



University Policies and Procedures

03-10.00 – POLICY ON TEXTBOOK AFFORDABILITY

- I. Policy Statement:** The rising cost of textbooks must be addressed to maintain access and affordability for students as required by the University System of Maryland (“USM”) Board of Regents and Maryland law.
- II. Reason for Policy:** To comply with Md. Code, Education Article §15-112 (also referred to as “Md. Textbook Affordability Law”) and the USM Policy on Textbook Affordability Measures (III-10.00 <http://www.usmd.edu/regents/bylaws/SectionIII/III1000.html>).
- III. Definitions:**
- A. **Alternative Course Materials:** Textbooks and Supplemental Materials (“Course Materials”) identified by the publisher as alternatives to Course Materials that are unavailable.
 - B. **Bookstore:** entity that offers books or other course materials for sale and is licensed by the Comptroller under Title II, Subtitle 7 of the Tax General Article, including online vendors and the University Store as defined in this policy.
 - C. **Bundle:** one or more college textbooks or other Supplemental Material packaged together to be sold as course materials for one price. “Bundle” does not include single, “Custom” or “Integrated” Textbooks as defined in this policy.
 - D. **Custom Textbook:** a college textbook compiled by a publisher at the direction of a faculty member or other person in charge of selecting course materials, including original instruction material, previously copyrighted material or copyrighted third party material; a Custom Textbook does not include purely aesthetic changes when compared to a prior edition.
 - E. **Integrated Textbook:** a college textbook that is combined with:
 - 1. materials developed by a third party and that, by third-party contractual agreement, may not be offered by publishers separately from the college textbook with which the materials are combined; or
 - 2. other materials that are so interrelated with the content of the college textbook that the separation of the college textbook from the other materials would render the college textbook unusable for its intended purpose.

- F. ISBN: the unique International Standard Book Number assigned to college course material that is used by publishers to identify each Textbook edition and other course material, including Bundles.
- G. New Selection: faculty selection of a new Textbook from a different publisher.
- H. Previous Selection or Edition: the Textbook edition previously used by a faculty member for use in a course.
- I. Price: the price at which the publisher would make the college textbook or Supplemental Material available to a Bookstore and, if available, the price at which the publisher would make the college textbook or Supplemental Material available to the public.
- J. Required Information: information about Textbooks and Supplemental Material that the publisher must provide faculty under Md. Code, Education Article §15-112, §E.(I)-(V), including: title; author; publisher; edition; copyright date; publication date (if available); ISBN; Substantial Content revisions between current and previous editions; whether available in other formats (e.g. paperback or unbound); and, a list of Textbooks classified as integrated.
- K. Substantial Content: a part of a Textbook, such as new chapters, new material covering additional eras of time, new themes, or new subject matter.
- L. Supplemental Material: educational material developed to accompany a Textbook that is not being used as a component of an Integrated Textbook, including printed and electronic materials such as computer discs and web access codes.
- M. University Store: Towson University's campus bookstore.
- N. Textbook: as used in this policy, the term textbook includes Custom Textbooks to the maximum extent practicable.

IV. Responsible Executive and Office:

Responsible Executives: Provost and Vice President for Academic Affairs
 Vice President for Administration and Finance
 and Chief Fiscal Officer

Responsible Offices: Academic Affairs, Administration and Finance, Auxiliary Services
 and University Store

V. Entities Affected by this Policy: University, Bookstores, publishers, faculty and students.

VI. Publisher Obligations:

- A. The Md. Textbook Affordability Law requires that a publisher who sells Textbooks or Supplemental Materials (“Course Materials”) to faculty, and provides information to faculty about Course Materials, disclose Required Information about the Course Materials to faculty.
- B. The Md. Textbook Affordability Law further requires that:
 - 1. If Course Materials are unavailable as ordered the publisher shall work with the University Store and with faculty to find alternatives and shall provide price information for such alternatives.
 - 2. Except for an Integrated Textbook, a publisher that sells Course Materials in a Bundle shall also make available the Course Materials as separate and unbundled items, each separately priced.
 - 3. A publisher shall sell Course Materials in the same manner as selected and ordered by faculty.
 - 4. If selected Course Materials are unavailable, as ordered, the publisher shall work with the faculty member to find Alternative Course Materials.

VII. Information for Faculty

The University shall periodically provide faculty written notice regarding a publisher’s obligations.

VIII. Faculty and University Bookstore Obligations

- A. The Md. Textbook Affordability Law requires the University to post on its website Required Information about Course Materials and imposes deadlines for doing so. To comply with these requirements, the University has adopted the following procedures:

- 1. To ensure that faculty comply with the required deadlines and to encourage the maximum use of used or previous editions of Course Materials, the following process shall be followed:

- a. Inquiry Period:

Faculty shall consult with the University Store and/or publishers regarding their intended selection of Course Materials to determine availability and prices. The University Store shall advise faculty of the various outlets supplying the intended Course Materials and

the availability of used or previous editions of the intended Course Materials. The Inquiry Period shall commence at the earliest practicable time following the assignment of courses and no later than April 1 for the fall semester and November 1 for the spring semester.

b. Order Period:

Faculty shall notify the University Store of intended Course Materials on or before April 1st for the fall semester and November 1st for the spring semester using the electronic order form (“Intended Selection Date(s)).

