COMMITTEE REPORT OF ADOPTION OF POLICY RECOMMENDATION

DATE: February 18, 2015
TO: Adam Swenson, Acting Faculty President
FROM: Educational Policies Committee
BY: Elizabeth T. Adams

Name of proposed policy: CSUN Faculty Authored Material Policy

At its meeting on December 3, 2014, the Educational Policies Committee adopted a policy recommendation by passing the following motion:

MSP: To approve the revised Faculty Authored Material Policy.

At the February 4, 2015 and February 18, 2015 Educational Policies Committee meetings, the committee approved editorial changes based on feedback from the Senate Executive Committee.

Current policy or catalog copy:

Faculty Authored Material Policy
(Approved September 30, 1991)

POLICY RE: FACULTY Authored MATERIAL. At its September 19, 1991 meeting, the Faculty Senate recommended approval of the following revised policy, proposed by the Educational Policies Committee

1. Reproduction and Use of Course Materials Covered by Copyright Laws

1.1. Faculty Responsibilities
   a. It is the individual professional responsibility of every faculty member to comply with all existing copyright laws. (Copies of such laws, including the Fair Use Doctrine, are available in the President’s Office.)
b. The Faculty Senate periodically should seek legal counsel to obtain an authoritative and current analysis of existing copyright laws and their practical implications for faculty

1.2. The Bookstore’s Responsibilities

a. The CSU Foundation and the Matador Bookstore should comply with all existing copyright laws.

b. The Bookstore should establish an efficient system for fulfilling the requirements necessary to legally reproduce copyrighted materials for class use. This system should be explained to the faculty, and the faculty should be provided with timely and specific instructions for its use.

2. Self-Authored Materials that Faculty Members Use in their Own Courses

2.1 It is the individual professional responsibility of all faculty members to make reasonable effort to avoid any appearance of a conflict of interest that could give their students or the public served by the University reasons to question the propriety if their professional judgments.

2.2 Faculty may adopt self-authored works published by a commercial or university press in which they have a personal financial interest for use in their own courses only after obtaining their Department’s approval to do so in each case. Such approval should be granted only if an independent departmental peer review has determined that the level and content of the work in question is appropriate for the courses in which it will be used and that its adoption is unlikely to impose an unreasonable financial burden on students who are required to purchase it.

2.3 Except under unusual circumstances, faculty should not seek or accept personal income or royalties from sales of self-authored course materials to their own students when they arrange to have the Foundation, Bookstore, or some other provider of copy or printing services reproduce these materials specifically for sale to their students because they require or recommend them for use in their courses. Students should not be charged more than the actual costs that may be involved in legally reproducing and distributing such materials.

2.4 Departments which authorized specific course adoptions of faculty authored materials that are specifically designed for use in the courses for which they are approved, and have not been published by a commercial or university press, may authorize faculty to charge a royalty which is to be deposited in a Department fund used to benefit students. Such royalties may not exceed 5% of the cost of reproducing and distributing the course material involved.
Proposed policy or catalog copy:

**CSUN Faculty Authored Material Policy**

(Approved September 30, 1991)

**POLICY RE: FACULTY AUTHORED MATERIAL.** At its September 19, 1991 meeting, the Faculty Senate recommended approval of the following revised policy, proposed by the Educational Policies Committee.

1. Reproduction and Use of Course Materials Covered by Copyright Laws

   1.1. Faculty Responsibilities
   
   a. **1.1** It is the individual professional responsibility of every all faculty members to comply with all existing copyright laws. (Copies of such laws, including the Fair Use Doctrine, are available in the President’s Office.) Guidance about copyright and fair use can be found at [http://library.csun.edu/Guides/Copyright](http://library.csun.edu/Guides/Copyright).
   
   b. The Faculty Senate periodically should seek legal counsel to obtain an authoritative and current analysis of existing copyright laws and their practical implications for faculty.

   1.2. The Bookstore’s Responsibilities
   
   a. The CSU Foundation and the Matador Bookstore should comply with all existing copyright laws.
   
   b. The Bookstore should establish an efficient system for fulfilling the requirements necessary to legally reproduce copyrighted materials for class use. This system should be explained to the faculty, and the faculty should be provided with timely and specific instructions for its use.

2. Self Authored Materials that Faculty Members Authored by CSUN Faculty Used in their Own CSUN Courses

   2.1 It is the individual professional responsibility of all faculty members to make a reasonable effort to avoid any the appearance of a conflict of interest that could give their students or the public served by the University reasons to question the propriety of their professional judgments.

