AGENDA FOR MEETING OF BOARD OF TRUSTEES
OF
UNIVERSITY OF CENTRAL ARKANSAS
AT
10:00 A.M.
ON
OCTOBER 6, 2017
BOARD OF TRUSTEES CONFERENCE ROOM – WINGO HALL

Ms. Elizabeth Farris – Chair
Mr. Joe Whisenhunt – Vice Chair
Mr. Bunny Adcock - Secretary
Ms. Kay Hinkle
Mr. Brad Lacy
Rev. Cornell Maltbia
Ms. Shelia Vaught

I. CALL TO ORDER

II. ROLL CALL

III. MINUTES

IV. INTRODUCTIONS

V. REPORTS

A. President's Report
- **Bear C.L.A.W.S. (Celebrating the Lofty Achievements of our Wonderful Students)**

B. Audit and Finance Committee

C. Financial Update

D. Health/Dental Insurance Rates

VI. COMMENTS ON ACTION AGENDA BY THE PRESIDENTS OF THE FACULTY SENATE, STAFF SENATE, AND STUDENT GOVERNMENT ASSOCIATION

- **Dr. Taine Duncan, Faculty Senate**
- **Ms. Erica Ruble, Staff Senate**
- **Ms. Hershila Lallu, Student Government Association**

VII. ACTION AGENDA

A. **Property Acquisition – 204 South Donaghey Avenue, Conway, Arkansas**

B. **Pathway Easement to City of Conway**

C. **Request for Provisional Positions**

D. **October Revised Operating Budget**

E. **Copyright Ownership – Electronic Distance Learning - Board Policy No. 409**

F. **Academic Calendar and Critical Dates – Fall 2019 through Summer 2020**

VIII. EXECUTIVE SESSION

IX. OPEN SESSION

X. ADJOURNMENT

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III. MINUTES

Minutes of the August 18, 2017, board meeting, which can be found on UCA's website, were distributed to board members for review prior to the October 6, 2017, board meeting.

VII. ACTION AGENDA

A. Property Acquisition – 204 South Donaghey Avenue, Conway, Arkansas

Robert and Pamela Balentine own the house located at 204 South Donaghey Avenue, which is on the east side of Donaghey Avenue across from the College of Business building. The home was built in the 1960s and is approximately 1,800 square feet. The house appraised for $290,000 as of March 15, 2016. The university also owns the Oak Tree Apartments to the north of the property. Initially the house will be used for staff housing.

The university has signed an offer and acceptance with the owners for $290,000. A copy of the signed agreement is attached. The agreement requires that the closing occur by October 31, 2017. The sellers have the option to occupy the property until June 30, 2018. The closing of the proposed acquisition is conditioned upon the approval of the Board of Trustees.

Therefore, the president recommends to the Board of Trustees the following resolution:

"BE IT RESOLVED: That the Board of Trustees approves the transaction described above with Robert and Pamela Balentine for the sale and purchase of a house with a street address of 204 South Donaghey Avenue, Conway, Arkansas, for the sum of $290,000, and the president and such other officials of the University of Central Arkansas, as the president may from time-to-time designate, are hereby authorized and directed to enter into and execute such other documents, agreements and instruments as are necessary and required to consummate the foregoing purchase."

UNIVERSITY OF CENTRAL ARKANSAS | OFFICE OF THE PRESIDENT

August 21, 2017

Robert and Pamela Balentine
204 South Donaghey
Conway, Arkansas 72034

RE: OFFER & ACCEPTANCE – 204 South Donaghey Avenue, Conway, AR 72034

Dear Mr. and Ms. Balentine:

Subject to the satisfaction of all of the provisions and conditions set forth herein, the Board of Trustees of the University of Central Arkansas ("**Buyer**") offers to purchase from Robert and Pamela Balentine ("**Sellers**") the property described below for the sum of Two Hundred Ninety Thousand Dollars ($290,000), plus the Buyer's share of the closing costs.

The property subject to this offer and acceptance consists of a house and land located at 204 South Donaghey Avenue, Conway, Arkansas, 72034, and is more particularly described as follows:

Lots 6, 7, 8, 9, 10, and 11, Block 2, College Oaks Addition to the City of Conway, Faulkner County, Arkansas.

The foregoing legal description shall be referred to as the "Property." If a survey shall establish a different legal description, the parties agree to modify the legal description to conform to the survey, the intent of the parties being that the entire parcel owned by the Sellers is to be conveyed at closing.

The terms and conditions of this offer to purchase are as follows:

1. The closing date will occur at a mutually acceptable date to be agreed upon by both parties, but shall occur not later than **October 31, 2017**;

2. Buyer shall be entitled to possession of the Property at closing;

3. A policy of title insurance satisfactory to Buyer, insuring unencumbered fee simple title to the Property in Buyer as of closing shall be procured and paid for by Sellers;

4. Sellers shall deliver at closing (a) a warranty deed in standard form conveying fee simple absolute title to the Property (and any mineral interests owned by Seller), free from all liens, claims or encumbrances of any kind with the grantee being "The Board of Trustees of the University of Central Arkansas" and (b) an assignment of any leases and all rents from the Property, if any;

5. Any and all taxes or assessments on the Property for the current year will be prorated at closing. Sellers shall be responsible for all real property taxes for previous years;

