



**Eastern
Kentucky
University**
Policy and Regulation Library

Academic Regulation: 4.7.1ACR

Responsible Office(s): Office of Academic
Affairs, Colleges, and Departments

Effective: September 28, 2012

Next Review Date:

Academic Regulation: 4.7.1ACR

The Use of Self-Authored Textbooks and Educational Materials

Statement

The authoring of textbooks and other educational materials is a common and encouraged outcome of faculty research and instruction activities. The selection and use of educational material is essential to academic freedom and, therefore, such decisions should remain primarily with the faculty. However, potential conflicts of interest may occur when a faculty member requires or recommends self-authored materials for courses he/she is teaching and where the sale of such material results in financial gain for the faculty member. Such a practice requires careful review and monitoring.

Faculty Authored, Co-Authored, and Customized textbooks must be approved through the process outlined in this policy if 1) they are required or recommended in the faculty author's courses and 2) they produce a financial benefit for the faculty author(s). Educational materials—such as class notes, workbooks, lab manuals—produced for sale to students must be approved through this process if they create a financial benefit to the faculty author(s).

Faculty Authored, Co-Authored, Customized textbooks, and educational materials that generate no royalties, or for which no royalties are paid by any entity, are not subject to this policy. Materials written by co-authors (e.g., a Department or program) that generate no royalties, or for which no royalties are paid by any entity, are not subject to this policy.

During the review and approval process for textbooks and educational materials covered under this policy, consideration shall be given to the following: 1) appropriateness of the text for the course(s) in question, 2) the extent to which the text is used outside the University, 3) the cost effectiveness to the students, and 4) compliance with federal/state law as well as other University policies.

Contracts/agreements for publishing textbooks or educational materials are personal agreements between publishers and faculty author(s). Any tax consequences from royalty income are the responsibility of the recipient.

Entities Affected

- Colleges
- Departments
- Faculty
- Students

Background

Developments in recent years have increased the creation and dissemination of textbooks and educational materials authored by faculty within the University for use in their own classes or for use by and benefit of their Department. The University recognized the need to update the Faculty Authored Texts policy to reflect the changes in publication opportunities, to address federal mandates to minimize the cost of textbooks to students, and to continue to address any potential conflicts of interest.

Procedures

If a faculty-authored, co-authored, or customized textbook or educational material is being considered as a required or recommended text for use in the faculty author(s) course, the following procedure applies prior to the adoption of the textbook or educational material.

1. Faculty author(s) will submit the Adoption Approval and Royalty Disclosure form and a copy of the textbook or educational material to the Department Chair.
2. The Department Chair will forward the request to a Department committee charged with the responsibility to review such requests. Neither faculty authors nor their family members or sponsored dependents may serve on such a review committee.
3. The Department committee will consider the following in its review:
 - a. appropriateness of the textbook or educational material for the course in question,
 - b. the extent to which the textbook or educational material is used outside the University,
 - c. the cost effectiveness to the students, and
 - d. compliance with federal/state law as well as other University policies.
4. The Department committee will indicate approval of the use of the textbook or educational material on the Adoption Approval and Royalty Disclosure form. If the Department committee does not approve the request, they shall attach reasons for their decision. The faculty author(s) will submit the Adoption Approval and Royalty Disclosure Form to the Department Chair for review and approval.
5. If approved, the Department Chair will forward the Adoption Approval and Royalty Disclosure form to the College Dean for review and approval.

6. The faculty author(s) will be provided a copy of the signed form.
7. Faculty author(s) may appeal the decision to the relevant College Curriculum Committee by submitting the completed and signed Adoption Approval and Royalty Disclosure form plus additional documentation that addresses the reason for denial.
8. The College Curriculum Committee must have a quorum and the decision will be based on a majority of the members present. No further appeals are possible.
9. The completed form will be filed in the Department office with a copy in the Dean's Office.
10. Approvals are valid for three years.

