May 21, 2009

MEMORANDUM

To: College Presidents
From: Frederick P. Schaffer
Re: Textbook Legislation Update

In our memo of September 4, 2008 (copy attached), I advised you of new State and federal legislation regarding the marketing, pricing and purchasing of textbooks and other course materials. The new State law will go into effect on July 1, 2009 and the textbook portions of the federal law, known as the Higher Education Opportunity Act (HEOA), will go into effect on July 1, 2010.

The requirements of the new laws are detailed in my earlier memo. However, in conjunction with the Chancellor’s recent announcement of the CUNY Student Financial Aid Initiative, which includes steps for assisting students with the cost of textbooks, I would like to highlight one aspect of the new State law. Under the law, institutions of higher education are required to implement policies that encourage faculty members to place their orders for textbooks and other course materials with sufficient lead time to enable the institution or college bookstore to confirm the availability of the requested materials, and, when appropriate, the availability of used textbooks or alternate digital formats. Those of you who do not already have such policies in place should work with your provosts and bookstores to adopt appropriate schedules and deadlines.

I would also like to highlight one aspect of the HEOA. As many of you know, HEOA requires institutions, to the extent practicable, to disclose on their internet course schedules the International Standard Book Number (ISBN) and retail price information of required and recommended text books and other course materials. Given the complexity of this requirement and the on-going implementation of CUNYfirst, the University will not attempt to configure eSIMS to include the ISBN information and will determine whether the information can be incorporated into CUNYfirst.

I am aware that bookstore operators at many of our campuses, including Barnes & Noble and Follett, are capable of showing the necessary information on their websites and may permit a college to link directly from the internet course schedule to the bookstore website. Given the University’s commitment to providing students with multiple options for purchasing textbooks and other course materials, and the New York State Attorney General’s concern regarding arrangements that might not be cost effective for students, including arrangements that favor
particular suppliers of student goods and services, colleges should not include any links on their internet course schedules that go directly to the purchasing page of a bookstore website, unless the bookstore is operated by the University. (At present, the University outsources all of its bookstore operations.) However, colleges may link from a course schedule to a page on a bookstore website that provides only the ISBN and other relevant information, such as author, title, publisher, and copyright date, and that does not include a mechanism for purchasing the material or a link to a purchasing page.

If you have any questions, please contact Jane Davis (jane.davis@mail.cuny.edu) or Hilary Klein (hilary.klein@mail.cuny.edu) of my office.

Enc.

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