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The Temporary Post-Doc

Year

1997

Description

This case raises two primary issues: data sharing and recognition of the contributions of others, along with issues of collaboration, intellectual contribution and authorship.

Body

Phase 1

Dr. Smith, a post-doc, temporarily joined a research group while seeking employment. The group's mentor, Dr. Johnson, assigned him to investigate a very difficult organic chemical reaction. After two months, Smith claimed to have solved the problem by employing a certain reagent that he had independently discovered. Unfortunately, Smith did not have enough evidence to back up his claim. By that point, Smith had found employment and left the group. Jill Green, an experienced graduate student, continued the investigation of the reaction. Green had access to Smith's notebook and data. She found that Smith's experimental procedures were poorly written, and it was not possible to duplicate his work. Furthermore, his data were inconsistent and no valid conclusions could be drawn from the work. Unfortunately, Smith's procedures were never evaluated since he had been with the group such a short time. Green experimented with the reagent used by Smith and

found that the reaction did indeed work, but under different conditions than described by his results. Six months after this discovery, Johnson and Green submitted their results to a journal for publication without consulting Smith.

Discussion Questions

1. Should Johnson and Green have informed Smith of their results? Why? Explain.
2. Should Johnson and Green have acknowledged Smith's contribution to the work? If yes, how much credit should he have been given?
3. Should Smith have claimed to solve the problem?

Phase 2

A fourth party familiar with Smith's original work and the work submitted by the group happened to see him and described how the group had solved the problem. Upon learning that he was not acknowledged for his contribution, Smith became angry and returned to confront Johnson and Green. They pointed out to Smith that their procedure differed from that of his original work and that his work contained no data that could confirm a successful result. Smith could not deny their claim, but he argued that his idea led to a solution and that he should be acknowledged. Johnson and Green later privately discussed the best way to handle the situation. Green felt that acknowledging Smith's contribution in the publication would resolve the conflict and require only a minor adjustment. However, Johnson was concerned that listing Smith as a co-author was not justified based on his work. Johnson stated, "Even if Smith made some contribution, he deceived us into thinking that he was doing careful work, then took our salary, and we could not even use his results." In addition, Johnson thought an acknowledgment would complicate matters if a patent were to be filed on the experimental procedure.

Discussion Questions

1. Even though Smith's idea led to a solution to the problem, does that justify his claim to acknowledgment?
2. Suppose a patent were filed on the experimental procedure published by the group and the procedure were used industrially and generated significant

royalties. What ethical arguments could a patent lawyer use to include Smith on the patent?

3. Would requesting that Smith return to the lab and duplicate his own work be a fair way to resolve the question of his contribution?

Notes

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Resource Type

Case Study / Scenario

Parent Collection

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Topics

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Collaboration

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Intellectual Property and Patents

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