

Faculty Senate Minutes for April 6, 2012

President Jack Zibluk called the meeting to order at 3:00pm.

There were no minutes presented to the Senate for approval

President Report

UPC Update

President Jack Zibluk reported at the last UPC meeting it was proposed the faculty receive a 2% cost of living adjustment, plus an additional 1% across the board increase in salaries beginning July 1. The 1% increase will come from a \$2 per-credit-hour student fee, plus an additional \$165,000 internal equity pool.

Zibluk also announced that on Tuesday, April 10, 2012 the Spring Faculty Association Meeting would be held at 2:00pm in the Centennial Ballroom. In addition to the meeting, the Faculty Association would also be holding an election for president-elect of the Faculty Association. Julia Isaacson, Nursing, is the only candidate running for president. The election will be held from 8:00am to 5:00pm.

At 10:00am on April 14, 2012 there will be an AAUP workshop on intellectual property at the Edge Coffee House on Aggie Rd. Don Mixon will be the guest speaker. Dr. Amany Saleh reported there will be someone on hand for membership. In addition, the AAUP election will also be held on this day.

Old Business

Shared Governance Issue 11FA-23: Intellectual Property Policy

See Appendix A for full text of the currently proposed policy.

The proposed intellectual property policy has been revised so faculty will have the right to negotiate copyright with publishers for any paper published. The Senate does not feel this goes far enough.

Senators John Hall and Andy Mooneyham (M/S) for the approval of the intellectual property as it currently stands. Discussion followed. Senator John Hall stated his department is adamantly against the policy. Senator Mooneyham indicated the policy is still not legal due to section 4.

Dr. Dan Marburger submitted an alternative policy wrote by his brother, a Copyright Attorney. According to the alternative policy we are not works for hire.

Senator Hall asked if Don Mixon, the AAUP local attorney, has read the policy. It was indicated he had

and he opposed the policy. He further stated unless we have different language in the policy regarding ownership then the policy is not valid.

After discussion, Senator John Hall called to question. The motion failed with 28 objections and no abstentions.

Dr. Dan Marburger then outlined the alternative policy developed by his brother (Appendix B). Senator Andy Mooneyham questioned Dr. Marburger if his proposed alternative policy vest initial ownership with the creator. Dr. Marburger indicated in the affirmative. Mooneyham also inquired whether Marburger's alternative policy had provisions where ASU could claim ownership. Marburger indicated it did have such provisions.

Senator John Hall thanked Dr. Marburger for his work on the alternative policy. He also asked Dr. Marburger to convey the sentiment to his brother. The Senate as a whole joined with Senator Hall on thanking Dr. Marburger and his brother for the work they had done to develop the alternative policy.

Senator John Hall suggested that Don Mixon needs to examine the alternative policy. Hall further stated if Mixon "green lighted" the policy he would agree with the policy as well.

Senator Bill Humphrey stated the policy needed to be sent to Lucinda McDaniel, University Council. Dr. Marburger indicated he had already sent the policy to Mrs. McDaniel.

Senator Andy Mooneyham asked if the Senate could entertain a motion to consider Dr. Marburger's policy as an alternative to the current policy. It was indicated yes the Senate could consider Marburger's policy as an alternative.

Senator Alex Sydorenko and Joanna Grymes (M/S) for the Senate to submit Dr. Marburger's policy to the System as an alternative intellectual property policy. The motion passed with one abstention.

Senator Bill Humphrey suggested the alternative policy should also be sent to ASU President Chuck Welch.

Kays House. Possible resolution to rename Aggie Road to V.C. Kays Drive.

See Appendix C for the full text of the resolution.

Senator Bill Rowe submitted the resolution. Hall indicated the resolution is just a motion that calls for the Faculty Senate to call upon the ASU Faculty Senate Executive Committee to formally request the SGOC investigate whether the university planners supplied the Building, Grounds, and Facilities Shared Governance Committee with a plan/proposal to destroy 19 faculty homes including the Kays home on Aggie Road in order to construct sorority houses on the property.

