

# THE UNIVERSITY OF ALABAMA IN HUNTSVILLE

## AUTHORSHIP AND CLASSROOM MATERIAL SELECTION POLICY

**Number** 02.01.72

**Division** Academic Affairs

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**Purpose** The purpose of this policy is to clearly outline the process for the selection of self-authored classroom materials for course assignments, or materials for which a rebate or other financial incentives are provided for adoption, in order to ensure compliance and consistency with state law and system regulations.

**Policy** This policy establishes a process by which faculty are permitted to assign textbooks or other instructional material that they have authored or edited, and for which students have to pay to own or use. It also addresses situations where publishers have offered a rebate or other remuneration for adoption of instructional materials.

### **Procedures**

#### **General Administrative Principles**

##### **1. Textbook or Instructional Material Selection**

- a. **Background.** The Code of Alabama, Section 36-25-5(a), 1995 (the “Ethics Act”), states “no public official or public employee shall use or caused to be used his or her official position or office to obtain personal gain for himself or herself, or family member of the public employee or family member of the public official, or any business with which the person is associated unless the use and gain are otherwise specifically authorized by law.” Amendments passed by the 1986 Legislature placed faculty of state-supported institutions of higher education within the purview of the conflict of interest standards set forth in the Ethics Act. Additionally, Advisory Opinion No. 1130 issued by the Alabama Ethics Commission on August 21, 1987 (the “Opinion”), concluded that a faculty member “...who is also an author is not permitted to make the decision as to whether his or her publication will be used.” The Opinion approved a process through which “the decision is made by either administrative officials of the

institution or a textbook committee composed of other faculty members and administrative officials with the institution.”

- b. **General Selection Process.** In cases where a faculty member (or faculty members) desires to use textbook(s), laboratory manuals, computer software, or other instructional materials that he or she has authored, and/or from which the faculty member, department, or any person or business associated with faculty members’ family obtains direct financial gain, each college is expected to form a Required Classroom Material Selection Committee composed of faculty and students. For purposes of this policy, “family” is defined as spouse, domestic partner, parents, parents-in-law, a sibling and his or her spouse, dependent(s), an adult child and his or her spouse, and other relatives. A library faculty member may be added to the committee at the discretion of the Dean. In addition, the same process will be used in situations where a faculty member or department desires to use textbook(s), laboratory manuals, computer software, or other instructional materials for which they or the University, college or department would receive rebates or other financial incentives for adoption.
- i. If a committee member falls within one of the following categories or otherwise believes that he or she should not serve on the committee due to any direct or indirect relationship with the matter being decided, he or she shall recuse themselves to avoid a conflict of interest, or even the appearance of a conflict of interest:
- (1) the author of the requested instructional material being considered;
  - (2) a member of the department which will financially benefit from the use of the requested instructional material;
  - (3) any person associated with the author, publisher or distributor of the requested instructional material such that that person or a family member of that person will obtain direct financial gain if the material is approved; or
  - (4) any other basis under applicable law that would suggest recusal, such as a potential violation of the Alabama Ethics Law.
- ii. The faculty member or department shall submit text/course material recommendations to the committee at least five (5) months prior to the beginning date of the semester in which the course(s) will be taught. The faculty member or department should provide, at a minimum, the following information to the committee: 1) a course syllabus, 2) the number of sections of the course anticipated to be offered in the next academic year, 3) a representative listing of

alternative materials (e.g., competing textbooks), if any, that could be used for the course(s), their basic content, and respective costs, 4) the use of the materials in the discipline for similar courses at other institutions, if possible, and 5) a justification of the chosen materials as appropriate for the course on the basis of content, cost, or other relevant characteristics. The committee has the right to ask for additional information if it is needed to make a decision about the request.

- iii. The textbook selection committee is responsible for 1) reviewing the recommendation, 2) considering the appropriateness of the textbook(s) or other materials for the course, 3) considering alternative textbooks or materials, 4) deciding whether the recommended materials are appropriate textbook/materials for the course taking into consideration content, coverage, cost and other factors deemed appropriate by the committee, and 5) informing the faculty member, department chair and dean of this decision. Whenever possible, committee decisions should be made at least three months in advance of the beginning date of the semester in which the course will be offered. Committee decisions on selection of textbooks or other course materials are effective for all semesters beginning in the subsequent twenty-four ( 24) months, if the requester elects to continue using the textbook(s) or materials. Committee approval is required before a faculty member or department can use the requested textbook or course material.
- iv. In situations where the committee approves a faculty member (or faculty members) to use course materials that they themselves authored, the committee will notify the department chair and dean of the approval. The author(s) can use the course materials, and retains any remuneration (most commonly, royalties).
- v. In situations where the committee approves a faculty member or department to use textbook(s), laboratory manuals, computer software, or other instructional materials for which they would receive rebates or other financial incentives for adoption, the committee will notify the department chair and dean of the approval, and the process described in #2 below will be used.

2. **Use of funds from adoption.** If a textbook or other instructional material is approved for adoption by the Required Classroom Material Committee, and if the faculty member or department would receive a rebate or other non-royalty financial incentive as a result of the committee's adoption of the material, the faculty member or department has two choices. First, the faculty member or

department can waive the financial incentive such that the amount charged to students for the material is reduced by an equivalent amount. Second, the faculty member or department can choose to have the payment of the incentive directed to a college-level account for administration of the funds. The uses of these funds are limited to those that directly benefit students, using the procedure described below.

- a. A committee composed of faculty and students will determine permissible use of the funds (i.e., activities that directly benefit students). The Required Classroom Material Committee can serve this role or a separate committee can be formed. The goal of the committee is to set policy recommendations, and after the initial policy is set, it is not necessary for the committee to meet each time that a faculty member or department chooses to receive a rebate or other non-royalty financial incentive. Funds will be disbursed for activities that follow the recommendations of the committee. At the end of each academic year, the specific ways that the funds were used will be publicized. In addition, the appropriate use of these funds will be audited as part of the regularly scheduled review of the college.

- 3. Transparency to students.** If a textbook or other course material is approved for adoption by the Required Classroom Material Selection Committee and is used in a course, students in that course will be informed in the course syllabus that the material was approved through the process described above. If financial incentives are received by the University, students will also be informed about the decision to allow rebates and the specific ways that funds will be used to directly benefit students (e.g., types of activities that are typically funded).

**Review** Academic Affairs will review this policy every five years or sooner as needed.