

## **C. University Guidelines on Authorship and Policy on Copyright\***

### 1. Introduction

The University should concern itself with matters of authorship, author-university relations, and copyright in order to stimulate faculty interest in creating learning materials and ensure that the learner, the author, and the University appropriately share the benefits of the creativity, money, and energy expended.

To fulfill these purposes, the university policy must be highly flexible and must be incorporated in an administrative process responsive to the needs of the learner, the author, and the unit of the University which sponsors and/or produces the learning material.

Within the context of this policy, the "university unit" is defined as a school, department, center, or other academic organization having an assigned budget or supporting grant. "Learning Materials" may be defined as any copyrightable item which contributes to an educational objective, except that in the process of commercialization computer software other than computer aided instructional material, will ordinarily be treated as an invention or discovery and governed by the "University Policy on the Disposition of Inventions and Discoveries" in this section, notwithstanding the possibility that the software may be protected by copyright.

### 2. University Guidelines on Authorship of Research and Scholarly Publications

Contributing to knowledge is a core activity of faculty, staff, and students in a research university. Contributions to knowledge are evaluated by the publications produced, regardless of the medium or format. Recognizing that authorship can sometimes be a complex process, Case offers these guidelines for helping faculty, staff, and students navigate authorship issues. For the purposes of these guidelines, publications include any and all articles, abstracts, and/or manuscripts based on original work (research and scholarship) conducted at Case. These guidelines describe what is expected of faculty, staff, and students in authorship matters and are intended to encourage open communication about authorship issues.

#### a. Purpose of the Guidelines

1. Granting agency and public concerns are requiring explicit standards of accountability for all authors of research and scholarly publications.
2. In multiple investigator research and scholarly projects, standards are needed so that contributors can anticipate and understand their rights and responsibilities related to authorship or acknowledgment. However, in very large, multidisciplinary, or multi-institutional projects, following these precise guidelines may not be feasible. Nevertheless, scholars are expected to adhere to the spirit of the guidelines.
3. Not all contributors in any research or scholarship endeavors have the same role, power, or seniority in relationships. It is necessary to clarify the roles of all those involved and to understand each person's rights and obligations in authorship. The potential scholarly contributions of all collaborators, including students, need to be considered in the decisions of authorship.

#### b. Responsibilities and Criteria for Authorship

1. Authorship is attributed to persons responsible for the intellectual content of the publication. Only those who have contributed substantially to the conception, execution, or interpretation of the work, such that they are willing and able to take

public responsibility for the publication, should be included as authors. Honorary authorship that is listing someone as a co-author in the absence of substantial intellectual contribution is discouraged.

2. All authors must have contributed to developing the manuscript and have read and understood the entire contents of the publication.
3. All authors must be sufficiently familiar with the conduct and at least the general interpretation of the research to accept responsibility for its integrity and credibility.
4. It is the responsibility of the author corresponding with the journal or conference, or his/her proxy, to ensure that authorship decisions conform to Case guidelines and ensure that all authors approve the final submission before publication.
5. All investigators accepting authorship should also accept the responsibility of avoiding unnecessary duplicate journal publication of similar material. Previous publication should be cited in any repeated use of data or theory, and a new publication should meet the criterion of making a new intellectual contribution to the field.
6. In the absence of meeting the above criteria, limited contributions such as provision of standard materials (for example, plasmids, cell lines, tissue, and antibodies), performance of incidental assays or measurements, use of facilities, routine patient care, critical review of the manuscript, providing access to subjects or providing an environment and/or financial support for the research, collecting or analyzing data in a routine format, chairing or advising a dissertation or thesis committee, having an administrative relationship to the research, or contributing to the general intellectual development of one or more authors are insufficient to justify authorship unless the above criteria have also been met but may be recognized by acknowledgment.

For large group projects, it is important at the outset that all members of the research team understand and agree to these principles of authorship. It is also important that procedures for resolving more detailed concerns, such as the timing of presentations or publications, order of authorship, and privilege of presenting results at meetings, be discussed to the extent feasible at the beginning and throughout the work as needed.

7. If disputes or questions concerning authorship have not been successfully resolved among members of a collaboration, these disputes or concerns should be brought, by the individual having a concern, for assistance in resolution to the following administrative officials in this order: a) the department chair, division head, or similar first line of academic management; b) the Dean; and c) the Provost.

However, if these matters involve allegations or evidence of scholarly misconduct or threats of retribution, they must immediately be brought to the attention of the appropriate university official, as per Chapter 3, Part 2, II. Policy for Responding to Allegations of Scientific Misconduct, in the Faculty Handbook. Journals, societies, and conferences may have different authorship policies that are more stringent or more lenient than these guidelines. In such cases, the guidelines expressed in the present document are to be considered as the minimum standards to which all Case faculty, staff, and students should adhere.