Senator Alex Sydorenko suggested the Kays home could have been turned into a faculty lounge.

Senator Bill Humphrey stated the upper administration indicated the plans to demolish the 19 faculty homes, including the Kays home, had been in the works for more than two years.

Senator Andy Mooneyham asked for a detailed explanation of what should go through SGOC with regards to buildings and ground faculty. Senator John Hall stated that according to the Faculty Handbook all decisions regarding building construction/destruction and changes to the grounds are supposed to go through SGOC. Past-president Beverly Gilbert indicated that portion of the handbook has not been implemented. Gilbert went on to ask if a motion should be made for what should go through SGOC. President made the point that every time a wall is moved or constructed it would not need to go through SGOC.

Senator John Hall moved to accept the motion as written by Senator Bill Rowe. The motion passed.

Dr. Clyde Milner, Heritage Studies, presented two articles from the Jonesboro Sun from December 15, 2009, see Appendix D and December 11, 2010, see Appendix E. In both articles, Dr. Rick Stripling, Vice Chancellor for Student Affairs, is quoted as saying the Kays home would not be removed in order to make room for sorority houses.

Senator Joanna Grymes stated when the SGOC was created all questionable decisions were to be sent through the SGOC so all constituents involved could be included in the decisions. The mechanism is still in place, however, we are not using it properly. Without a functional SGOC we will not have functional shared governance on campus.

Senator John Hall recommended the Senate discuss this issue with Dr. Tim Hudson, the new chancellor for the Jonesboro campus, when he takes office in May.

Family Member Policy

The full text of the policy can be found at <http://www.astate.edu/dotAsset/f6344e3d-de21-4348-90b6-d5d351a1c414.pdf> and in Appendix F.

President Jack Zibluk asked Dr. Lynita Cooksey if she had anything to add to the policy. Cooksey indicated there was nothing else to add to the policy except there is a concern with the safety of individuals who are not authorized to sit in a classroom and/or labs. She did note that she does not like the name that has been attached to this policy. The sole intent of the policy is to keep ASU a place of work.

Senator John Hall took great exception to the policy. Hall does not think he should have to obtain permission from his dean and/or chair every time he may need to bring his 8th grader to his office.

Cooksey indicated the intent of the policy is not to keep faculty from bringing their children to class and/or their office on those occasions when need be. The intent of the policy is, however, to keep faculty, staff and students from using ASU as a daycare facility due to safety issues.

Cooksey went on to say there are cases on campus where adult children who are taking classes use their parents office as a place to “hang out” between classes. In these instances, it is hard for other employees to conduct business with the employee when their child is setting in their office. The policy is a way to allow work to continue on campus without the disruption of having children. It is really meant to create a work environment that is conducive to work.

Senator Bruce Johnson asked if it was possible to change the wording of the policy so that a faculty member in his department would not have to gain permission every time his child is in his office. President Jack Zibluk asked if there was an editorial change we as a body could send forth. Dr. Lynita Cooksey indicated if we keep changing the policy it will become so broad that there will be no need for the policy.

Senator Joanna Grymes suggested it would be very easy for a department chair and/or dean to send out a blanket email to all their faculty given permission to bring their children into work with them when emergency needs arise.

Senator John Hall raised objections to the policy with regards to having to ask permission from his supervisor to bring his child to work. He stated we are all professionals and therefore should not be required to asked permission because it is too restrictive. Dr. Lynita Cooksey stated we have all levels of individuals on campus from faculty to staff. We have staff members on campus where it is very important for them to gain permission before bringing their child to work due to the nature of their job and the safety of the child. Cooksey, therefore, asked the Senate not to think of the policy from a faculty point of view but from the point of view as an university employee.

President Jack Zibluk pointed out that this policy, according to Dr. Glen Jones, is faculty driven. Dr. Lynita Cooksey confirmed this policy is faculty driven. She went on to say that through the years the administration has had faculty asking what they should do when people wanted to attend their classes that should not be in them. This policy is a direct result to all the inquiries that have been received through the years. Dr. Cooksey stated the policy is nothing more than a common sense policy.