6. Buyer and Sellers will share the cost of closing fees and document preparation. No revenue stamps shall be required due to an exemption under Arkansas law for conveyances by or to a state agency (Buyer);

7. If any personal property shall be stored or situated on the Property, the same shall be removed prior to closing;

8. Sellers represent and warrant to Buyer that Sellers are the sole owner of the Property, and no other person or entity has any form of ownership interest in, or right to use or occupy the Property, and further, that Sellers are in sole and exclusive possession of the Property, except for leases, copies of which have been delivered to representatives of Buyer;

9. Sellers represent and warrant to Buyer that all liens against the Property and all money owed on the Property, if any, are the responsibility of Sellers, and if existing will be satisfied and paid in full at, or prior to, closing;

10. Sellers represent and warrant to Buyer that there are no unrecorded rights-of-way for roadway, utilities or other matters affecting the Property;

11. Sellers represent and warrant to Buyer that there is no loss arising from oil, gas, or other minerals conveyed, retained, or assigned, or from any other activity concerning sub-surface rights or ownership of the subject property, including but not limited to the right of egress or ingress for said sub-surface purposes;

12. Sellers represent and warrant to Buyer that there are no proceedings, either pending or threatened, which, if decided adversely to Sellers, would constitute a lien on the Property; nor are there any money judgments entered by a court against Sellers that constitute a lien on the Property.

13. Sellers represent and warrant to Buyer that there are no unrecorded contracts of sale, options to purchase, or any other kind of agreement with any person or entity, affecting the

Property;

14. Sellers shall be responsible for all risk of loss to the Property and improvements thereon (if any) prior to closing;

15. If Buyer desires to have a survey of the Property performed prior to closing, Sellers agree to cooperate in having the survey performed. Any survey shall be at the expense of Buyer;

16. Sellers represent and warrant that to the best of Sellers' knowledge, no hazardous wastes or materials of any kind have been generated, produced or stored upon the Property, and that to the best of Sellers' knowledge, no such hazardous wastes exist today on the Property; and

17. Sellers shall complete and deliver, prior to closing, the attached "Disclosure Form," which will become part of the Offer and Acceptance document. Failure to make any disclosure required by the Governor's Executive Order 98-04, or any violation of any rule, regulation, or policy adopted pursuant to that order, shall be a material breach of the terms of the contract. Any contractor, whether an individual or entity, who fails to make the required disclosure or who violates any rule, regulation, or policy shall be subject to all legal remedies available to the Buyer.

18. Buyer's obligations under this agreement are expressly conditioned upon the prior approval of the Board of Trustees of the University of Central Arkansas. This agreement and Buyer's obligations hereunder shall not be a valid and binding legal obligation of Buyer until approved by resolution duly adopted by the Board of Trustees of the University of Central Arkansas.

19. Sellers may continue to occupy the structure until April 30, 2018, as long as Sellers complete the attached Closing Agreement. Sellers remain responsible for routine maintenance and payment of all utilities during holdover period. In addition, Sellers may continue to occupy the structure from May 1, 2018, to June 30, 2018, by paying rent in the amount of $2,500 per month, which may be prorated. Sellers must vacate the premises by June 30, 2018.

If the terms are agreeable to you, please sign and deliver the original to Warren Readnour, General Counsel, University of Central Arkansas, Wingo Hall 207, 201 Donaghey Avenue, Conway, AR 72035. If you have any questions, you may call Mr. Readnour at 501-450-5007.

This offer shall terminate and be of no effect unless it is signed by Sellers, and delivered to Warren Readnour, General Counsel, by 4:30 P.M. Central Time on Friday, September 1, 2017.

Sincerely,

Houston Davis
President

ACCEPTANCE BY SELLERS

The offer set forth above and all terms and conditions are hereby accepted on this 27th day of August, 2017, at 8:30 (A.M. or P.M.).

Robert and Pamela Balentine

By: Robert Balentine

By: Pamela Balentine

CLOSING AGREEMENT

THIS CLOSING AGREEMENT is made and entered into this _____ day of August, 2017, by and between the University of Central Arkansas ("Buyer") and Robert and Pamela Balentine ("Sellers"). The parties hereby agree to the following:

After closing on the property located at 204 South Donaghey Avenue, Conway, Arkansas, ("Property") Sellers hereby waive, release, and relinquish any and all claims, demands, causes of action, liabilities, costs or expenses (including, but not limited to, attorneys' fees) (all of the foregoing being referred to collectively as "Claims"), against Buyer, the University of Central Arkansas Board of Trustees, any officer, employee, or representative of Buyer, which are associated with, or arise out of, or in any manner are related to, Sellers' occupancy of the Property after closing. Sellers agree to vacate the property on or before 4:30 p.m. on June 30, 2018. Sellers further agree to comply with the continued occupancy terms of the Offer and Acceptance and to allow Buyer reasonable access to the property from date of closing until date property is vacated.

Sellers agree to indemnify and hold harmless Buyer, the members of the University of Central Arkansas Board of Trustees, and any officer, employee, or representative of the University of Central Arkansas from and against any and all Claims (as defined above) asserted at any time, arising out of or related to, the Sellers' use and occupancy of the Property.

EXECUTED effective the date written above.

