Spring 2008

SB31-07/08: Professor Royalties from Required Classroom Materials

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Resolution Regarding Professor Royalties from Required Classroom Materials

Whereas, the current Collective Bargaining Agreement (CBA) between The University of Montana University Faculty Association (UFA) and the Montana University System is effective until June 30, 2009;

Whereas, Montana Code Annotated (MCA) Title 2, Chapter 2, Part 1 states that "a public officer or public employee may not acquire an interest in any business or undertaking that the officer or employee has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by the officer's or employee's agency";

Whereas, the current CBA Section 12.300 states that "each faculty member shall avoid even the appearance of conflicts of interest by either (1) donating all financial gain to some charitable entity, or (2) obtaining approval of the majority of the faculty in his or her academic unit for the adoption of the materials or book as a course requirement";

Whereas, there is a direct conflict of interest between CBA Section 12.300 Part 2 and MCA 2.2.1 that needs to be resolved;

Whereas, under the current system University of Montana faculty are currently able to collect royalties able to require their own materials for class use, thus collecting the royalties from required class text sales these material sales, with majority approval of their departments' faculty, or to "donate" to any unspecified area;

Whereas, it is unethical and illegal for University of Montana professors to mandate purchase of their own written materials for classroom use and to also collect royalties from the sale where a student does not have a choice in the purchase; performance may be affected without the text;

Whereas, currently some University of Montana Professors voluntarily provide clear policies in their syllabi describing where they donate the royalties gained when their own materials are required;

Whereas, The University of Montana Foundation Excellence Fund has "471 undergraduate scholarships and 58 graduate fellowships which have been created or enhanced" totaling $26 million in the last five years;

Therefore, Let It Be Resolved that ASUM supports a change in the CBA requiring University of Montana faculty to donate their collected royalties from required materials to The University of Montana Foundation Excellence Fund or to a similar organization enhancing education in Montana.

Authored by: Senator Trevor Hunter