Senator John Pratte offered that there have instances where people bring their children into their labs and leaving the child alone in the lab. Because of this, he believes the policy is necessary.

Senator John Hall sees a need for the policy but restated he thinks it is too restrictive because each time an employee needs to bring their child to work they would be required to gain permission from their supervisor. Dr. Lynita Cooksey asked if Hall would like to rewrite the policy. Hall indicated Cooksey could rewrite the policy. Dr. Lynita Cooksey said she would be glad to rework the policy, however, she asked five weeks ago for input on the policy and received none.

Senator Andy Mooneyham asked Senator John Hall if there was an easy fix for his concerns. Hall restated again he believes the policy is too restrictive at which time Mooneyham asked Hall what

he wanted change. At this time, Senator Joanna Grymes interjected by stating if the policy had said “therefore, prior to each episode all students and employees must secure permission from their immediate supervisors” she would agree with Hall that the policy is too restrictive. However, the policy does not state this; instead the policy states you must have permission from your immediate supervisor before you bring your child to work. Therefore, it should not be difficult for a chair or a dean to set something like in case of emergency, in case of weather or in cases of illness it is acceptable for faculty and staff to have their children on campus. Hall followed up by stating the policy does not state this. Grymes agreed with Hall and went on to state it would be easy to create a blanket statement to that effect and it would cover what is stated in the policy. Hall countered by saying it all depends on how the policy is interrupted.

President Jack Zibluk asked if there was room for a friendly amendment to the policy. Senator John Hall stated he thinks a friendly amendment is in order but he does not know how to word the amendment. Senator Andy Mooneyham asked if the policy stated that in situation of emergency children could be brought to campus would this make the policy more appealing. Dr. Lynita Cooksey stated that is the intent of the policy. Senator John Hall suggested to change the wording from “must receive permission” to “should receive permission”. Dr. Lynita Cooksey stated then it would no longer be a policy. Senator Tracy Farmer indicate at that point it is just a recommendation.

Senator Bill Humphrey called to question.

The motion passed with 21 in favor, 3 opposed and 1 abstention.

New Business

Graduate Grading System: Dropping the D grade

See Appendix G for full text of the recommendation.

Past-president Beverly Gilbert and Senator Andy Mooneyham (M/S) to view the recommendation.

Currently, the grading policy for all graduate level courses taught at ASU having two levels of failing: a letter grade of D and a letter grade of F. With graduate course any letter grade below a C is considered failing. Therefore, there is no need to have two levels of failing for graduate level courses. Dr. Andy Sustich recommended the removal of the letter grade of D for all graduate level courses leaving the possible grades to be A, B, C and F.

Senator Bill Humphrey call to question. Senator Alex Sydorenko second.

Recommendation passed with 3 opposed and 2 abstention.

System Fraud Policy

The full text of the policy is available at <http://www.astate.edu/dotAsset/83d6d6e2-e41b-41ae-a5db-ead0c5a15bb6.pdf> and in Appendix H.

Senator Bill Humphrey and Andy Mooneyham (M/S) to accept the policy for review.

Dr. Clyde Milner called into question as to whether the “[d]isclosing [of] confidential or proprietary information to outside parties for personal gain” is actually fraud. Milner believes this act is not a fraudulent act and sees this could create the possibility for abuse in terms of enforcement. Because of this, Milner believes there is need for clarification.

Senator John Hall brought to attention the final bullet in the policy, which states “[a]ny similar or related inappropriate conduct”. Hall suggests this is a “catch-all” phrase that should be eliminated.

Cathy Hall, proxying for Brenda Anderson, asked for an explanation of the background for this policy. President Jack Zibluk indicated the policy was sent down from the System. Mrs. Hall asked if something had happened to prompt such a policy to be drafted and sent out. Senator Bill Humphrey stated there had been some instances on campus of fraud. Senator Tracy Farmer followed by informing the group there had been an instance recently of fraud in the library.