Robert Balentine

Pamela Balentine

University of Central Arkansas

Houston D. Davis
President

VII. ACTION AGENDA

B. Pathway Easement to City of Conway

The City of Conway is proceeding with the design and construction of a pedestrian overpass over Dave Ward Drive in the area of the university's existing Stone Dam Creek trail. The City of Conway is requesting that the university grant a pathway easement containing approximately 0.845 acres for purposes of construction and operation of the 14-foot wide pedestrian bridge. A survey has been provided, and the UCA Physical Plant has reviewed the easement and verified that the bridge is to be located in the designated area.

Therefore, the president recommends to the Board of Trustees the following resolution:

"BE IT RESOLVED: That the Board of Trustees authorizes the administration to grant to the City of Conway the pathway easement for construction of a pedestrian overpass over Dave Ward Drive, and the president and other officials of the University of Central Arkansas, as the president may from time-to-time designate, are hereby authorized and directed to enter into and execute such documents, agreements and instruments as are necessary and required to grant the pathway easement."

VII. ACTION AGENDA

C. Request for Provisional Positions

The State of Arkansas, through the position appropriation process, permits the university to request provisional positions when there is an emergency or an unexpected need.

Provisional positions may be assigned when the university receives temporary and/or unanticipated funding through grants, contract agreements, or increased collections. Provisional positions exist only as long as the funding for those positions is available and do not automatically convert to regular, budgeted positions.

In submitting a request for the allocation of provisional positions, the state process first requires authorization for that request through the university's Board of Trustees.

At this time, the university has additional grant funding for four new positions.

Name	Title	Funding Source
Vacant	Project/Program Administrator	Chinese Ministry of Education
Vacant	Software Developer	Arkansas Department of Career Education
Vacant	Software Developer	Arkansas Department of Career Education
Vacant	Software Developer	Arkansas Department of Career Education

Therefore, the president recommends to the Board of Trustees the following resolution:

"BE IT RESOLVED: That the Board of Trustees authorizes the administration to proceed with request to the State Department of Higher Education for allocation of four provisional positions, shown on the above list, which will be funded by state and private grants."

VII. ACTION AGENDA

D. October Revised Operating Budget

This agenda item revises the fiscal year 2017-18 operating budget approved at the May 2017 meeting of the Board of Trustees. The October revised operating budget includes all permanent adjustments made through September 5, 2017. The total budget increased $122,833.

Revenue increased by $122,833

A. Line 2, Appropriations: Increase in Education Excellence Trust Fund (EETF) allocation of $86,247. These are state funds of which the final amount is routinely adjusted during the first quarter of the year.

B. Line 8, Auxiliary Income: Additional funding was received from the Foundation to fund the additional salaries in Athletics. These include the ticket manager ($25,268, salary only) and women's basketball coach ($11,318, salaries and fringes)

Expense increased by $122,833

C. Lines 10 & 11, Salaries and Wages: An increase in salaries including the ticket manager ($25,268, salary only) and women's basketball coach ($11,318, salaries and fringes), These additional expenses are covered by Foundation funds. In addition, a change was made in the way Learning Community mentors are paid. The $17,000 transfer from Scholarships to Salaries and Wages reflects that change.

D. Line 12, M&O: Additional EETF funding was placed in a university reserve

E. Line 13, Scholarships & Waivers: $17,000 transferred to Line 10 to accommodate the new payment method for Learning Community mentors.

F. Line 14, Purchased Utilities: $125,000 transferred from the utilities reserve to fully fund a full year ADHE Mandatory Transfers for Conway Corporation Center for Sciences for FY18.

G. Line 16, Transfers: $125,000 from utilities to fully fund the ADHE Mandatory Transfers for Conway Corporation Center for Sciences for FY18 to fund a full year.

Therefore, the president recommends to the Board of Trustees the following resolution:

"BE IT RESOLVED: That the Board of Trustees approves the 2017-18 October Revised Operating Budget in the amount of $187,682,316."

University of Central Arkansas
October Revised FY18
October Revised FY18 Compared to Original

		FY18 July Original	FY18 October Revised	Change over October Revised	% Change	% of Budget
1	Tuition & Fees	84,283,836	84,283,836	-	0.00%	44.91%
2	Appropriations	58,064,142	58,150,389	86,247	0.15%	30.98%
3	Sales & Services	281,500	281,500	-	0.00%	0.15%
4	Organized Activities	250,000	250,000	-	0.00%	0.13%
5	Grants & Contracts	145,000	145,000	-	0.00%	0.08%
6	Other Sources	1,222,131	1,222,131	-	0.00%	0.65%
7	**Total E&G Revenue**	144,246,609	144,332,856	86,247	0.06%	76.90%
8	**Auxiliary Income**	43,312,874	43,349,460	36,586	0.08%	23.10%
9	**Total Income**	**187,559,483**	**187,682,316**	**122,833**	0.07%	100.00%
10	Salaries & Wages	83,849,398	83,892,473	43,075	0.05%	44.70%
11	Benefits	24,825,592	24,836,103	10,511	0.04%	13.23%
12	M&O	32,707,577	32,793,824	86,247	0.26%	17.47%
13	Scholarships & Waivers	27,995,191	27,978,191	(17,000)	-0.06%	14.91%
14	Purchased Utilities	5,860,217	5,735,217	(125,000)	-2.18%	3.06%
15	Debt Service	12,367,129	12,367,129	-	0.00%	6.59%
16	Transfers	(45,621)	79,379	125,000	157.47%	0.04%
17	**Total Expenditures**	**187,559,483**	**187,682,316**	**122,833**	0.07%	100.00%
18	**Net Gain/(Loss)**					
19	Year End / Planned Transfers					
20	**Net Gain/(Loss) After YE Transfers**					

