1. CALL TO ORDER

2. ANNOUNCEMENTS AND INFORMATION

3. APPROVAL OF MINUTES

4. APPROVAL OF AGENDA

5. CONTINUED ITEMS
   a. Update Log
   b. Update on Searches
      i. Presidential Search – (2) elected faculty representatives’ names submitted to Provost
   c. Budget transparency and faculty participation in budgeting process

6. DISCUSSION ITEMS
   a. EO 1100 & 1110 Response: Follow Up
   b. Call for Interest: Results USBPC
   c. Conflicts of Interest: Textbook Adoption (handout)
   d. Advising Concerns
   e. Moving Senate business along
      i. Resolution naming convention
      ii. Distribution list
      iii. Handbook changes – how to address

7. AGENDA ITEMS FOR SENATE MEETING (Certain Time 10:45 a.m.)
   Announcements
   Consent Agenda
   Old Business
   a. RES 171805 Dissolution of Environmental Committee (First Reading)
   b. RES 171806 University Program Review Committee Charge (First Reading) *
   c. RES 171807 Amendment of Classroom Observation Policy (First Reading) *
   d. RES 171808 University Review Committee Membership Nomination Exemption (First Reading) *
   e. RES 171809 Continuation of Faculty Hiring Initiative to Promote Tenure Density (First Reading)
f. RES 171810 Addition of Chief Financial Officer as Ex-Officio Member on Budget and Planning Committee (First Reading) *

New Business

8. COMMENTS FROM THE FLOOR

* Changes to the University Handbook
On Professors Assigning Their Own Texts to Students

The following statement was approved for publication by the Association’s Committee on Professional Ethics in November 2004. Comments are welcome and should be addressed to the Association’s Washington office.

Professors have long assigned to their students works of which they were the author. The practice ranges from assigning commercially published textbooks they have written to having students buy a volume they have written and published or course packs made up of their own materials they have photocopied. Not only individual professors, but also academic departments and programs, sometimes prepare instructional materials, such as laboratory manuals, that are sold to students. Some professors place their works on electronic reserve, making them freely available to students.

None of these practices is by itself cause for concern. The right of individual professors to select their own instructional materials, a right protected under principles of academic freedom, should be limited only by such considerations as quality, cost, availability, and the need for coordination with other instructors or courses. Professors should assign readings that best meet the instructional goals of their courses, and they may well conclude that what they themselves have written on a subject best realizes that purpose. In some cases, indeed, students enroll in courses because of what they know about the professor from his or her writings, and because they hope to engage in discussion with the professor about those writings in the classroom. Because professors are encouraged to publish the results of their research, they should certainly be free to require their own students to read what they have written.

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.1

At Virginia Polytechnic Institute and State University, materials written by faculty members and intended for purchase by students may not be assigned unless their use is first approved by the appropriate departmental, collegiate, and university-level committees. Faculty members at the University of Minnesota cannot "personally profit from the assignment of materials" to students without authorization of the department chair. At Southern Utah University, a department chair and dean must approve the assignment of faculty-authored materials. Approval by a faculty committee is required at Cleveland State University. Faculty at North Dakota State University and the University of North Texas can assign their own works but are cautioned against retaining profits earned from sales to their students unless, as the North Dakota policy states, "the text has become independently accepted in the field."

A variant of these policies requires professors to choose between contributing to a scholarship or library fund whatever profits are realized from the sale of materials to their own students, or having the materials reviewed by a department committee or chair. Another variant, perhaps unique, is the policy of the Department of Neurology at Case Western Reserve University. Students in the residency program are given faculty-authored textbooks free of charge.

Learned societies and professional organizations have likewise adopted policies to prevent professors from taking advantage of their students. The American Political Science Association, in its code of professional ethics, states that "teachers have an ethical obligation to choose materials for student use without respect to personal or collective gain." The American Sociological Association takes the same position: "sociologists make decisions concerning textbooks, course content, course requirements, and grading solely on the basis of educational criteria without regard to financial or other incentives." The AAUP, in its Statement on Professional Ethics, has also addressed this matter, albeit indirectly. The statement calls upon faculty members to "avoid any exploitation" of students, from which it follows that professors should not take advantage of students by the authority inherent in the instructional role.2

