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**Ownership Policy Critique**

**Introduction**

This paper examines the intellectual property policy for the Arizona State University (ASU) located in Tempe, Arizona (Arizona Board of Regents, 2010). ASU provides programs for both traditional and online students. The topics covered in this paper include a summary of ASU’s intellectual property policy, course ownership, the owner in relation to course reuse, ownership of student created courses, course innovation, compliance measures, and other policy considerations.

**Policy Summary**

ASU’s intellectual policy mainly follows a work-for-hire model. The policy also allows for multiple methods of returning ownership to the original author. A detailed dispute process and compliance personnel to enforce the policy are in place.

A strength of the policy relates to ownership assignment of faculty work. The intellectual property policy at ASU treats distance education materials exactly the same as materials for traditional courses. When discussing distance education policy, the American Association of University Professors (AAUP, n.d.) describes this situation as desirable.

**Course Ownership**

ASU owns intellectual property when one of two conditions are met (Arizona Board of Regents, 2010). The university owns courses created as part of the course and scope of employment (Arizona Board of Regents, 2010). Courses that use significant resources also belong to ASU (Arizona Board of Regents, 2010).

**Ongoing Use**

ASU provides for the ongoing use of course materials in certain situations. ASU may grant copyright ownership to creators via written agreements, transfers, or licenses (Arizona Board of Regents, 2010). An intellectual property officer approves all agreements for conveying rights to the creator (Arizona Board of Regents, 2010). In the majority of cases, ASU owns the course which allows for future reuse (Arizona Board of Regents, 2010).

**Student Authored Courses**

The context of course creation determines the ownership of student authored courses. Student courses created as part of course attendance remains the sole property of the student (Arizona Board of Regents, 2010). However, students who are paid or use ASU resources to design courses do not retain ownership (Arizona Board of Regents, 2010). This conforms to an earlier part of the policy that states that ASU owns materials produced in the course of employment or produced using ASU resources (Arizona Board of Regents, 2010).

**Course Innovation**

ASU policy does not address the dimension of innovation. The entire content of the policy encompasses property ownership rights, compensation, and compliance (Arizona Board of Regents, 2010). No part of the policy addresses more intangible aspects of the material created for the university (Arizona Board of Regents, 2010).

**Compliance Measures**

Compliance and the dispute process are covered in ASU’s policies. Employee compliance expectations regarding the ownership assignment of works are covered (Arizona Board of Regents, 2010). In addition, an employee may ask the Intellectual Property Committee to review disputes regarding a decision of an intellectual property official (Arizona State University, 2014). Details regarding the procedures and timing of the dispute process are fully covered in ASU’s intellectual property policies (Arizona Board of Regents, 2010, Arizona State University, 2014).

**Other Policy Considerations**

Other policies related to intellectual property include conflict of interest, outside consulting, and use of ASU’s name. The conflict of interest policy helps employees comply with the State of Arizona general conflicts of interest laws (Arizona State University, 2002). Standards regarding outside consulting and the use of the university’s name in relation to employee’s works are covered in the intellectual property policy (Arizona Board of Regents, 2010).

**Conclusions**

ASU’s intellectual property policies clearly define ownership, how ownership can change, and the dispute process (Arizona Board of Regents, 2010, Arizona State University, 2014). However, policies alone are not enough to save ASU from potential litigation (Crews, 2006). ASU may want to consider further how to formalize written agreements, transfers, or licenses to avoid potential litigation.

References

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