President Jack Zibluk asked if the Senate would like to suggest a friendly amendment to the policy. Senator John Hall indicated in the affirmative and suggested to delete the following statements from the policy: “Disclosing confidential or proprietary information to outside parties for personal gain;” and “Any similar or related inappropriate conduct”. Senator John Pratte followed by stating disclosing confidential or proprietary information is not fraud, it's illegal.

The motion to accept the policy with the suggested deletions passed unanimously.

Senators Bill Humphrey and Pradeep Mishra (M/S) to adjourn.

Attendance

Jack Zibluk – President of Faculty Association
Beverly Gilbert – Past-president of Faculty Association
Farhad Moeeni – Secretary/Treasurer of Faculty Association

Agriculture

Bill Humphrey

Business

Faye K. Cocchiara
Richard Segall
Jollean K. Sinclair

Communications

Pradeep Mishra
Larz Roberts

Education

Joanna Grymes
John D. Hall
Andy Mooneyham
Patty Murphy
David Cox, proxy for Joe Nichols
Ann Ross

Fine Arts

Claire D. Garrard
Marika Kyriakos
Bill Rowe

Humanities and Social Sciences

Jerry Ball
Clyde Milner, proxy for Lawrence Salinger
Alex Sydorenko

Library

Tracy Farmer

Nursing and Health Professions

Deanna Barymon
Cathy Hall, proxy for Brenda Anderson
Bill Payne
Todd Whitehead

Science and Mathematics

Hai Jiang

Bruce Johnson

Suzanne Melescue

Deans' Council Representative

John Pratte

Visitors

Lynita Cooksey, Associate Vice Chancellor for Academic Services

Kenneth Heard, Arkansas Democrat-Gazette

Dan Marburger, Economics

Andy Novobilski, CRO

Kayla Paine, The Herald

Sherry Pruitt, The Jonesboro Sun

Richard Wang, Political Science

Appendix A

ASU System Policy: Intellectual Property

ASU System Policy

Effective Date: 02/25/05

Subject: Intellectual Property

I. Introduction

The creativity of human beings is manifested in fields as diverse as science and technology, literature and the humanities, and the fine and applied arts. Creators of intellectual property utilize legal vehicles that make possible the ownership and control of some of the fruits of this creativity, providing an incentive to be creative and to make such fruits public. As a result of the increased cooperation in research and development between universities and businesses, the volume of intellectual property being created in universities has increased significantly. This increase has made apparent the complexity of the issues related to the ownership, control and use of such property. This policy is designed to achieve the following objectives:

- a. Encourage and protect the creative endeavors of all members (faculty, staff and students) of the Arkansas State University System community;
- b. Determine and safeguard the rights and interests of all relevant parties (Originator, the University, and outside sponsors of research) in the creative products of those associated with the University;
- c. Facilitate the dissemination and use of the findings of academic research so as to benefit the public at the earliest practicable time;
- d. Provide guidelines by which the significance of the findings of the academic research may be determined and, when appropriate, their public use facilitated;
- e. Recognize the equity of any outside sponsor of research within the University; assist in the negotiation and preparation of contracts with outside sponsors, collaborators and licensees; and support the fulfillment of the terms of those contracts;
- f. Provide for the equitable distribution of benefits resulting from the intellectual property among the various parties with interests in it.

II. Persons Affected

The Intellectual Property Policy applies to all persons employed by the Arkansas State University System or any campus in that System, to anyone using System facilities unless otherwise negotiated, to all students of any campus in the Arkansas State University System including but not limited to undergraduate students and candidates for masters and doctoral degrees, and to postdoctoral fellows. It shall also apply to all persons not employed by ASU but whose scholarly production is financed, in whole or in part, from funds under the control of the University.

