

Rutgers University Senate
Instruction, Curricula, and Advising Committee

Response to S-0607: Sale of Examination and Desk Copies of Textbooks

[As Revised and Adopted December 7, 2007]

S-0607: *Sale of Examination and Desk Copies of Textbooks:* *Examine the ethical ramifications of the sale of examination and desk copies of textbooks by faculty members who have received them at no cost. Identify or propose programs to assist faculty members who wish to dispose of these materials appropriately.*

The Issue

The proper disposition of unwanted examination copies (texts that are being considered for course adoption) and desk copies (instructor copies of texts that are being used as course textbooks) has and continues to be a matter of debate.¹ In some cases these are texts that have been requested by faculty from publishers who supply a copy free of charge. In other cases these are texts that appear unsolicited from publishers who are in essence using the texts as a marketing tool and hope to interest faculty in adopting the book as the text for their courses. In some cases these texts continue to be delivered to faculty despite repeated requests to be removed from mailing lists.

At issue are book buyers who make the rounds of college and university departments seeking to buy “surplus” textbooks which they then sell to wholesale houses that in turn sell these “new” textbooks to students. Sometimes these textbooks actually turn out to be annotated instructor copies which include the answers to the problems given in the textbook.

Selling Complimentary Copies of Textbooks

The basic arguments against the resale of examination and desk copies have been summed up by the Georgia State University Senate:

The distribution of complimentary textbooks is an important part of the process whereby professors review the full range of instructional materials available for their courses. However, the integrity of this process must be respected.

Selling complimentary copies of textbooks adversely affects the entire academic community.

Professor-authors are deprived of economic return in royalties, and incentives to write textbooks are diminished.

¹ Sipes, Daphne D. “Legal and Ethical Perspectives of Selling Complimentary Copies of the College Textbook,” *Journal of Law and Education* 17, 1988, 355-374; Ennis, Daniel J. “The Bookman Cometh,” *The Chronicle of Higher Education*, September 7, 2007.

<<http://chronicle.com/jobs/news/2007/09/2007090701c/printable.html>>

Students generally do not benefit from the sale of complimentary copies, as these books are sold at or only slightly below the new book price.

Selling complimentary textbooks inflates the cost of all textbooks, as publishers must compensate for revenue lost from the sale of new books.

Selling complimentary copies violates the tradition of respect by professors for the intellectual work of their colleagues and for the textbook publishers.

The future of availability of complimentary textbooks may be seriously jeopardized by the reluctance of publishers to risk further financial loss.

Faculty members receive complimentary textbooks as a result of their position at the University. These textbooks should not be viewed as a source of faculty income.²

Other Institutions

The Textbook and Academic Authors Association (TAA) since its inception has fought against the sale of complimentary copies of textbooks.³ While there seem to be few institutional bans on the practice, a number of University and Faculty Senates have either banned or at least strongly discouraged the practice.

For example, the Georgia State University Senate passed a resolution (February 2, 1989) that “Complimentary textbooks are not to be resold for faculty profit” and that furthermore “The campus bookstore may not sell copies which are identifiable as complimentary copies whatever their source may be.”

The University of North Carolina at Wilmington *Faculty Handbook* states that “The Faculty Senate has taken the position that the sale by faculty of complimentary textbooks is an unprofessional practice and has urged faculty to refrain from selling complimentary copies of textbooks.”⁴

The Drake University *Faculty Manual* states that “The sale of examination copies to textbooks is unethical and has undesirable long-run effects on professors and students alike. The Faculty Senate urges that the University Administration discourage book companies and other purchasers from mail or on-campus soliciting of faculty members to sell examination copies of textbooks.”⁵

² “Ethical Behavior with Regard to Complimentary Textbooks,” *Georgia State University Faculty Handbook* Section 313.05 <<http://www2.gsu.edu/~wwwfhb/fhb.html>>

³Hull, Richard. “Stomp the Comp.” <<http://www.taaonline.net/mediaroom/stompcomp.html>>

⁴ http://www.uncw.edu/fac_handbook/responsibilities/teaching/testbooks.htm

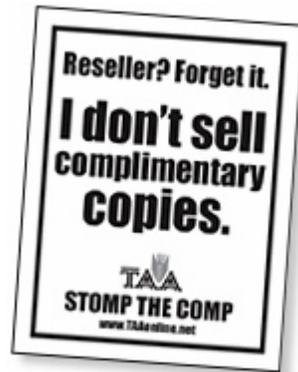
⁵ <http://www.drake.edu/academics/policies/facmanual4.php#s2163>

And the Faculty Senate of the University of Central Florida passed a resolution stating that “faculty shall not sell complimentary copies provided to them by textbook publishers.”⁶

Faculty Views

The views of individual faculty members concerning this issue range from indifference, to relativism (won’t resell if requested it; would resell if received unsolicited), to righteous indignation.⁷ Even within the Committee there was initially no consensus as to a recommendation that would apply in all cases, although there was general agreement that the resale of textbooks that had actually been solicited by faculty was indeed unethical. As we looked further into the issues however, it became clear to the Committee that the resale of complimentary copies primarily benefited the resellers and the book dealers, didn’t particularly benefit students, and significantly and negatively impacted the authors of the textbooks.