Notes to the Budget	
2	Increase in State Appropriations for Education Excellence of $86,247.
8	Foundation Transfers increased due to Ticket Manager (salary only) of $25,268 and Women's Basketball salary increases of $8,640 plus fringe benefits of $2,678.
10-11	The salary and fringe increase due to Athletic Ticket Manager, $25,268; Women's Basketball totaling $11,318; Learning Communities mentor student undergraduate assistants of $17,000.
12	Additional funds available due to State Appropriations for Education Excellence,$86,247.
13	Reduction in Learning Communities Book Scholarships to fund mentor student undergraduate assistants of $17,000.
14	Purchased Utilities decrease of $125,000 to fully fund a full year ADHE Mandatory Transfers for Conway Corp Center for Sciences. This facility was open a partial year in FY17.
16	Transfers increase of $125,000 to fully fund ADHE Mandatory Transfers for Conway Corp Center for Sciences for FY18.

VII. ACTION AGENDA

E. Copyright Ownership—Electronic Distance Learning - Board Policy No. 409

Board Policy No. 409, Copyright Ownership—Electronic Distance Learning, was first adopted in May 2002. In the years since its adoption, its usefulness has been undermined by the length and structure of the policy and by the complexity of its licensing schema. For this reason, university administration proposes to rename and modify the policy as presented on the following pages. The revisions recognize the interests of the university, its faculty and students, and third-party publishers in online and hybrid course content and presents a practical and straightforward approach to the assignment of intellectual property rights. These revisions will significantly increase the usefulness and clarity of the policy.

All appropriate university bodies—including the Online Learning Advisory Committee and the Faculty Senate—have recommended approval of these modifications, as have appropriate administrators.

Therefore, the president recommends to the Board of Trustees the following resolution:

"BE IT RESOLVED: That the Board of Trustees hereby approves the following revisions to Board Policy No. 409 as detailed in the attached pages, and the changes set forth shall be effective from and after this date."

UNIVERSITY OF CENTRAL ARKANSAS
BOARD POLICY

Policy Number: 409

Subject: ~~Copyright Ownership Electronic Distance Learning~~ **Intellectual Property Rights for Online and Hybrid Course Content**

Date Adopted: 05/02 Revised: 08/13, 10/17

~~New technologies in teaching and scholarship should be used for the purpose of advancing the basic functions of the university in order to preserve, augment, and transmit knowledge and to foster the abilities of students to learn. In particular, distance learning is a delivery system where students receive instruction via electronic transmission, often through the use of electronically-developed course materials. Instruction offered through distance learning is expected to be comparable in quality to instruction offered through traditional methods. The curriculum for instruction offered through distance learning will be approved through the departments in the same manner as curriculum for instruction offered through traditional methods.~~

~~Since the demand for distance learning appears to be increasing and the continuing development of electronically-developed course materials in various media seems likely, it is important to address the issues raised by the creation, use and distribution of various forms of electronically-developed course materials, and to clarify the rights and responsibilities of the parties involved. The purpose of this policy is to protect the rights of faculty, students, and the university, and to encourage the offering of quality distance learning programs.~~

~~Issues:~~

~~1. Who owns the copyright in electronically-developed course materials and how should such rights be protected?~~

~~2. What are the responsibilities of faculty members to utilize various technologies to meet the needs of currently-enrolled students?~~

~~3. Under what circumstances should faculty members prepare electronically-developed course materials for use by students not currently enrolled in their classes?~~

~~4. What are the rights of faculty members regarding the continuing use of electronically-developed course materials?~~

~~5. Who may receive royalties from the sale or licensing of electronically-developed course materials?~~

General Guidelines:

1. Copyright Ownership: Board Policy No. 410, Intellectual Property and Technology Transfer, recognizes that in most instances faculty members own the copyright in scholarly works created by faculty members. Thus, faculty members generally hold the copyright in electronically-developed course materials created on their own initiative. Board Policy No. 410 also recognizes ownership of copyright in works of authorship created pursuant to a contract or as a work-for-hire as residing with the university. Electronically-developed course materials created jointly by faculty members and others, whose contributions are works-for-hire, are jointly owned by the faculty member and the university. Any owner of copyright in electronically-developed course materials may secure copyright registration. Joint owners may agree to bear responsibility for the enforcement of copyright although there is no requirement to do so.

   Ownership of works by students is controlled by copyright law. Students own the copyright in their works. A faculty member must obtain a student's permission to incorporate a student's work in a faculty-authored work.

   For the purpose of this policy, the determination of copyright ownership and rights is based on an analysis of effort involved in and support provided for the development of electronically-developed course materials.

   To assist with this analysis, the following descriptive categories are provided:

   a. CATEGORY I:

      Description of Support Used: The work is created without any direct support from or through the university and without the use of any university resources beyond those usually and customarily provided by the university. Resources usually and customarily provided by the university include office space, library facilities, ordinary access to computers and other equipment, networks, and routine technical support from the Distance Education Office, or salary.