#### c. Definition

For the purpose of these guidelines, research publications include articles based on original research submitted to journals, abstracts or manuscripts submitted for conference proceedings, or review articles submitted to journals or book publishers.

### 3. Relationship of the Author and the University

#### a. Independently-Authored Learning Material

In the absence of a prior agreement between the author and the University, it is assumed that materials developed through the normal activities of faculty (including sabbatical leave) are the property of the faculty member. He or she shall have full ownership of the copyright in the materials which he or she has prepared, and the University shall have no claim or rights to the material.

If, however, material is developed as a consequence of initiatives taken by others (e.g., department head, curriculum committee, etc.), then the university unit shall be entitled to the royalty free right to its internal use for an indefinite period, even though the faculty member may leave the University.

#### b. University Sponsored Learning Material

Where a university unit sponsors the preparation of copyrightable materials, there is to be a prior written agreement or contract specifying the rights of the author and the rights of the University.

- (1) Where in the preparation of instructional material the author makes extensive use of university personnel and/or facilities without personal charge to him or her, the material shall be considered "university sponsored;" and, depending on the extent and cost of the university facilities and personnel, one of the following conditions will apply:
  - a. The author shall own the copyright, and the University shall have royalty free rights to internal use of the material for an indefinite period, even though the faculty member may leave the University.
  - b. The author shall own the copyright, and the University shall have a royalty free right to internal use of the material and shall be entitled to a percentage of income derived from such material.
  - c. The University shall own the copyright, shall have a royalty free right to internal use of the material, and shall pay the author a percentage of income from the material.
- (2) In all the above cases the author and/or the university unit shall have the right to limit or restrict the use of university sponsored material, and any such restrictions shall be stated in the contract between the author and the university unit.
- (3) When conditions and demand require a revised or subsequent edition, a new contract shall be entered into by the author and the University for revision of the material. If the author declines to revise or fails to complete the revision within the time specified by contract, the university unit may then make arrangements with another person or persons for the revision. In such cases the original author shall retain a partial royalty, as it may be provided for in the original contract or the contract covering the revised edition.
- (4) The author and the university unit may mutually agree to market or license the marketing of university sponsored material for audiences external to the University.
- (5) Any net income which may derive from externally used copyrighted material generally will be divided between the author (or authors) and the University.

However, since circumstances will alter the relative equities of the author and the University, the final terms of division in any particular case are to be negotiated at the time a written agreement is developed.

- (6) In the event that the author and the university unit fail to agree on matters of development, production, or marketing of university sponsored learning materials, the author may, upon approval by the University Advisory Committee on Copyright, elect to have the material published or marketed by another organization. In such cases, the University shall receive reasonable compensation, either from the author or from the new agency, for the release of the University's rights to the material.

c. University Commissioned Learning Material

Where the author is "commissioned" by a university unit, i.e. given release time from his normal workload to prepare learning material, the University, unless it otherwise agrees in writing, may:

- (1) Copyright the material in its name and may claim absolute and exclusive title to the material or
- (2) Make any other arrangements concerning copyright and concerning the distribution of income derived from that copyright which it deems best.

4. Role of the University Advisory Committee on Copyright

- a. Advise faculty and administrators of the requirements and procedures for establishing, maintaining, and registering copyright.
- b. Urge faculty to acquire and maintain copyright on all appropriate material which they create independently of the University and, when appropriate, to register the copyright.
- c. Urge the party (author or university unit) entitled to the copyright of university sponsored material promptly to copyright the material; to maintain copyright; and, as soon as appropriate, to register the copyright.
- d. Advise faculty and administrators that the "rights-in-data" clause in federal contracts, which can preclude or complicate copyright, can usually be altered at the request of the author and the University and that the University's Office of Research Administration is available for consultation on this matter.
- e. Hear any disputes which may arise between authors and the University regarding the implementation of this policy. This mechanism shall not preclude use of the grievance provisions of the policies and procedures for faculty members.

5. Implementation of the Policy

a. Administrative Responsibility

Advice and assistance in obtaining copyright are available to faculty and administrators through the University Office of Research Administration. This office, in taking responsibility for administering the policy, will act as a clearinghouse in referring questions to appropriate internal or external experts so that definitive answers will be obtained. Assistance will also be given in arranging or finalizing contracts or agreements such as specified under 2,b above.

b. Disputes

As indicated above (3,e), the University Advisory Committee on Copyright shall review disputes and make recommendations to the Committee on Research as to their settlement.

*\*approved by the Board of Trustees 8/5/74.*

## 6. University Policy on Custody of Research Data

### a. Rationale and Purpose of the Guidelines

This policy establishes the assurance that research data are appropriately recorded, archived for a reasonable period of time, and available for review under the appropriate circumstances.

