

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

Date: June 18, 2009

**REGULATION TITLE AND NUMBER:** Textbook Adoption (3.004).

**SUMMARY:** Under Section 1004.085, Florida Statutes, the Board of Governors is required to promulgate a regulation to implement the Textbook Affordability Act of 2008. The BOG promulgated Regulation 8.003 on March 26, 2009, which requires each Board of Trustees to promulgate a regulation to implement the law. The FAU regulation meets the requirements of Florida Statutes and the BOG regulation.

**FULL TEXT OF THE REGULATION:** The full text of the proposed 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 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 FOR THE REGULATION:** Article IX of the Florida Constitution; the Board of Governors Regulation Development Procedure dated July 21, 2005; Section 1004.085, Fla. Stat.; and Board of Governors Regulation 8.003.

**UNIVERSITY OFFICIAL INITIATING THE REGULATION:** Dennis Crudele, Associate Vice President, Financial Affairs

**COMMENTS CONCERNING THE PROPOSED NEW REGULATION 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 in whole or in part after notice, or proceed with adopting the regulation. The comments must identify the regulation(s) on which you are commenting:

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW REGULATION IS:** Myrlande Dessalines, 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).

# PROPOSED NEW REGULATION

## Florida Atlantic University

### **Regulation 3.004                      Textbook Adoption**

(1) Pursuant to Florida Board of Governors Regulation 8.003, this Regulation is promulgated to minimize the cost of textbooks to students while maintaining the quality of instruction and academic freedom.

(2) Textbooks shall be adopted by sending a completed Textbook Adoption Form to the University Textbook Manager no later than forty-five (45) days prior to the first day of classes to allow sufficient time for the Florida Atlantic University Bookstore to work with publishers to confirm availability of the requested materials and to ensure maximum availability of used books. Textbooks for courses which are added after the forty-five (45) day deadline shall be adopted as soon as is feasible to ensure sufficient lead time.

(3) On the University Textbook Adoption Form, Course instructors shall:

(a) Certify that all textbooks and instructional items 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 of changing to a new edition.

(4) A list of each required textbook for each course offering for the upcoming term shall be posted on the university's website 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 University Textbook Manager prior to the deadline and shall provide a reasonable justification for an exception. For classes added after the notification deadline or when an extension is granted, textbook information shall be posted immediately as such information becomes available. 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:

1. all authors listed;
2. publishers;
3. edition number;
4. copyright date;
5. published date; and
6. other relevant information necessary to identify the specific textbook required for each course.

(5) The Director of Student Financial Aid or designee shall publish on the University web site its procedure to make required textbooks for each course offering available to students who otherwise cannot afford the cost of the textbook, and its procedure by which students can obtain required textbooks prior to receipt of their financial aid distribution, when necessary.

(6) 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 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 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., Section 1004.085, Fla. Stat., Fla. Bd. of Gov. Regulation 8.003. History—New 7- -09.*