

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

Senate Committee on Educational Policy
228 English Building, MC-461
608 South Wright Street
Urbana, IL 61801-3613

March 7, 2011

Professor Peter Mortensen, Associate Provost
207 Swanlund Administration Building
601 E John, MC-304
University of Illinois at Urbana-Champaign
Champaign, IL 61820

Dear Peter:

Thank you for your letter of September 23, 2010 to Professor Joyce Tolliver, Chair of the Senate Executive Committee, and for the opportunity for the Senate to offer input on campus textbook policies and practices. Professor Tolliver forwarded your letter to the Senate Educational Policy Committee (EPC) for a response.

Our committee established a task group to offer input on the specific questions you had posed in your referenced letter. I am pleased to forward to you the attached report of the task group as our feedback to your office. This report was unanimously endorsed by the full Committee at its February 28, 2011 meeting.

Our task group included EPC members professors Michael Krassa (Chair), Paul Diehl, Pradeep Dhillon, Poshek Fu, and student member Max Ellithorpe. I am very grateful to these fellow committee members for their hard work and diligence in developing this report. I hope you find it helpful.

Thank you again for the opportunity to serve our campus in this manner. Please let me know if you have any questions or comments. Have a wonderful day.

Sincerely,



Abbas Aminmansour, EPC Chair

cc: Joyce Tolliver
Michael Krassa

Report of the Senate Educational Policy Committee Task Group on Textbooks

February 23, 2011

In response to the Charge letter from the Office of the Provost and Vice Chancellor for Academic Affairs dated September 23, 2010, the Senate Committee on Educational Policy offers the following.

1. From the Senate's perspective, what principles should guide the creation and sale of instructional material, including print textbooks, electronic textbooks, and other products that support teaching and learning?

The following general principles should apply to the selection of textbooks.

A. Academic Freedom.

To the extent possible, a professor should be free to select the best and most appropriate texts and other material for assigned classes. Professors have the right to use texts that complement their teaching styles and emphasis.

B. Educational Excellence.

The University of Illinois should, above all, be concerned with delivering the best education possible. Sometimes this may mean using more numerous and expensive classroom materials and texts. Quality should rise above affordability in the selection of materials for use if we are to remain a first class university and an asset to the State and citizens of Illinois.

C. Affordability.

Faculty should be encouraged to keep affordability in mind when selecting texts. When inexpensive materials are of sufficient quality for inclusion, their use should be encouraged. These can include older editions, paperback editions, online texts and materials, e-books and many other forms. Bundled texts may offer lower costs when all items in the bundle are used, but may increase costs when irrelevant materials are included. Faculty might also undertake efforts to place materials on library reserve, utilize websites (subject to copyright law), and encourage students to access materials through the UI Library in order to minimize costs to students. Whenever possible, faculty should utilize substantial portions of each required text; reserve readings and other methods should be considered when only a small portion of a text is required, and faculty should never require texts that will not be used in the class. We urge that the library and other providers of free and low cost sources work to make their use by faculty and students as easy as possible to assure their broad use and implementation.

D. Conflicts of Interest.

The possibility of conflicts of interest may arise when the faculty member derives some income from the sale of course materials, although violations should not be common if the above guidelines are used. Faculty should be trusted to avoid such conflicts of interest whenever possible.

2. Currently, faculty textbook authors may require their students to purchase textbooks they have authored or edited. Should this practice continue? If so, how should faculty textbook authors manage potential conflicts of interest (for example, when they are contractually entitled to royalties from sales)?

Above all, we believe that the above noted principles provide the best guideline in these cases as well. Academic Freedom and the quality of instruction should be balanced against the cost of the materials, and violations of academic integrity must be avoided. We also make the following observations and suggestions. For a variety of reasons noted here, there is no blanket rule that guarantees either the best educational experience or the lowest costs. Therefore,

- A. Faculty should be expected and trusted to avoid conflicts of interest at all times. We recognize that royalty payments are not easily covered with a single rule or guideline and recommend against the creation of a blanket rule.
 - i. The above stated principles make clear one firm rule to which faculty authors should adhere: one's own texts should not be required when they will not be used in the course. This is a clear breach of Academic Integrity and an obvious instance of a conflict of interest.
 - ii. Most departments review syllabi as part of their annual review. Review committees should be asked to be alert for cases where a professor assigns irrelevant, inappropriate, or unused texts.
- B. At the same time, we must recognize that on occasion the faculty is the author of materials that in good conscience are deemed the best for the class, given the professors teaching styles and the content of the class.
 - i. Royalty contracts come in a variety of forms. Instances of professors becoming wealthy from book sales are noteworthy, but quite rare. Many receive no royalties at all from their books, and many more receive just token income. In almost all cases, royalty payments do not reflect a suitable level of compensation for the time and effort that the faculty member devoted to producing the materials.
 - ii. Many contracts are complicated (e.g., minimum sales requirements, varying royalty rates based on sales volume, recouping copyright fees) and often make knowing royalties from a particular sale or set of sales impossible. It also is not possible for an author to know how many students in a given class purchased a book new (which may or may not provide royalty payment), how many purchased it used (providing no royalty), how many rented the book (which might provide reduced royalties), or even how many did not purchase it at all.
- C. Avoiding the conflict by declining royalties or donating royalties to charity is often recommended. Some publishers will allow a faculty member to sell books at their home campus without receiving royalty payments. When permitted by the publisher, this will avoid the conflict of interest, and depending upon whether the publisher and bookstores adjust the price accordingly (not all will), it reduces costs to students.