III. Definitions

The following definitions are employed in interpreting and implementing this policy:

- a. "Incidental Use" means occasional utilization of University property outside the course and scope of employment for limited amounts of time.
- b. "Intellectual Property" refers to any material capable of legal protection (copyright, license and patent) arising out of Scholarly Production and includes but is not limited to any discovery, invention, process, know-how, design, model, work of authorship, works of art, computer software, mask work, molecular, cellular or organismal biological discoveries or applications, strain, variety or culture of an organism, or portion, modification, translation, or extension of these items. It includes marks used in connection with these. The term "mark" refers to trademarks, service marks, collective marks, and certification marks.
- c. "University" means the Arkansas State University System, any campus within the Arkansas State University System, and any entity or activity under the authority of the Board of Trustees of the Arkansas State University System.
- d. "Scholarly Production" means any research, creative activity, or development activity, which is directly related to the duties and responsibilities for which a person has been compensated by or through the University, or for which facilities owned, operated, or controlled by the University are used.
- e. "Sponsored Research" means Scholarly Production for which the University has received external support.
- f. "Originator" means a person who in the course of Scholarly Production creates or discovers material that is or becomes Intellectual Property.
- g. "Copyright" shall be understood to mean that bundle of rights that protect original works of authorship fixed in any tangible medium of expression, now

known, or later developed; from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.

- h. "Tangible media" include, but are not limited to, books, periodicals, manuscripts, phonographic records, films, slides, tapes, and disks.
- i. "Patent" shall be understood to mean that bundle of rights that protect inventions or discoveries which constitute any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof; computer software; new and ornamental designs for any useful article; new human-made products; and new animal, plant or other life forms. This includes new plant varieties created by sexual reproduction and covered by Plant Variety Protection Certificates for New Cultivars.
- j. "Royalty-free license" shall be understood to mean an exclusive or non-exclusive, nontransferable license for unrestricted use of the Intellectual Property, the license being without royalty payments on any subsequent proceeds.

IV. Statement of Policy

The policy of the University is that the University shall retain legal title as set by current applicable law to all Intellectual Property created by any person or persons to whom this policy is applicable. This policy is established in furtherance of the commitment of the University to the widest possible distribution of the benefits of Scholarly or Creative Production, the protection of Intellectual Property resulting from such creation or discovery, and the development of Intellectual Property for the public good. The University's ownership rights in the Intellectual Property shall vest immediately upon the creation or discovery of the Intellectual Property. This System Intellectual Property Policy shall be governed by current state and federal laws, regulations, and case decisions and any changes to those laws, regulations, and case decisions shall be immediately applied to this policy without the necessity of formal Board action.

V. Disclosure Obligations of Originator(s)

All persons to whom this policy is applicable shall furnish to the office designated by the chancellor of that campus to manage research and technology transfer, a full and complete disclosure of any Intellectual Property promptly after it is created or conceived or first reduced to practice. The disclosure will identify all Originators of the specific Intellectual Property, their relative contributions to the work (expressed in a percentage), and use of University resources in developing the work including department(s), interdisciplinary program(s), research institute(s), and/or sponsor(s) (expressed in a percentage). Such persons shall cooperate in a timely and professional manner with the University or with patent or other counsel in protecting Intellectual Property and perform all acts necessary for the University to fulfill its obligations and protect the University's rights in and to the Intellectual Property. The University may require technical advice and assistance from Originators in the development and licensing of their Intellectual Property. The University's disclosure form is provided at www.ASUresearch.edu.

VI. Copyrightable Intellectual Property Rights

The University does, at the moment of its creation, have all ownership rights established by current state and federal law in copyrightable Intellectual Property. Arkansas State University will not assert its ownership interest in:

- a. faculty-produced, copyrightable online courses other than to reserve a Royalty-free license; or
- b. copyrightable material created for ordinary teaching use in the classroom or for electronic assignments and tests other than to reserve a Royalty-free license; or
- c. copyrightable faculty, staff, or student produced textbooks, scholarly writing, art works, musical compositions and literary works that are related to the faculty, staff, or students' professional field, including all student authored class assignments, other than to reserve a Royalty-free license.

