

Guidance on textbooks

There are many questions regarding whether an instructor/professor (“faculty author”) or other state employees/officers who work at a community college or state institution of higher learning may require students to purchase books that the faculty author or state employee/officer wrote and/or published.

Question: Can a faculty author require a student to purchase a book that the faculty author wrote for use in the faculty author’s class?

Answer: Yes, but the faculty author cannot make a profit on the sale of the book, nor collect any royalties on this sale. If the transaction is between the faculty author and the bookstore, the bookstore needs to ensure that the book is purchased from the faculty author at cost. The bookstore may make a profit on the sale between itself and the student, but the faculty author may not make a profit on the sale.

Question: What if the college/university uses a book selection committee to select books for all of the courses and the committee selects the faculty author’s book – can the faculty author profit from this sale?

Answer: Yes, since the faculty author had no role in selecting his/her book for use by his/her class, then they may profit from this sale.

Question: What if another instructor, not the author of the book, selects the faculty author’s book for use in his/her class - – can the faculty author profit from this sale?

Answer: Yes, since the faculty author had no role in selecting his/her book for use by another instructor, then they may profit from this sale.

Question: What if a completely different college/university selects the faculty author’s book for use - – can the faculty author profit from this sale?

Answer: Yes, since the faculty author had no role in selecting his/her book for use by this other college/university, then they may profit from this sale.

Question: May state higher education faculty sell complimentary textbooks, which were received under an exemption to the gift prohibitions?

Answer: No. While state officers and employees, including state higher education faculty, may accept gifts of informational material, publications, or subscriptions to review or use to perform their official duties, once received, state officers and employees may use or retain such items in a manner consistent with the purpose for which they were provided or dispose of them as provided under RCW 42.52.010(10)(g). More specifically, the Ethics Act prohibits higher education faculty from selling complimentary textbooks.