

The Jessica Banks Case

Jessica Banks, a Ph.D. student in Professor Brian Hayward's lab, 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 in Hayward's lab, 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's experimental plan and early results were included in Hayward's grant renewal. The other two promising lines of research were left incomplete.

Banks's new job is a tenure-track position in a mid-sized western liberal arts college. Shortly before leaving for her job, she comes into the lab to pick up her notebooks. 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 uncompleted projects she worked on before.

Professor Hayward meets Banks on her way into the lab, and their genial conversation abruptly changes when she mentions she has come to take her notebooks.

Hayward exclaims, "You can't take those notebooks away — they belong to the lab!"

Banks is confused. "But I did the work, and I wanted to follow up on it. I can't do that without the notebooks."

Professor Hayward is adamant. "I'm sorry, but you should understand this. This lab is a joint enterprise, and all the work you did was funded by money I brought in via grants. The notebooks don't belong to you, nor to me; they belong to the lab, and the work will be continued in this lab. 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, without the notebooks.

Later that afternoon, Banks gets together with her classmate Paul Larson, and during their conversation, she tells him about her run-in with Hayward.

"Look," says Larson. "Hayward has no right to deny you access to the information in the notebooks. Even if the books should remain in the lab, you did the work that generated all the data."

"I know!" says Banks. "But Hayward wouldn't listen to that argument when I made it."

"Here's my suggestion," says Larson after some reflection. "Just stop by the lab and photocopy the books some time 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: He gets to keep the notebooks in his lab, and you get a copy of the data you collected."

Banks seems uncertain, but says she'll think about Larson's suggestion and decide before the weekend.

Should Banks photocopy the notebooks? Why or why not?