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MEMORANDUM

DATE: April 9, 2025

TO: Deans, Department Chairs, School Directors, and Faculty

FROM: Dr. Russ Ivy, Interim Provost and Vice President for Academic Affairs

SUBJECT: **Procedures for Selecting Textbooks and Instructional Materials for Affordability and Transparency**

Florida Atlantic University is committed to implementing the procedures on Textbook and Instructional Materials Affordability as outlined in Florida Statute Section 1004.085 and Board of Governors (BOG) Regulation 8.003. The purpose of this memorandum is to provide further guidance for textbook selection established in FAU Regulation 3.004 to minimize the cost of required or recommended textbooks and instructional materials to students while maintaining the quality of education and academic freedom. The intent of this memorandum is to encourage faculty to embrace and balance each of these values.

TEXTBOOK AFFORDABILITY

Appropriate consideration should be given to selecting textbooks and instructional resources in the best and broadest interest of educational affordability for the student. The FAU posting deadline of 60 days prior to the beginning of the semester is intended to provide students with time to choose the lowest cost option available for textbooks and instructional materials. The deadline also affords the University Bookstore time to provide the necessary number of books for rent -- which is a very popular low-cost option among students – and new or used purchases. Electronic books frequently provide less expensive options. FAU will endeavor to effectively communicate to students when textbooks are available.

Faculty and academic units responsible for ordering textbooks and instructional materials should ensure that low-cost options are available from publishers. To work toward maximizing affordability, faculty should also consider Open Education Resources (OER) and other open-access textbooks and materials that are no-cost options for students. Faculty who are teaching online sections should use electronic textbooks or open access materials in lieu of conventional textbooks if quality resources are available through publishers or accessible websites. When faculty are teaching an online section of a multi-section course and standardized course materials are used, faculty should choose the electronic version(s) of the same standardized materials whenever possible.

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TEXTBOOK SELECTION

To meet posting deadlines, faculty need to plan their textbook selections in advance of the 60-day posting deadline prior to the beginning of the term. Department chairs or other administrators responsible for faculty assignments are encouraged to make teaching assignments in advance of the six-weeks prior to the term, if practicable, as specified in the Collective Bargaining Agreement to ensure adequate time for textbook selection. The typical protocol for a faculty member who is teaching a course should involve the following steps:

- Obtain possible texts and instructional materials for consideration from colleagues, publishers, and/or searches on the internet, including open-access textbooks and instructional materials.
- Review the options for quality, appropriate fit for the course, and cost to the student. The latter should include but not be limited to the availability of rental, used, and new textbooks, as well as digital textbooks and learning objects which are frequently more affordable.
- Select the textbook and instructional materials based on an assessment of the costs and benefits to the student.

Principles set forth by the American Association of University Professors (AAUP) "Freedom to Teach" describe protocols for multiple section courses taught by more than one faculty member in which a single textbook is used. The section states that "shared responsibility bespeaks a shared freedom, which trumps the freedom of an individual faculty member to assign a textbook that they alone consider satisfactory" (AAUP, 2015, p. 28). To avoid even the appearance of any conflict of interest in courses with multiple sections in which a single textbook is used, an appropriate coordination protocol should be developed by each college, or where appropriate, each department within a college, and approved by the Dean. The amount of advance time required to ensure input from all full-time faculty can be as much as 6 to 12 months prior to the posting deadline. The protocol should include the following components:

- A core selection committee comprised of full-time faculty who teach the multi-section course should be convened. If the number of faculty is small, that is two to three full-time faculty, the core committee could comprise all the faculty teaching the course.
- The committee should identify possible textbooks and instructional materials, including open-access resources.
- The committee should solicit input (for instance anonymous survey or open discussion) on the items under consideration from all faculty teaching the course, take the input under consideration, and then select the textbooks and instructional materials for further consideration.

