

### **Textbook and Course Materials Policy**

Each year with the beginning of a new appointment period, deans and chairpersons should notify or remind faculty members of the policies and procedures for compliance with Arkansas legislation relating to textbooks and course materials (Acts 105, 106, 175, and 277 of 2007).

#### **1) Inducements (Act 105)**

Acceptance of inducements (such as a gift, payment, loan, subscription, advance, deposit of money, or services) to require specific textbooks is prohibited by this legislation. Not included as inducements are the following: sample copies, instructor's copies, or instructional materials for a textbook or royalties or other compensation from the sale or publication of a textbook that includes the employee's own writing or work.

A violation of this policy shall be reported within ten business days of discovery to the chief academic officer and the chief legal counsel of the University and to the Legislative Council. A violation may be reported to these same parties by any business or consumer.

#### **2) Deadlines for Textbook and Course Material (Undergraduate) Adoption (Act 175)**

This legislation requires that *for each full semester and collectively for summer sessions, the University shall distribute a list of all textbooks and course materials required or assigned for an undergraduate course by publication on its website and posting at its bookstore.* The University of Arkansas Bookstore located in the Arkansas Union will be the central repository for all textbook and course material adoption information and for compliance with the legislation. This information will be shared with competing local bookstores and placed on the University website. Faculty members are required by this legislation to choose and report their choices of textbooks and course materials to the Bookstore no later than noon on April 1 for summer and fall semester courses and no later than noon on November 1 for spring semester courses. For each textbook or course material on the list provided to the bookstore, the faculty member shall include the following: a brief description of the textbook or course material; the author or authors; the title and edition; and any special instructions or circumstances for the purchase or use of the textbook or course material.

A textbook or course material for an undergraduate course may be adopted after the time specified above if the adoption is approved by the department chair and the dean or division head of the affected college; and the dean or division head of the college forwards to the chief academic officer of the institution the following information: a list of late adoptions; the names of the person or persons responsible for each late adoption; and a written statement explaining why each adoption was late. The late adoption form should be used for transmitting and routing the necessary information. This form is available at <http://bookstore.ark.edu/adoption/> under the Late Adoption Approval Form link.

#### **3) Prohibition of Referrals (Act 277)**

Consistent with this legislation, the University may not place or permit to be placed on its website or its bookstore's website a link to the website of a retailer of textbooks or other educational materials if the retailer of textbooks or other educational materials is not required to report and pay Arkansas sales and use taxes and does not obtain a use tax permit from the Department of Finance and Administration and report and pay Arkansas sales and use taxes on sales of textbooks and other educational materials to residents of this state. *Nothing in this section prevents a faculty member from referring students to any source for required or suggested textbooks or course materials.*

#### 4) Regulation of the Use of Royalties from the Sale of Textbooks and Educational Materials (Act 106)

##### **Financial Benefit to Instructor from Student Materials: Conflict of Interest Resolution**

Consistent with University of Arkansas Board of Trustees policy 450.1, full-time faculty and non-classified administrative staff members may engage in limited and specifically approved outside employment for compensation provided this employment does not interfere with the employee's duties (such as by creating a conflict of interest or commitment) and provided that the employee receives written approval from his or her department head and/or dean in advance of the employment. Similarly, employees planning to engage in outside employment must disclose by means of the appropriate form any relationships or activities which might give rise to conflicts, or the appearance thereof, with their duties, responsibilities or obligations to the University of Arkansas.

Faculty members who derive direct or indirect financial benefit from materials required to be used by their students are engaged in outside employment for compensation that constitutes a conflict of interest. Procedures required to address that conflict of interest are as follows.

##### **Required Compliance Procedures**

- Faculty members must disclose the conflict of interest in writing and obtain prior written approval from department chair and dean to require the purchase of their own proprietary materials by their students or to require the purchase of any other materials for which the faculty member receives compensation (including, but not limited to publishers' incentive payments).
- The request for approval must include a description of the material(s) and a justification for their use.
- The request must state the provision made for disposition of payments, revenues and royalties from the sales of the material(s). These revenues must be paid to a unit not directly related to or associated with the faculty member, but one (e.g., college or school) that will benefit students academically at the University of Arkansas, Fayetteville.
- Consistent with the deadline for reporting Outside Employment (report to dean before September 15), faculty members must provide a satisfactory accounting of remuneration and disposition of payments, revenues and royalties acceptable to their Dean relative to materials required for student purchase during the preceding year.

NOTE: The required compliance procedures do not apply to faculty members teaching only in non-credit courses and programs.

Texts of the legislation of the Arkansas 86<sup>th</sup> General Assembly to which reference is made here are available at <http://www.arkleg.state.ar.us/SearchCenter/Pages/historicalact.aspx> where you should deselect 87th General Assembly, select 86th General Assembly, and enter the Act Number of interest in the dialog box.

8/14/09