      Ownership and Rights: The work is original and results solely from a faculty member's efforts on his/her own personal time. The faculty member owns the intellectual property of works created in this category, may receive royalties for the work, and retains any distribution rights.

      Example #1: A faculty member works with a publishing company to create a web-based course. The publishing company provides 500 hours of instructional design and production support and the course is included on the company's server. All of the work is done on the faculty member's own time, but some of the development is done on weekends using the faculty member's office computer. University-licensed development software available through the department is also used. The course is included on a commercial server.

Example #2: A professor in the biology department is approached by the publishing arm of an organization to create a CD containing images of evidence that the professor has photographed in preparing for classes over the years. The professor took the photographs on weekends using his own camera and film, but on the department's copy stand. The organization creates and markets the CD.

b. CATEGORY II:

Description of Support Used: The work is created with university resources above and beyond those usually and customarily provided by the university. Resources within this category include reassigned time or a summer stipend equivalent to one three-hour course, the use of a graduate assistant, student worker, or other employee for one semester for no more than 20 hours per week, the use of specialized or unique facilities, equipment, technical support, or other special subventions provided by the university for one semester unless approved as an exception, or additional compensation based on the Guidelines for Extended Study. Use of specialized or unique facilities and equipment, technical support, or other special subventions shall not disrupt the normal course of university business.

Ownership and Rights: The work results from the faculty member's efforts. The faculty member owns the intellectual property and has the right to distribute the work. The faculty member may receive royalties for any distribution made outside of university course delivery. The university has a non-exclusive educational license to use the work as part of course delivery. If the work is used as part of university course delivery, the faculty member who created the course materials will be given the first right of refusal to be the instructor of record either as part of his/her course load or as part of an overload assignment. The university may agree, in its sole discretion, to compensate the faculty member for its use of the work.

Example #1: A faculty member works with a web-course publishing company to put a course wholly on the web. The university provides funds to purchase time from Channel 6 to videotape two hours of lecture to be streamed as part of the course. In addition, the university checks out to the faculty member one of two digital recording workstations for a period of two weeks. The web-course publishing company records the materials provided by the faculty member and creates the web course, and thereafter includes the course on its server. The faculty member works on the project almost exclusively on his/her own time.

Example #2: A faculty member who teaches a course for the university volunteers to put the course on the web. The university provides thirty hours of focused individual training and/or technical assistance for the faculty member on university courseware. The university also provides assistance in creating a power point presentation to be used as part of the course. The faculty member creates the course on his/her own time. The course is included on the university's server.

c. CATEGORY III:

Description of Support Used: The work is created with university resources substantially above and beyond those usually and customarily provided by the university. Resources within this category include release time equivalent to more than one three-hour course (this could include a summer stipend), use of a graduate assistant, student worker, or other employee for more than one semester or for more than 20 hours per week during one semester, use of specialized or unique facilities and equipment, technical support, or other special subventions provided by the university for more than one semester, unless approved as an exception.

Ownership and Rights: The work results from the faculty member's efforts. The faculty member owns the intellectual property and has the right to distribute it and receive royalties for any distribution outside of university course delivery. The university has a non-exclusive educational license to use the work as part of course delivery. The university has a non-exclusive commercial license to market the course outside of the university. If licensed for a commercial purpose, either by the university or the faculty member, the university and the faculty member will each receive a percentage of the royalties, as negotiated. In the case of multiple authors, the authors will share the pro rata royalty based on participation.

Example #1: A faculty member volunteers to make a departmental course available on the web. The faculty member is provided with a course release in the spring semester and is paid for a course in the summer to develop the product, but also contributes some of his/her own time. The university provides a substantial grant to purchase a digital camera to use in the project and a .5 FTE web developer housed in the department for a semester for use by the faculty member. Personnel from the university's Division of Outreach and Community Engagement (OCE) and Channel 6 record speakers for the class and digitize audio and video. The course is included on the university's server.

Example #2: A graduate school offers a degree by taping courses and allowing employees of two businesses to download the courses to view on their own schedules. Three faculty members from the school will rotate grading and answering questions for each course. A faculty member volunteers to offer the first course. During the next year, the faculty member is given release time each semester and is paid for two courses in the summer. The university funds the production times through Channel 6 for production of the tapes. Information Technology contributes significant hours in digitizing the tapes. The faculty member spends much of his/her own time designing the course for television delivery. The university includes the course on its server.

d. CATEGORY IV:

Description of Support Used: The university provides all of the resources for the work.
Ownership and Rights: An employee of the university is contracted to develop a specific product as a work-for-hire. The work is carried out as a part of the faculty member's assigned duties. The university owns the work, and has exclusive educational

and commercial ownership and license authority. The faculty member is not entitled to payment of royalties, except as agreed upon by the university.

Example #1: The chair of an academic department assigns a faculty member to develop a course that will be videotaped and broadcast the next year to sites in five school districts as part of a new master's program offered by the department. The faculty member is given release time for the fall and spring semesters and is paid full salary. All of the design and production work is prepared during work hours. The faculty member is assigned a .5 FTE research assistant for the academic year. The Division of OCE and Channel 6 support the design and production of the videotapes.

e. CATEGORY V:

Description of Support Used: The faculty member is using electronically-developed course materials created as part of his/her teaching duties at the university.

