



University at Buffalo
The State University of New York

FACULTY SENATE EXECUTIVE COMMITTEE
March 4, 2015

CHAIR:

Ezra B. W. Zubrow

SECRETARY:

Cynthia Tysick

ARCHITECTURE & PLANNING:

Ernest Sternberg

ARTS & SCIENCES:

Alex Anas

Michael Cowen

Stephen Dyson

Peter Morgan (excused)

Paul Zarembka (excused)

DENTAL MEDICINE:

Michael Hatton

ENGINEERING & APPLIED SCIENCES:

Joseph Mollendorf

GRADUATE SCHOOL OF EDUCATION:

Lynne Yang

SCHOOL OF PUBLIC HEALTH & HEALTH PROFESSIONS:

Jim Lenker

LAW:

TBD

MANAGEMENT:

Larry Sanders (excused)

MEDICINE & BIOMEDICAL SCIENCES:

Michael Chaskes

Peter Elkin

Richard Gronostajski
Gabriela Popescu (excused)

NURSING:

Grace Dean

PHARMACY:

Fred Doloresco

SOCIAL WORK:

Robert Keefe

SUNY SENATORS:

Henry Durand
Kathleen Kielar
Robert Van Wicklin

UNIVERSITY LIBRARIES:

Glendora Johnson-Cooper

PARLIAMENTARIAN:

Richard Gronostajski

GUESTS:

Charles (Chip) Zukoski, Provost
Ann Marie Landel, Professional Staff Senate (excused)
Phil Glick, Medicine

1. No minutes for last meeting, Provost hosted
2. Chair's Report:
 - Decanal Evaluation Report
 - Returned to FSEC due to no quorum on 3/3/15
 - Does FSEC vote on it or does it go back to Faculty Senate in May?
 - A straw vote of the 35 senators present at the 3/3/15 meeting indicated their desire to have the resolution brought back to them for another try at a quorum vote.
 - If the May meeting does not have a quorum this chair will allow FSEC to then vote on the resolution. Ezra commented that if this was not done this way nothing would get done because in the past there has not been consecutive Faculty Senate quorums. This is not a grab for power, just a way to assure things get done. Ezra recommended that FSEC vote to send the resolution back to Faculty Senate.
3. Faculty published Textbooks (opening comments by Chair)
 - There are perceived financial implications with making a profit from students.
 - Is this unfair exploitation of a captive student audience?
 - Is there conflict of interest?
 - Other AAUs have policies regarding faculty published textbooks being assigned to their courses.
 - Ernest Sternberg's resolutions was reintroduced.
 - Presentations were then made by the following:
 - Emma Janicki (Spectrum editor) gave the committee information/data from the November Spectrum article. Dr. Coleman teaches 3 fall semester courses and charges \$40 for each of his self-published textbooks. The amount of cash changing hands in his classrooms is estimated at \$30,000. His argument was that by not going through the UB Bookstore he saves his students money because there is no bookstore markup. The students have always felt it strange to give an instructor cash. Students with financial burdens are additionally hindered with this cash only format. Many found the textbooks made the course easier to follow, just leery that they weren't going through the bookstore. Dr. McGuire teaches UGC111, World Civilizations, and charges \$120 to rent his book, there is no outright owning of the textbook and it is only available online through Great River Tech. The publishing house would not disclose how much Dr. McGuire made from the sale of his textbook but the calculation was, with over 400 students taking his course, the revenue generated was \$48,000 a semester. The price of textbooks for UGC111 varies by instructor with most expensive textbook being \$224 and the least expensive, \$57. Finally, Emma noted that the Spectrum had found that other universities require

their textbook be approved by either a university council or their department and advocated that UB do the same.

1. Dr. Elgin-would students mind being assigned an instructor's textbook if they were purchased through the bookstore?
Emma-No, it was the alternative ways to purchase that students were concerned with.
 2. Dr. Anas-in each of these cases were the textbooks mandatory? Emma-Yes
 3. Dr. Dyson-did the students consider different perspectives that the instructor bring through their authored textbooks?
Emma-students bring that up
 4. Dr. Anas-suppose someone uses a textbooks they wrote, lots of other schools use it. It's not in the bookstore, it's OK. If I use PowerPoints it's not reviewed by anyone, that shouldn't have anything to do with what a student pays.
 5. Dr. Kielar-what would a formal policy look like? Emma-had no opinion on that
 6. Dr. Glick-what would students want? Emma-to know the money they spent was worth it.
 7. Ezra-they want to know what they purchase for their course has value and that the instructor has integrity.
 8. Dr. Van Wicklin-\$30,000 in cash is problematic for taxes.
- Dr. Michelle Benson (CAS Policy Committee) gave the committee a summary of her committee's recent work. Student, right now, use various websites to sell their course notes. In some cases actual quizzes and assignments are being sold by students. California state law makes sell course material as a student/participant illegal. Students can scan notes and post them up to one of these websites. (at this point Dr. Yang pointed out that she was assumed to be a student and received an email advertising one of these services so she could make money selling her notes). The CAS committee concluded that these notes were not the intellectual property of the students, but rather the professor. These were not derivative works. (Ezra brought up the issue of whether or not off load courses where the intellectual property of professors-it's not clear and this has implications for summer and winter sessions). The CAS Policy Committee's recommendation was that UB create a policy that unless being granted permission from the instructor, students cannot sell notes, exams, or reviews.
 1. Dr. Glick-what bout student groups that share notes? Dr. Benson-lts' about money. In this case no money changes hands.
 2. Dr. Elgin-Professor upload course notes all the time for free, now they have to have concerns that students might profit from their notes.