There also seemed to be agreement that most faculty would prefer to not be periodically assailed by book buyers. The TAA site does have available a sign discouraging reseller visits that can be downloaded and posted on office doors:



<http://www.taaonline.net/StomptheComp/stompsign.pdf>

In addition, the University has a policy that no one can come on campus for purposes of solicitation without permission:

Solicitations for Commercial Purposes

Except as expressly authorized, the university does not permit solicitations for commercial purposes by telephone, mail, email, in person or through any other means at locations where university business is conducted. This prohibition applies to employees and to non-university organizations, commercial enterprises, and individuals. Employees

⁶ http://pegasus.cc.ucf.edu/~fsenate/resolutions/1990-1991_resolutions.html

⁷ See the many and varied responses to DeLong, Brad. “Markets in Everything: Textbook Desk Copies.” <http://delong.typepad.com/sdj/2005/11/markets_in_ever.html>

are encouraged to report such solicitations to the appropriate campus-based individual, or a designee, listed in I.A above.⁸

Few on campus seem to actually know of this policy; there needs to be a mechanism by which departments and individual faculty are made aware that this policy exists.

Disposition of Complimentary Textbooks

There is also the question of what to do with complimentary copies of textbooks if one chooses not to sell them. The TAA does offer suggestions for what to do with unwanted examination copies (See Appendix B), although the Committee did not find all their suggestions practical. It is hard to envision, for example, that many faculty would be willing to compile and circulate lists of unwanted books that they have received to other faculty on any regular basis!

While there are certainly books that could be considered as textbooks that the University Libraries would be happy to receive, multiple copies of general textbooks—especially textbooks not in use at the University—would not be welcomed by the Libraries.

There are organizations that could make good use of these textbooks however. Perhaps the best-known one is Books for Africa <<http://www.booksforafrica.org/>>. The largest shipper of donated textbooks to the African continent,⁹ Books for Africa has earned the highest rating (four stars) from Charity Navigator <http://www.charitynavigator.org>.¹⁰ There are other associations that distribute books to other parts of the world or distribute particular kinds of books. The Book Famine Task Force of the African Studies Association maintains a *Directory of Book Donation Programs* <<http://www.albany.edu/~dlafonde/Global/bookdonation.htm>>.

Books can also be returned to the publisher, or when appropriate, given directly to students.

Recommendations:

1. Complimentary copies of textbooks, including annotated instructor's copies, should not be offered for resale.
2. Faculty-solicited textbooks should be used for their intended purpose, i.e., legitimate academic review for classroom purposes. It is unethical for faculty to resell examination and desk copies of texts solicited from publishers.
3. Faculty are encouraged to dispose of complimentary textbooks by donating them (to libraries, to students, to organizations such as Books for Africa, etc.), or by returning them to the publisher.

⁸ Rutgers Policy 60.1.9.II. For the full text for 60.1.9 *Commercial and Charitable Solicitations* see Appendix A.

⁹ Over 18 million textbooks at all levels shipped since 1988.

¹⁰ 4 stars: Exceptional: Exceeds industry standards and outperforms most charities in its Cause.

4. To facilitate the donation process, the University should establish a mechanism by which materials could periodically be picked up and held centrally. For example, Surplus Property could be charged with picking up boxes of complimentary textbooks from academic buildings at the end of each Spring semester and holding them for pick-up by a specified donation agency.
5. Faculty are encouraged to download and post the TAA “I don’t sell complimentary copies” door sign. <<http://www.taaonline.net/StomptheComp/stompsign.pdf>>
6. The University should post appropriate portions of its solicitation policy in all academic departments.
7. Upon adoption, the above recommendations, with reference to the full report, should be distributed to all faculty via email.

