

Action Item

Plan for prevention and resolution of intellectual property disputes

Problem

Disputes over intellectual property are perhaps the most common conflicts between PIs and trainees. Trainees, being in a lower-power position, are particularly vulnerable to being omitted from works to which they have made contributions, or to being coerced into sharing authorship with more senior researchers who have not made substantial contributions to a work. Many disputes can be avoided before they begin through clear communication of expectations and ethical standards. We therefore propose a plan for the prevention and resolution of intellectual property disputes within the department, with greater emphasis on prevention.

Methods for implementation

- Prevention: Create one-page departmental policy on authorship and intellectual property.
 - Reviewed and discussed by faculty once per year at a faculty meeting.
 - Offers clear guidance as to what constitutes authorship and what does not (for example, clear guidance regarding whether or not PIs on grants that support graduate students are to be considered authors if they did not contribute intellectually to a work).
 - Also offers clear guidance on ownership of patentable material and associated royalties.
 - Includes the statement that authorship violations are considered a form of scientific misconduct, and will bear the penalties associated with other forms of research misconduct like data falsification or fabrication.
- Prevention: Review of author contributions at annual review meeting.
 - PIs will be encouraged and given resources to discuss authorship contributions annually with each trainee, agreeing in writing to who is expected to contribute to which projects, and whose names are expected to be on which products.
 - The function of the written product is not necessarily contractual, but serves as a tool for fostering open discussion regarding authorship, and can be a record and reminder for future meetings.
 - “Some might argue that the use of written agreements runs counter to the informal nature of science and that it can undermine collegiality and trust. However, collegiality and trust are undermined by unprofessional, unscrupulous, and opportunistic individuals, not by thoughtful hashing out of how a collaboration will be carried out and how the work will be published.”
 - The goal is to foster a culture where discussing authorship early and often is “the new normal”, not an uncomfortable topic that comes up only when a miscommunication, disagreement, or violation occurs.
- Prevention: Graduate student training on intellectual property.
 - Incoming graduate students will receive an hour-long class on intellectual property during Bio 891.
 - The training will go over student rights and responsibilities regarding authorship, patents, and royalties. Students will be provided resources (authorship contribution worksheets, examples of written agreements regarding authorship, etc.) to help them understand and facilitate discussion around authorship. They will also be encouraged to carry out careful, daily documentation of scientific output and effort to have available in case of authorship disputes.
- Prevention: Faculty training on intellectual property.
 - Similar to the graduate student training, at a faculty meeting or another venue, with greater emphasis on resources and case studies that are relevant to faculty.

- Resolution: Dispute resolution process.
 - The departmental policy on IP will include a clear and well-resourced dispute resolution process.
 - First, in case of a dispute, the disputants are encouraged to meet with each other.
 - Second, graduate students can approach the Director of Graduate Studies to help mediate a dispute.
 - Alternatively, either party can call for the University Ombuds to mediate.
 - Third, if the DGS is unable to help resolve the dispute, the DGS is empowered to form a committee of two faculty members, two trainees, and one administrative staff member (from within the department or from the University administration) to help mediate and resolve the dispute.

Timeline

Biology Departmental Policy on Intellectual Property created and disseminated by December 2016. Training on IP for graduate students presented at Bio 891 seminar for first and second year students in the 2016-2017 school year. Faculty training also planned for the 2016-2017 school year. DGS and Working Group work together to implement a clear, well-resourced IP dispute resolution process by December 2016. Encouragement of IP discussions at Annual Review Meetings happens at all trainings, and is disseminated through the same channels by which the Annual Review Meeting proposal is disseminated.

Budget

Potential raise for the DGS, or hiring of additional staff to handle IP disputes as needed.

Evaluation

Survey the department in terms of intellectual property disputes in Fall 2016:

- “Has your name ever been omitted from a publication, poster, or patent, despite your substantive contribution to the work?”
- “Has your name been added to a publication, poster, or patent despite a lack of substantive contribution on your part?”
- “In your time at UNC Biology, have you witnessed another department member being given authorship on products to which they have not substantially contributed? Being omitted from authorship on products to which they have substantially contributed?”
- “Do you know what to do if you experience or witness potential misconduct with respect to authorship?”

Administer the survey annually. Initially, it is likely that the number of IP disputes will *increase* as awareness about what constitutes an IP dispute increases. This is to be seen as a positive development, as a sign of a community that is taking their rights and responsibilities with respect to IP seriously. Within a five-year period, we hope to see a decrease in IP disputes, as prevention measures have time to take effect.

References

- UNC Office of the Vice Chancellor for Research and Economic Development. (2005). Responsible Conduct of Research, p. 2.
- Osborne, JW and A Holland. (2009). What is authorship, and what should it be? A survey of prominent guidelines for determining authorship in scientific publications. Practical Assessment, Research, & Evaluation (14) 15:1-19.
- Strange, K. (2008). Authorship: why not just toss a coin? American Journal of Physiology - Cell Physiology 295(3): C567–C575.

Existing IP Policies from other institutions

-[Berkeley University](#)

-[NC Agricultural and Technical College](#)

Resources for Training

American Psychological Association Student Division. (2006). [*A Graduate Student's Guide to Determining Authorship Credit and Authorship Order.*](#)