Ownership and Rights: Ownership will be determined by categories one through four. There will generally be no extra compensation beyond the normal teaching compensation for use of the electronically-developed course materials except as agreed on by the university in its sole discretion.

Example #1: See Category II, Example I above. In this case, the faculty member might offer the course at the university. The university would pay the previously-negotiated fee to a web-course publishing company for access to the course materials, but this payment would not include compensation to the faculty member beyond the standard compensation for teaching the course.

Example #2: See Category III, Example 2 above. In this case, the faculty member could teach the course to students in the program. There would be no compensation to the faculty member beyond the standard compensation for teaching the course.

2. Administration: The Office of the Provost and a committee established by the Faculty Senate shall be responsible for the administration of this policy, applying the policy equitably, and ensuring appropriate agreements are completed prior to including web-based courses for full delivery on the university's server. The university's legal counsel will assist with issues relevant to this policy, general copyright law, and attendant contractual agreements.

3. Prior Agreement: A faculty member should meet with the department chair and dean prior to creating electronically-developed course materials for distance learning in order to reach an agreement on ownership, institutional resource commitment, revenue, and the resultant category classification. A copy of the agreement will be forwarded to the Office of the Provost for distribution to the Distance Education/Extended Learning Advisory Committee for review and assurance that the policy is being applied in an equitable manner. The Distance Education/Extended Learning Advisory Committee shall inform the provost of any inequitable application of the policy and of its recommendation to cure the inequities. It

shall be the responsibility of the provost to resolve any issues with the faculty member. In the event the provost and faculty member are unable to reach a satisfactory resolution, the matter will be forwarded to the Faculty Grievance Council in accordance with the requirements set forth in the *Faculty Handbook*. It is understood that in some circumstances the original category classification may change based on a modification in university support for the project. In such cases, written agreements should be entered into between the university and the faculty member to resolve any issues of ownership.

4. Faculty Responsibility to Currently-Enrolled Students: Faculty members have a responsibility to meet the reasonable needs of their currently-enrolled students, including those needs best addressed by the use of technologies that make class materials readily available. For example, if recordings are needed by remote or disabled students, they should be created in the ordinary course of teaching and made available under reasonable circumstances. Electronically-published course materials such as tape recordings and videotapes created in the ordinary course of instruction and not intended for use beyond the end of the current semester or by students other than those registered for the class, are the property and responsibility of the faculty member who creates or authorizes them. Handouts and other teaching materials created by the faculty member to support such electronically-published course materials are also the property and responsibility of the faculty member who creates or authorizes them. Faculty members should be willing to utilize technologies appropriate to the circumstances to make course materials reasonably available to currently-registered students. Faculty members may dispose of such materials in the manner they choose at the end of each semester and in accordance with the university's record retention schedule. If the materials are maintained on the university's server, the faculty member may request the Department of Information Technology to delete the materials at the end of each semester.

5. Course Development: Faculty members may receive, through usual university processes, reassigned time or extra compensation for duties performed in the best interests of the university's academic program, including electronically-developed course materials.

6. Revision Rights: Faculty members should generally retain the right to update, edit or otherwise revise electronically-developed course materials that become out-of-date, or, in certain circumstances, should place a time limit upon the use of electronically-developed course materials that are particularly time sensitive, regardless of who owns copyright in these materials. These rights and limitations should be negotiated by the faculty member and the department chair in advance of the creation of electronically-developed course materials and reduced to writing. The Guidelines for Extended Study shall govern the development and revision of extended study courses. Absent a written agreement, a faculty member will have the right to modify the work on an annual basis in order to maintain academic standards. If the university believes a modification is necessary, based on university guidelines and/or consultation with faculty within the discipline, and no timely modification is made; or if the modification is made, and in the university's opinion, based on university guidelines and/or consultation with faculty in the discipline, it does not meet academic standards, the university may refuse to market the product or may select another person to

~~modify the materials.~~

7. ~~Revenue: Faculty members shall receive all revenue that may accrue from the commercialization of electronically-developed course materials created on their own initiative. Otherwise, the university retains all revenue that may accrue from the commercialization of electronically-developed course materials created by faculty members pursuant to an agreement or as a work-for-hire, including electronically-published course materials. Copyright law permits joint owners to pursue commercialization either jointly or separately; however, an accounting is required. In instances of joint ownership between faculty members where the university also retains rights to revenue, the parties shall negotiate an allocation. Net fiscal year revenue derived from commercialization of intellectual property covered by this policy shall be shared as follows: 40% to the originator, 30% to the originator's department or immediate administrative unit, and 30% to the dean's office of the originator's college. Where more than one individual is considered to be the originator, such persons will determine among themselves the individual share of the 40% each will receive. In the event an agreement cannot be reached, the determination shall be made by the Distance Education/Extended Learning Advisory Committee. Such determination by the advisory committee shall be final.~~