Definitions

- **Conflict of Interest:** A conflict of interest occurs when a professional decision is determined or influenced (or may appear to be determined or influenced) by the possibility of personal financial or professional gain or results in an improper advantage to an associated entity.
- **Co-Authored Text:** Co-authored texts, for the purpose of this policy, shall mean entire or parts of textbooks or education materials authored by two or more faculty or staff members at ECU or with persons outside the University.
- **Customized Text:** A customized text, for the purpose of this policy, refers to a textbook or other educational material that falls into one or more of the following categories:
 - The addition of material authored by a faculty member(s) at ECU to a text that has not otherwise been altered and where the unaltered text is available and marketed by a publisher for national use.
 - The addition of material authored by a faculty member(s) at ECU to a text that has been altered (i.e. abbreviated, reorganized, etc.) and where the altered or unaltered text is available and marketed by a publisher for national use.
 - The addition of material authored by a faculty member(s) at ECU to text that is already otherwise published or available in some medium to a public or educational audience.
 - The removal of material from a text that has not otherwise been altered and where the unaltered text is available and marketed by a publisher for national use.
- **Department Committee:** Refers to a committee designated by a Department to review the use of self-authored textbooks and educational materials. Each Department makes the determination of the appropriate committee within its governance structure.
- **Educational Materials:** Educational materials may include class notes, workbooks, lab manuals, or similar texts used for instructional purposes.

- **Faculty Authored Text:** Faculty authored texts shall mean entire or parts of textbooks or manuscripts or other educational materials authored by a single faculty or staff member at ECU, or a collaborative authoring of textbooks or other educational materials by several faculty or staff members, at least one of whom is employed at ECU.
- **Faculty Author:** Any person, whether full or part time, who teaches a class or coordinates multi-section courses AND who has written and produced materials covered under this policy
- **Family Member:** An individual who is related to the faculty author by blood or by marriage.
- **Royalty:** A payment, honorarium, or anything of monetary value received for the production and/or subsequent distribution of a product.
- **Sponsored Dependent:** An individual who shares primary residence with benefit eligible faculty author and has lived with faculty author at least twelve months, is at least the age of majority, is not a relative and is not employed faculty author. For the purpose of this policy only, sponsored dependent will also mean any individual who shares primary residence with a non-benefit eligible faculty author and who meets the above criteria.

Responsibilities

- College Curriculum Committee
 - Refers to a committee designated by a Department to review the use of self-authored textbooks and educational materials. Each Department makes the determination of the appropriate committee within its governance structure.
 - Reviewing appeals, as necessary
 - Basing decisions on evidence and in compliance with University policy, federal law, and IRS tax code
- Dean
 - The Dean is responsible for
 - Providing oversight and administration of the overall process, including reviewing and approving completed Adoption Approval and Royalty Disclosure forms.
 - Maintaining a copy of completed Adoption Approval and Royalty Disclosure forms in the Dean's Office.
- Department Chairs
 - The Department Chair is responsible for
 - Ensuring the appropriate process is followed for the adoption of textbook or other education materials authored by faculty.
 - Reviewing and approving completed Adoption Approval and Royalty Disclosure forms.
 - Maintaining the original, completed Adoption Approval and Royalty Disclosure forms.

- Department Committee

The Department committee charged with reviewing the use of textbooks or other educational materials authored by ECU faculty is responsible for

 - Reviewing all textbooks and educational materials covered under this policy and created by faculty author(s) teaching a course(s) in their Department.
 - Recording its decision on the Adoption and Royalty Disclosure Form and submitting the form to the Department Chair.

- Faculty Authors

Faculty Authors are responsible for

 - Completing and submitting the Adoption and Royalty Disclosure form for every textbook or educational material covered under this policy prior to assigning the textbook or educational material in a course for which they are responsible.
 - Reading policies 4.4.1P and 4.4.2P and the Royalty and Taxes Information Sheet
 - Resubmitting a new Adoption Approval and Royalty Disclosure form if need beyond the three-year approval period

Relevant References

Policy 1.2.1P Code of Ethics
 Policy 4.4.1P Conflict of Interest and Financial Disclosures
 Policy 4.4.2P Intellectual Property
 Policy 4.6.4P Promotion and Tenure
 Adoption Approval and Royalty Disclosure form

Regulation Adoption Review and Approval
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Regulation Revised

<u>DATE</u>	<u>ENTITY</u>	<u>ACTION</u>
September 28, 2012	Board of Regents	Adopted
September 5, 2012	President	Approved
September 5, 2012	Provost Council	Approved
March 12, 2012	Faculty Senate	Approved

Regulation Issued

<u>DATE</u>	<u>ENTITY</u>	<u>ACTION</u>
January 17, 1987	Board of Regents	Adopted
October 6, 1986	Faculty Senate	Approved