

## Considerations for Revising PPM 4-16, Textbooks

### 1. Changes to PPM required by federal Higher Education Opportunity Act and Board of Regents Policy R465:

- **Notice to student:** “The University bookstore shall post a list giving notice of required and optional course materials and the cost of each item in a timely manner and in a conspicuous place, in compliance with the HEOA and Board of Regents Policy. The University shall note in the course schedule the place where students can access the course material information, including the ISBN and retail price, to the extent available. If ISBN is not available, the University shall instead note the author, title, publisher, and copyright date or ‘to be determined.’”
- **Notice to bookstore:** “In order to provide students the ability to make course material selections in a cost-effective way and to comply with the Higher Education Opportunity Act (HEOA), faculty shall make timely submissions of their course material requests to the University’s bookstore, (subsequently released to the public), including the number of students enrolled and the maximum number of students that can be enrolled for a course. A schedule of dates when submissions are due to the bookstore shall be set forth in a schedule attached to this policy, which may be updated as needed.”

### 2. Additional changes required by Board of Regents Policy:

- Further description of what must be considered in course material selection, including:
  - Availability
  - Total cost of the course materials for each course
  - Availability of used course materials
  - Open access materials
  - Value of new editions

### 3. Additions benefits from changing policy to be considered:

- Combine multiple policies - PPM 4-16, Textbooks, PPM 4-16a, Written Publications by Faculty, and PPM 3-54, Sale of Materials to Students
- Consideration of faculty created materials for multiple sections
- Consideration of University owned materials

### 4. Conflict of Interest Considerations:

PPM 9-5:

Neither in nor out of the instructional setting or office do faculty members take advantage of their relationships with students to exploit them for the faculty members' own purposes.

Serious conflicts of interest between a faculty member and a student, including but not limited to sexual or financial relationships, are prohibited.

Board of Regents Policy:

When in a position to decide or influence issues that would result in personal gain, no employee of a USHE institution may demand or receive any payment, loan, subscription, advance, deposit of money, service, or anything of value, present or promised, in exchange for requiring students to purchase a specific textbook or course materials (other than recovering the direct cost of the materials) unless the requirement has been subjected to an appropriate level of institutional review and approval.

Utah Public Officers' and Employees' Ethics Act, 67-16-4:

Public employees may not use or attempt to use official position to further substantially the employee's personal economic interest or secure special privileges or exemptions for self or others.

AAUP Statement:

At the same time, however, students in a classroom can be a captive audience if they must purchase an assigned text that is not available either on library reserve or on a restricted website. Because professors sometimes realize profits from sales to their students (although, more often than not, the profits are trivial or nonexistent), professors may seem to be inappropriately enriching themselves at the expense of their students. To guard against this possibility, some colleges and universities have adopted policies meant to regulate the assignment of a professor's own works.

IRS Code:

Profits given to own University may not be considered charitable donation where faculty has access to or control of funds.

Other Possible Conflict of Interest:

Where senior faculty pressure junior faculty to adopt materials authored by senior faculty member. (SUU - <https://www.suu.edu/facultysenate/pdf/minutes/2016-02.pdf>)

## Options

Options to resolve conflict of interest involved when faculty mandate students purchase self-authored materials:

1. Faculty abstain from profiting financially from students
  - a. Royalties from students go to University or non-profit
  - b. Free or discount for students
  - c. Limits on profits
  - d. When institution is involved in producing the materials, the faculty may not profit beyond specific percentage
2. Faculty abstain from being involved decision-making
  - a. Scope of review:
    - i. Appropriateness given subject matter of course
    - ii. Unique perspective on field
    - iii. Quality of materials
    - iv. Extent used outside the institution
    - v. Distributed nationally by major publishing company external to school
    - vi. Total sales to external exceed total sales internal
    - vii. Cost-effectiveness for students
    - viii. Amount of financial benefit to faculty member
    - ix. Statement or certification of rationale of why the best choice
    - x. Competitive in price to comparable materials
    - xi. Meet copyright laws
    - xii. Peer-reviewed, refereed
  - b. Reviewers
    - i. From only Department Chair to Board
    - ii. Committees
    - iii. Include external reviewers