None of these policies bars faculty members from assigning their own works to students. Rather, the policies seek to ensure that course-assignment decisions are not compromised by even the appearance of impropriety. In the implementation of these policies, however, it is equally necessary to ensure that procedures followed by colleges and universities to protect students do not impair the freedom of faculty members or their flexibility of choice in deciding what materials to assign their students. Professors, individually and collectively, have the primary responsibility for the teaching done at their institutions. Accordingly, their voice on matters having to do with the selection of course materials should be determinative.
Endnotes:

1. State conflict-of-interest laws that bar state employees from acting officially on matters in which they have a financial stake may also be relevant for professors at state institutions. Back to text


(cotted 1/05)

Report Category: Standing Committee and Subcommittee Reports  Professional Ethics

Tags: Committee on Professional Ethics
Can a professor be forced to assign a $180 textbook?

BY SCOTT JASCHIK, INSIDE HIGHER ED  October 27, 2015 at 1:30 PM EDT

Alain Bourget, an associate professor of mathematics at California State University at Fullerton, is refusing to use a $180 textbook his department had determined was the only appropriate text for an introductory linear algebra and differential equations course. Photo by John Greim/LightRocket via Getty Images

The choice of a single textbook for one section of a course at one university might seem like a decidedly local issue. But a dispute over whether an academic department may impose such a selection on all faculty members in a multisection course has set off a large debate

http://www.pbs.org/newshour/updates/can-professor-forced-assign-180-textbook/
over how textbook choices should be evaluated, who should select textbooks, whether price should be a factor, and academic freedom.

These issues came to a head Friday when Alain Bourget, an associate professor of mathematics at California State University at Fullerton, appeared before a faculty grievance committee to challenge a reprimand he received for refusing to use a $180 textbook his department had determined was the only appropriate text for an introductory linear algebra and differential equations course. Instead, he used two textbooks, one of which cost about $75 and other of which consists of free online materials.

Bourget maintains that his choices are just as effective educationally and much less expensive — so he should have the right to use them. But the university says that it makes sense for courses that have multiple sections to all use the same textbooks. Both Bourget and the university say their positions are based on principles of academic freedom.

READ MORE: Many colleges try to bring textbook costs down, with mixed success

The case is being closely watched by advocates of open educational resources (free online materials, commonly called OER) who see the dispute as a sign that they need to challenge not only traditional textbooks but traditional methods of selecting textbooks.

“This case is just one manifestation of a broader trend in academe that the marketplace often evolves faster than campus practices,” said Nicole Allen, director of open education at the Scholarly Publishing and Academic Resources Coalition, known as SPARC. “Ten years ago long-term departmental adoptions were considered good for affordability since it allows a strong local used-book market to develop. Now it can work against students by perpetuating the traditional publishing industry’s stranglehold on the market, which keeps new innovations like OER out.”

To Bourget, the wide attention his battle is receiving — he reports receiving hundreds of emails from people he doesn’t known — is surprising. But so is the reality that he is having to fight for permission to use the textbooks he wants. “I wasn’t trying to be a rebel. I thought I had academic freedom,” he said in an interview.

The Text in Dispute

http://www.pbs.org/newshour/updates/can-professor-forced-assign-180-textbook/
The Fullerton text in question is *Differential Equations and Linear Algebra*, published by Pearson with a suggested price of $196, but available at the Fullerton bookstore for $180 (used editions for much less). The authors are Stephen W. Goode and Scott A. Annin, the chair and vice chair, respectively, of the mathematics department at Fullerton. The textbook is currently in its third edition and Pearson is preparing to bring out a fourth edition. Goode, via email, said he has been asked to “suspend communication” about the issue until the Bourget grievance is resolved.

Sensitive to the idea that the university could be promoting the book because its authors are faculty members, Fullerton issued a statement Friday noting courses at other colleges (Bard and Denison Colleges, Lehigh and New York Universities, among others) that assign the text. Further, the statement noted that when the department considered and declined to approve Bourget’s request to deviate from the norm of assigning Goode and Annin’s textbook, the authors did not participate in the decision.

The university’s statement also quoted Goode as saying that the book was specifically designed to help Fullerton students meet the department’s learning objectives.

**READ MORE: Why pay for intro textbooks?**

But Bourget’s stance is receiving backing from faculty colleagues, nearly 70 of whom have signed a letter saying that his reprimand should be withdrawn.

