Florida Gulf Coast University Board of Trustees  
January 10, 2010

SUBJECT: Textbook Adoption and Affordability FGCU PR3.003

PROPOSED BOARD ACTION
Approve as a regulation as required by the Board of Governors’ Regulation 8.003

BACKGROUND INFORMATION
The purpose of this regulation is to establish textbook selection and adoption procedures to decrease the cost of textbooks to students, minimize the cost of textbooks for students, maintain the quality of education and ensure faculty academic freedom.

Florida Board of Governors Regulation 8.003, Textbook Adoption, directs that the regulation establish a procedure for adoption of required textbooks for courses including deadlines for identification of text by instructor, consideration of actual value of any required new edition of required texts, actual use of the required materials in the course, precise identification of text to ease comparison and purchase by the student, monitoring of instructor compliance and financial assistance. Also, no employee may receive any form of compensation for requiring a textbook other than those specified in the regulation.

Supporting Documentation Included: (1) Florida State Statute 1004.085; (2) Board of Governors’ Regulation 8.003; (3) FGCU Regulation PR3.003

Prepared by: Associate Provost and Associate Vice President for Academic Affairs Hudson Rogers

Legal Review by: General Counsel Vee Leonard (12/9/09)

Submitted by: Provost and Vice President for Academic Affairs Ron Toll
**1004.085 Textbook affordability.**

(1) No employee of a community college or state 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 a specific textbook for coursework or instruction.

(2) An employee may receive:

(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 that include the instructor's own writing or work.

(c) Honoraria for academic peer review of course materials.

(d) Fees associated with activities such as reviewing, critiquing, or preparing support materials for textbooks pursuant to guidelines adopted by the State Board of Education or the Board of Governors.

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

(3) Community colleges and state universities shall post on their websites, as early as is feasible, but not less than 30 days prior to the first day of class for each term, a list of each textbook required for each course offered at the institution during the upcoming term. The posted list must include the International Standard Book Number (ISBN) for each required textbook 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 textbook or textbooks required for each course. The State Board of Education and the Board of Governors shall include in the policies, procedures, and guidelines adopted under subsection (4) certain limited exceptions to this notification requirement for classes added after the notification deadline.

(4) By March 1, 2009, the State Board of Education and the Board of Governors each shall adopt policies, procedures, and guidelines for implementation by community colleges and state universities, respectively, that further efforts to minimize the cost of textbooks for students attending such institutions while maintaining the quality of education and academic freedom. The policies, procedures, and guidelines shall provide for the following:
(a) That textbook adoptions are made with sufficient lead time to bookstores so as to
confirm availability of the requested materials and, where possible, ensure maximum
availability of used books.

(b) That, in the textbook adoption process, the intent to use all items ordered,
particularly each individual item sold as part of a bundled package, is confirmed by the
course instructor or the academic department offering the course before the adoption is
finalized.

(c) That a course instructor or the academic department offering the course determines,
before a textbook is adopted, the extent to which a new edition differs significantly and
substantively from earlier versions and the value of changing to a new edition.

(d) That the establishment of policies shall address the availability of required
textbooks to students otherwise unable to afford the cost.

History.--s. 1, ch. 2008-78.
8.003 Textbook Adoption

(1) Each university board of trustees shall adopt a regulation that establishes textbook adoption procedures to minimize the cost of textbooks for students while maintaining the quality of education and academic freedom. At a minimum, the regulation shall provide for the following:

(a) A deadline for the adoption of textbooks each term that shall provide sufficient lead time for bookstores to confirm the availability of the requested materials and, where possible, maximize the number of used books available.
(b) A procedure to document the intent of the course instructor or the academic department offering the course to use all items ordered, including each individual item sold as part of a bundled package, before the adoption is finalized.
(c) A determination by the course instructor or academic department offering the course, before a textbook is adopted, of the extent to which a new edition differs significantly and substantively from earlier versions and the value of changing to a new edition.
(d) A procedure to make required textbooks for each course offering available to students who otherwise cannot afford the cost of the textbook.
(e) A procedure by which students can obtain required textbooks prior to receipt of their financial aid distribution, when necessary.
(f) A deadline for posting a list of each required textbook for each course offering for the upcoming term on the university’s website. The deadline shall be no later than thirty (30) days prior to the first day of classes for each term, and any request for an exception to the deadline shall be submitted in writing to the appropriate university official prior to the deadline and shall provide a reasonable justification for an exception. The posted list shall include the following information for each required textbook:

   1. the International Standard Book Number (ISBN) or
   2. other identifying information which shall include, at a minimum:
      (a) all authors listed,
      (b) publishers,
      (c) edition number,
      (d) copyright date,
      (e) published date, and
      (f) other relevant information necessary to identify the specific textbook required for each course.

(2) No employee of a state 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 a specific textbook 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 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 that include the instructor’s own writing or work.
(c) Honoraria for academic peer review of course materials.
(d) Fee associated with activities such as reviewing, critiquing, or preparing support materials for textbooks.
(e) Training in the use of course materials and learning technologies.

Authority: Section 7(d), Art. IX, Fla. Const. New 03-26-09.
FLORIDA GULF COAST UNIVERSITY

NOTICE OF REGULATORY ACTION
December 9, 2010

REGULATION TITLE:
Textbook Adoption and Affordability

REGULATION NO.:
FGCU-PR3.003

SUMMARY:
The purpose of this new regulation is to establish textbook selection and adoption.

