

# The Successful Side Business

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## Part 1

Dr. Jones is a professor in the Biology Department at Expensive Private College (EPC). His research focuses on DNA transcription, but he has a personal interest in computers and computer programming. As the instructor for the department's Molecular Biology course, he develops a computer program that generates a video demonstration of transcription (DNA Whiz) and uses it to teach the class. DNA Whiz is a hit both with the students and other faculty. Realizing the program has broad appeal, and that he has a talent for programming, Jones sets up his own business, BioProgram. He rents a post office box and markets the program commercially to faculty at other universities via internet and print advertising, as well as by word of mouth. The program sells for \$50, and the business earns profits of \$15 for each copy sold. As the owner of the business, Jones pockets this money, but he shares the program with EPC faculty free of charge.

In addition to the video, Jones begins working on other programs that compare and analyze DNA sequences. Like DNA Whiz, these programs are free to faculty at EPC, but marketed to researchers at other universities. BioProgram becomes fairly profitable, but it has begun to consume all of Jones's time. He negotiates an agreement with the college administration for a year off from his teaching responsibilities to give him time to develop his business, in exchange for paying for a replacement instructor for his courses. During this year, he comes into his lab every day and develops and debugs software on his lab computer.

Mark, Jones's senior graduate student, has begun to feel that Jones is not providing him guidance. Although Mark is paid by the Biology Department on a departmental stipend, he often ends up answering the phone and troubleshooting programs for Jones's business in addition to his thesis work. He is beginning to feel overwhelmed by the demands on his time, but doesn't feel he can appear unwilling to help. He has not had a committee meeting to discuss his doctoral research in over a year, and Jones shows no signs of calling one any time soon. Mark is starting his sixth year, usually the final year in his program, and is quite frustrated -- he feels that he should be finishing his thesis, not helping to run BioProgram. He receives no pay for this work, and he has no financial investment in the company. He has thought of talking to Dr. Smith, another member of his committee, about the situation, but is afraid Jones will see this move as undermining his authority.

## Discussion Questions

1. Clearly, Mark is in an awkward situation. He must set his priorities for the next year. What should they be? Should he just continue to work in the lab? Should he talk to Smith? Could he talk to anyone else? What other courses of action might he take?
2. Should Jones have been allowed to retain a full-time faculty appointment while running a business on the side? What kind of institutional policies should cover this situation? Jones has many responsibilities as a professor, which he must prioritize. What are these responsibilities, and where should his priorities be? How does his buying time off affect those responsibilities, especially in the case of Mark? How do those priorities change after BioProgram becomes so successful and demanding?
3. Since the programs were developed on Expensive Private College computers using college time (which is why EPC professors get the program free), should BioProgram be collecting profits at all, or collecting profits only from other universities? Does it matter to your answer that EPC faculty get the programs free? That Jones has contributed the expertise? Jones is acting as if he owns the program. Does he? What if public funds support the work leading to the program, but Jones provided all the production capital and maintained an office away from campus?
4. If the college allows Jones to run the business, should the department allow him to take on graduate students? What about students like Mark, who were already in the lab when Jones began his business? Would your answer change if the business did not interfere with Jones's duties? What criteria should determine whether it interferes with his duties? What are the responsibilities of a faculty member on sabbatical or leave to his or her graduate students?

## Part 2

Mark decides to talk to Smith, who was unaware of the magnitude of the problem. Smith suggests to Jones that Mark should have a committee meeting, and a meeting is scheduled. At the meeting, the other members of Mark's committee express concern about Mark's progress on his thesis; they feel he is not likely to finish his degree in the next year. Mark is quite upset. He feels that he has been doing exactly what Jones asked of him, assuming that his work would lead eventually to a thesis. Jones points out to the committee that he never asked Mark to answer the phone or troubleshoot the programs -- Mark did those things of his own choice and so drew time away from his thesis work. Jones defends Mark's right to departmental funding, especially at this time. Because Jones's recent grant application was denied, he feels it is especially important that the department continue to support Mark, as Jones can't pay him. In addition, Mark has spent five years in Jones's lab. To change projects now instead of finishing his current one would be absurd

## Discussion Questions

1. Who is supposed to monitor the people managing Mark's work? the department chair? the dean? other members of the committee? What are Smith's (and the other committee members') responsibilities in this situation? As a member of Mark's committee, should Smith have been aware of the situation, or should he have waited for Mark to come to him? Whose responsibility is it to call committee meetings? What departmental policies toward committee meetings might prevent such a situation?
2. Should the department continue to support Mark? Should he stay in Jones's lab and if so, should there be conditions upon his staying? Would you accept Jones's explanation for Mark's involvement with the business? How much oversight should the department be exercising in this case? Does the department have an ethical obligation to Mark? to Jones? Did anything go wrong here? It may seem that there is an administrative problem here. Has someone been negligent? If you were chair, how would you sort out this situation?

### Source:

Online Ethics Center for Engineering and Science at Case Western Reserve University: Graduate Research Ethics: Cases and Commentaries: The Successful Side Business. Brian Schrag, Editor. Association for Practical and Professional Ethics, Bloomington, Indiana. Prepared under NSF Grant No. SBR 941897. (2003, March 3.) Retrieved March 11, 2004 from the World Wide Web: <http://www.onlineethics.org/reseth/appe/vol1/ssbus.html>.