RESOLUTION ON CONFLICT OF INTEREST IN THE ASSIGNMENT OF COURSE MATERIALS

WHEREAS, Cal Poly supports innovative and creative activities that encourage faculty to find new ways to distribute responsibly intellectual materials for their courses through emergent technologies and information distribution systems; and

WHEREAS, Section 244 (F) in the Campus Administrative Manual (CAM) allows faculty members to accept a royalty of up to 10 percent of the local sale price of "faculty nonpublished text material sold through the Bookstore" because it is "developed by a faculty member on personal time and utilize[ed] private resources"; and

WHEREAS, CAM Section 244 (F) addresses print-based duplication and distribution of course materials through the University bookstore rather than online production, sales, and distribution of course materials through third-party vendors and other electronic outlets; and

WHEREAS, Publishing course materials may include third-party vendors that distribute print and electronic course materials; and

WHEREAS, Third-party vendors allow authors to determine the net amount of royalties collected from the sale of these course materials because authors have the ability to determine their final retail cost; and

WHEREAS, When a faculty member personally receives a financial benefit from the assignment of such course materials, there is potential for a real or perceived conflict of interest; and

WHEREAS, Cal Poly is in the process of creating a new set of Campus Administrative Policies (CAP) and phasing out the current CAM; therefore be it

RESOLVED: That the Campus Administrative Policies (CAP) address conflicts of interest in the assignment of self-authored course materials by including the following policy in the appropriate section:

"Unless approved by the department chair in advance, faculty who assign self-authored course materials may receive no more than a royalty of up to 10 percent
of the final retail price. These materials include but are not limited to the following: coursepacks, study guides, lab manuals, lab materials, and online or electronic instructional materials. Where the author determines the final retail price of self-authored course materials, the final retail price cannot exceed by more than 10 percent of the minimum production and distribution price threshold set by a third-party vendor. This policy does not apply to course materials that have been subject to external peer and/or editorial review and where the author does not determine the final retail price.”

Proposed by: Academic Senate Instruction Committee
Date: January 8, 2014
Revised: March 11, 2014
In addition to acknowledging receipt of the above-entitled Academic Senate resolution, I hereby approve the resolution and am forwarding it for inclusion in the Campus Administrative Policies (CAP).

Please express my appreciation to the Academic Senate Instruction Committee for proactively addressing this change from the Campus Administrative Manual (CAM) to Campus Administrative Policies (CAP).
To: Steven Rein  
Chair, Academic Senate  

From: Jeffrey D. Armstrong  
President  

Subject: Response to Academic Senate Resolution AS-781-14  
Resolution on Conflict of Interest in the Assignment of Course Materials  

This memo formally acknowledges receipt of the above-entitled Academic Senate resolution.