

The University of Central Arkansas Board of Trustees convened in a regularly scheduled meeting at 10:30 a.m., October 11, 2019, with the following officers and members present:

Mr. Bunny Adcock, Chair
Rev. Cornell Maltbia, Vice Chair
Ms. Kay Hinkle, Secretary
Ms. Elizabeth Farris
Dr. Terry Fiddler
Ms. Shelia Vaught
Mr. Joe Whisenhunt

MINUTES

The board unanimously approved the minutes of the August 16, 2019, board meeting as submitted upon motion by Shelia Vaught and second by Joe Whisenhunt.

REPORTS

The president's report and financial update are attached to the original minutes.

ACTION AGENDA

Acceptance of Legislative Audit Report for Fiscal Year 2018

In accordance with Act 4 of 1991, the Board of Trustees is required to review audit reports and the accompanying comments related to publicly-funded institutions. The act requires that the board take appropriate action related to each finding and recommendation contained in the report.

There were no audit report findings for fiscal year 2018. The audit was provided to management and was submitted for the board's review prior to the October 11, 2019 meeting.

The board unanimously adopted the following resolution upon motion by Elizabeth Farris and second by Kay Hinkle.

“BE IT RESOLVED: That the Board of Trustees accepts the audit report for fiscal year 2018 as prepared by the Arkansas Division of Legislative Audit.”

Contract Review Procedures – Board Policy No. 416

Pursuant to Board Policy No. 416, Contract Review Procedures, the administration must seek board approval for any contract that requires the university to expend funds, at any time, in excess of \$250,000 or any contract with a term exceeding one year, unless the Office of General Counsel certifies, in writing, that the contract (a) may be terminated by the university on the

giving of written notice of 90 days or less or (b) will not require the university to expend funds in excess of \$99,999.

The administration is seeking board approval for the university to enter into contracts with the following:

1. Alternative Communications
2. Evisions, Inc.
3. Blackboard, Inc.

The board unanimously adopted the following resolution upon motion by Joe Whisenhunt and second by Shelia Vaught:

“BE IT RESOLVED: That the Board of Trustees authorizes the administration to enter into contracts with the companies/organizations listed above and on the following page.”

UNIVERSITY OF CENTRAL ARKANSAS
REASON FOR REQUIRING BOARD REVIEW AND ACTION
(Board Policy No. 416)

Contract exceeds \$250,000 or with a term of more than one year

1. Vendor/Party: Alternative Communications.

Amount: \$680,000 (this amendment is for \$300,000).

Summary of Contract Information: This is an amendment to an existing contract to increase the available funding. The purpose of the contract is to provide reading transcription services for students registered with the university Disability Resource Center.

Term: Contract expires January 31, 2022.

2. Vendor/Party: Evisions, Inc.

Amount: \$164,242 for the three-year period.

Summary of Contract Information: This is an amendment and renewal of an existing contract. The Evisions package includes Argos, Formfusion, and IntelleCheck. This is the software package that is used for reports and check printing.

Term: Three years (ends June 30, 2022).

3. Vendor/Party: Blackboard, Inc.

Amount: \$1,210,322 for the six-year period.

Summary of Contract Information: Blackboard is an existing vendor. In 2018, the university signed a two-year contract that combined Blackboard Learn, Collaboration, and Managed hosting services into one contract. This contract extends that agreement and expands services to include Blackboard Ultra in their SaaS environment.

Term: July 1, 2020 to June 30, 2026.

Free Speech – Board Policy No. 406

Board Policy No. 406, Free Speech, has been revised to incorporate provisions of the Forming Open and Robust University Minds (FORUM) Act. The FORUM Act was adopted by the Arkansas General Assembly during the 2019 Regular Session.

The act deems an outdoor area of the campus of a state-supported institution of higher education a public forum for members of the campus community, which includes students, administrators, faculty, staff, and invited guests. The act further prohibits state-supported institutions of higher education from creating free-speech zones or other designated outdoor areas of campus outside of which expressive activities are prohibited. The institution may enforce reasonable time, place, and manner restrictions for outdoor areas that are narrowly tailored to serve a significant institutional interest.

The act requires institutions to make public the expectations of students regarding free expression on campus consistent with the act, so the board policy has been revised to incorporate provisions of the act.

