

**FLORIDA ATLANTIC UNIVERSITY  
NOTICE OF PROPOSED REGULATION AMENDMENT**

Date: January 13, 2023

**REGULATION TITLE AND NUMBER:** Textbook and Instructional Materials Affordability (3.004).

**SUMMARY:** FAU Regulation 3.004 was developed in accordance with Florida Statutes and Board of Governors Regulations to minimize the cost of required or recommended textbooks and instructional materials for students while maintaining the quality of education and academic freedom. The amendments outlined below are proposed for purposes of complying with recent changes to Board of Governors Regulation 8.003. The proposed changes are summarized as follows:

1. Adds “Transparency” to the title.
2. Changes the number of days from 60 to 45 to post the list of required and recommended textbooks and instructional materials for the upcoming term.
3. Updates the requirements for the posted list of required and recommended textbooks and instructional materials.
4. Requires the postings to remain in a public, searchable database for at least five academic years beginning with the fall 2022 term.

**FULL TEXT OF THE AMENDED REGULATION:** The full text of the proposed amended 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 amended 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 dated July 21, 2005.

**UNIVERSITY OFFICIAL INITIATING THE REGULATION AMENDMENT:** David L. Kian, General Counsel and Vice President for Legal Affairs.

**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 REGULATION AMENDMENT**  
**IS:** Ms. Cassandra Rey, 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** **Affordability and Transparency**

(1) This Regulation is promulgated to minimize the cost of required or recommended textbooks and instructional materials for students while maintaining the quality of education and academic freedom.

(2) Textbooks and instructional 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~~ Increasing the availability and use of affordable digital textbooks and learning objects;
- (e) ~~Meehanisms for assisting~~ Developing mechanisms to assist 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 or opt-out provisions for the purchase of the materials; and
- (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 or opt-out 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 submitting textbook adoptions electronically via Canvas, the University's Learning Management System to the University Textbook Manager no later than sixty (60) days prior to the first day of classes to allow sufficient time for the University Bookstore to work with publishers to confirm availability of the requested materials, source lower cost options, explore alternatives with faculty, and maximize the availability of used textbooks and instructional materials. Textbooks for courses which are added after the sixty (60) 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) When making adoptions, Course instructors shall:

- (a) Certify that all textbooks and instructional materials sold as part of a bundled package will be used; and
- (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 for the upcoming term shall be posted in the University's course registration website on the University's website no later than ~~sixty~~ (60forty-five (45)) 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~~ (60forty-five (45)) 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 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 is exempt from this notification requirement. The posted list ~~shall include the following information for each of required textbooks and recommended textbooks and instructional materials must:~~

- (a) Include The-the International Standard Book Number (ISBN) or other identifying information which ~~shall~~must include, at a minimum:
  1. the title
  - ~~1-2.~~ 2. all authors listed;
  - ~~2-3.~~ 3. publishers;
  - ~~3-4.~~ 4. edition number;
  - ~~4-5.~~ 5. copyright date;
  - ~~5-6.~~ 6. published date; and
  - ~~6-7.~~ 7. other relevant information necessary to identify the specific textbook or instructional materials required and recommended for each course.
- (b) Be posted as early as is feasible, but at least forty-five (45) days before the first day of class for each term.
- (c) Be searchable by the course subject, the course number, the course title, the name of the instructor of the course, the title of each assigned textbook or instructional material, and each author of an assigned textbook or instructional material.
- (d) Be easily downloadable by current and prospective students.
- (e) If a course subject to this section 5 is a general education core course option identified pursuant to section 1007.25, F.S., the course syllabus must be included and contain the following:
  1. The course curriculum.
  2. The goals, objectives, and student expectations of the course.
  3. How student performance will be measured.
- (f) Starting with postings for the fall 2022 term, the above information must remain posted in a public, searchable database for at least five academic years.

(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) The Director of Student Financial Aid or designee shall publish on the University website 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) 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.
- ~~(e)~~(d) Fees associated with activities such as reviewing, critiquing, or preparing support materials for textbooks or instructional materials.
- ~~(d)~~(e) Training in the use of course materials and learning technologies.

(9) The University Board of Trustees shall provide a report, by September 30 of each year, to the Chancellor of the State University System, in a format determined by the Chancellor, with details described in Florida Board of Governors (BOG) Regulation 8.003(3).

(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~~BOG 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 11-16-16, 4-21-2020; xx-xx-2023*