~~This policy shall not change income-sharing agreements entered into prior to the adoption of this policy. In certain university units, because of conditions of employment and the nature of work assignments, and the fact that units often assume continuing responsibilities for maintenance and periodic revision of the property, an alternate distribution of net income to the originator may be appropriate. Units wherein these situations may occur should propose appropriate modifications to the distribution scale described in this section. Upon approval by the Distance Education/Extended Learning Advisory Committee, such modifications shall be made as deemed appropriate. The determination of the Distance Education/Extended Learning Advisory Committee shall be final. Such modifications may not increase the combined shares of the originator and the department, as specified, except in unusual and very specific circumstances. The university reserves the right to suspend the distribution of income where there is reason to believe that substantial deductible costs will be incurred in the future. The originator, the department, and the dean of the college shall be informed of such decisions. The originator's rights to share in net income as stated above, but not including shares to the other named entities, shall remain with the individual or pass to the individual's heirs and assigns for so long as net income is derived from the property. A detailed, fiscal-year accounting of income and costs shall be made available annually to the originator, the originator's department, and the dean of the originator's college by the Office of the Provost. Net revenue is defined as gross royalties, license fees, or other such payments received by the originator and the university, less necessary direct costs, e.g., development or production, licensing, copyright enforcement, necessary travel, auditing fees, sponsor shares, marketing, packaging and handling, mailing, or courier costs. The phrase "gross royalties, license fees, or other such payments" means agreed on payments specified in a license or other commercialization agreement usually expressed as a percentage of sales, a fixed dollar amount per unit produced or sold, or a total fixed dollar amount for production in return for the right to use, copy, reproduce, make, or sell an item~~

of intellectual property or product based on such property.

8. Contributed Materials: Liabilities may be incurred with respect to the inclusion of materials in electronically-published courses other than materials created by the faculty member, and inclusion of voices or images of persons in electronically-developed course materials, including audience members and guest lecturers. It is the policy of the university that all faculty members comply with the law, including copyright and privacy laws. It is the responsibility of the faculty member to obtain all permissions and releases necessary to avoid infringing copyright or invading the personal rights of others.

9. Use of University's Name: Faculty members who create electronically-developed course materials identified in categories I, II, and III above shall not represent to outside entities that he/she acts as an agent or representative of the university with respect to the creation of these materials.

10. Protecting the Work: Faculty members will determine whether to register the copyright and take such steps to protect works they own. The university will determine whether to register the copyright and will be responsible for the enforcement of works it owns. Any one of the authors of a joint work may register and enforce copyright in the names of all owners, with an accounting.

11. University Resources Usually and Customarily Provided: When determining ownership and license rights in electronically-developed course materials, "university resources usually and customarily provided" includes such support as office space, library facilities, ordinary access to computers and other equipment, networks, routine technical support, or salary. In general, it does not include the use of students or employees as support staff to develop the materials, or substantial use of specialized or unique facilities and equipment, or other special subventions provided by the university, unless approved as an exception.

12. Retention of Non-exclusive License: Except for a work that is totally faculty-generated as reflected in Category I, the university shall retain a non-exclusive educational license to reproduce and use the electronically-published course materials in teaching university classes on or off campus. Since intellectual property designated as a work-for-hire in Category IV is owned in all respects by the university, there are no comparable restrictions on the use of these materials whether on or off campus.

Conflict of Interest: Faculty members may not create courses, substantial parts of courses or courseware for, or accept teaching assignments from, either a non-profit institution or a commercial enterprise, unless specifically authorized in advance by the provost on the recommendation of the appropriate dean. This policy applies equally to courses taught in person, or via the Internet, or other methods of electronic transmittal. This policy is not intended to prevent faculty members from giving guest lectures at another institution or engaging in similar activities. Faculty should be sensitive to the fact that the distinction between occasional lectures, which are a part of academic life, and a teaching assignment for another university, which requires prior approval, is not always clear-cut. When there is a question as to whether an outside engagement falls within the range of allowable activities, a faculty member should first consult

~~with the appropriate dean. The responsibility for recognizing and avoiding conflicts of interest rests primarily with the faculty member.~~

Introduction

This policy addresses the usage of and rights associated with online and hybrid course content and materials developed for the University of Central Arkansas (UCA). The purpose of this policy is to protect the rights of faculty, students, and the university, and to ensure the development of quality online and hybrid courses.

Definitions

Online courses and hybrid courses: Courses in which the majority of students' learning experiences and course materials are delivered using a web-based, asynchronous or synchronous delivery system.

Electronic/digital course materials: Content that exists in electronic forms of digital data either born digital or turned digital.

Owned by Faculty Developer

1. Electronic/digital course materials developed for online courses and hybrid courses that are developed solely by a faculty member are considered the intellectual property of the faculty member. Examples may include the course syllabus, original artwork or images, wording of assignments and test questions, and other material written solely by the faculty member. That content may not be used aside from UCA online and hybrid courses without written permission from the faculty member. However, if the faculty member shares that content with another faculty member, they have given implicit permission to that faculty member to use the content in perpetuity for the sole purpose of instruction (i.e., the receiving faculty member cannot sell the content to another entity).

2. In the event that a faculty member leaves UCA, the electronic/digital course materials developed by a faculty member for an online or hybrid course can be used non-exclusively by UCA for a period of no longer than twelve months.

Owned by UCA

1. Electronic/digital content developed solely by UCA staff members for the purpose of supporting the delivery of content developed by a faculty member is considered the property of the university. Examples may include online graphic interfaces such as navigation links, toolbars, dashboards, web banners, online guides and documentation, online videos, workshops, and orientations. That content may not be distributed to other non-UCA entities without the written permission of the university.

2. UCA shall have the absolute, unrestricted right to use electronic/digital course materials developed for online courses and hybrid courses created by faculty as a "Work for Hire." A written contract is required to initiate this "Work for Hire" arrangement.

