

**THE UNIVERSITY OF WEST FLORIDA
NOTICE OF PROPOSED REGULATION AMENDMENT**

DATE: May 29, 2020

REGULATION TITLE AND NUMBER: UWF/REG – 3.040 Textbook and Instructional Materials Affordability

PURPOSE AND EFFECT: UWF Regulation 3.040 is being amended to reflect changes in the Florida Board of Governors Regulation 8.003.

SUMMARY:

- Omitting the requirement 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 to review the percentage of textbooks and instructional materials that remain in use for more than one term.
- Omitting the requirement 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

AUTHORITY TO AMEND THE REGULATION: Article IX of the Florida Constitution; Florida Statutes § 1004.085; Florida Board of Governors Regulation 8.003, and the Florida Board of Governors Regulation Development Procedure dated July 21, 2005.

NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION AMENDMENT: Dr. George Ellenberg, Provost & Senior Vice President

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 PROPOSED REGULATION: Gabby Nokes, Paralegal, Office of the General Counsel at grozier@uwf.edu, or 850-474-3420 or Office of the General Counsel, Building 10, 11000 University Parkway, Pensacola, Florida 32514.

THE FULL TEXT OF THE REGULATION: The full text of the proposed regulation is attached below this Notice. The full text of the proposed and existing regulation is also posted on

UWF's website at <https://uwf.edu/offices/board-of-trustees/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 1.850.474.3420 or grozier@uwf.edu



Regulations

Number: UWF/REG – 3.040

Title: Textbook and Instructional Materials Affordability

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1. **Purpose.** The Board of Trustees of The University of West Florida establishes the following regulation for minimizing the cost of textbooks to students while maintaining the quality of their educational experience and continuing to ensure academic freedom.
2. **Selection of Textbooks and Instructional Materials.** Textbooks and instructional materials shall be adopted by the University 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 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; 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
 - g. 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. **Selection Procedures.**
 - a. **Selection Deadline and Exceptions to Deadline.** The Office of the Provost shall establish textbook and instructional material adoption procedures providing that textbooks and other instructional materials shall be adopted no later than forty-five (45) 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 text books and instructional materials. Requests for an exception to the compliance deadline shall be submitted in writing to the Office of the Provost in accordance with the established textbook and instructional material adoption procedures 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. However, no exceptions shall be granted less than forty-five (45) days prior to the first day of class for each semester.

- b. **Bookstore Notification.** Each instructor must provide the University bookstore with textbook and instructional material selection information for each course he/she has been assigned to teach as early as reasonably possible but no later than the deadlines established in this regulation. Such information must include:
 - i. notification that no textbook or instructional materials will be required or recommended for the course, if applicable; or
 - ii. sufficient information detailing any and all textbooks and instructional material that the instructor will require students and/or recommend to students who are enrolled in the course to purchase;
 - iii. a statement of the intent of the course instructor, or academic department offering the course, to use, during the term of the course, all instructional materials that the instructor is requiring students enrolled in the course to obtain, including each individual item sold as a part of a bundled package, unless the individual items from the bundled package would cost more, if purchased separately, than the package as a whole; and
 - iv. if the course instructor, or academic department offering the course, is selecting a new edition of a textbook or instructional material, a statement reflecting the determination by the course instructor or academic department of the extent to which the new edition differs significantly and substantively from earlier versions and the value to the student of changing to a new edition or the extent to which previous editions are acceptable and if open-access textbooks or instructional materials are available.

4. **Posting Requirements.** The University shall post prominently in the course registration system and on applicable website(s), as early as is feasible, but at least 45 days before the first day of class for each semester, a hyperlink to lists of required and recommended textbooks and instructional materials for at least 95 percent of all courses and course sections offered at the institution during the upcoming term. The Office of the Provost shall determine compliance with this requirement no later than forty-five (45) days prior to the first day of classes for each semester. 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 required textbook:

- a. the International Standard Book Number (ISBN); or
- b. Other identifying information which shall include, at a minimum:
 - i. the title;
 - ii. all authors listed;
 - iii. publisher[s] and edition number;
 - iv. copyright date;
 - v. published date; and
 - vi. other relevant information necessary to identify the specific textbook required for each course.

Commented [MW1]: BOG added this, but it was already part of our regulation.

5. **Financial Aid.** The Director of Student Financial Aid or designee shall publish on the University web site the procedure through which students who cannot otherwise afford the cost of a textbook can obtain a textbook, including consideration of the extent to which an open-access text book may be used, and shall publish on the University website the procedure through which students can obtain required textbooks prior to receipt of their financial aid distribution, when necessary.
6. **Consultations.** The Office of the Provost shall consult with school districts for which there are articulation agreements in place to 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. ~~Semester Review. 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:~~

- ~~a. identify any variance in the cost among different sections of the same course;~~
- ~~b. identify the percentage of textbooks and instructional materials that remain in use for more than one term;~~
- ~~c. submission of a list of courses that have a wide variance in costs among sections or that have frequent changes in textbook;~~
- ~~d. 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.~~

Commented [MW2]: BOG no longer requires this, but we're not prohibited from performing this review.

~~8.7.~~ **Prohibitions.** No employee of The University of West Florida 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, subject to the requirements of the Florida Code of Ethics for Public Officers and Employees and both the outside activity requirements and conflict of interest restrictions set forth in the university's regulations, policies, and in collective bargaining agreements, an employee may receive:

- a. Sample or instructor copies of textbooks or other instructional resources. These materials cannot be sold if they are identified as samples and not for sale;
- b. Royalties or other compensation from the sales of textbooks that include the instructor's own writing or work;
- c. Honoraria for academic peer review of course materials;
- d. Fees resulting from activities such as reviewing, critiquing, or preparing support materials for textbooks; and
- e. Training in the use of course materials and learning technologies.

~~9.8.~~ **Reporting.** The UWF 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, that details:

- a. The selection process for ~~general education courses with a wide cost variance and high enrollment courses;~~
- b. Specific initiatives of the institution designed to reduce the costs of textbooks and

- instructional materials;
- c. Policies implemented regarding the posting of textbook and instructional materials for at least 95% of all courses and course sections 45 days before the first day of class;
 - d. The number of courses and course sections that were not able to meet the posting deadline for the previous academic year; and
 - e. Any additional information determined by the Chancellor.

Specific Authority: Florida Board of Governors Regulations 1.001, 8.003; Section 1004.085, Florida Statutes. History–New 6-4-2010; Amended 9/17/10, 07/27/17, [XX/XX/1920](#).