In an agreement transferring copyright for such works to a publisher, faculty authors must provide rights for the University's nontransferable royalty-free license

For any disputes concerning copyright ownership, the University System Intellectual Property Committee (USIPC) will review all copyright disclosures and make a recommendation to the administration as to who owns the copyright. The administration will make a final decision regarding ownership and the Originator(s) will be notified of the outcome within 90 days of receiving the disclosure.

VII. Patentable Intellectual Property Rights

The University does, at the moment of its creation, have all ownership rights established by current state and federal law in patentable Intellectual Property. The chancellor's designee will review all invention disclosures and recommend to the administration one of three possible actions:

1. Retain all ownership rights and develop the Intellectual Property for commercialization at the University's discretion; or
2. Assign all rights to the Originator(s) but retain a Royalty-free license; or
3. Assign all rights to the Originator(s).

If the University does not furnish notice of intent to retain ownership rights of the Intellectual Property within 90 days after disclosure to the University the Originator(s) may request that the University transfer or waive its rights subject to the retention by the University of a non-transferable, royalty-free license. If the University chooses to patent an Intellectual Property but takes no steps (within two years of notice of the creation or discovery of the Intellectual Property) to develop the Intellectual Property commercially, the Originator(s) may request that the University transfer or waive its rights subject to the retention by the University of a non-transferable, royalty-free license.

VIII. Costs of Legal Protection of Intellectual Property

The holder of the Intellectual Property rights bears the responsibility and financial burden of developing and processing the Intellectual Property, and all legal fees and other costs related to obtaining and maintaining patents, copyrights, or other legal protection, unless otherwise negotiated.

IX. Distribution of Earnings from Intellectual Property

In consideration of the disclosure and assignment of Intellectual Property to the University, the net royalties or other net income from the commercialization of an Intellectual Property will be distributed as follows (*Note- Net royalties are for this purpose defined as gross royalties received by the University minus the costs for patenting, copyrighting, licensing or obtaining legal protection of Intellectual Property. This does not include salaries of the Originator(s) or the office staff.*)

- a. For the first \$10,000 of net royalties or other net income the Originator(s), Originator's heirs, successors, or assigns shall receive eighty-five percent (85%) of those net royalties or other net income with the remaining fifteen percent (15%) belonging to the Arkansas State University campus at which the Originator is employed or enrolled, or which contracts for or finances the work.
- b. Once the \$10,000 plateau has been reached, net royalties or other net income up to two million dollars will be divided fifty percent (50%) to the Originator(s), Originator's heirs, successors, or assigns with fifty percent (50%) belonging to the Arkansas State University campus at which the Originator is employed or enrolled, or which contracts for or finances the work.
- c. Once Intellectual Property generates net royalties or other net income that exceeds two million dollars, net royalties or other net income will be divided forty percent (40%) to the Originator(s), Originator's heirs, successors, or assigns and sixty percent (60%) to the Arkansas State University campus at which the Originator is employed or enrolled or which contracts for or finances the work.

Net royalties will be distributed normally on an annual basis, payments being made within sixty (60) days after the end of a calendar year in which royalties from the Intellectual Property have accrued.

X. Sponsored Research

Rights to Intellectual Property produced as a result of Sponsored Research, including research sponsored by the Arkansas State University Research and

Development Institute (RDI), are determined by the contractual or grant agreements negotiated between the University and the sponsor.

XI. U.S. Government Funded Inventions (Intellectual Property)

Arkansas State University is governed by the 1980 Bayh-Dole law (P.L. 96-517 and 98-620 as amended), which sets out the disposition of inventions made with Federal assistance. The law provides that non-profit organizations and small businesses may elect to retain title to the inventions conceived or first actually reduced to practice in the performance of work under a funding agreement. The University must disclose each subject invention in a timely manner and comply with other regulatory actions. In addition it must grant the U.S. government a royalty free license for governmental purposes, give preference to U.S. manufacturers, give preference to small businesses and share royalties with inventors. The University must periodically report any licensing activity to the Government.

