

## **Policy 6-318 Appendix: Acquisition and Control of Non-Library Books**

**Academic Senate - May 5, 2008**  
**Executive Committee - April 21, 2008**  
**Academic Senate - April 7, 2008**  
**Executive Committee - March 24, 2008**

### **Memorandum**

**To: Senior Vice Presidents David W. Pershing and A. Lorris Betz**  
**From: Susan M. Olson, Associate Vice President for Faculty**  
**Richard J. Sperry, Associate Vice President for Health Policy**  
**RE: Proposed Policy on Acceptance and Disposal of Complimentary Books**  
**Date: March 13, 2008**

The Academic Policy Advisory Committee, chaired by Professor Bill Lockhart of the College of Law, has recommended adoption of this proposed amendment to Policy PPM 1-4, which will govern acceptance and disposal of complimentary books.

Utah state law prohibits public employees, including University faculty members, from accepting gifts worth more than \$50 if the employee “recently has been, is now, or in the near future may be involved in any governmental action directly affecting the donor” unless the employee makes a detailed written disclosure to the agency head and the Attorney General (Utah Code Annotated §§ 67-16-5 & 6). Arguably, this prohibition applies to acceptance of complimentary textbooks or other course materials by faculty members.

Faculty members receive complimentary textbooks and other potential course materials from publishers. Publishers provide these complimentary materials in order to encourage faculty members to require the use of their materials in courses taught by faculty members. If faculty members accept these books and treat them as their own private personal property, such as by selling them, they may be in violation of the statutory provisions discussed above. However, no violation will arise if faculty members

accept these materials on behalf of the University under the following guidelines. Faculty members may accept these complimentary materials, may dispose of those considered not useful, may utilize them at their discretion in fulfilling their University academic and professional functions, and may normally retain them for the same purposes upon ceasing University employment.

Amended Policy PPM 1-4 III (E). addresses this issue and protects faculty members by making complimentary materials the property of the University, and providing for faculty use and disposition under the above guidelines.

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**Policy 6-318. Rev. 2**

**Date: May \*, 2008**

**Subject: Acquisition Control of Non-Library Books of Books; Acceptance and Disposal of Complimentary Books**

**I. Purpose**

To outline university policies regarding:

- A. books acquired by or on behalf of the university or any of its departments through research contracts and grants, development funds, or general funds; and
- B. other books received from publishers or distributors by University employees (including faculty members) and not purchased with personal funds (i.e., “complimentary books” or “review copies.”)

This policy does not apply to university libraries.

**II. Definitions**

Books - Any hard bound published document or unbound item costing \$5 or more. Periodical subscriptions and information services are not included.

For purposes of this policy, the term “books” shall be interpreted to include not only the traditional format of bound printed pages typically used in University courses at the time of adoption of this policy, but also includes materials, information, teaching instruments or data collections distributed in any media, including but not limited to audio and videotapes, digital storage media such as optical or magnetic disks, and internet or similar transmittal for which fees are typically charged.

### **III. Policy**

- A. Books acquired by any department of the university other than the university library through research contracts and grants, development funds, or general funds shall be controlled by the requisitioning department.
- B. All books acquired by university departments, except those acquired with funds from a grant or contract which restricts marking or identifying books, should be stamped by the department ordering the books. Books should be stamped "University of Utah" on the title page and top edge of the book.
- C. Title to all books purchased under research or training contracts or grants shall be vested according to the agency regulations at the time of the acquisition. At the termination of the contract or grant such books will become the property of the university or returned to the awarding agency if required by agency regulation. It is the primary responsibility of the principal investigator to comply with the specific grant or contract regulation. Books not reverting to the contract-granting agency should be stamped by the department and if no longer needed by the department forwarded to the university library.
- D. Terminating faculty and staff members should return all non-library books to their departmental chairman or immediate superior.
- E. Departmental collections developed with non-library book purchases will come under the jurisdiction of the director of libraries when they exceed one thousand titles.

F. To comply with state law, books received from publishers or distributors by university employees (including faculty members) and not purchased with personal funds (i.e., “complimentary books” or “review copies”) are the property of the University of Utah and may not be sold or exchanged for personal gain. Employees may, however, retain these books for use, at their discretion, for academic or professional purposes, and (absent extraordinary circumstances) these books may be retained by a departing employee. Employees may dispose of complimentary books that they judge are not useful.