WHEREAS an ad hoc administration/faculty committee has drafted a proposed set of policy and procedures to be followed when a faculty member or academic department wants (a) to adopt internally developed course materials for student purchase or rental or (b) to spend funds generated by such sale or rental; and

WHEREAS the “Proposed Policy” document referred to the AAUP (American Association of University Professors) statement “On Professors Assigning Their Own Texts to Students” (2004) by citing the AAUP’s admonition that professors not exploit students or give even the appearance of impropriety, but did not mention the AAUP statement’s conclusion that “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 to their students . . . ”; and

WHEREAS individual materials or sets of materials are reputed to earn anywhere from under $100 in royalties, to tens of thousands of dollars in royalties (specific amounts, or breakdowns of amounts by academic departments were not available for the Senate Professional Rights & Responsibilities Committee to review); and

WHEREAS academic and pedagogic goals, rather than monetary concerns, are typically the primary concern of faculty members as they develop course materials; and

WHEREAS an extensive proposal justifying use of materials (as required in the “Proposed Policy” document) may present an onerous task which may discourage some faculty members from developing course materials; and

WHEREAS the ad hoc committee requested Faculty Senate feedback about the proposed policy and procedures:

BE IT THEREFORE RESOLVED THAT the Faculty Senate commend the ad hoc committee for bringing to its attention an important issue that affects most academic departments, many faculty members, and thousands of Southeastern students; and

BE IT FURTHER RESOLVED THAT the Faculty Senate offer the following feedback regarding the Proposed Policy document:

1. The opening paragraph of the Proposed Policy gives the university ultimate responsibility (“The University must ensure…”) for decisions regarding selection of materials created/compiled/written by faculty members. From the viewpoint of the Faculty Senate, the responsibility (and freedom to make) such decisions ought to belong to faculty members.

2. With regard to policies for adoption of materials for rental/sale to students, a distinction should be made between materials created/written by faculty members (i.e., original work) vis-à-vis materials which are compiled or which are otherwise not the original work of faculty members. Procedures and review criteria for original materials should be different from procedures/criteria for compiled materials.
3. In making it a requirement that faculty members must justify in writing the adoption of their internally developed materials, a second distinction should be drawn between materials projected to earn very large royalties (e.g., large volumes produced for multiple sections of large courses) in contrast to small royalty amounts (e.g., lecture notes of a single professor for a single section of a course). Review procedures should be different for materials which may earn large, as contrasted to, small royalties, as follows.

   a. For internally developed materials expected to earn less than $1,000 over a three-year period, review by a textbook committee consisting of faculty members teaching the same course should be required although the requirement for a written proposal to justify adoption may be waived by the committee.

   b. For materials expected to earn between $1,000 and $10,000 over a three-year period, or when the textbook committee has a clear conflict of interest in evaluating small-royalty materials, department-head approval of such materials should be required.

   c. For materials expected to earn more than $10,000 over a three-year period, or where the department head has a clear conflict-of-interest in evaluating materials valued between $1,000 and $10,000 over a three-year period, review of the materials by the appropriate dean should be required.

4. Faculty members who produce textbooks or other materials for commercial sale should have the right to require these materials in their courses at Southeastern and to personally earn royalties from these products, so long as the materials were produced for commercial sale and not expressly for use by Southeastern students and so long as these materials are deemed by a reviewer, who has no conflict of interest, to be in the best educational benefit of Southeastern students.

5. Faculty members who create, write, and compile course materials expressly for the purpose of sale or rental to Southeastern students should not personally profit financially from such sale/rental. Royalties from such sale/rental should be placed in an appropriate Southeastern Development Foundation account for the department, college, or other appropriate unit at the university level. If, however, materials developed for a specific Southeastern course are later developed into a copyrighted and/or commercially marketed product, the faculty member should have the right to gain financially from sales of his/her materials.

6. Faculty members should give students the option of viewing internally developed course materials via on-line library reserve or on Blackboard, rather than in hard-copy form, if the faculty member deems this use of media to be practical and in the best interests of the students and the course.

7. Out of respect for the integrity and academic freedom of faculty members, and in appreciation for the extra effort expended by faculty members who develop course materials to benefit their students, the paperwork and research required of such faculty members to justify their efforts should typically be kept to a minimum.

8. Faculty members who take time to compile, write, or create high-quality materials for the benefit of their students should be recognized for such efforts by their respective departments, colleges, and the university.
9. The funds that build up in a Southeastern Development Foundation account shall typically be spent by departments on activities or items that benefit students—for example, to defray the costs of developing additional course materials. When a department makes an individual expenditure from such an account in the amount of under $500, such expenditure shall be approved by the department head of the faculty author/creator and of the course. When an individual expenditure from such an account equals or exceeds $500, such expenditure should be approved by the dean(s) of the faculty author/creator and of the college(s) in which the course is taught. When the creators/authors of such materials include department heads or deans, such expenditures shall be approved or disapproved at the vice president level.

10. The Senate encourages the Southeastern Development Foundation to keep records, broken down each semester by academic department and other units, of how much money deposited in Southeastern Development Foundation accounts is derived from the sale/rental of internally developed course materials to students. The Faculty Senate deems this information essential if faculty members are to understand the magnitude and importance of sale/rental revenue.

[Adopted by the Faculty Senate on 2008 April 2]