

December 23, 2014

MEMORANDUM FOR: Deans: Riley, Tio, Christopher, Lohrenz, Gunasekaran, Bilek, Peck
FROM: Andrew Karberg, MA, JD
RE: Conflict of Interest Arising from Textbook Assignment

Please distribute this guidance to all department chairs and faculty regarding faculty requests for approval to use texts they have published in their classrooms.

The central issue is that the faculty member should not be benefiting financially from the sale of the text to his/her own students. If a faculty member has assigned their own text/textbook to their own class for the upcoming semester please follow the steps outlined in #2 below.

1. There is no conflict of interest when a faculty member has published a text/textbook and the text/textbook is assigned in classes NOT taught by the faculty member.
2. There is a financial conflict of interest when a faculty member has published a text/textbook that she/he wants to use in her/his own class and the faculty member will benefit financially from the sale of the text to her/his own students. See the MA State Ethics Commission written opinion [<http://www.mass.gov/ethics/opinions-and-rulings/advisory-opinions/adv-nepotism/section-6-state/ec-coi-04-2.html>]. The simplest means of proceeding is for the faculty member to fully disgorge any financial benefits, thereby removing any financial conflict of interest. To fully disgorge any financial benefits the faculty member should donate, to a campus student scholarship fund, any royalties accrued from the sale of the text/textbook to her/his own students and forego any tax benefit. Faculty members electing this process should complete the attached, "Ethics Commission Disclosure & Disgorgement Form," by filling out the top section, selecting "disgorgement" and signing. Copies of the completed form should be forwarded to your Department Chair, Dean, and Office of Institutional Compliance & Ethics.
3. If a faculty member does not elect to follow option #2 above, then a full disclosure of the financial conflict of interest to their appointing authority and the MA State Ethics Commission is required. Disclosures for spring classes are due in the Provost's office by November 15th; disclosures for fall classes are due in the Provost's office by July 15th. Please review and follow the process as outlined below.

- Please review the Massachusetts State Ethics Commission written opinion on this issue [<http://www.mass.gov/ethics/opinions-and-rulings/advisory-opinions/adv-nepotism/section-6-state/ec-coi-04-2.html>]

Office of Institutional Compliance

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- Please read the professional ethics review from the American Association of University Professors/AAUP [<http://www.aaup.org/report/professors-assigning-their-own-texts-students>].
- Faculty members must obtain the Provost's approval prior to assigning the textbook - please see deadlines above. The faculty member should (1) draft a brief memo addressing why their financial interest in the textbook selection decision is not so substantial as to affect the integrity of their service to the Commonwealth and (2) complete the attached ethics disclosure form. The faculty member should submit the request (memo and ethics disclosure form) to the Department Curriculum Committee, then Department Chair, and finally, the Dean for review. The Dean of the college then sends the request to the Provost's office with a recommendation. The Provost, as appointing authority may approve or deny the request. Copies of requests are forwarded to the MA State Ethics Commission.

If you have questions, concerns, or would like further information please contact, Andrew Karberg at akarberg@umassd.edu or x9880.

Cc: Provost and Executive Vice Chancellor for Academic and Student Affairs
Vice-Chancellor Research & Development
Associate Provost Graduate Studies
Vice Provost for Academic Affairs

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