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- If feasible, the committee should consider piloting textbook options, request feedback from the instructors using the piloted textbooks, and provide all the faculty teaching the course access to the feedback.
- All full-time faculty should discuss and vote on the textbook and instructional materials when all sections use the same textbook based on an assessment of the costs and benefits to the student.

Further demonstration of the institution's commitment to ensure that students obtain the highest quality product at the lowest available price include the following faculty initiatives:

- 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.
- 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 versions as this will ensure affordability options to the students. Faculty should indicate the latter in the comments field of the Bookstore textbook ordering website when posting their textbooks.

In no instance should either an individual faculty member, or an academic unit, accept financial incentives or royalties to adopt a specific textbook, including "course packs" with bundled instructional materials, that could be made available through Canvas at no cost to the student.

TEXTBOOK REVIEW & ATTESTATION

In accordance with BOG Regulation 8.003, all faculty or instructors must review all required course materials for each course they teach each semester. In instances where textbooks and course materials are selected on behalf of an adjunct or temporary instructor for a course, the individual responsible for selecting the materials for that course must complete the attestation. The review process should include the following steps:

- Conduct a cost-benefit analysis to ensure students obtain the highest-quality product at the lowest available price. This includes considering options such as selecting digital textbooks, expanding the use of open-access textbooks, providing rental options, and increasing the availability of affordable digital textbooks and learning objects.

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- Evaluate the length of time that textbooks and instructional materials remain in use and the cost savings for students if they can exercise opt-in or opt-out provisions for the purchase of materials.
- Document the intent of the course instructor or the academic department offering the course to use all items selected, including each individual item sold as part of a bundled package, before the selection is finalized.
- Determine the extent to which a 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 an open-access textbook or instructional material is available.
- Ensure that the materials are in conformity with all applicable laws and regulations, specifically including without limitation the Florida Educational Equity Act and BOG regulations and guidance.

All faculty or instructors must attest that they have reviewed all required materials for each course they teach each semester before the materials are presented or assigned to the students and that such materials are appropriate for the course. This attestation must be submitted in accordance with instructions from the Office of the Provost.

SELF-AUTHORED TEXTBOOKS and INSTRUCTIONAL MATERIALS

Faculty may require self-authored textbooks issued by an established publisher in which the author has no financial interest. Faculty may also require instructional materials that are self-authored by a single faculty member or a group of faculty when the quantity of materials cannot reasonably be made available through Canvas and the quantity of the materials is sufficient to warrant binding them into a substantive book provided to the student at cost. Use of these textbooks and instructional materials requires the approval of the Department Chair and are subject to the guidelines described above with respect to single textbooks and instructional materials used in multiple-section courses. Faculty who require self-authored textbooks may seem to be inappropriately enriching themselves at the expense of their students resulting in an appearance of a conflict of interest.

Conflicts of interest in either appearance or in fact must be addressed. The practice of donating royalties obtained from the sale of textbooks required of the author's students is an appropriate plan for managing the conflict. Therefore, faculty may not receive financial incentives including royalties from the sale of self-authored textbooks purchased from the University bookstore by FAU students in the sections they teach or in sections they have any type of oversight or supervisory capacity. These royalties must be contributed either to the Provost's Greatest Educational Needs Scholarship fund or a scholarship fund approved by the Dean. A Textbook Selection Form that includes placement of the royalty's donation must be submitted by the author to the Dean when self-authored textbooks or instructional materials are required. The distribution arrangement of the monies in the fund must ensure that the author does not directly or indirectly benefit from the FAU royalty contribution to

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avoid either an appearance of a conflict of interest, or a conflict of interest in fact. Faculty who require self-authored textbooks should include a statement in their syllabi indicating that royalties from their students through the purchase of new textbooks from the University bookstore are placed in a scholarship fund that directly benefits FAU students. The following is an example of such a statement:

I may receive royalties on the textbook I have written and require in my course. Royalties are a small fraction of the purchase price on the sale of new textbooks that I receive as the author of the textbook. To eliminate any conflict of interest, I donate the royalties I receive from new textbook purchases my students make from the University bookstore to an FAU fund that is used for [name of the scholarship fund].

