TO: Faculty Senate
FROM: Paul Edison, Liberal Arts
        Sergio Cabrera, Co-Chair, Engineering; Gloria McKee, Co-Chair, Nursing; Sandor Dorgo, Health Sciences; Reynaldo Reyes, Education; Piotr Wojciechowski, Science
DATE: Tuesday, July 11, 2017
SUBJECT: Report on Committee Work:

The Faculty Welfare, Responsibility and Ethics Committee has been reviewing the practice whereby departments or programs create course materials that are prescribed for purchase by UTEP students.

Current practices regarding self-publishing
This practice, which is sometimes called in-house publishing or “self-publishing,” is different from the long-standing practice whereby faculty create and publish textbooks for the national market and assign their textbook in their classroom. Rather, in-house or self-publishing leads to the creation of materials that are intended for use only in courses at UTEP. The authors of these materials are sometimes faculty, sometimes staff, and sometimes students (or some combination of faculty, staff and students). These materials are generally prescribed in lower-division courses in the core curriculum. They are sold in the UTEP Bookstore, which sometimes also serves as the publisher (Follet). Self-publishing has been going on for several years at UTEP and is becoming more common. Departments practicing it currently follow the approval process set up for the more conventional case of the use of faculty-authored textbooks in the classroom.

There are several compelling reasons why departments engage in self-publishing. First, it allows them to create materials that are tailored to their students in a way that materials on the national market are not. Second, self-published material can be less expensive for students than alternatives on the national market. Third, the sale of these materials generates revenues for departments or programs. Because of the nature of self-publishing and the arrangements that departments make with niche publishers and the bookstore, these revenues are typically more substantial in proportion to the sale price, than the royalties conventionally paid by national publishers to faculty-authors. Revenues generated through self-publishing are typically earmarked by departments and programs for student use, whether directly as reimbursement for a student’s involvement in the creation of the course material or as peer leader in the course in question, or indirectly as subsidies for travel, conferences and other programs for students housed in the department.

Concerns about self-publishing
While we recognize that self-publishing can be beneficial to both departments and students, we also have some concerns about it. 1. Some self-published materials at UTEP are largely or wholly authored by students. Some of us do not feel comfortable with the idea that students are required to purchase student-authored work, even if the authors are graduate students. No doubt there is much to be gained in certain situations by using student-authored work, but should we charge students for this material? 2. Unlike revenues generated from course fees, which must only be used for the courses charging the fees, departments are mainly using revenue from self-publishing for activities (all of them worthy, no doubt) that are only indirectly related to the courses generating the revenue. Is that appropriate? 3. More broadly, are we comfortable with the new sort
of financial transaction between the University and the student that arises with the creation and sale of course material? Is there a potential for a conflict of interest? What is an appropriate royalty? 4. Finally, is it appropriate to sell course materials in this way at a time when the idea of open or free course material is taking off nationally in higher education?

Current policies regarding self-publishing
The language in the Regents’ Rules and the UTEP HoOP regarding the prescription of materials authored by faculty in the classroom seems to be based on the conventional situation in which the material is published by a national publisher and the faculty-author earns royalties. For example, the UTEP HoOP states that “While faculty members are encouraged to author and review textbooks and to develop other materials for classroom use, such paid relationships with vendors should be transparent in the adoption process.” In other words, neither the Regents’ Rules nor the UTEP HoOP explicitly address the self-publishing practices described above. With regard to conflict of interest and appropriate remuneration, the Regents’ Rules state, “Whenever an approved fee includes a charge for such [faculty authored] materials distributed through the classroom, the prices should be as low as possible, consistent with the payment of any required royalty to the author or authors.” We also note that the UTEP catalogue says this about textbooks: “Textbooks may be purchased through university-affiliated bookstores. However, a student of this institution is not under any obligation to purchase a textbook from a university-affiliated bookstore. The same textbook may be available from an independent retailer, including an online retailer, per Texas Education Code, sec. 51.9705.”

Possible recommendations
The committee has not decided what to recommend, but it is considering the following:

A. that departments are encouraged to provide course materials developed in-house, especially those developed by students, for free or at cost, and certainly well below comparable works on the national market.

B. that when royalties are taken by departments, they should be modest in order to avoid any appearance of a conflict of interest, and should not exceed 11% of the amount charged by the bookstore and publisher. (11% is regarded by some as the upper end of the industry standard. Currently royalties charged by UTEP departments range from 13.5% to 214%.)

C. that a copy of any self-published material that is required reading be made available at the Library Reserves in the form of a hard copy that students can either read in the Library or photocopy. This availability should also be advertised on the syllabus.

D. that all self-published material include a statement on the cover or first page indicating the amount of the royalty going to the department and the uses to which royalties are put.

E. that new editions of self-published work should be kept to a minimum, and used copies should be made available for purchase at a discount when practicable.

The committee welcomes feedback about this from the faculty.