3. In the event that intellectual property rights are offered to UCA and UCA accepts them, UCA will own the intellectual property rights.

4. UCA will own the intellectual property rights to master electronic/digital course materials (e.g., master syllabi, common exams, common study guides) when developed by the faculty of an academic unit and used for multiple sections of the same course.

Joint Ownership

1. Electronic/digital content developed jointly by a faculty member and staff members for online courses and hybrid courses is considered the joint property of the faculty member and the university. Examples include photos, videos, and voice recordings of a faculty member produced by a staff member, or any other content in which the contributions of more than one developer cannot be separated. In this case, the faculty member may not distribute the content to any non-UCA entity without written permission from UCA, and the university may not distribute the content to any entity without written permission from the faculty member.

2. Joint owners may, but do not have to, agree to bear responsibility for enforcement of the copyright.

3. In the event that a faculty member leaves UCA, the electronic/digital course materials for an online or hybrid course that are considered the joint property of the faculty member and the university can be used exclusively by UCA for a period of no longer than twelve months.

Use of Student Work

Original works of students are controlled by copyright law under which students own copyright in their works and faculty/creators must obtain permission to incorporate student work in their work. Distribution by students of their original work must comply with UCA Board Policy 709 (Academic Integrity).

Third Party/Publisher Materials

Third party or publisher-developed electronic/digital course materials are copyrighted materials that are owned by the third party or publisher. Content generated by faculty as part of third party or publisher-developed electronic/digital course materials usually remains the intellectual property of the instructor. However, it is best to check with the individual publisher to ensure that this is their policy. Examples of third party or publisher-developed electronic/digital course materials:

- eBooks (electronic)
- Course cartridges or e-Packs are entire publisher-developed courses and copyrighted material that can often be loaded directly into the Learning Management System (LMS)
- Supplemental exercises or media that come with a textbook purchase, such as video clips, homework assignments using a computer interface such as Excel, PowerPoint slides, quizzes, tests, and companion websites

Faculty Responsibility for Copyright

Faculty developing online courses or hybrid courses are responsible for ensuring that all instructional materials and delivery methods are in compliance with copyright laws.

Grants

Ownership of electronic/digital course materials developed in the course of or resulting from a grant or contract with governments or their agencies or other entities shall be determined in accordance with the terms of the grant or contract. In the absence of such grant or contract terms, ownership shall be determined according to this policy.

Storage and Backup of Electronic/Digital Course Materials

UCA or an authorized vendor maintains the right to make backup copies of electronic/digital course materials in order to protect against accidental or other deletion/corruption.

All electronic/digital course materials shall reside on servers within the online course management system except in instances where content is authorized from an outside vendor.

Physical presence of instructional content on UCA servers does not automatically assign ownership to the university.

VII. ACTION AGENDA

F. Academic Calendar and Critical Dates – Fall 2019 through Summer 2020

The academic calendar covering the period from fall 2019 through summer 2020 has been reviewed by the University Calendar Committee and has been recommended by all appropriate academic administrators.

The administration requests the authority to make minor adjustments in the calendar as necessary.

Therefore, the president recommends to the Board of Trustees the following resolution:

"BE IT RESOLVED: That the Board of Trustees hereby approves the attached schedule, which includes the academic calendar and critical dates, and authorizes the administration to make minor adjustments as necessary.

Academic Calendar

FALL SEMESTER 2019

August 22, Thursday	**Instruction begins, day and evening classes**
September 2, Monday	Labor Day Holiday
October 17–20, Thursday–Sunday	Fall Break
November 27, Wednesday	Thanksgiving Break (No classes, University offices open)
November 28–Dec. 1, Thursday–Sunday	Thanksgiving Holiday (University closed)
December 6, Friday	Study Day
December 7, Saturday	Final Exams - Saturday classes
December 9–13, Monday–Friday	Final Exams - day and night classes
December 14, Saturday	**Winter Commencement**

WINTER INTERSESSION

December 16, Monday	**Instruction begins for Winter Intersession**
December 25, Wednesday	Christmas Day (No classes)
January 3, Friday	Final exams for Winter Intersession

SPRING SEMESTER 2020

January 9, Thursday	**Instruction begins - day and evening classes**
January 20, Monday	Martin Luther King, Jr. Holiday
March 22–29, Sunday–Sunday	Spring Break
April 24, Friday	Study Day
April 25, Saturday	Final exams – Saturday classes
April 27–May 1, Monday–Friday	Final exams – day and night classes
May 2, Saturday	**Spring Commencement**

SUMMER 2020

May 11, Monday	**Instruction begins for May Intersession and 13-Week Summer Session classes**
May 25, Monday	Memorial Day Holiday
May 29, Friday	Final exams for May Intersession classes
June 1, Monday	**Instruction begins for 1st Five Week Summer Session and 10-Week Summer Session classes**

July 2, Thursday ..... Final exams for 1st Five Week Summer Session

July 3, Friday ..... University Closed for Independence Day Holiday

July 4, Saturday ..... Independence Day Holiday

July 6, Monday..... Instruction begins for 2nd Five Week Summer Session classes

August 7, Friday ..... Final exams for 13-Week Summer Session classes,10-Week Summer Session classes, and 2nd Five-Week Summer Session classes

August 7, Friday ..... Summer Commencement