

# FLORIDA ATLANTIC UNIVERSITY NOTICE OF PROPOSED REGULATION AMENDMENT

Date: October 14, 2016

**REGULATION TITLE AND NUMBER:** Textbook and Instructional Materials Affordability (f/k/a Textbook Adoption) (3.004).

**SUMMARY:** FAU Regulation 3.004 has been amended and retitled to align with changes in Board of Governors Regulation 8.003 and Section 1004.085, Florida Statutes. The proposed changes to this regulation provide the following:

- Revises provisions to include instructional materials and recommended textbooks;
- Requires a cost-benefit analyses relating to selection of textbooks and instructional materials to obtain the highest-quality product at the lowest available price;
- Modifies the textbook adoption procedures to comport with statutory requirements;
- Requires identification of course sections with a wide variance in the costs of, and frequency of, changes in the selection of, textbooks and instructional materials for general education course;
- Requires consultation with school districts to identify practices that impact the cost of dual enrollment courses; and
- Delegates to the Provost or designee authority to implement additional policies in furtherance of textbook affordability goals.

**FULL TEXT OF THE REGULATION:** The full text of the proposed regulation is attached below to this Notice. The full text of the existing regulation is posted on FAU's website at [www.fau.edu/regulations](http://www.fau.edu/regulations). In addition, the full text of the proposed regulation and current regulation are available upon request to the Office of the General Counsel, which can be contacted at (561) 297-3007 or [GeneralCounsel@fau.edu](mailto:GeneralCounsel@fau.edu).

**AUTHORITY TO AMEND THE REGULATION:** Article IX of the Florida Constitution and the Board of Governors Regulation Development Procedure.

**UNIVERSITY OFFICIAL INITIATING THE REGULATION AMENDMENT:**  
David Kian, Vice President & General Counsel

**COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW.** In response, the University may solicit additional written comments, schedule a public hearing, withdraw or modify the proposed regulation amendment in whole or in part after notice, or proceed with adopting the regulation amendment. The comments must identify the regulation(s) on which you are commenting:

**THE PERSON TO BE CONTACTED REGARDING THE AMENDMENT/REPEAL OF REGULATIONS IS:** Angella Wint, Paralegal, Office of the General Counsel, 777 Glades Road, Boca Raton, Florida, 33431, (561) 297-3007 (phone), (561) 297-2787 (fax), [GeneralCounsel@fau.edu](mailto:GeneralCounsel@fau.edu).

# Florida Atlantic University

## **Regulation 3.004     Textbook and Instructional Materials Adoption Affordability**

(1) Pursuant to ~~Florida Board of Governors Regulation 8.003,~~ This Regulation is promulgated to minimize the cost of required or recommended textbooks and instructional materials for students while maintaining the quality of instruction and academic freedom.

(2) Textbooks and instructional ~~shall~~ materials shall be adopted through cost-benefit analyses that enable students to obtain the highest-quality product at the lowest available price, by considering:

- (a) Purchasing digital textbooks in bulk;
- (b) Expanding the use of ~~Open-access~~ or Open Education Resources (OER) and instructional materials;:-
- (c) Rental options;
- (d) Affordable digital textbooks and learning objects;
- (e) Mechanisms for assisting students in buying, renting, selling, and sharing textbooks and instructional materials;
- (f) The length and time that textbooks and instructional materials will remain in use;:-
- (g) An evaluation of the cost savings for textbooks and instructional materials which students may realize if they are able to exercise opt-in provisions for the purchase of the materials; and
- (a)(h) The use of innovative pricing techniques and payment options for textbooks and instructional materials in consultation with providers including bookstores. The pricing techniques and payment options must include an opt-in provision for students and may be approved only if there is documented evidence that the options reduce the cost of the textbooks and instructional materials.

(3) Textbooks shall be adopted by sending a completed Textbook Adoption Form to the University Textbook Manager no later than ~~forty-five-sixty (4560)~~ days prior to the first day of classes to allow sufficient time for the ~~Florida Atlantic University Bookstore~~ to work with publishers to confirm availability of the requested materials, ~~and source~~ lower cost options, explore alternatives with faculty, and maximize the ~~ensure maximum~~ availability of used textbooks and instructional materials. Textbooks for courses which are added after the ~~forty-fivesixty (4560) day~~ deadline shall be adopted as soon as is feasible, but no later than forty-five (45) days prior to the first day of classes, if reasonably possibly, to ensure sufficient lead time.