   2.2 Faculty may planning to adopt self-authored works authored by themselves or by other CSUN faculty published by a commercial or university press in which they the author have has a personal financial interest for use in their own courses only after must obtaining their Department’s approval to do so in each case. Approval is required regardless of whether these works have been published by a commercial or university press, and applies to print materials as well as eBooks and other eMedia.
published online. Such approval should be granted only if an independent
departmental peer review by a committee of tenured faculty has determined that the
work’s level and content of the work in question is appropriate for the courses in
which it will be used and that its adoption is unlikely to impose an unreasonable
financial burden on students who are required to purchase it.

2.3 Except under unusual circumstances, faculty should not seek or accept personal
income or royalties from sales of self-authored required or recommended course
materials to their own CSUN students when they arrange to have the Foundation,
Bookstore, or some other provider of copy or printing services reproduce these
materials specifically for sale to their CSUN students because they require or
recommend them for use in their courses. Students should not be charged more than
the actual costs that may be involved in legally reproducing and distributing such
materials.

2.4 Departments which authorized specific course adoptions of faculty authored
materials that are specifically designed for use in the courses for which they are
approved, and that have not been published by a commercial or university press, may
also authorize faculty the Department to charge a royalty which is to be deposited in
a Department fund used to benefit students. Such royalties may not exceed 5% of the
cost of reproducing and distributing the course material involved.

Clean copy of the proposed policy:

CSUN Faculty Authored Material Policy
(Approved …)

1. Reproduction and Use of Course Materials Covered by Copyright Laws

1.1 It is the individual professional responsibility of all faculty members to comply with
all existing copyright laws. Guidance about copyright and fair use can be found at
http://library.csun.edu/Guides/Copyright.

2. Materials Authored by CSUN Faculty Used in CSUN Courses

2.1 It is the individual professional responsibility of all faculty members to make a
reasonable effort to avoid the appearance of a conflict of interest that could give their
students or the public served by the University reasons to question the propriety of
their professional judgments.

2.2 Faculty planning to adopt works authored by themselves or other CSUN faculty in
which the author has a personal financial interest must obtain their Department’s
approval to do so in each case. Approval is required regardless of whether these
works have been published by a commercial or university press, and applies to print
materials as well as eBooks and other eMedia published online. Such approval
should be granted only if an independent departmental peer review by a committee
of tenured faculty has determined that the work’s level and content is appropriate for the courses in which it will be used and that its adoption is unlikely to impose an unreasonable financial burden on students who are required to purchase it.

2.3 Faculty should not seek or accept personal income or royalties from sales of required or recommended course materials to CSUN students when they arrange to have the Bookstore or some other provider of copy or printing services reproduce these materials specifically for sale to CSUN students. Students should not be charged more than the actual costs that may be involved in legally reproducing and distributing such materials.

2.4 Departments which authorize specific course adoptions of faculty authored materials that are specifically designed for use in the courses for which they are approved, and that have not been published by a commercial or university press, may also authorize the Department to charge a royalty which is to be deposited in a Department fund used to benefit students. Such royalties may not exceed 5% of the cost of reproducing and distributing the course material involved.

Procedures (if applicable):

Summary of Supporting Reasons:

Among other findings of a recent University audit, the auditor found that the Faculty Authored Material Policy was both out of date and enforced unevenly. With this policy, EPC seeks to update the policy and make changes to bring the policy into line with the advent of new modes of publishing as well as streamlining the section on copyrights. Below is a summary of the key changes:

1) In the section on copyrights, we have updated the language to indicate that the copyright policy can be found on the web rather than in the President’s office. We have also removed language about the Bookstore’s responsibilities as that is not something controlled by the Faculty Senate.

2) We have updated language throughout to apply the policy to any time these materials are assigned to CSUN students rather than a faculty member’s “own students.” Assigning a colleague’s materials in one’s class can be approved but should go through the same process as assigning materials in one’s own course.

3) We have updated language throughout to include eTexts, e-media and other new modes of publishing.

4) We have changed language to indicate the review committee for faculty-authored texts should be a committee of tenured faculty as untenured faculty may not be in a position to make difficult decisions on this kind of issue.

5) We have changed language to authorize the department, rather than faculty, to charge a royalty as permitted in section 2.4.