1. Research support agencies, journals, clinical care sites, or colleagues in the field may need or be legally entitled to review primary research data well after publication or dissemination of results and will hold the University accountable for the availability of these data.
2. Researchers involved in multi-investigator projects have rights to access to data gathered by all members of the group.
3. The University may be required to review internally the adequacy and integrity of data if findings of university research are called into question.

### b. Contact person

Vice President for Research and Technology Management

### c. Applicability and Definitions

This policy shall apply to all Case Western Reserve University faculty, staff, students, and other persons at Case Western Reserve University involved in the design, conduct, or reporting of research at or under the auspices of Case Western Reserve University or with the use of university resources or facilities. It shall apply to all research projects on which those individuals work, regardless of the source of funding for each project.

Research is defined as "a systematic investigation designed to develop and contribute to generalizable knowledge." Examples of activities that constitute research include any study intended to result in publication or public presentation; any activity resulting in publication or public presentation, even though it involves only review of existing data that were collected with no intent to publish; or any use of an investigational drug or device.

Research data are defined as the material, originally recorded by or for the investigator, commonly accepted in the scientific community as necessary to validate research findings. Research data include but are not limited to laboratory notebooks, as well as any other records that are necessary for the reconstruction and evaluation of reported results of research and the events and processes leading to those results, regardless of the form or the media on which they are recorded.

The principal investigator (PI) is defined as the person responsible for the research or who is the signatory person for sponsored research. Confidential information is specified in the "Case Western Reserve University Intellectual Property Policy" and the "University Policy on the Involvement of Human Participants in Research."

d. Rights and responsibilities

Both the University and principal investigator (PI) have responsibilities and rights concerning access to, use of, and maintenance of research data. The PI is responsible for maintenance and retention of research data in accord with this policy. Case Western Reserve University's responsibilities with regard to research data include, but are not limited to:

1. Complying with terms of sponsored project agreements;
2. Ensuring the appropriate use of animals, human subjects, recombinant DNA, etiological agents, radioactive materials, and the like;
3. Protecting the rights of faculty, students, postdoctoral scholars, and staff, including, but not limited to, their rights to access data from research in which they participated;
4. Securing intellectual property rights other than copyright;
5. Facilitating the investigation of charges, such as scientific misconduct or conflict of interest;
6. Responding to legal actions involving the University related to research carried out under its auspices.

e. Collection and retention of research data

Case Western Reserve University must retain research data in sufficient detail and for an adequate period of time to enable appropriate responses to questions about accuracy, authenticity, primacy, and compliance with laws and regulations governing the conduct of the research.

The PI is the custodian of research data, unless agreed on in writing otherwise, and is responsible for the collection, management, and retention of research data. The PI should adopt an orderly system of data organization and should communicate the chosen system to all members of a research group and to the appropriate administrative personnel, where applicable. Particularly for long-term research projects, the PI should establish and maintain procedures for the protection of essential records.

Research data must be archived for not less than three years after the final close-out or publication, whichever occurs last, with original data retained whenever possible. This should include reasonable and prudent practice for off-site back-up of electronic and hard-copy data. Where applicable, appropriate measures to protect confidential information must be taken. In addition, any of the following circumstances may justify longer periods of retention:

1. Data must be kept for as long as may be necessary to protect any intellectual property resulting from the work;
2. If any charges regarding the research arise, such as allegations of scientific misconduct or conflict of interest, data must be retained until such charges are fully resolved; and
3. If the data involved constitute part of a student's work toward a degree, they must be retained at least until the degree is awarded or it is clear that the student has abandoned the work.

Beyond the period of retention specified here, the destruction of the research record is at the discretion of the PI and his or her department or laboratory.

To enable the University to meet its responsibilities related to custody of research data (as previously described), the PI is obligated, upon appropriate request, to make all data available for review by the University, its officials or bodies, or the external funding agency or journals, or other external regulatory agencies. This obligation continues even after the PI leaves the University.

In group research projects, the PI is obligated to give co-investigators access to the research data or copies thereof for review and/or use in follow-on research, with proper acknowledgement. Data sharing and custody arrangements by co-investigators or group projects should be determined by the investigators when joining the project and preferably defined in a data use agreement.

Research data will normally be retained in the unit where they are produced. Research data must be retained in such a manner that they are accessible for inspection and copying by authorized representatives of Case Western Reserve University at reasonable times and in a reasonable manner.

f. Transfer in the event a researcher leaves Case Western Reserve University

When individuals involved in research projects who are not PI's at Case Western Reserve University leave the University, they may take copies of research data for projects on which they have worked. The PI must, however, retain original data, at Case Western Reserve University, unless specific permission to do otherwise is granted by the vice president for research and technology management.

If a PI leaves Case Western Reserve University and a project is to be moved to another institution, custody of the data may be transferred with the approval of the vice president for research and technology management and with written agreement from PI's new institution that guarantees:

1. its acceptance of custodial responsibilities for the data, and
2. that Case Western Reserve University be given access to the data should that become necessary.

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