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DOC 1987-02 Restrictions on Charges for Materials Authored, Co-Authored, or Published by a Faculty Member Teaching the Course in Which the Materials are Used

University of Dayton. Faculty Affairs Committee

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PROPOSAL TO THE ACADEMIC SENATE

TITLE Restrictions on Charges for Materials Authored, Co-Authored, or
Published by a Faculty Member Teaching the Course in Which the

Materials are Used

SUBMITTED BY Faculty Affairs Committee

DATE February 5, 1988

Indicate the action required: Legislative, Concurrence, or Consultative, and refer to the appropriate reference in the Senate Constitution (Article IIB, 1, 2, 3).

ACTION IS: Legislative REFERENCE IS: II B, 1.c.

DESCRIPTION OF PROPOSAL: State objectives, rationale, and how proposal is to be implemented

See Attached

Restrictions on Charges for Materials Authored, Co-Authored, or
Published by a Faculty Member Teaching the Course in Which the
Materials Are Used

Faculty members are encouraged to prepare and use primary and supplementary materials for their classes. Unless those materials are published by an independent publisher and are in use in at least five or more other colleges and universities during the same academic year as they are used in the faculty member's class, the charge to the students for the purchase of those materials shall not exceed the cost of the reproduction and University Bookstore charges for those materials. This policy applies only to charges for materials used in classes taught by the faculty member who authored, co-authored or published the materials. If they are used in the same course by another faculty member, this policy shall not apply. The restrictions on charges set forth in this policy may be waived by the Provost on written application by the faculty member who authored, co-authored, or published the materials. The written request for waiver shall be presented to the Provost not later than 30 days prior to the commencement of the term in which the class will be taught.

This proposal concerns the sale of materials to students by faculty members who author, co-author, or publish those materials. In some instances, the students have been charged a price in excess of the cost of reproduction of those materials. The Committee believes that faculty members should not charge students in their classes a premium or profit for the use of materials prepared by that faculty member except in specific situations. It would be appropriate to require students to pay the "full" price for materials if they are published by an independent publisher and are used in courses taught at at least five other colleges or universities. In this way, students will not be forced to pay a premium for materials developed by the faculty member teaching a particular course. Likewise, faculty members who have authored or published books used at a number of other schools will not be deprived of their appropriate royalties.

While there may be a suggestion that such a policy would reduce significantly the incentive of faculty to develop and publish materials for use in their courses, we dare not believe that the policy would lead to this result. The policy does not discourage these efforts; rather, it limits the faculty member's ability to earn a profit on the sale of the materials. Furthermore, it would not operate to exclude profits on texts that are independently published and used at other schools. Indeed, if the materials are used at five or more other schools, the faculty member may receive a profit on the sale of the materials in the class that he or she is currently teaching.

Another substantial reason for the proposed restrictions on charges for these materials follows from the special obligation of faculty members to students. There are no restrictions on faculty members with respect to the choice of texts to be used in a specific class. Thus, faculty members are in a special relationship with the students with regard to the choice of required texts and materials for the class. Permitting faculty members to use their own materials and to charge the students more than the cost of photocopying would constitute an abuse of trust that rests with the faculty. There would be no protection against students being overcharged for materials required to be purchased by the faculty member/author. A conflict of interest thus exists whenever the faculty member requires the students to purchase those materials.

The Committee believes that the conflict is sufficiently overcome when the materials students are required to purchase are being used in other colleges and are published by independent publishers. In that way, third parties have exercised independent judgment with respect to the quality of materials and found them to be worthy. In that event, it is appropriate to recognize the author's efforts and award those efforts through the receipt of royalties from the sale of materials.

Finally, the proposed policy specifically authorizes the Provost to waive the restriction on excess charges in appropriate circumstances. The waiver should be allowed only on a written request submitted at least 30 days prior to the commencement of the term in which the materials are to be used by the faculty member involved. The timing of the written waiver request should provide the Provost with a sufficient opportunity to conduct an evaluation of the materials and charges for those materials.