

Intellectual Property and Post-Graduate Publication

By Katie Wilson*

John is an educational psychology graduate student at a Bigtime Public University. John is working under the supervision of Dr. Starr on an educational instrument that measures attention in elementary school students. This project involves complicated computer programming and extensive study into the effects and nature of attention. After countless revisions and several field tests of this instrument, John writes his dissertation on the project, receiving accolades for advances made in the field. Impressed at his work, Dr. Starr encourages him to write a manuscript on his research for publication and to continue working on the project should he decide to pursue a job in academia. In the mean time, Dr. Starr tells John that he is going to put Paula, another promising graduate student, on the project. Dr. Starr assures John that this won't get in his way.

Immediately after defending his dissertation, John goes on the job market. He gets a job across the country at another public university and continues his work on student attention. He has finished the paper he wrote on his graduate research and is ready to submit it for publication. Since this research was supervised by Dr. Starr, and since Dr. Starr is a well-respected researcher in the field, John was planning to include him as an author on the paper. John sends Dr. Starr the manuscript for feedback and permission to submit it for publication.

After he has not heard back from Dr. Starr, John starts to get worried; he would like to get a publication on his record as soon as possible. Yet even months later, Dr. Starr does not answer John's phone calls and has not responded to any of John's emails. John is even more frustrated when he finds out that while he has been waiting for a response, Dr. Starr and Paula have just co-authored a paper on a similar set of issues. Their paper builds on some of the work that John had done while at Bigtime Public U. Almost a year after he completed the manuscript, John decides to submit the paper without Dr. Starr's approval.

Questions for Discussion:

1. Is it appropriate for John to submit the manuscript for publication without Dr. Starr's permission? Why or why not?
2. Should John include Dr. Starr's name on the paper? What criteria should one use to determine who is to be included as an author?
3. What responsibilities does an advisor have to his or her past advisees? Was it appropriate for Dr. Starr to put Paula on this project after encouraging John to continue his research? What more could Dr. Starr have done to promote and protect his former and current advisees' interests?
4. What should one do when someone else's bad behavior gets in the way of one's own career? Are there any steps that can be taken to prevent situations like these before they arise?

* Edited by Steven Swartz