The language to be deleted is stricken through, and language to be added is highlighted.

The board unanimously adopted the following resolution upon motion by Elizabeth Farris and second by Kay Hinkle:

“BE IT RESOLVED: That the Board of Trustees approve the following revisions to Board Policy No. 406, Free Speech, as attached to this resolution, and the changes set forth shall be effective from and after this date.”

**UNIVERSITY OF CENTRAL ARKANSAS
BOARD POLICY**

Policy

Number: 406

Subject: Free Speech

Date Adopted: 11/02 Revised: 08/13, 10/19

A. Purpose

The University of Central Arkansas believes in academic freedom and free speech. The purpose of this policy is to provide fair and reasonable guidelines concerning the rights of individual assembly and free speech while maintaining order and access to the campus of the University of Central Arkansas.

B. Policy

The First Amendment of the United States Constitution, the Arkansas Constitution, and the Forming Open and Robust University Minds (FORUM) Act protect the rights of free speech. To the extent any provision of this policy conflicts with federal or state law, the law shall control. The university believes that the right of expression is as necessary as the right of inquiry and both must be preserved as essential to the pursuit and dissemination of knowledge and truth. However, the university also has an obligation to protect its property, to prohibit interference with the normal educational process on its campus, and to respect the private rights of all individuals. The university recognizes that free speech may include ideas and opinions that individuals may find unwelcome, uncollegial, disagreeable, or even deeply offensive. ~~As set forth in statute and case law, free speech does not extend to harassment or threats. In the above cases, the individual or individuals will be prohibited from these activities on the UCA campus. Additionally, the free expression of views and opinions either~~ Free speech by individuals or by groups must not violate any rights of others, ~~or~~ materially and substantially disrupt the normal function of the university, materially and substantially disrupt previously scheduled or reserved activities, ~~or~~ violate other university policies, ~~any of the provisions of the UCA Student Handbook listed as “offense subject to disciplinary action”~~ or be unlawful. As set forth in statute and case law, free speech does not extend to harassment or threats. In such cases, the individual or individuals will be prohibited from these activities on the UCA campus.

C. Definitions

For purposes of this policy, the following definitions shall apply:

- a. “Campus Community” means: (i) the university’s students, administrators, faculty, and staff and (ii) invited guests of the university or its students, administrators, faculty, and staff. A student, administrator, faculty member, or staff member must accompany the invited guest when such person is engaged in expressive activity protected by this policy.
- b. “Materially and substantially disrupts” means a disruption that occurs when a person, with the purpose or knowledge of significantly hindering the expressive activity of another person or group, prevents the communication of a message of another person or group or prevents the transaction of the business of a lawful meeting, gathering, or procession by: (i) engaging in fighting, violence, or other unlawful behavior or (ii) physically blocking or using threats of violence to prevent any person from attending, listening to, viewing, or otherwise participating in an expressive activity.
- c. “Outdoor areas of campus” (1) means the generally accessible outside areas of the campus where members of the campus community are commonly allowed, including without limitation: (i) grassy areas, (ii) walkways, and (iii) other similar common areas; (2) Outdoor areas of campus include, but are not limited to, the Student Amphitheater, Alumni Circle, the lawn in front of

McAlister Hall, and the area in front of Christian Cafeteria; and (3) "Outdoor areas of campus" does not include outdoor areas where access by the majority of the campus community is restricted -- areas where access is restricted include, but are not limited to, Estes Stadium, Bear Baseball Stadium, Bill Stephens Track/Soccer Complex, Farris Softball Complex, Farris Fields Complex, and the Intramural Fields.

d. "Harassment" means expression that is so severe, pervasive, and subjectively and objectively offensive that it effectively denies access to an educational opportunity or benefit provided by the university.

D. Procedure

An outdoor area of campus is deemed a public forum for members of the campus community. A member of the campus community may engage in noncommercial expressive activity in an outdoor area of campus between the hours of 7:30 a.m. and 10:00 p.m. Any amplification equipment must be approved at least 24 hours prior to the activity and no structure(s) may be erected.

