



University at Buffalo
The State University of New York

Faculty Senate

October 8, 2015

President Satish Tripathi
501 Capen Hall
University at Buffalo

Dear President Tripathi

On behalf of the University at Buffalo Faculty Senate, it is my pleasure to present to you the Resolution and Recommendations for the Faculty Conduct Regarding Textbooks and Other Educational Material Assigned to Classes. This resolution of acceptance was voted and passed at the Faculty Senate meeting on October 6, 2015.

The Faculty Senate recommends promulgation of the Faculty Conduct Regarding Textbooks and Other Educational Material Assigned to Classes.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Philip L. Glick'.

Philip L. Glick
Chair, the Faculty Senate
Professor of Surgery, Pediatrics and Management

Attachment: Faculty Conduct Regarding Textbooks and Other Educational Material Assigned to Classes

xc: Charles Zukoski, Provost
A.Scott Webber, Senior Vice Provost for Academic Affairs
Minahil Khan, President for the Student Association
Helen Austin Booth, Vice Provost for University Libraries
Domenic Licata, Chair for the Professional Staff Senate

Faculty Conduct Regarding Textbooks and Other Educational Material Assigned to Classes Resolution

Preamble: Some assigned textbooks, electronic resources, supplies, or other educational materials (henceforth “assigned educational materials” or “such materials”) are very expensive and put an undue burden on student budgets.

Whereas, there are reports that some instructors at UB require student to purchase assigned educational materials for which the instructor receives royalties, mark-ups, or profits, raising a perception of conflict of interest;

Whereas, in some cases, students are given no alternatives, such as books placed on reserve;

Whereas, there are reports that in some instances faculty members carry out direct cash transactions for the sale of such materials to students;

Whereas, there are reports of that in some universities faculty members have charged for quizzes, tests, or other assessments meant to influence class grade; and

Whereas, it is understood that for small royalties, as for one or just a few books, it is cumbersome and difficult to alter publishers’ payment methods, and the Faculty Senate has concern primarily for unwarrantedly large impositions of expense on students;

Therefore be it resolved

1. **Regarding textbook affordability in general:** In partial support of a 2013 resolution by the SUNY Student Assembly, the Faculty Senate:
 - a. Urges campus administrators, faculty and libraries to explore ways to increase faculty knowledge of the low- or no-cost textbook alternatives, through presentations in faculty orientations, training programs, webinars, and outreach.
 - b. Supports the “Open SUNY Textbooks” initiative and encourages the Provost and Deans to promote it to faculty.
 - c. Supports, where feasible, the disclosure of required textbook ISBN numbers and costs, and course pack costs, on web-based class information.

Therefore be it resolved

2. **To expand options for multiple kinds of access to educational material:**
Instructors must permit students to gain access to material for study or for class activities through means such as sharing, library borrowing,

renting, leasing, on-line reading, or purchase from lowest-cost vendors of their choice.

Therefore be it resolved

3. Regarding educational material mark-up or profits to the faculty member, in classes to which he or she has assigned material:
 - a. This Article applies to published text book royalties, course-packs, supplies, instructor's proprietary material, and other material assigned by the instructor for his or her class.
 - b. A faculty member must not receive profits or royalties on material he/she has assigned to classes, unless remedial measures are taken as below.
 - i. Provide opportunities for no-cost reserve books or reserve electronic resources, in number sufficient for the class enrollment (and hence to benefit from the class without buying the materials), or
 - ii. Make a documented charitable contribution equal to the profits or royalties to a fund established by UB Libraries, UB Foundation, and/or the UB Student Association for such purpose.
 - c. This article applies only to sales of materials to the instructor's own classes and does not apply to royalties, etc., for educational material sold in other settings.

Therefore be it resolved

4. Regarding transactions by which assigned educational material are sold to students:
 - a. Payments made to a professor for course materials should be collected and processed by a third-party that provides an accounting of the payments to UB.
 - b. Department Chairs or Deans may provide to faculty written exceptions to this rule, as for class tours or lab or studio expenses, when no reasonable third-party payment method is available. Such written explanation must be filed, as by a Department Secretary, and made available upon request.
 - c. Urges UB administration, deans and chairs to make third-party transactions available through a UB-administered electronic (web-based) mechanism, into which faculty members can login to upload material to be sold.

Therefore be it resolved

5. Regarding charges for certain quizzes, tests, and other assessments meant for in-class grade:
 - a. It is prohibited to charge for such assessments that are (1) prepared by the instructor, and (2) assigned to his/her class, with the intent of affecting the class grade.
 - b. Instructors are prohibited from managing exams and other assessments through an electronic platform that also hosts the instructor's e-text, forcing students to purchase the text in order to be allowed to take the exam.
 - c. The following are not covered by this prohibition:
 - i. Exercises, tests, or simulations obtained from a third party, and available only for a charge from the third party, and for which the UB instructor receives no profit or mark-up, and for which payment is arranged in accordance with Article 5.
 - ii. Exams meant for external recognition for professional certification or licensure
 - iii. Exercises, quizzes, and tests for which a Department Chair or Dean asserts in writing, that there must be a charge, and provides an explanation. Such written explanation must be filed, as by a Department Secretary, and made available upon request.