

U. of Minn. and U of Indiana Case: Jessica Banks Case

Jessica Banks, a Ph.D. student working with Professor Brian Hayward, a sociologist studying urban sprawl, has recently defended her dissertation and is now ready to file it and leave for her new job. During her second year, when starting research with Hayward, Banks divided her time among three projects. Then, in her third year, after consultation with Hayward, she decided to continue and expand upon one of the three lines of investigation for her dissertation research. This was also the project most closely related to Hayward's grant at the time. Later, Banks' experimental plan and early results were included in Hayward's grant renewal. The other two promising lines of research were left incomplete. Banks' new job is a tenure-track position in a midsize Western liberal-arts college.

Shortly before leaving for her job, Banks comes to Hayward's office to make copies of research data stored only on Hayward's computer using special software, which she also plans to copy. Although her new faculty position will place a heavy emphasis on teaching, she is looking forward to continuing to do some research as well. In particular, she is eager to pick up where she left off with the two incomplete projects she worked on earlier. Hayward comes in as Banks is downloading her material, and asks her what she is doing. She tells him, and he then says to her that she cannot take the data. "They belong to me," he says. Banks is confused. "But I did the work, and I wanted to follow up on it. I can't do that without the data." Hayward is adamant. "I'm sorry, but you should understand this. Our research project was a joint enterprise, and all the work you did was funded by money I brought in via grants. The data do not belong to you or to me; they actually belong to the university, and the work will be continued with other students. I've already talked to one of the new students about working on those projects this fall." Banks, seeing her plans fall apart around her, protests, but Hayward is implacable.

After a few minutes, she stalks away. Later that afternoon, Banks gets together with her classmate Paul Larson, and she tells him about her run-in with Hayward. "Look," Larson says. "Hayward has no right to deny you access to data. You did the work that generated all the data." "I know!" Banks says. "But Hayward wouldn't listen to that argument when I made it." "Here's my suggestion," Larson says after some reflection. "Just stop by his office and copy it sometime during the weekend. I happen to know Hayward will be out of town, so he'll never know. That's the fair thing to do." Banks seems uncertain, but she says she'll think about Larson's suggestion and decide before the weekend.