Expressive activities protected by this policy and state law consist of speech and other conduct protected by the First Amendment to the United States Constitution, including without limitation: (1) communicating through any lawful verbal, written, or electronic means; (2) participating in peaceful assembly; (3) protesting; (4) making speeches, including without limitation those of guest speakers; (5) distributing literature; (6) making comments to the media; (7) carrying signs; and (8) circulating petitions.

For individuals or organizations who are not members of the campus community, the area adjacent to the southwest corner of Ferguson Chapel, not to exceed 50 feet in any direction, is hereby designated as a limited public forum. On a first-come, first-served basis, individuals or organizations who are not members of the campus community may utilize this designated forum for free speech purposes, without registration, 24 hours a day, seven days a week. However, no amplification equipment may be used and no structure(s) may be erected. Members of the campus community may also utilize this outdoor area for noncommercial expressive activity.

Individuals or organizations responsible for expressive activities (i) must not obstruct entrances or exits to buildings, (ii) must not obstruct pedestrian or vehicular traffic, and (iii) must remove all signs and litter from the area at the conclusion of the event.

Outdoor areas of campus, other than the area adjacent to Ferguson Chapel, may be reserved in advance for use at a specified date and time in accordance with Board Policy No. 400. All other areas of the campus, including facilities, must be scheduled for such use and approved by the university in accordance with Board Policy No. 400.

E. Exclusions

This policy does not apply to use of outdoor areas of campus (i) for activities and official events sponsored by the University, (ii) by employees acting within the course and scope of their

employment, or (iii) by vendors that have a contractual relationship with the University acting within the course and scope of the contract.

Insurance Services

Health Insurance

The Employee Benefits Advisory Committee (EBAC) and Stephens, Inc., UCA's health plan consultant, have met with UCA administration and recommend that health rates be increased by 4.0% (\$450,457) for the calendar year 2020. This increase is based on a review of claims data and medical and pharmacy trend analysis. The rate increase for 2019 was 5.1% (\$612,000) after an initial projection of 9.0%. For 2019, use of reserve funds and plan design changes lowered the increase from 9.0% to 5.1%. For 2020, the 4% increase is the initial projection and no reserve funds will be used to offset the increase. There will be one plan design change, increasing the emergency room co-pay from \$100 to \$200. The UCA health plan is in its fourth year of self-insurance and, as of August 31, 2019, the plan has a surplus of \$814,918 above what it is required to have set aside to pay claims. UCA pays approximately 74% of the total health plan premium, which means the UCA annual cost of the increase will be approximately \$333,338.

EBAC and Stephens, Inc. have also recommended that UCA change the health plan's Pharmacy Benefit Manager (PBM) from Optum to Magellan Rx Management. The university conducted a competitive Request for Proposal. This change will allow UCA to have more control of the pharmacy program in terms of drug formulary tier placement and provide a transparency model to make sure all expenses are monitored and verified. The total amount of the contract is dependent on the claims paid, but UCA expects an annual savings of approximately \$100,000 by implementing a PBM transparency model. The initial term of the contract is two years, with the option to renew up to a total of seven years.

The following chart reflects the proposed rates:

