

**Office of the President
California State University, Chico**



Executive Memorandum 20-014

May 18, 2020

From: Gayle E. Hutchinson, President

Subject: Faculty Profits on Course Materials, Supersedes EM 92-043

Upon the recommendation of the Academic Senate and the concurrence of the Provost, I approve the Faculty Profits on Course Materials policy, effective immediately.

Policy Title:	EM 20-014 Faculty Profits on Course Materials
Contact:	Academic Affairs
Supersedes:	EM 92-043 Interim Policy Regarding Faculty Profits on Course Materials
Revision:	
Enabling Legislation or Executive Order:	

FACULTY PROFITS ON COURSE MATERIALS

Background

The faculty of California State University, Chico, hereby adopt the November 7, 2013, [Statement](#) on the Freedom to Teach published by AAUP, including in part:

The freedom to teach includes the right of the faculty to select the materials, determine the approach to the subject, make the assignments, and assess student academic performance in teaching activities for which faculty members are collectively responsible, without having their decisions subject to the veto of a department chair, dean, or other administrative officer. Teaching duties that are commonly shared among a number of faculty members require a significant amount of coordination and the imposition of a certain degree of structure, often involving a need for agreement on such matters such as general course content, syllabi, and examinations. In a multi-section 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 shared responsibility bespeaks a shared freedom, which trumps the freedom of an individual faculty member to assign a textbook that he or she alone considers satisfactory. The individual's freedom in other respects, however, remains undiluted.

The faculty also adopt the November 2004 AAUP [Statement](#), On Professors Assigning Their Own Texts to Students, including in part:

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.

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

As recognized by the AAUP, faculty generate intellectual contributions that enhance classroom learning. These intellectual contributions can be distributed in multiple ways from a variety of non-profit and for-profit publishers regardless of how an intellectual work is published or distributed, to avoid the appearance of a conflict of interest. The faculty of California State

University, Chico are prohibited from using their positions to personally profit from the sale of any material students are assigned to purchase, whether on a required or optional basis.

These restrictions do not refer to scholarly works published commercially; by a third-party publisher that is subject to normal market pressure on pricing, nor are they in any way meant to restrict academic freedom.

Cash Collection Points for Course Material

University policies regulate the exchange of money between students and faculty or staff. Faculty and staff are explicitly prohibited from accepting cash from students. Individual faculty members or departments wanting to sell a product to students on this campus must use one of the following approaches:

- Arrange to sell the product through the campus bookstore
- Request approval for a miscellaneous course fee to cover the cost of the product to be provided
- License original materials to an officially recognized student club and allow the club to sell and keep profits from coursepack sales.

Coursepack Procedure for Faculty

Faculty have the responsibility to select high quality instructional materials for the classes they teach. Because coursepacks and readers are an excellent method for getting current material to students in a timely fashion, their use is not only permitted but encouraged. However, because the Professional Ethics and Standards section of Faculty Personnel Policies and Procedures (FPPP) forbids profiting unreasonably at the expense of one's students and because the fact--or even the appearance--that faculty profit unreasonably at the expense of their students negatively affects the reputation of the academy, the construction of coursepacks is considered a part of the normal instructional workload and therefore is an activity for which faculty are already paid.

Coursepacks are useful for providing access to current material. They may contain copyrighted material only if its inclusion does not violate copyright laws, (e.g. material in the public domain). Use of copyrighted material without permission is illegal. Faculty are personally responsible for ensuring that copyright restrictions are followed. Copyrighted material may only be included if permission has been obtained from the copyright holder and if an agreement regarding payment of royalties has been reached with the copyright holder. Some usage without permission may be allowed under the doctrine of Fair Use. Sales may be managed by the copy shop of the faculty member's choice.

Coursepack Procedure for Student Groups

Restrictions apply to on-campus sales of coursepacks by student groups, who are then responsible for ensuring that the following restrictions are met:

- A. Coursepacks may contain copyrighted materials only if their inclusion does not violate copyright laws, (e.g., material in the public domain). Use of copyrighted materials without permission is illegal. Student groups are personally responsible for ensuring that copyright restrictions are followed. Copyrighted material may only be included if permission has been obtained from the copyright holder and if an agreement regarding payment of royalties has been reached with the copyright holder.
- B. Coursepack materials must be sold through the campus bookstore.
- C. Proceeds from coursepack sales must be deposited in the student club's on-campus account. Student clubs with approved off-campus bank accounts will need to open an on-campus account to transact the activities related to these sales. Funds in on-campus accounts may be used for expenses in accordance with the student clubs and organization financial handbook <https://www.csuchico.edu/sfin/organizations.shtml>.

For suggestions, instructions, and information regarding this process, students should contact the Student Life and Leadership office.