3. Dr. Mollendorf-can a professor copyright their notes? Dr. Benson-a professor can include a copyright note on their syllabus but some have indicated they don't want to do that.
 4. Dr. Anas-No one owns "common knowledge"
 5. Secretary Tysick-if instructors chose to allow use of their materials they could use creative commons licensing.
 6. Dr. Mollendorf-we should seek answers from University counsel because there are some serious legal questions here.
 7. Prof. Doloresco-we need to make sure any policy we advocate is also legal.
 8. Dr. Lenker-there is also a difference between tutoring and note selling. Tutoring is completely legitimate.
- Charles Lyons (University Libraries) reported to the committee on grant-funded textbook affordability projects conducted in the libraries. While the average cost a student would pay for new course textbooks is \$1200 per year they actually pay around \$600 because they buy used or through other alternatives like electronic or renting. Royalties are not the issues but the lack of buying/accessing options. The average royalty on a textbook is 11%. Students need the freedom to choose their format. Commercial publisher's markup is the real issue.
 1. Dr. Lenker-where did the \$600/yr figure come from? Charles-Student Monitor did a self reporting study.
 2. Dr. Durand-what about students who opt not to buy the textbook? Charles-they will academically suffer but some have worked around the issue by using library and CIT scanners to scan relevant chapters from a library or classmate's copy.
 - Ezra reintroduces the textbook resolution.
So-called "Sternberg resolution:

Whereas, there are reports that some instructors at UB require student to purchase books, electronic resources, or other class materials from which the instructor receives significant royalties or other payments; and

Whereas, some of these books and electronic resources are expensive and put an unwarrantedly large strain on student budgets; and

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

Whereas it is understood that for small seminars or for small royalties, 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 that:

It is unethical in classes of 20 or more students for the instructor to benefit by more than \$5 per student, or in classes of less than 20 students by more than \$100 overall,* and

In classes in which the benefit would exceed these thresholds, the instructors should (1) provide opportunities for no-cost reserve books or reserve electronic resources, in number sufficient for the class enrollment, or (2) instruct the publisher to provide discounts to students lowering cost to the threshold, or (3) make a documented charitable contribution in the excess amount (total over and above the threshold) to a fund established by the UB Student Association for such purpose.

- Dr. Anas-didn't like limiting the profit. We are not talking about price gouging. Should instead limit to market value.
- Dr. Mollendorf-wanted it to address exchanging cash in the classroom, it should not be allowed.
- Glendora Johnson-Cooper-we should give students format options that are affordable.
- Dr. Lenker-thought \$5 was too low and supported a percentage model, less than the average 11%. Also recommended review of the proposed textbook must go through the department.
- Dr. Dyson-commented that published textbooks from large publishing houses are reviewed, vetted.
- Secretary Tysick-introduced the Open Education Resources and Open Textbook initiatives of SUNY, University of Minnesota, and University of California that are all vetted, reviewed by scholars.
- Dr. Chaskes-exchange of cash should be prohibited, peer review should be required for quality control, and the profit should be a percentage not flat dollar amount.
- General debate went back and forth until finally Dr. Gronostajski summarized the main issues as: cash in the classroom, conflict of interest, departmental oversight of the textbook, paying for non-peer reviewed material, and textbook affordability.
- Ezra charged an ad-hoc committee to come up with a clean resolution. The members are Dr. Sternberg, Dr.

Anas, Dr. Chaskes, Dr. Lenker, Dr. Dyson, Secretary Tysick, and Emma Janicki. They are to craft a resolution for the May faculty senate meeting.

4. Decanal Review

- Dr. Chaskes commented on Dr. Dauber's comments at yesterday's faculty senate meeting. How is anything going to get done with quorums? We should craft a resolution on how these things are to get done.
 - Ezra pointed out that during those meetings the Chair controls the floor; but we might consider amending our bylaws to be clear on how resolutions would be voted on if there was not quorum.
 - Dr. Chaskes made a motion to send the Decanal Review Resolution back to the Faculty Senate. Glendora Johnson-Cooper seconded it and the **motion was approved.**
5. Ezra recommended the bylaws committee work on making changes in regards to voting on resolutions and other faculty business.
6. The Secretary asked FSEC to approve her term for one year instead of two (2015-2016 instead of 2015-2017) to allow the Chair and Secretary to revert back to staggered terms. **Motion was approved.**

Meeting Adjourned at 4:45pm

Submitted by
Cynthia Tysick,
Secretary to the Faculty Senate
03/24/2015