(www.towson.edu/adminfinance/auxservices/univeristystore/bookorder.html). Notification to the University Store of the intended Course Materials before these dates is strongly recommended.

c. Final Selection:

Faculty shall finalize their selection no later than April 15th for the fall semester and November 10th for the spring semester (“Final Selection Date”). Faculty shall notify the University Store of the Final Selection Date no later than one business day following the Final Selection Date.

The notification shall include the following information: the Course Materials finally selected; whether the Supplemental Materials are required or suggested; and, whether a previous edition of a selected Textbook will suffice.

d. Required Textbook Order Forms:

All faculty are required to submit a textbook order (or indicate no text required) to the University Store to ensure the University’s compliance with the law on or before the Final Selection Date.

2. Upon the request of a Bookstore, the University Store shall provide the following information about Course Materials within one week of the Intended Selection Date or when notified by faculty of the Final Selection Date, whichever first occurs:

- a. title;
- b. author;
- c. publisher;
- d. edition;
- e. copyright date and, if available, publication date;
- f. ISBN; and,

- g. anticipated enrollment for the course.
- 3. The University Store shall post on the University's website Required Information about Course Materials within three weeks following the Intended Selection Date or when it is notified of the Final Selection Date, whichever occurs first. Any posting made before the Final Selection Date shall state that the selection is not final.
- 4. In the event Required Information is posted under §C, before the Final Selection Date, the University Store shall also post on the University's website a warning that the selection is not final with a description of the University Store's return policy.
- 5. A faculty member may request an extension of the Final Selection Date provided the extension request contains a written statement setting forth the reasons for the request and is approved by both the department chair and dean.

IX. Faculty Acknowledgements

- A. Before selecting Course Materials and before providing the selection to any Bookstore or posting the selection on the University's website, the faculty member shall sign a form (Appendix A) acknowledging the following:
 - 1. the cost difference between any New Selection and a Previous Selection; or,
 - 2. if selecting a current edition, the difference in Substantial Content between the current Textbook edition and the previous edition as reported by the publisher under §VI.A of this Policy and whether the change in Substantial Content is material; and,
 - 3. that use of the current edition is appropriate due to a material change in Substantial Content; and,
 - 4. the cost difference between the current Textbook and the previous Textbook edition; and,
 - 5. that the previous edition of the Textbook may be available at a lower price via the used book market.
- B. Faculty shall further acknowledge that:
 - 1. the University has informed them of the Required Information that publishers must disclose under §VI.A of this Policy; and

2. Supplemental Material included in a Bundle will be used in a course.

X. The University shall not encourage or promote the creation or sale of Textbooks that consist of purely aesthetic changes to a prior edition of a Textbook such as a commemorative edition.

XI. Nothing in this Policy may be construed to supersede the autonomy or academic freedom of faculty in the selection of Course Materials.

Related Policies: USM Policy III-10.00

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Approved by: President's Council 4/21/2010

Faculty Acknowledgements

The College Textbook Competition and Affordability Act of 2009 (the “Act”) requires that you acknowledge the following information when ordering textbooks.

1. I acknowledge that I have been informed that a publisher who sells textbooks must include the following with the information it provides me about textbooks:
- a. the price;
 - b. the title, author, publisher, edition, current and three previous copyright dates, publication date and ISBN of textbooks both as bundles and unbundled items;
 - c. substantial context revisions made between the current edition and the previous edition;
 - d. other available formats for the textbook; and,
 - e. a list of textbooks that are classified as integrated.¹

ACKNOWLEDGE ITEM 2 ONLY IF YOU ARE ORDERING BUNDLED MATERIALS (ONE OR MORE TEXTBOOKS OR SUPPLEMENTAL MATERIALS THAT ARE PUBLISHED TOGETHER AND SOLD FOR ONE PRICE).

2. I acknowledge the bundled materials I am ordering are necessary to the curriculum and instruction for this course.

ACKNOWLEDGE ITEM 3 ONLY IF YOU ARE CHANGING THE TEXTBOOK TITLE FOR AN EXISTING COURSE.

3. I acknowledge that I have compared the cost of the new selection with the cost of the textbook previously used in this course.

ACKNOWLEDGE ITEMS 4 AND 5 ONLY IF SELECTING THE MOST RECENT TEXTBOOK EDITION, THAT IS, A NEW EDITION OF THE PREVIOUSLY ADOPTED TEXTBOOK FOR THIS COURSE (“CURRENT EDITION”).

4. I acknowledge that I have compared the revisions to the Current Edition (such as new chapters, themes or subject matter) with the previous edition of the textbook and have determined that the use of the Current Edition is necessary to provide proper instruction.

¹ Integrated textbooks include textbooks that are unusable without supplemental course materials or which cannot be sold separately due to third party contractual agreements or custom or special editions.

5. I acknowledge that I have determined the difference in price between the Current Edition of the textbook and the previous edition and that the previous edition may be available at a lower price through the used book market.