

You Can't Copyright an Idea!¹

The pride with which Professor Everest Cleverist sends you his latest publications is exceeded only by his unfettered expectations of your returning public accolades and substantial salary increases. You cannot possibly give all that he feels he deserves. But he has been the star at your place for many years, and somehow he keeps coming up with publications on a very wide range of topics. He alerted you by e-mail that his latest piece appeared this very day on the Internet in TMSPEJP (The Most Super Prestigious Electronic Journal Possible). Cleverist lists five senior undergraduates, all recent additions to his large stable of grant-supported lab assistants, as coauthors. You may not like the renowned professor, but he does seem to be one of the only folks at your teaching-oriented college who handles a full class schedule and still finds the time and energy to produce a solid and steady series of publications and grants. So, with your customary enthusiasm for flattering intellectual narcissists, you set out for the Psycho-Archeology lab to pay the magnificent guru the required homage.

In the hallway leading from your office you are intercepted by a distraught and indignant assistant professor. "He stole my research!" claims the untenured colleague, Justin Time. "Cleverist is a fraud! I've always suspected it. And now I know it. You have to do something." On ushering the distressed faculty member to your specially designed soundproof conference room you hear that Cleverist allegedly lured the best students out of Justin's lab by offers of higher salaries and guarantees of co-authored publications and glowing references to graduate school. Then, "within a week," says Time, Cleverist, who you know has been working on the same problem as Time, "abandoned his previous approach to take up mine. I came up with that idea over four months ago and have been working with my students on it ever since," Justin complains. "First Cleverist hires my students away from me and then he extracts my ideas from them. While I'm busy training rookie lab assistants, he's racing to TMSPEJP with my work! If that isn't illegal, it's surely unethical. What happened to intellectual integrity around this place? How can we expect students not to cheat if we have known plagiarists on the tenured faculty! If you don't do something, I'm going to call a lawyer." And with that, Time runs out.

Questions:

- 1) **As the Dean and as the Chair, what exactly is (are) the problem(s) which you should or must address at your level, and which might you reasonably ignore?**
- 2) **What are the legal factors involved here, and how relevant are they to the optimal resolution of the key issues?**
- 3) **What short term and longer term goals do you adopt and hope to achieve in this case?**
- 4) **Are any useful Chair-Dean collaborations possible in this case?**

¹All characters, situations, and stories described here are fictional. No reference to actual persons, events, or institutions is intended or assumed. Drs. Peter and Noreen Facione developed and refined these hypothetical cases based on the experiences gained through their many decades of service as faculty, administrators, workshop presenters, and leadership consultants to colleges and universities throughout the nation.