

**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, adding a provision for the University to maintain a public database with information on required and recommended textbooks and instructional materials that is searchable and downloadable. Where applicable, the database also includes general education courses syllabi. The information contained in the database remains posted for at least five academic years, starting with the fall 2022 term.

TEXT OF REGULATION: The full text of the Proposed 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 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: Dr. Elizabeth Bejar, Interim Provost, Executive Vice President and Chief Operating Officer, and Senior Vice President, Division of Academic and Student Affairs

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED 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,
Florida International University, 11200 SW 8th Street, PC 511, Miami, Florida 33199.
Email: devillee@fiu.edu | Phone: 305.348.2103 | Fax: 305.348.3272.

DATE OF PUBLICATION: August 19, 2022

THE FULL TEXT OF THE PROPOSED REGULATION IS PROVIDED BELOW:

FIU- 1103 Textbook and Instructional Materials Affordability and Transparency

1. Faculty and staff shall select textbooks and instructional materials through cost-benefit analyses that enable students to obtain the highest-quality product at the lowest available price while maintaining academic freedom and the quality of education ~~and academic freedom~~ by:
 - ~~1.~~
 - 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;:-
 - ~~a.~~
 - 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;:-
 - ~~b.~~
 - 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;:-
 - c. and
 - ~~c.~~
 - d. Efforts to ~~m~~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 ~~s~~s
 - d. textbook or instructional material may be available for students' use by promoting the use and facilitating the adoption and adaptation of open educational resources.
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 and posted no later than forty-five (45) days prior to the first day of classes.

~~2.~~

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.

~~a.~~

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 and verified by the University's Bookstore.

~~b.~~

c. The list of required and recommended textbooks and instructional materials will include the International Standard Book Number (ISBN) or other identifying information, which must include, at a minimum, all of the following: the title, all authors listed, publishers, edition number, copyright date, published date, and other relevant information necessary to identify the specific textbooks or instructional materials required and recommended for each course;

~~c.~~

d. Beginning Fall 2022, the required and recommended textbooks and instructional materials adoptions will be publicly posted, downloadable and searchable, on our Textbook & Instructional Materials Explorer website at <http://tim.fiu.edu> for at least five (5) academic years. The postings will be searchable by course subject, the course number, the course title, the name of the instructor, the title of each assigned textbook or instructional material, and each author of an assigned textbook or instructional material. e.

~~a. The syllabus for a general education course, as defined by section 1007.25, Florida Statutes, subject to this paragraph~~

~~e. 3. If a course subject to 2. is a general education core course pursuant to section 1007.25, Florida Statutes, the course syllabus will also be posted on the Textbook & Instructional Materials Explorer website in accordance with Board of Governors requirements.~~

3. ~~34.~~ The University shall develop innovative and effective pricing and payment options for textbooks and instructional materials through several initiatives such as:-

~~a.~~

~~b.a. The University shall conduct e~~Consultations with providers including the University Bookstore and publishers to implement price match and other options:-

~~e.b. Determinat~~Determiningion of thea 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~~ Students may elect to have their Panther Accounts credited with the approved funding to make textbook and instructional materials purchases from the University Bookstore directly:-

- ~~d.c.~~ d.c. Making ~~available~~ book advances available 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:-
- ~~e.d.~~ e.d. Evaluating ~~cost savings~~ for textbooks and instructional materials which students may realize from opt-in or opt-out provisions for the purchase of materials; or:-
- ~~f.e.~~ f.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.

~~4. 54.~~ 4. 54. 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.

~~5. 65.~~ 5. 65. 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.

~~a.~~

~~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).

~~b.~~

~~c.~~ c. Honoraria for academic peer review of course materials.

~~e.~~

~~d.~~ d. Fees associated with activities such as reviewing, critiquing, or preparing support materials for textbooks.

~~d.~~

~~e.~~ e. Training in the use of course materials and learning technologies.

76. The University's ~~annual~~ Textbook and Instructional Materials and Transparency report will be provided to the Board of Trustees annually by September 30 ~~each year~~ in the format required by the Board of Governors of the State University System of Florida.

Authority: Section 7(d), Art. IX, Fla. Const., Board of Governors Regulation 8.003. History-
New 3-25-10, Amended 6-14-17, Amended 3-3-21, Amended.