

February 27, 1991

Complainant

Re: Faculty accepting free
textbooks
Our file: 663-91-0284

Dear Complainant:

This letter is in response to your letter of January 20, 1991 respecting a potential violation of the Executive Branch Ethics Act (AS 39.52) created by the practice of faculty acceptance of complimentary textbooks.

I have reviewed the correspondence that accompanied your complaint, especially President Komisar's letter of December 3, 1990 to you. It may be argued that a faculty member violates the act whenever he/she accepts a textbook, knowing that the purpose of the manufacturer is to influence that faculty member's choice of texts. AS 39.52.130(a). I am persuaded, however, that there is no substantial impropriety in this practice for several reasons:

(1) the practice of textbook review in this fashion is universal;

(2) the individual faculty member has little financial interest in the specific texts selected or rejected; and

(3) to the extent a gift exists, it is a "gift" to the university -- since it is the primary beneficiary (sample instructional material is made available to the educational community at no cost to the institution).

For the foregoing reasons we decline to investigate the matter further. AS 39.52.310(d).

Very truly yours,

Bruce M. Botelho
Assistant Attorney General

BMB:tg

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cc: Dr. Jerome Komisar, President
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