- D. Transparency. Faculty authors of required materials should inform their students of how they are handling any conflict of interest or appearance thereof. An oral statement in class or written on the syllabus, informing students and others about whether royalties are received and how they are used should be adequate.
- E. The faculty author should remain the best judge of how to deal with real or apparent conflicts of interest in each case. One rule or solution will not be appropriate even for all of the books by one author, let alone across different authors and publishers.

3. When a department creates instructional material for sale to students, and such sales create a revenue stream back to the department, how may this income be used?

Our initial principles should apply in this case as well, both at the level of the instructor and at the level of the department. Departmentally prepared material should be justified not for any revenue it creates but rather for its educational quality.

- A. Academic Freedom requires that whenever possible instructors are free to select the best material for the courses they offer. In most circumstances an instructor should not be penalized for choosing texts and other materials that may deprive another professor or their department of revenue when they believe that they can offer a better classroom experience using other resources and materials.
- B. Transparency. Students should be informed that their purchase of materials provides revenue to the department and how that income is used. It is recommended that the revenues from such departmentally created materials be used for the benefit of the students.
- C. Educational Excellence. Departments should create academic materials in order to deliver a better education to our students, not simply to generate a revenue stream. Departmentally created material minimally should be justified by quality or cost, and preferably both.

4. Related to the previous question: What instructional content should (or must) be made available to students free of charge?

- A. Materials provided free to students by the campus library or other units through their fees, even if aggregated by the professor, should be provided to students free or at cost.
- B. The use of a *campus provided* website where an instructor has located assignments, readings (or links to readings) should be free to students.

5. Increasingly, faculty are supplementing print and electronic textbooks with assigned use of web-based applications and services. Such assignments may have legal implications. What would be the best way to apprise faculty of these implications?

- A. Some of this material might be included in the annual ethics training.
- B. Campus should develop a “best practices” manual for matters of copyright, etc., available online, which includes descriptions of the relevant laws and examples of legal and illegal practices.
 - i. Office of Legal Counsel is the best equipped to offer advice. They should be asked to prepare and maintain an easily available web site with a set of guidelines for faculty and others about acceptable and unacceptable

practices regarding the use and circulation of web based texts, services, and applications.

- 6. The textbook affordability provision in the Higher Education Opportunity Act (HEOA) places obligations on institutions, instructors, and publishers that ought to be periodically and widely communicated on campus. How might this best be done?**
- A. Informing the faculty and staff of their obligations and right.
 - i. Communicating the requirements that apply to faculty and to the departmental staff member responsible for textbook orders should be done with each textbook deadline.
 - ii. A page outlining the responsibilities and obligations of the staff member and the faculty member should accompany the textbook order form (whether paper or electronic). The department should be responsible for ensuring that each faculty member receives that information each semester along with the order form.
 - B. Informing students about their rights (and obligations) under the Act may be done through inclusion in the student Code. CCG would be responsible for writing this section keeping it up to date.
 - i. Minimally, any obligations students have should be listed in the Code.
 - ii. Similarly, student rights and obligations under the Act might be included in the Schedule of Classes published online each semester.
 - C. Compliance is currently met through links at the IUB web page to listings of course materials and their new and used prices at IUB. This practice may technically comply with the Act, but in many ways it is impossible to meet the spirit of the Act.
 - i. Registration deadlines, book order deadlines, and the processing of book orders do not align, and cannot in all practicality be made to align, to achieve the full spirit of the Act.
 - ii. The ability of one source, such as the bookstore listing of prices, even if perfected, would convey incomplete information, as it would not likely know the prices at all the local bookstores or the costs of using rental texts or the myriad of online sources of a book.
 - a) Online texts and some other materials often are sold directly to the students as a way of eliminating the 20-30% markup often added by bookstores. While the use of online texts is often a good means of minimizing student costs, it becomes increasingly difficult for a single source to inform students of the total costs of a class as the sources and delivery modes multiply.

This report was unanimously approved by the entire Senate Educational Policy Committee at its February 28, 2011 meeting.