

**THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES  
FLORIDA BOARD OF GOVERNORS**

**NOTICE OF PROPOSED AMENDMENT TO REGULATION**

**REGULATION NO.:** FIU-1103

**REGULATION TITLE:** Textbook Affordability

**SUMMARY:** This regulation is being updated to comply with Board of Governors Regulation 8.003, specifically:

- omitting the requirement for state university boards of trustees to examine the cost of textbooks and instructional materials by course and course section for all general education courses offered at the institution each semester to identify variance in the cost of textbooks and instructional materials among different sections of the same course.
- omitting the requirement for institutions to report the selection process for general education courses identified with a wide cost variance in the board of trustees' annual report to the Chancellor;
- adding a provision related to efforts to provide textbooks and instructional materials for students who cannot afford required and recommended textbooks and instructional materials; and
- adding the requirement that innovative pricing techniques and payment options for course materials include an opt-out provision in addition to the opt-in provision for students. The opt-out provision may be approved provided there is documented evidence that the option reduces the cost of textbooks and instructional materials for students taking a course.

Pursuant to Florida Board of Governors Regulation 8.003, Textbook and Instructional Materials Affordability, each board of trustees shall adopt a regulation that establishes textbook and instructional materials affordability policies to minimize the cost of required or recommended textbooks and instructional materials for students while maintaining the quality of education and academic freedom.

**TEXT OF REGULATION:** The full text of the Proposed Amended Regulation can be viewed below and on the website of The Florida International University Board of Trustees, <http://regulations.fiu.edu/>. If you would like a copy of the Proposed Amendment to Regulation, please contact Eli Deville, Departmental Administrator, Office of the General Counsel, 305.348.2103.

**AUTHORITY:** Board of Governors Regulation 8.003.

**NAME OF PERSON INITIATING PROPOSED REGULATION:** Kenneth G. Furton, Provost and Executive Vice President.

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED AMENDMENT TO REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE

CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

**CONTACT PERSON REGARDING THE PROPOSED REGULATION:**

Eli Deville, Departmental Administrator, Office of the General Counsel,  
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**DATE OF PUBLICATION:** January 19, 2021

**THE FULL TEXT OF THE PROPOSED AMENDMENT TO REGULATION IS PROVIDED BELOW:**

**FIU- 1103 Textbook Affordability.**

- ~~1.~~ ~~The Board of Trustees of Florida International University establishes the following procedures for minimizing the cost of textbooks to students while maintaining the quality of their educational experience and continuing to ensure academic freedom.~~
- ~~2.~~ ~~1.~~ Selection of textbooks and instructional materials through cost-benefit analyses that enable students to obtain the highest-quality product at the lowest available price, by:
  - ~~(a)~~ a. Making available digital textbooks in bulk; expanding the use of open-access textbooks and instructional materials; providing rental options for textbooks and instructional materials; increasing the availability and use of affordable digital textbooks and learning objects; developing mechanisms to assist in buying, renting, selling, and sharing textbooks and instructional materials; increasing the length of time that textbooks and instructional materials remain in use; and other proactive measures.
  - ~~(b)~~ b. Distinguishing the required materials from those which are recommended. By identifying any materials as required, instructors certify that the students need these materials for the course. By identifying any bundled materials as required, instructors certify that students must obtain all the items in the bundle. When it is possible to obtain the bundled materials separately, instructors should specify only those materials which the students need for the course as required.
  - ~~(c)~~ c. Determining which edition(s) to require for the course, whereby the instructor's adoption shall constitute certification that a newer edition differs significantly and substantively from the earlier versions to warrant the change. When instructors do not believe this to be the case and when it will not impede the instruction of the course, faculty members may indicate on the adoption that students may obtain either the new or older editions as this will ensure affordability options to the students.
  - ~~d.~~ ~~(2)~~ Efforts to make required and recommended textbooks and instructional materials for each course offering available to students who cannot afford the cost of the textbooks will include the consideration of the extent to which an open-access textbook or instructional material may be available for students' use by promoting the use and facilitating the adoption and adaptation of open educational resources.

~~3.2.~~ Textbooks and other instructional materials shall be adopted by the course instructor or his/her designee via the University Bookstore's adoption online platform no later than forty-five (45) days prior to the first day of classes.

- a. ~~(a)~~—The forty-five (45-) days deadline is established to allow sufficient time for the University Bookstore to confirm availability of the requested materials, ensure availability of sufficient used instructional materials, source lower cost options, explore alternatives with faculty, coordinate its book-buy-back activities at the end of the semester with the book orders for the ensuing semester to maximize the availability of used textbooks and instructional materials. A course or section added after this 45-day deadline is exempt from this requirement.
- b. ~~(b)~~—Adoptions for required and recommended textbooks and instructional materials for the upcoming term will be posted publicly by course section on the University's website and linked to the student registration system as soon as they are received. This posted information will include: ISBN, author(s) or editor(s), title, publisher, edition number, copyright and publication dates, or other relevant information necessary to clearly identify the specific materials students must obtain for the course.

~~4.3.(3)~~ The University shall develop innovative and effective pricing and payment options for textbooks and instructional materials.

- a. ~~(a)~~—The University shall conduct consultations with providers including the University Bookstore and publishers to implement price match and other options.
- b. ~~(b)~~—Determination of the students' ability to pay for instructional materials will be made through the standard student financial aid eligibility assessment. When financial aid applications are made within stated deadlines students with confirmed financial aid eligibility for textbooks will be notified of this prior to the beginning of each semester. They may elect to have their Panther Accounts credited with the approved funding to make textbook and instructional materials purchases from the University Bookstore directly.
- c. ~~(c)~~—Making available book advances three (3) weeks before the start of classes each Fall/Spring/Summer term, including for students receiving early loan disbursements as not all students take their loans.
- d. Evaluate cost savings for textbooks and instructional materials which students may realize from opt-in or opt-out provisions for the purchase of materials.
- e. 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.

~~5.4.~~ The University shall consult with dual enrollment partner schools to identify best practices that reduce the cost of dual enrollment course textbooks and instructional materials.

- ~~6. The Office of the Provost shall examine, each semester, the cost of required and recommended textbooks and instructional materials for general education and high enrollment courses by:~~
- ~~7. Identifying any wide variance, as established by the Board of Governors, in the cost among different sections of the same course and submission of a list of courses that have a wide variance in costs among sections to the appropriate academic department chair for review.~~
- ~~8. Identification of the percentage of textbooks and instructional materials that remain in use for more than one term, if such analysis in the textbook adoption platform can be provided.~~
- 9.5. No employee of Florida International University may demand or receive any payment, loan, subscription, advance, deposit of money, service, or anything of value, present or promised, in exchange for requiring students to purchase specific items. 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 and collective bargaining agreements:
  - a. ~~(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. ~~(b)~~ Royalties or other compensation from sales of textbooks that include the instructor's own writing or work (which requires the filing and approval of the "Outside Activity and Conflict of Interest" form).
  - c. ~~(c)~~ Honoraria for academic peer review of course materials.
  - d. ~~(d)~~ Fees associated with activities such as reviewing, critiquing, or preparing support materials for textbooks.
  - e. ~~(e)~~ Training in the use of course materials and learning technologies.

Authority: Section 7(d), Art. IX, Fla. Const., FBOG Regulation 8.003. History-New 3-25-10, Amended 6-14-17, Amended.