Mahamood Hassan, a professor of accounting at Fullerton who is president of the campus chapter of the California Faculty Association (the faculty union for California State University System), has been helping Bourget with his grievance. In an interview, Hassan stressed that Bourget provided evidence that his suggested textbook along with the free online materials covered every topic in the syllabus for the course, and every substantive area covered by the department’s preferred textbook.

Hassan said that it is one thing for a department to set general standards for a course, but another to dictate exactly how an individual faculty member should teach it.

And he said the reprimand could be significant — and could limit raises for Bourget in the future and make it more difficult for him to win promotion to full professor.
Academic Freedom of the Department or the Individual?

The university’s statement on Friday said that Fullerton’s procedures — in which a department may mandate a textbook for all sections of a course — promote academic freedom in ways that follow principles of the American Association of University Professors.

Fullerton points to the AAUP’s 2013 Statement on the Freedom to Teach, which starts off by saying that this freedom includes “the right of the faculty to select the materials” for their courses. But the statement qualifies, “In a multisection course taught by several faculty members, responsibility is often shared among the instructors for identifying the texts to be assigned to students. Common course syllabi and examinations are also typical but should not be imposed by departmental or administrative fiat.” The statement affirms the right of faculty members “to assign supplementary materials to deal with subjects that they believe are inadequately treated in the required textbook.”

The AAUP statement adds: “Although, under these circumstances, the decisions of the group may prevail over the dissenting position of a particular individual, the deliberations leading to such decisions ought to involve substantial reflection and discussion by all those who teach the courses.”

The California Faculty Association is affiliated with the AAUP (as well as with the National Education Association). But Hassan said flatly that he rejects idea that Bourget gives up his right to pick a textbook. “It’s his academic freedom,” he said. When faculty members teach, he said, a central principle should be that they select the readings that they think are most effective. He called the idea that Bourget should defer to others on textbook choice “a bureaucratic attitude” not consistent with faculty rights.

Bourget said he views the case as important not only to his courses, but to all faculty members — many of them, unlike him, adjuncts — who are responsible for teaching but can’t select class materials. “If the university thinks you are good enough to teach the course, they should let you pick the materials,” he said.

Should Cost Be a Factor?

http://www.pbs.org/newshourupdates/can-professor-forced-assign-180-textbook/
Hassan said he believes faculty members should first evaluate textbooks on quality. “That should be the prime criterion,” he said.

But once a faculty member has ascertained that various textbooks meet quality standards for a course, it should also be the professor’s right to consider cost as a factor, Hassan said. He stressed that in this case, Bourget believes that his selections are better educationally and less expensive. (The Fullerton statement on the dispute, while backing the right of the department to select a textbook, discusses how the university has embraced a variety of efforts, including textbook rentals and online materials, to reduce the costs of course materials.)

Large majorities of faculty members surveyed by Inside Higher Ed for the 2015 Survey of Faculty Attitudes on Technology agreed both that faculty members should consider price as a factor in assigning textbooks and should be open to using more OER.

**The Impact of OER**

Several experts on free online resources said the dispute at Fullerton is particularly important because of the growth in OER. In past generations, the choice of one textbook or another generally would have had a minimal financial impact on students. Now, they say, it’s different.

Allen of SPARC said, “Today there are high-quality open textbooks available in many of the highest-enrollment courses, and it’s more important than ever before for these options to be on the table for consideration, whether the decision is being made by an individual faculty member or a department. In some cases that may mean changing policy, but in others it’s simply practice. But as more and more students are unable to afford their required textbooks, the importance of considering cost as a factor in these decisions should be a matter for every professor. At the end of the day, students can’t learn from materials they can’t afford.”

David Wiley, who runs the Open Education Group at Brigham Young University and is co-founder and chief academic officer of Lumen Learning, which works with schools and colleges on using OER, said via email, “I understand and appreciate the benefits that come
from adopting a common textbook across multiple sections of the same course. However, when faculty identify a textbook of equal quality that is significantly less expensive than the textbook currently in use, that creates an ethical imperative for department leaders to revisit their previous adoption. Failure to do so, especially when department leaders are benefiting financially from the status quo, raises ethical questions.”

Bourget said faculty members need to remember that “our students aren’t rich and we have a responsibility to look for inexpensive materials.” He said he has long been frustrated by the way textbooks issue edition after edition, with professors requiring the latest edition, making it more difficult for students to buy used books. “My students aren’t rich,” he said. “We need to stop accepting this racket.”

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