When calculating the textbook royalties earned, the author should send an e-mail to the campus bookstore manager requesting the number of the author's new textbooks sold to students enrolled in the author's section(s) for the given semester. The calculation of royalties is based on the cost of the textbook (e.g., $80) multiplied by the contracted royalties provided by the publisher (e.g., 7.2%). The result is then multiplied by the number of new textbook sales reported by the bookstore manager. That result amounts to a gross royalty (before taxes). After the author receives the royalty payment from the publisher, the author should calculate the net royalty (after taxes). The net royalty is the amount of the donation that the author should make to the FAU fund. The time of royalty payment to authors varies by publisher. The author should provide documentation of the donation to their department chair for auditing purposes. This donation, as is the case with all others, can be claimed as a charitable donation when filing federal income taxes. When faculty author textbooks and sign contracts with a publisher, the contract is between themselves and the publisher. Faculty cannot sign contracts with publishers, or any other party, as a representative of the University. Only designated employees who are authorized by the University can negotiate and sign contracts on behalf of the University.

OTHER INSTRUCTIONAL MATERIALS

The Simple Syllabus management system, implemented in 2023, allows instructors to create digital syllabi and manage course materials through a user-friendly interface. Course information and instructional materials are automatically populated and updated from the course schedule and bookstore submissions. Syllabi must be available to students by the first class and for general education courses at least 45 days before the term starts.

TEXTBOOK SELECTION FORM

To ensure compliance with the procedures described in this Memorandum and ensure documentation for auditing purposes, a Textbook Selection Form must be submitted by the faculty to their Department Chair or other appropriate supervisor and signed by the Dean or their representative.

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References

American Association of University Professors, Policy and Documents and Reports (2015). 11th ed. Baltimore: Johns Hopkins University Press.

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TEXTBOOK AFFORDABILITY and ACCOUNTABILITY FORM

This form MUST be completed by faculty: (1) who teach a section of a multiple section course taught by multiple faculty and the same textbook is required across all sections; (2) who require bundled instructional materials prepared by faculty to be purchased by students; or (3) who obtain royalties from the sale of required new textbooks and/or instructional materials from students they teach at FAU.

Course Title: _____

Course Identification and Number: _____

Textbook and/ or Instructional Materials Title: _____

Textbook and/ or Instructional Materials Author: _____

ISBN Number: _____

Please initial by each item that applies and include signature below:

_____ (1) I acknowledge that the *textbook and/or instructional material* required for the section(s) of the courses I am teaching has been selected in compliance with the procedures in the Provost's Memorandum on Procedures for Selecting Textbooks for Affordability.

_____ (2) I acknowledge that the compiled *instructional materials* made available in bonded hardcopy rather than in Canvas are provided to students *at cost* in compliance with the procedures described in the Provost's Memorandum on Procedures for Selecting Textbooks for Affordability.

_____ (3) I acknowledge that (a) my self-authored textbook(s), coursework, or other instructional material(s) are required for courses in which I am the instructor of record or have any type of oversight or supervisory capacity; (b) the royalties obtained from the sale of these new items at the University bookstore to my FAU students have been (or will be) contributed to the Provost's Greatest Educational Needs Scholarship fund or scholarship fund approved by my Dean as indicated by the signature below; (c) my syllabus includes a statement describing how the royalties will be used; and (d) all matters related to the sale of the self-authored items to my FAU students are in compliance with the procedures described in the Provost's Memorandum on Procedures for Selecting Textbooks and Instructional Materials for Affordability.

The Fund to receive the royalties is _____

***Faculty Member(s):** _____ **Date:** _____

Department Chair: _____ **Date:** _____

Dean (or Designee): _____ **Date:** _____

*When multiple faculty members contribute to textbooks and/or instructional materials, please insert additional signatory lines.

This form must be maintained in electronic format by the respective College.