

ETHICS REMINDER

Accepting Free Textbooks from Publishers: Specific gift rules for CUNY and SUNY educators

Overview

Instructors at both the SUNY and CUNY systems are usually responsible for selecting the required textbooks for their courses. So, what does a teacher or professor do if he or she receives a complimentary copy of a textbook from a publisher hoping the educator will select its volume for use in the classroom? Providing free textbooks to instructors who, in turn, decide what book their students must purchase for required reading happens all the time. Teaching faculty need to consider what the Public Officers Law says about accepting such complimentary textbooks from publishers.

Section 73(5) of the Public Officers Law prohibits State employees from accepting any gift having more than a nominal value, regardless of the form of that gift, when one can reasonably infer that the gift was offered in an attempt to influence—or would have that effect on—someone in the performance of their official duties. Even a “complimentary” textbook could, under some circumstances, be considered an unlawful gift for purposes of the statutory gift ban.

It is important to remember that the fundamental purpose of the gift restriction is to remove improper influences from State government (including public universities and colleges) decision making. A textbook publisher that simply provides a sample of its product is not exerting improper influence, nor could it be expected to have that effect. Educators must evaluate a textbook before selecting it for classroom use; the textbook, even if not selected for course work, may serve as an informational resource and contribute to the performance of that educator’s official duties.

Therefore, a complimentary copy of a textbook provided to a State educator does not constitute a prohibited gift, so long as the following conditions are met:

- The textbook’s subject matter is directly related to the recipient’s duties or field of study;
- The textbook is used solely in connection with the recipient’s official duties;
- The recipient does not resell or trade the textbook for money or any other thing of monetary value;
- The recipient does not request or receive multiple copies of the same textbook; and
- The recipient does not ask a publisher for copies of textbooks for personal interests, or for the personal or professional interest of others.

A complimentary textbook that does not meet these conditions could be a prohibited gift. If in doubt, please contact your agency Ethics Officer or JCOPE for guidance.

Violating Public Officers Law § 73, including the gift ban provisions, can result in a maximum fine of \$40,000 and the value of any gift, compensation, or benefit received in connection with such violation, and is punishable as a class A misdemeanor.



Remember:

The Joint Commission on Public Ethics periodically releases Ethics Reminders. Each reminder is a brief and easy to understand synopsis of the laws and rules under the Commission’s jurisdiction. Ethics Reminders are issued to assist those subject to the Commission’s jurisdiction in understanding and complying with their obligations under the law.