FULL TEXT:
The full text of the regulation being proposed is attached and can also be found at
http://www.fgcu.edu/generalcounsel/promulgation.asp

LAW IMPLEMENTED:
§1004.09 Florida Statutes; Florida Board of Governors Regulation 8.003

UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:
Dr. Hudson Rogers, Associate Provost and Associate Vice President for Academic Affairs

UNIVERSITY OFFICIAL APPROVING THE PROPOSED REGULATION:
Dr. Ronald Toll, Provost and Vice President for Academic Affairs

PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW REGULATION:
Diane St. John, Administrative Assistant, dstjohn@fgcu.edu; (239) 590-1101 (Phone),
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ANY COMMENTS REGARDING THE PROPOSED NEW REGULATION SHOULD BE
SUBMITTED IN WRITING ON OR BEFORE DECEMBER 23, 2009 BY 5:00 P.M. THE
COMMENTS MUST IDENTIFY THE REGULATION ON WHICH YOU ARE
COMMENTING.

THIS NOTICE WAS POSTED ON THE FGCU WEBSITE ON: DECEMBER 9, 2009.
The purpose of this regulation is to establish textbook selection and adoption procedures to decrease the cost of textbooks to students, minimize the cost of textbooks for students maintain the quality of education and ensure faculty academic freedom.

Florida Board of Governors Regulation 8.003, Textbook Adoption, directs that the regulation establish a procedure for adoption of required textbooks for courses including deadlines for identification of text by instructor, consideration of actual value of any required new edition of required texts, actual use of the required materials in the course, precise identification of text to ease comparison and purchase by the student, monitoring of instructor compliance and financial assistance. Also, no employee may receive any form of compensation for requiring a textbook other than those specified in the regulation.

The Board of Trustees of Florida Gulf Coast University establishes the following procedures for minimizing the cost of textbooks to students, maintaining the quality of the students' educational experience and ensuring faculty academic freedom.

PART 1

1. For purposes of this Regulation, the term “Faculty” or “Faculty Member” shall mean an employee or employees in the collective bargain unit and any adjunct or out of unit employee or employees who are required to comply with the requirements of this regulation.

2. The University shall publish the textbook ordering and textbook adoption dates for the fall, spring and summer terms of each academic year in the University Academic Calendar or other University approved publication. Pursuant to the Florida Board of Governors’ Regulation 8.003, Textbook Adoption, textbook orders must be completed and made available to students no later than 30 days prior to the first day of classes for each term. The date for making the textbook adoption information available to students shall occur after the textbook ordering date and shall be a date prior to the minimum 30 days date required by the Florida Board of Governors’ Regulation 8.003, Textbook Adoption for the posting of required textbooks.

3. No later than the published textbook ordering date for each term, each faculty member, or the department where applicable, shall identify the textbook and other materials adopted for the course to be taught by completing the Course Textbook Adoption request page on the University Bookstore website or other University determined location.
4. There shall be an exception process to the textbook ordering date requirements which shall address, among other things, the situation when a faculty member is assigned to teach a course after the textbook ordering date.

5. In placing the textbook order, the textbook listings shall include the following information:
   a. the international standard book number (ISBN);
   b. the name(s) or the author(s) or editor(s);
   c. the title, the publisher;
   d. the edition;
   e. the copyright and publication dates; and
   f. other relevant information necessary to identify the specific textbook required for each course.

   The textbook information will be included in the posting of required textbooks on the University website.

6. When adopting items other than books for a course, the faculty member shall described the items clearly to ensure that the student can determine what exactly is required to be purchase.

7. When requiring the purchase of a bundled package rather than one or more of its discrete parts, the faculty member must provide a written statement that the faculty member requires the students in that class to use all of the individual items that the bundled package. Additionally, the faculty member must include a list of all items in the bundled package ordered as part of the course syllabus.

8. Prior to adopting the new edition of the textbook currently in use, a faculty member, or the department where applicable, shall provide written determination of the extent to which the new edition differs significantly and substantively from the existing edition and the value of changing to a new edition. It shall be the responsibility of the college or department to retain such determination in accordance with general records requirements.

9. The dean or designee of each college and unit will monitor the completion of the Course Textbook ordering application and ensure that each faculty member with an instructional assignment complies with the requirements for timely submission of the information required by the textbook ordering process.

PART 2

1. No University employee 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 make specific purchases. However, and except as provided below, 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 FGCU-PR 5.012 and the Collective Bargaining Agreement:
   a. Sample copies, instructor copies of textbooks, or instructional materials. These materials may not be sold for any type of compensation if they are specifically identified as free samples not for resale;
b. Royalties or other compensation from sales of textbooks and other instructional resources of which he or she is the author or creator provided that such works are “published” and the University has agreed to waive this requirement in writing for materials sold to FGCU students;

c. Honoraria for academic peer review of course materials;

d. Fee associated with activities such as reviewing, critiquing, or preparing support materials for textbooks; and

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

Conflict of interest or potential conflict of interest must be reported consistent with 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 FGCU-PR5.012 and the Collective Bargaining Agreement.

PART 3

1. The University shall establish a policy and procedure to:
   a. assist students who have qualified for need based educational financial assistance and cannot otherwise afford textbooks to have access to the textbooks necessary for the classes for which the student has registered;
   b. assist those students who have applied and qualified for need-based financial aid and desire to purchase textbooks necessary for the classes for which the student has registered prior to the distribution of financial aid; and
   c. assist students who have qualified for need based educational financial assistance purchase coursepack materials, where applicable.