



June 15, 2020

MEMORANDUM

TO: Claudia Wilcox-Boucher, Hawai'i CC Faculty Senate Chair
Silvan Chung, Honolulu CC Faculty Senate Chair
Candy Branson, Kapi'olani CC Faculty Senate Chair
Jonathan Kalk, Kaua'i CC Faculty Senate Chair
Michael Cawdery, Leeward CC Faculty Senate Chair
Janet Ray, UH Hilo Faculty Senate Chair
Thomas Conway, UH Manoa Faculty Senate Chair
Rosie Vierra, UH Maui College Faculty Senate Chair
Tom Hirsbrunner, UH West O'ahu Faculty Senate Chair
Elizabeth Ratliff, Windward CC Faculty Senate Chair

FROM: Donald O. Straney, Ph.D.
Vice President for Academic Planning and Policy

A handwritten signature in black ink that reads 'Donald O. Straney'.

SUBJECT: Consultation Regarding New Executive Policy 5.____,
Policy on Faculty Assigning for Purchase Their Works to Their Students

We would appreciate your review and comments on the attached proposed new Executive Policy (EP), which would be given an appropriate number EP 5.____. The purpose of the new EP is to support faculty members who desire to assign, for purchase, their works to students, by creating a process that includes independent peer review and determination, which shall be final. The University will also be consulting with the University of Hawai'i Professional Assembly.

By way of brief background, this issue was brought via an anonymous complaint to the Hawai'i State Ethics Commission. The Commission recommended the University institute a policy regarding this practice, based on this and similar past complaints. The issue was also brought to the attention of the Senate of the Hawai'i State Legislature, which urged the University to adopt a policy as soon as possible.

Accordingly, we are respectfully requesting a quick response from the Faculty Senates. If it would help facilitate consultation, I am available to meet and discuss via videoconference. If you have any questions, please contact me via email at dstraney@hawaii.edu.

Thank you for your cooperation in this matter, and I look forward to hearing from you.

Attachment

c: Jesse Souki, Associate General Counsel
Sarah Hiramaki, UH System Office of Human Resources

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Executive Policy 5.____

Title

Policy on Faculty Assigning for Purchase their Works to their Students

Header

Executive Policy Chapter 5, Academic Affairs

Executive Policy 5.____, Policy on Faculty Assigning for Purchase their Works to their Students

Effective Date: _____ 2020

Dates Amended:

Responsible Office: Office of the Executive Vice President for Academic Affairs

Governing Board of Regents Policy: [RP 12.201](#), Ethical Standards of Conduct

Review Date: _____

I. Purpose

As stated in Board of Regents Policy 1.210, the faculty has primary responsibility for fundamental academic areas such as curriculum content, subject matter, and methods of instruction and research. As professional educators in a public institution, a faculty member should avoid conflicts of interest in making such determinations when personal benefit to the faculty member is involved. The purpose of this policy is to support faculty who desire to assign for purchase their works to their students by creating a process for independent review and determination.

II. Definitions

No policy specific or unique definitions apply.

III. Executive Policy

A. In a course taught by a faculty member, the assignment for purchase of (i) a required textbook or course materials that the faculty member authored, or (ii) intellectual property that the faculty member prepared, may only be allowed after the following process has concluded:

1. The faculty author submits a statement indicating (a) that no other textbooks or course material appropriate to the course are available, or (b) that if other textbooks or course materials are available, why the textbook or course materials selected is deemed most appropriate;

2. An independent peer review by a committee of no less than three (3) tenured faculty (recommended one faculty from outside of the department) that does not include the author, has determined that the level and content is appropriate for the course in which it will be used, and that its required use is unlikely to impose an unreasonable financial burden on students who are required to purchase it;

3. The committee files its determination report with the vice chancellor of academic affairs or provost's office of the respective campus; and

4. The vice chancellor of academic affairs or provost acknowledges said determination.

B. The committee's determination shall be final.

C. Should it be possible under agreements with a publisher that might apply, the required textbook or materials shall be made available electronically at no cost to students registered in the course.

D. At least two copies of the required textbook or course materials shall be made available on Reserve in the applicable campus library.

E. At least two copies of the required textbook or course materials shall be made available for checkout in the applicable campus library.

F. To avoid any real or perceived profit generated from the students registered in classes using a required textbook or materials authored by their faculty member, the faculty member shall be required to donate to the UH Foundation the best estimate available of the revenue they received from sales to their own students of their own textbook or materials. The vice chancellor of academic affairs or provost shall be responsible for monitoring adherence to this requirement.

G. This policy does not apply where a faculty author is not involved in selection of course materials, e.g., where a faculty selects the works of a faculty author without consulting with that faculty author.

IV. **Delegation of Authority**

See above.

V. **Contact Information**

Office of the Vice President for Academic Planning and Policy

Telephone: (808) 956-6897

Email: ovpaa@hawaii.edu

VI. References

- A. Section 84-13 of the Hawaii Revised Statutes (aka the “Fair Treatment” section of the Hawaii Ethics Code).
- B. Board of Regents Policy 1.210, Regents’ Policy on Faculty Involvement in Academic Decision-Making and Academic Policy Development
- C. Board of Regents Policy 12.201, Ethical Standards of Conduct

VII. Exhibits and Appendices

No appendices and exhibits found.

DRAFT 2020-05-26