

# Textbook Task Force: Recommendations 7 & 10.

- 7) It is considered unprofessional for any PCC employee to accept financial compensation, gifts, or services from publishers or other vendors and will not be allowed unless the Faculty/Academic Professional/vendor collaborations offer an opportunity for professional development or can add significant value to the goals of the institution and is consistent with college policy and state law.

It is the responsibility of each individual to understand and follow college policy and state law regarding personal gain as it relates to employment with the college. All proposed professional activities related to compensation from vendors will be submitted as a written proposal to the Division Dean, Director, or Supervisor for approval prior to entering into the activity. The proposal will describe the expected outcome related to the professional opportunity or the expected significant contribution to the college, for entering into this professional relationship. It will describe the resulting financial compensation, gifts or services from the vendor. Compensation will be consistent with the faculty and academic professional agreement, not to exceed the special projects rate. A copy of the final report shall be submitted to the Office for Academic and Student Affairs for public distribution.

*The relevant Oregon state law involves the “Code of Ethics” which states that “No public official shall use or attempt to use official position or office to obtain financial gain...for the public official, or the official’s relative, or for any business with which the public official or relative of the public official is associated”: ORS 244.040 (1) (a) to be found at <http://www.leg.state.us/ors/222.html> . Note how this is consistent with the language of UO OAR 57-040-0210 “Code of Ethics” that says “Additionally, no employee should have influence over the purchase, solicitation, award, payment or expenditure approval of a product or service, if their action would financially impact the employee, the employee’s relative, or the employee’s relative’s business.” To be found at: <http://baow.uoregon.edu/ProcurementContracting/pcsdraft/Puret> .*

*Because details regarding Oregon state law and associated state Supreme Court decisions are quite complex, the benefits of regulating PCC employee actions becomes apparent. While, for example, it is illegal to receive “during any calendar year any gift or gifts with an aggregate value in excess of \$100 for any single source” ORS 244.040 (2), legal exceptions to this rule allow for gifts from one source relating to total \$250 in a calendar year for “entertainment”, while receiving the gift of a textbook from a publisher might well put one over the \$100 rule. Under advice of PCC legal counsel, Portland Community College is permitted to create policies more restrictive than the law requires and more likely to protect PCC and its employees from violating the law.*

*Good public relations may also be enhanced by policies, as can be seen in the University of Oregon “Purchasing Ethics” statement that “Accepting gifts, entertainment, food, or other items of value before, during, or immediately after a purchasing process should be avoided” because “personally accepting gifts from vendors may give the appearance of impropriety”. UO OAR 57-040-0210 noted above.*

*This saves costs by reducing publisher expenses that would otherwise be incorporated into the cost of textbooks and other materials produced for purchase by students. Things like a “free” lunch, hotel room, airfare, training session, conference, or seminar are not truly “free” as they become expenses to the publisher that directly affect the price of textbooks and other materials that are purchased by students. Compensation, gifts, or services provided by publishers to PCC employee for personally-authored works or other labor on condition that a textbook or other material be ordered for PCC student purchase also adds to the retail price even as it, effectively, leaves the appearance of being a bribe.*

*Strategy for implementation: Administrative study, in consultation with faculty and others, followed by PCC Board approval of new regulations. Prior to any changes being enforced, the Administration could provide for a phasing in of those changes, during which PCC employees could be better educated regarding Oregon state law and PCC policies. Enforcement of those elements of PCC policy which may be more restrictive than current state law could also be phased in over time in a manner subject to contract negotiations.*

*Notes: Though the bold-faced recommendation above is composed in a manner quite different from the original recommendation of June, 2006, it is intended to embody the same spirit of the original – though in a way that will be far more easily understood and enforced. Thanks is especially due to efforts of Margie Fyfield (RC Division Dean of Sciences & Technology) whose collaboration with Michael Sonnleitner (former Textbook Task Force Co-Chair) was instrumental in coming up with the improved wording.*

**10) While communicating with State and Federal Policymakers, students, faculty, and other representatives of Portland Community College should seek to:**

- a) protect and improve funding for student educational needs, noting the increased costs of textbooks as one of many factors contributing to increased need;**
- b) provide a tax credit for textbook and other student costs directly related to educational expenses;**
- c) prevent publishers from restricting markets, thus allowing bookstores and others to purchase textbooks from outside the United States (Congressman Wu's former HR 3567);**
- d) create a capital fund which public universities and community colleges may use to set up textbook rental systems;**
- e) place limits upon royalties charged by publishers for use of copywrited materials;**
- f) require both publishers and public University and Community College bookstores to make all bundled items available for purchase separately as individual items (similar to the Virginia state law, though extending the requirement to publishers).**

\* At this time the EAC Textbook Task Force considers its mandate for action to be ended, though it is hoped that efforts to address the many issues associated with textbook costs will continue to be addressed in many forums in the future.