# Personal Use of Documents: A Sample Firm Policy

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## SUMMARY

Firms can benefit from establishing a policy for personal use of firm documents. If employees sign the kind of sample document provided below, you decrease the possibility of confusion between employer and employee about showing the firm's drawings incorrectly.

## CLARIFYING AN INFORMAL PRACTICE

Personal use of a firm's documents to display an employee's work history and experience is generally recognized as fair and reasonable, provided the employee properly attributes the work to the firm, makes his or her role in the work clear, and bears the cost of reproducing the documents. Few employers and employees discuss the matter openly, however, which often leads to misunderstandings, disputes, and even charges of misrepresentation.

You can avoid such misunderstandings with a company policy that addresses the issue openly and professionally. In this way, a firm may acknowledge an employee's right to document his or her professional experience while applying reasonable conditions on the use of the material, the reproduction of the material, and any related reproduction costs. The following sample firm policy cites the relevant sections of the AIA Code of Ethics, complete with sample forms as cited in the policy. Use this policy and the attached forms to develop and establish a policy for your own firm.

## XYZ ARCHITECTS' DOCUMENT OWNERSHIP POLICY

All documents produced by employees of XYZ Architects Inc. (XYZ) during the course of their employment are the property of the firm. These include, but are not limited to, designs, drawings, documents, notes, proposals, slides, models, and photographs.

XYZ understands and respects the value of these documents as a record of professional and personal accomplishment. This frequently leads professional employees to seek copies of project-related documents for their personal portfolios. XYZ wishes to cooperate with our staff in this endeavor. XYZ has adopted the following policy with respect to the personal use of office documents, in accordance with the AIA Code of Ethics (excerpted below).

With the specific prior approval of a principal and appropriate cost reimbursement to the firm, employees may

a. Obtain no more than two duplicates of any photograph owned by the firm

b. Print and retain a paper copy of other project related documents for his or her personal portfolio

Any subsequent personal or professional use of documents or photographs obtained from XYZ shall

a. Clearly indicate on the face of the document or photograph that the work shown is the work product of XYZ Architects Inc.

b. Clearly and accurately identify the role of the employee in producing the project depicted or described by the document or photograph

Under ordinary circumstances, electronic copies of XYZ documents and photographs cannot be made available.

Requests for project photographs should be made to the marketing director at the time the project photographer is hired in order to obtain appropriate use rights for the photographs and the best possible pricing. Efforts to obtain photographs after the firm's initial order may result in delays or higher costs.

For all document requests, the employee will prepare and execute a Personal Use Agreement and Release Form, accompanied by a Document List enumerating in detail the documents being requested. Copies of the Release Form and Document List are attached.

## EXCERPT FROM THE AIA CODE OF ETHICS

*Ethical Standard 5.2 Professional Recognition: Members should build their professional reputation on the merits of*

*their own service and performance and should recognize and give credit to others for the professional work they have performed.*

*Rule 5.201:*

*Members shall recognize and respect the professional contributions of their employees, employers, professional colleagues, and business associates.*

*Rule 5.202:*

*Members leaving a firm shall not, without the permission of their employer or partner, take designs, drawings, data, reports, notes, or other materials relating to the firm's work, whether or not performed by the Member.*

*Rule 5.203:*

*A Member shall not unreasonably withhold permission from a departing employee or partner to take copies of designs, drawings, data, reports, notes, or other materials relating to work performed by the employee or partner that are not confidential.*

*Commentary: A Member may impose reasonable conditions, such as the payment of copying costs, on the right of departing persons to take copies of their work.*

## ABOUT THE CONTRIBUTOR

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## RESOURCES

### For More Information on This Topic

See "Managing People" by Kathleen C. Maurel, Assoc. AIA, *The Architect's Handbook of Professional Practice,* 13th edition, Chapter 9, page 221, and "Keeping Key Staff" by Celesta Lewis in *The Architect's Handbook of Professional Practice* Update 2004. Both books can be ordered from the AIA Bookstore by calling 800-242-3837 (option 4) or by sending e-mail to bookstore@aia.org.

### More Best Practices

The following AIA Best Practices may provide additional information related to this topic:

| | |
|---|---|
| 09.01.02 | Employee Wage Status: Exempt vs. Nonexempt |
| 09.01.03 | Employment Status: Independent Contractor—Yes or No? |
| 09.01.04 | Maintaining Personnel Files |

### Feedback

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### Keywords

- Practice
- Personnel management
- Personnel policies

**XYZ ARCHITECTS, INC.**

## Personal Use Agreement and Release Form

All work performed and all documents produced by employees of XYZ during the course of their employment is, and remains, the property of the firm. This includes, but is not limited to, all designs, drawings, documents, research, proposals, slides, models, and photographs. However, with the advance written consent of a Principal to this Agreement, and upon appropriate cost reimbursement to the firm, the undersigned employee may:

a. obtain no more than two duplicates of any photograph owned by the firm;

b. print and retain a paper copy of other project related documents for his or her personal portfolio.

The undersigned employees agrees that any subsequent personal or professional use of documents or photographs belonging to XYZ shall:

c. clearly indicate on the face of the document or photograph that the work shown is the work product of XYZ Architects, Inc., and

d. clearly and accurately identify the role of the employee in producing the project described by the document or photograph.

Under ordinary circumstances, electronic copies of XYZ documents and photographs cannot be made available.

Requests for project photographs should be made to the Marketing Director at the time the project photographer is hired in order to obtain appropriate use rights for the photographs and the best possible pricing. Efforts to obtain photographs after the firm's initial order may result in delays or higher costs.

Please acknowledge your understanding and acceptance of these terms and conditions by signing this Agreement in the space provided. This Agreement must be accompanied by a completed and signed Exhibit A, Document List, listing the documents pertaining to this Agreement.

_____
Employee Name (please print)

_____
Employee Signature

_____
Date

_____
Signature of Principal

XYZ ARCHITECTS, INC.

## Personal Use Agreement and Release Form
## Exhibit A - Document List

| | XYZ Project # | XYZ Project Name | XYZ Document Description | XYZ Document Date | Copy Quantity |
|---|---|---|---|---|---|
| a. | | | | | |
| b. | | | | | |
| c. | | | | | |
| d. | | | | | |
| e. | | | | | |
| f. | | | | | |
| g. | | | | | |
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| l. | | | | | |
| m. | | | | | |
| n. | | | | | |
| o. | | | | | |
| p. | | | | | |

Employee Name (please print)

Employee Signature

Date

Signature of Principal