

VII. STANDING COMMITTEES

A. Academic and Student Affairs Committee

Adoption of Proposed New Chapter 478-165 WAC, Cost Savings for Course MaterialsRECOMMENDED ACTION:

It is the recommendation of the administration and the Academic and Student Affairs Committee that the Board of Regents adopt the proposed new Chapter 478-165 WAC, Cost Savings for Course Materials.

BACKGROUND:

Substitute House Bill 3087 was passed during the 2006 Legislative Session and was codified as RCW 28B.10.590, Course materials - Cost savings. This new statute requires all boards of regents of state universities (as well as boards of trustees of regional universities and The Evergreen State College) to adopt rules that promote cost savings for students purchasing course materials. Specifically, the statute provides that rules shall be adopted requiring that:

1. Affiliated bookstores:
 - Provide students the option of purchasing materials that are unbundled whenever possible [bundling means joining various components as a single package, for example a text book might be bundled with an accompanying CD-ROM workbook], disclose to faculty and staff the costs to students of purchasing materials, and disclose publicly how new editions vary from previous editions;
 - Actively promote and publicize book buy-back programs; and
 - Disclose retail costs for course materials on a per course basis to faculty and staff and make this information publicly available; and
2. Faculty and staff members consider the least costly practices in assigning course materials, such as adopting the least expensive edition available when educational content is comparable as determined by the faculty and working closely with publishers and local bookstores to create bundles and packages if they deliver cost savings to students.

During the 2006-2007 academic year, the Provost's Office worked with the Attorney General's Office and the Rules Coordination Office to draft a proposed set of WAC rules that comply with the requirements of the new statute.

These draft rules were further refined by reviews with the University Book Store management and Board of Trustees, the Faculty Council for Instructional Quality, and the University Libraries, resulting in the attached proposed new Chapter 478-165 WAC, Cost Savings for Course Materials. On May 24, 2007, a public hearing on the proposed new Chapter 478-165 WAC was held on the Seattle campus. Notices for the public hearing were published in the *Washington State Register*, *The Daily*, *University Week*, and

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included in the online campus calendar of events. The hearing officer's report is attached; however, no oral testimony or written comments were received.

It should be noted that the University Book Store has long been a leader in championing the "buyer-friendly" concepts embodied in the proposed rule, although information from textbook publishers regarding various editions of their material is not always readily available. New legislation was passed during the 2007 Legislative Session (SHB 2300, Concerning College Textbooks) that requires publishers of college textbooks to:

- Disclose to faculty the price at which the publisher makes its products available to affiliated university book stores; and
- Disclose the history of revisions for the products, if any.

These legislative efforts to assist students in purchasing course materials at the least costly option are not unique to Washington State, but are representative of a broader endeavor to contain the cost of college textbooks and course materials.

ATTACHMENTS:

- 1) The proposed new Chapter 478-165 WAC, Cost Savings in Course Materials.
- 2) Hearing Officer's Report concerning written and oral comments on the proposed new Chapter 478-165 WAC.

Chapter 478-165 WAC

COST SAVINGS IN COURSE MATERIALS

NEW SECTION

WAC 478-165-010 Authority. Pursuant to the requirements of RCW 28B.10.590, the board of regents of the University of Washington has established these rules regarding promoting cost savings in course materials for students at the University of Washington.

NEW SECTION

WAC 478-165-020 Policy. It is declared the policy of the University of Washington that students should have increased choices for purchasing lower cost educational materials. Faculty and staff are encouraged to work closely with book stores and publishers to implement these rules and to find the least costly options for course materials without sacrificing educational content, and to provide maximum cost savings to students.

NEW SECTION

WAC 478-165-030 Definitions. (1) "Materials" means any supplies or texts required or recommended by faculty or staff of the University of Washington for a given course.

(2) "Bundled" means a group of objects joined together by packaging or required to be purchased as an indivisible unit.

NEW SECTION

WAC 478-165-040 Affiliated book store responsibilities. In making course materials available for purchase, any University of Washington affiliated book store should:

(1) Provide students the option of purchasing materials that are unbundled when possible;

(2) Disclose to faculty and staff the costs to students of purchasing materials, and work with faculty and staff to encourage publishers to provide information showing how new editions vary from previous editions and to make this information available publicly;

(3) Actively promote and publicize book buy-back programs; and

(4) Disclose retail costs for course materials on a per course basis to faculty and staff and make this information publicly available.

NEW SECTION

WAC 478-165-050 Faculty and staff obligations. In assigning course materials, faculty and staff members shall consider the least costly practices, which may include but are not limited to:

(1) Adopting the least expensive edition of materials available, consistent with copyright restrictions, when educational content is comparable as determined by the faculty; and

(2) Working closely with publishers and local book stores to create bundles and packages of course materials only if they deliver additional value or cost savings to students.

June 7, 2007

President Mark A. Emmert
Office of the President
University of Washington
Box 351230

Dear President Emmert,

Pursuant to your delegation, I served as the Hearing Officer to receive public comment on the University of Washington's proposed new Chapter 478-165 WAC, "Cost Savings for Course Materials." The hearing commenced at 12:00 p.m. on Thursday, May 24, 2007, in Room 309 of the Husky Union Building (HUB) at the University of Washington, Seattle campus. I am pleased to provide you a report of that hearing and the written comments received.

As required by the Administrative Procedure Act, the University filed the following notices with the State of Washington Code Reviser: a Preproposal Statement of Inquiry (published as WSR 06-24-021, in the *Washington State Register* on December 20, 2006) and a notice of Proposed Rule Making (published as WSR 07-09-072, in the *Washington State Register* on May 2, 2007). Campus notice that the hearing would be held was published in *University Week* and in *The Daily* on May 17, 2007. In addition, notice of the public hearing was included in the online events calendar for the Seattle campus. The written comment period began December 20, 2006, and ended May 24, 2007.

Analysis

No individuals attended the hearing to provide comment on these proposed amendments. No written comments were received, and no copies of the proposed amendments were requested from the Rules Coordination Office. The proposed amendments were reviewed by the Attorney General's Office; endorsed by the Faculty Council on Instructional Quality, the University Book Store, and UW Libraries; and approved by the Office of the Provost.

Recommendation

The University of Washington proposes these new rules to give students more choice when purchasing educational materials and to encourage faculty and staff to work closely with bookstores and publishers to implement the least costly option without sacrificing educational content and to provide maximum cost savings to students as required by RCW 28B.10.590.

President Mark A. Emmert

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June 7, 2007

I recommend that the Board of Regents adopt the proposed new Chapter 478-165 WAC, "Cost Savings for Course Materials."

An audio tape of the hearing has been deposited with the Secretary of the Board of Regents.

Sincerely yours,

Carol S. Nicolls
Special Counsel to the President

cc: Ms. Rebecca Goodwin Deardorff
Mr. Gus K. J. Kravas
Ms. Michele M. Sams
Dr. Phyllis M. Wise