(4) On the University Textbook Adoption Form, Course instructors shall:

(a) Certify that all textbooks and instructional ~~materials~~~~items~~ sold as part of a bundled package will be used; and

~~(a)~~(b) If a prior edition is available, state the extent to which the new edition differs significantly and substantively from earlier versions, and document the value to the student of changing to a new edition, ~~or the extent to which an~~ open-access textbook or instructional material is available.

(5) A list and hyperlink to lists of each required and recommended textbooks and instructional materials for at least 95 percent of all course sections ~~each course offering~~ for the upcoming term shall be posted in the University's course registration website ~~shall be posted on the University's website~~ no later than ~~thirty-sixty (3060)~~ days prior to the first day of classes for each term; The Provost or designee shall determine compliance with this requirement no later than sixty (60) days prior to the first day of classes for each term and any request for an exception to the compliance deadline shall be submitted in writing to the University Textbook Manager prior to the deadline and shall provide a reasonable justification for an exception. ~~For classes~~ courses added after the notification deadline or when an extension is granted, textbook information shall be posted immediately as such information becomes available. A course added less than forty-five (45) days prior to the first day of classes after the notification deadline is exempt from this notification requirement. The posted list shall include the following information for each required textbook:

(a) The International Standard Book Number (ISBN); or

~~(a)~~(b) Other identifying information which shall include, at a minimum:

1. all authors listed;
2. publishers;
3. edition number;
4. copyright date;
5. \_\_\_\_\_ published date; and

~~5-6.~~ \_\_\_\_\_ other relevant information necessary to identify the specific textbook or instructional materials required and recommended for each course.

(6) Consultation with school districts for which there are articulation agreements in place shall help identify practices that impact the cost of dual enrollment textbooks and instructional materials to these districts, including, but not limited to, the length of time that textbooks and instructional materials remain in use.

(7) Each semester, the cost of required and recommended textbooks and instructional materials by course and course section for all general education courses shall be examined to: (i) identify any variance in the cost among different sections of the same course; (ii) identify the percentage of textbooks and instructional materials that remain in use for more

than one term; and (iii) compile a list of courses that have a wide cost variance in costs among sections or that have frequent changes in textbook and instructional materials for review by the appropriate academic department chair.

~~(6)~~—

~~(7)~~(8) The Director of Student Financial Aid or designee shall publish on the University web-site its procedure to make required and recommended textbooks and instructional materials for each course offering available to students who otherwise cannot afford the cost of the textbook, including consideration of the extent to which open-access or OER textbooks or instructional materials may be used, and its procedures by which students can obtain required textbooks and instructional materials prior to receipt of their financial aid distribution, when necessary.

~~(8)~~(9) No employee of the University may demand or receive any payment, loan, subscription, advance, and deposit of money, service, or anything of value, present or promised, in exchange for requiring students to purchase a specific textbook or instructional materials for coursework or instruction. However, an employee may receive, subject to the requirements of the Florida Code of Ethics for Public Officers and Employees and the outside activity and conflict of interest requirements set forth in University regulations, policies and collective bargaining agreements:

- (a) Sample copies, instructor copies, or instructional materials. These materials may not be sold for any type of compensation if they are specifically marked as free samples not for resale.
- (b) Royalties or other compensation from sales of textbooks or instructional materials that include the instructor's own writing or work.
- (c) Honoraria for academic peer review of course materials. Fees associated with activities such as reviewing, critiquing, or preparing support materials for textbooks or instructional materials.
- (d) Training in the use of course materials and learning technologies.

~~(9)~~(10) The Provost or designee is delegated authority to implement additional policies and procedures in furtherance of and consistent with the requirements set forth in herein, Florida Board of Governors Regulation 8.003, applicable law, and governing collective bargaining agreements.

*Authority: Section 7(d), Art. IX, Fla. Const., Section 1004.085, Fla. Stat., Fla. Bd. of Gov. Regulation 8.003. History—New 7-22-09; Amended \_\_\_\_\_ -16.*