulations regarding such access and use. Nor can such access and use jeopardize the performance of assigned duties by the staff member or other University employees. In addition, there may be departmental rules and regulations regarding access and use of departmental resources, including its computing resources, facilities and services, for personal business. Violations of university or departmental rules and regulations may subject the staff member to disciplinary measures as provided for in the Employee Handbook and the Personnel Policy. In addition, by unauthorized access and use of university resources, the staff member grants the University a license to use the compilations of data as a research base to support its various functions. Finally, for unauthorized access and use of university computing resources, including facilities and services, the staff member may be liable to civil and criminal penalties under Illinois and federal statutes.

Students

Students may be hired or commissioned by the University to collect and generate compilations of data. Students receiving a stipend would fall into this category. These compilations of data are deemed to be owned by the University. Students may collect and generate compilations of data as an assignment for a course or as a project meeting the academic requirements for a graduate degree. These compilations of data are deemed to be owned by the student, unless it has been agreed upon otherwise, in writing, by the student and the course director, instructor or faculty advisor. Faculty may state explicitly, in writing, in a course description or syllabus that data collected and generated by the student as a course assignment would belong to the faculty. However, in these situations, ethical considerations suggest that such students should be compensated with unfettered and fair access to their specific contributions resulting from their own data collection and compilation efforts. With respect to thesis or dissertation research, a faculty advisor may decide to grant a graduate student access to his or her research database to generate data. In these cases, the question of ownership will be agreed upon in writing by the student, the student's director and other concerned parties at the time the thesis or dissertation plan is submitted to the



Graduate School for review and approval. To encourage scholarship, the University may decide to provide assistance to a student to collect and generate compilations of data -- in those situations where the student would not be acting as a University employee nor completing a class assignment. For example, the assistance could be a grant or a scholarship. The question of ownership will be agreed upon in writing between the student and the University prior to the University providing the student the necessary assistance. Students may collect and generate compilations of data in their spare time, that is, on their own time and not for course credit. These compilations of data are deemed to be owned by the student, except in situations where a student has had unauthorized access and use of university resources contrary to university rules and regulations regarding such access and use. In these situations, the University may elect to invoke disciplinary measures against the student as provided for in the Code of Student Conduct. In addition, by the unauthorized access and use of university resources, the student grants the University a license to use the compilations of data as a research base to support its various functions. For unauthorized access and use of university computing resources, including facilities and services, the student may be liable to civil and criminal penalties under Illinois and federal statutes.

Application of Other Information Services Computer Use Policies

Regarding the collection, generation and compilation of data, access and use of university computing resources, including facilities and services, must be consistent with other Information Services computer use policies, including the

- Access and Acceptable Use of University Computing, Networking, Telephony and Information Resources,
- Access and Acceptable Use of Public-Access Computing and Networking Facilities and Services,
- Rights and Responsibilities Regarding the Access and Use of University Computing, Networking, Telephony and Information Resources, and the
- Employee Off-Premises Use of Computer Equipment policies.

Administration of the Policy

For compilations of data, in which the faculty member, staff or student has full ownership, that person shall be responsible for executing all documents, including copyright applications and assignments to exercise and protect his or her rights under federal copyright statutes. In cases where the University has full ownership, the University shall execute the necessary documents. The University Copyright Policy (1991) will apply in matters regarding the distribution of royalty income. However, the



copyright policy, administered by the University Research Committee, does not pertain to students, except as University employees.

IV. Related Documents and Forms

Not applicable.

V. Roles and Responsibilities

Jim Pardonek, Director and Chief Information Security Officer	Enforcing the Policy at the University by setting the necessary requirements.
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VI. Related Policies

Please see below for additional related policies:

- Security Policy

Approval Authority:	ITESC	Approval Date:	September 11 th , 2013
Review Authority:	Jim Pardonek	Review Date:	March 1 st , 2024
Responsible Office:	UIISO	Contact:	datasecurity@luc.edu