| 2020 Proposed Health Rates (Monthly) | | | | | | | | |
|---|--------------|-----------|-------------|--|---------------|-----------|-----------|-------------|
| | Current POS | | | | Proposed POS | | | |
| | Regular | BeWell | | | Non-BeWell | BeWell | BeWell | |
| | Employee | Employee | Employer | | Employee | #Basic | #Enhanced | Employer |
| Employee Only | \$ 64.26 | \$ 34.26 | \$ 404.45 | | \$ 66.83 | \$ 46.83 | \$ 36.83 | \$ 420.63 |
| Employee/Spouse | \$ 304.44 | \$ 274.44 | \$ 662.59 | | \$ 316.62 | \$ 296.62 | \$ 286.62 | \$ 689.09 |
| Employee/Child(ren) | \$ 211.02 | \$ 181.02 | \$ 679.01 | | \$ 219.46 | \$ 199.46 | \$ 189.46 | \$ 706.17 |
| Employee/Family | \$ 478.92 | \$ 448.92 | \$ 847.57 | | \$ 498.08 | \$ 478.08 | \$ 468.08 | \$ 881.47 |
| *Special Family | \$ 228.63 | \$ 198.63 | \$ 1,097.86 | | \$ 237.78 | \$ 217.78 | \$ 207.78 | \$ 1,141.77 |
| | | | | | | | | |
| | | | | | | | | |
| | Current CDHP | | | | Proposed CDHP | | | |
| | Regular | BeWell | | | Non-BeWell | BeWell | BeWell | |
| | Employee | Employee | Employer | | Employee | #Basic | #Enhanced | Employer |
| Employee Only | \$ 37.66 | \$ 7.66 | \$ 304.32 | | \$ 39.17 | \$ 19.17 | \$ 9.17 | \$ 316.49 |
| Employee/Spouse | \$ 223.15 | \$ 193.15 | \$ 489.54 | | \$ 232.08 | \$ 212.08 | \$ 202.80 | \$ 509.12 |
| Employee/Child(ren) | \$ 156.83 | \$ 126.83 | \$ 503.56 | | \$ 163.10 | \$ 143.10 | \$ 133.10 | \$ 523.71 |
| Employee/Family | \$ 370.53 | \$ 340.53 | \$ 604.28 | | \$ 385.35 | \$ 365.35 | \$ 355.35 | \$ 628.45 |
| *Special Family | \$ 174.43 | \$ 142.01 | \$ 800.38 | | \$ 181.41 | \$ 161.41 | \$ 151.41 | \$ 832.39 |
| | | | | | | | | |
| | | | | | | | | |
| *Special Family applies when two married employees are on the same plan. | | | | | | | | |
| #New BeWell tiers: Basic - for employees that participated in the BeWell program but did not meet all requirements and Enhanced - for employees that participated in the BeWell Program and met all requirements. | | | | | | | | |

Life Insurance

There will be an increase in the group life plan of 10% with a 2-year rate guarantee. The approximate additional cost to UCA is \$17,000.

Dental Plan, Long-term Disability (LTD), and Vision Insurance Plans

There will be no rate increase or plan design changes for the self-funded dental plan or the fully-insured long-term disability and vision plans for 2020.

The board unanimously adopted the following resolution upon motion by Joe Whisenhunt and second by Kay Hinkle:

“BE IT RESOLVED: That the Administration is authorized to make the above changes to the UCA Health Insurance Plan and Life Insurance Plan.”

Voluntary Employee Retirement Incentive

The administration is seeking approval of a Voluntary Employee Retirement Incentive (VERI) for employees who are age 60 or older and have at least 10 years of continuous, full-time employment at the university as of December 31, 2019.

This plan will allow UCA to provide eligible faculty and staff with an attractive, completely voluntary retirement incentive, and it will allow leadership to plan strategically for the future.

Approximately 178 faculty and staff members who meet the criteria would be offered the opportunity to participate in the program. Those who elect to participate will receive 25% of their base salary as of December 31, 2019, along with 1% of their base salary for each year of continuous service, up to a maximum of 50% of the employee's base salary as of December 31, 2019.

Employees will have a 45-day election period to participate in the program. If approved by the Board, the election period would begin today, Friday, October 11, and will close at 4:30 p.m. on Tuesday, November 26.

The effective retirement date for staff and 12-month faculty in the VERI program will be December 31, 2019; the effective retirement date for nine-month faculty will be May 31, 2020.

The board unanimously adopted the following resolution upon motion by Shelia Vaught and second by Elizabeth Farris:

“BE IT RESOLVED: That the Board of Trustees hereby approves the Voluntary Employee Retirement Incentive plan described above, and that 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 implement the retirement plan.”

EXECUTIVE SESSION

The board unanimously declared an executive session to consider employment, appointments, promotions, demotions, disciplining and resignations of employees, upon motion by Shelia Vaught with a second by Elizabeth Farris.

OPEN SESSION

The board unanimously approved the following motion made by Terry Fiddler with a second by Joe Whisenhunt:

“I move that all appointments, adjustments to salary and title, and other matters set forth on the personnel action list discussed in executive session be approved.”

ADJOURNMENT

There being no further business to come before the board, the meeting was adjourned upon motion by Joe Whisenhunt and second by Cornell Maltbia:

The University of Central Arkansas Board of Trustees

Bunny Adcock
Chair

Kay Hinkle
Secretary