Instruction, Curricula and Advising Committee

Borisovets, Natalie, Libraries (F), Chair

Allender, Eric, SAS-NB (F)
Amirahmadi, Hooshang, EJBSPPP (F)
Barrett, Kim, UC-C (S)
Bubb, Daniel, At-Large Camden (F)
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DeLisi, Richard, GSE Dean (A) - *Administrative Liaison*
Fowler, Ryan, GS-NB (S)
Gimenez, Daniel, GS-NB (F)
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Gunderson, Samuel, GS-NB (F)
Koza, Mitchell, SB-C Dean (A)
Pottick, Kathleen, SSW (F)
Robinson, Jose, Camden Staff
Robinson, Malila, GSE (S)
Sosa, Pedro, SAS-NB (S)
Stauffer, George, MGSA Dean (A)
Stone, Matthew, GS-NB (F)
Szatrowski, Ted, At-Large N (F)
Thompson, Richard, SAS-NB (S)
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Appendix A

RUTGERS POLICY

Section: 60.1.9

Section Title: Universitywide HR Policies & Procedures

Policy Name: Commercial and Charitable Solicitations

Formerly Book: 6.4.11C, Solicitations

Approval Authority: Senior Vice President for Finance and Administration

Responsible Executive: Senior Vice President for Finance and Administration

Responsible Office: University Human Resources

Originally Issued: Policy 6.4.11, April 1962

Revisions: November 1982; Policy 6.4.11C March 31, 2005; November 28, 2005

Errors or changes? Contact: policies@hr.rutgers.edu

1. **Policy Statement**

Commercial and universitywide charitable solicitations are prohibited at locations where university business is conducted except for university-sponsored programs such as the Rutgers University Foundation, the University Condolence Fund, and the Employees' Combined Charities Campaign.

2. **Reason for Policy**

To address solicitations at locations where university business is conducted.

3. **Who Should Read This Policy**

All members of the Rutgers University community

4. **Related Documents**

Section 20.1.15, Charitable Contributions and Expending University Funds Related to Charitable Causes

5. **Contacts**

New Brunswick/Piscataway: University Human Resources 732-932-3020

Newark: Office of the Provost - Newark provost-newark@newark.rutgers.edu or 973-353-5541

Camden: Office of the Provost-Camden at 859-225-6095

6. **Policy**

60.1.9 COMMERCIAL AND CHARITABLE SOLICITATION

I. General Rules

A. Any distribution of non-university products or samples by a commercial entity must be authorized by the university. When such authorization is not already in place, prior written consent must be obtained from the appropriate campus-based individual, or a designee, listed below.

New Brunswick/Piscataway: Associate Vice President for Human Resources

Newark: Executive Vice Provost for Administration

Camden: Provost

B. The posting of signs or advertisements regarding solicitations in any university building or structure is prohibited except in specifically designated areas.

C. Inquiries regarding this policy should be directed to the appropriate campus-based individual, or a designee, listed in I.A above.

II. Solicitations for Commercial Purposes

Except as expressly authorized, the university does not permit solicitations for commercial purposes by telephone, mail, email, in person or through any other means at locations where university business is conducted. This prohibition applies to employees and to non-university organizations, commercial enterprises, and individuals. Employees are encouraged to report such solicitations to the appropriate campus-based individual, or a designee, listed in I.A above.

III. Solicitations for Charitable Purposes

A. Universitywide solicitations for charitable purposes are prohibited, with the exception of university-sponsored programs such as the Rutgers University Foundation, the University Condolence Fund, and the Employees' Combined Charities Campaign.

B. Except as expressly authorized, the university does not permit solicitations for charitable purposes by telephone, mail, email, in person or through some other means at university facilities where university business is conducted. However, directors, department heads, and department chairs may permit workplace solicitations (for charitable purposes) by an employee within that employee's work unit so long as the activity does not interfere with or compromise the operations of the work unit.

C. For more information on charitable solicitations, see section 20.1.15, Charitable Contributions and Expending University Funds Related to Charitable Causes.

Appendix B

What to do with unwanted examination copies

Here are some suggestions for what to do with unwanted examination copies, from TAA's Executive Director, Richard Hull:

1. Don't open boxes of books that you are not expecting (e.g. from orders you have placed). Mark them "Return to Sender" and give them back to the postal service.
 2. Write publishers to ask for a stack of postpaid mailers for return of unwanted comp copies.
 3. Put unwanted comp copies in a departmental library for other faculty to examine; circulate a list of the books you receive and ask if any one wants them.
 4. Write a review for your particular field's journal (mine has one called Teaching Philosophy) of the book.
 5. Have an arrangement with a colleague at a local other school who would like to look over your unwanted desk copies.
 6. Ask your faculty senate to hold comp copy drives for distribution of books to third world countries' educational institutions' libraries that cannot afford to buy them.
 7. Tear off the covers and recycle the paper in your campus paper recycling system.
 8. Send a standard letter to publishers of unwanted texts that you would never adopt asking that they remove your name from their distribution lists.
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Text and Academic Authors Association

<http://www.taaonline.net/StomptheComp/index.html>