

**RESOLUTION TO REVISE UNIVERSITY POLICES REGARDING TEXTBOOKS AND
CREATE GUIDELINES FOR OPEN EDUCATIONAL RESOURCES
TO COMPLY WITH AMENDED CODE OF VIRGINIA §23.1-1308**

WHEREAS, Virginia Tech has policies and procedures regarding the procurement and use of textbooks in accordance with both the federal Higher Education Authorization Act, Public Law 110-135 (HEOA 2008), and the Code of Virginia; and

WHEREAS, effective July 1, 2018 the Code of Virginia §23.1-1308 (attached) directs the Virginia Tech Board of Visitors to amend and/or implement, as appropriate, policies, procedures, and guidelines addressing the use and procurement of textbooks, and open educational resources; and

WHEREAS, the university's current policies and procedures provide direction for the use and procurement of textbooks, and

WHEREAS, college and University Libraries faculty members have taken the initiative to be leaders in the production of open educational resources; now

THEREFORE, BE IT RESOLVED, effective July 1, 2018 and in accordance with Code of Virginia §23.1-1308 the Board of Visitors reaffirms the university's policies and procedures regarding textbook sales and bookstores and directs the university's administration to revise and amend, as necessary, the policies and procedures associated with textbook sales and bookstores, and

BE IT FURTHER RESOLVED, as outlined in Code of Virginia §23.1-1308, the Board of Visitors directs the university administration to "implement guidelines for the adoption and use of low-cost and no-cost open educational resources in courses offered...[including] provision for low-cost commercially published materials."

RECOMMENDATION:

That the Board of Visitors approve the resolution regarding textbooks and open educational materials.

June 4, 2018

CHAPTER 752

An Act to amend and reenact § 23.1-1308 of the Code of Virginia, relating to public institutions of higher education; governing boards; open educational resources.

[H 454]

Approved April 4, 2018

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-1308 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-1308. Governing board procedures; textbook sales and bookstores; open educational resources.

A. No employee of a public institution of higher education shall demand or receive any payment, loan, subscription, advance, deposit of money, services, or anything, present or promised, as an inducement for requiring students to purchase a specific textbook required for coursework or instruction. However, such employee may receive (i) sample copies, instructor's copies, or instructional material not to be sold and (ii) royalties or other compensation from sales of textbooks that include such instructor's own writing or work.

B. The governing board of each public institution of higher education shall implement procedures for making available to students in a central location and in a standard format on the relevant institutional website listings of textbooks required or assigned for particular courses at the institution. The lists of those required or assigned textbooks for each particular course shall include the International Standard Book Number (ISBN) along with other relevant information.

C. Public institutions of higher education maintaining a bookstore supported by auxiliary services or operated by a private contractor shall post the listing of such textbooks when the relevant instructor or academic department identifies the required textbooks for order and subsequent student purchase.

D. The governing board of each public institution of higher education shall implement policies, procedures, and guidelines that encourage efforts to minimize the cost of textbooks for students while maintaining the quality of education and academic freedom. The guidelines shall ensure that:

1. Faculty textbook adoptions are made with sufficient lead time to university-managed or contract-managed bookstores so as to confirm availability of the requested materials and, when possible, ensure maximum availability of used textbooks;

2. In the textbook adoption process, the intent to use all items ordered, particularly each individual item sold as part of a bundled package, is affirmatively confirmed by the faculty member before the adoption is finalized. If the faculty member does not intend to use each item in the bundled package, he shall notify the bookstore, and the bookstore shall order the individualized items when their procurement is cost effective for both the institution and students and such items are made available by the publisher;

3. Faculty members affirmatively acknowledge the bookstore's quoted retail price of textbooks selected for use in each course;

4. Faculty members are encouraged to limit their use of new edition textbooks when previous editions do not significantly differ in a substantive way as determined by the appropriate faculty member; and

5. Provisions address the availability of required textbooks to students otherwise unable to afford the cost.

E. *The governing board of each public institution of higher education shall implement guidelines for the adoption and use of low-cost and no-cost open educational resources in courses offered at such institution. Such guidelines may include provisions for low-cost commercially published materials.*

F. No funds provided for financial aid from university bookstore revenue shall be counted in the calculation for state appropriations for student financial aid.