XII. Publication Rights

In all Sponsored Research, the right shall be reserved for Originators and the University to publish and disseminate the knowledge gained and the results obtained. The University may grant a sponsor a limited review period of 60 (sixty) days, renewable with permission of the Originator/s, prior to publication in order to protect proprietary information and any technology, which may be the subject of a patent application.

XIII. Policy Administration

The President shall appoint a University System Intellectual Property Committee (USIPC) consisting of members from each campus within the Arkansas State University System whose employees are conducting significant scholarly work. An employee from the Arkansas State University System Office shall be an ex officio member of the Committee. The Office of University Counsel shall serve as legal advisor to the Committee. A chairperson shall be elected from among the membership of the Committee. The Committee shall meet at least annually and also when needed at the request of the chairperson or the President. The Committee shall be responsible for:

- (1) Reviewing the operation of the System Intellectual Property Policy and proposing policy changes;
- (2) Assisting in reviewing Intellectual Property disclosures as requested by any campus office or individual charged with research and technology transfer;
- (3) Reviewing disputes concerning copyright ownership (such as equitable division among joint originators) and make a recommendation as to who owns the copyright to the administration;
- (4) Reviewing proposed exceptions to the established policy;

- (5) Seeking initial resolution of campus disputes relating to rights in Intellectual Property and resolving issues referred by any individual charged with research and technology transfer;
- (6) Advising the President on Intellectual Property policy matters as requested.

The Chancellor of Arkansas State University-Jonesboro shall designate an employee who shall have the general responsibility of:

- (1) Reviewing Intellectual Property disclosures submitted to the University for copyright or patent application or other protection and making recommendations to the University System Intellectual Property Committee;
- (2) Evaluating Intellectual Property for copyrightability and patentability, as well as potential commercial value;
- (3) Appointing ad hoc technical subcommittees to assist in evaluating Intellectual Property;
- (4) Seeking University approval of outside technical assistance in evaluating Intellectual Property;
- (5) Recommending Intellectual Property rights or equities to be held by the Arkansas State University Research and Development Institute;
- (6) Providing scientific and technical assistance to approved copyright and patent management organizations to achieve the full benefits of University Intellectual Properties that have commercial potential;
- (7) Seeking initial resolution of campus disputes relating to rights in Intellectual Property;
- (8) Reviewing works of authorship submitted for copyright consideration; and
- (9) Transferring technology including but not limited to: licensing copyrights and patents and developing plans for commercialization of University owned Intellectual Property.

Within ninety (90) days of the receipt of an Intellectual Property disclosure, the above designee will review and evaluate the Intellectual Property disclosure and submit to the Chancellor of the campus submitting the disclosure his or her recommendation regarding the disposition of the disclosure. The designee's recommendation along with the Chancellor's recommendation shall be forwarded by the Chancellor within ten (10) working days of receipt to the President of Arkansas State University System. In most instances the recommendation will consist of one of the following:

1. The University retains property rights and will proceed toward commercial development; or
2. The University assigns all rights to the Originator(s) or sponsor(s) while reserving a royalty-free license; or
3. The University assigns all rights to the Originator(s) or sponsor(s).

(Revised 2012 Adopted by the Arkansas State University Board of
Trustees February 25, 2005, Resolution 05-01, Supersedes Patents Policy)

Appendix B

*Dr. Dan Marburger's Alternative
Intellectual Property Policy*

Alternative proposed Intellectual Property policy

1. Introduction

1.1 The crux of copyrights.

- (A) **What copyright is.** Copyright is intellectual property owned by the author of an original expression of an idea. That original expression can be through words, sound, or pictures, but copyright does not attach until the author fixes that expression to a tangible medium of expression that enables us to perceive the expression. Examples are writing on paper, saving expression on a computer hard drive, recording visual images on film or DVD, recording sound on magnetic audio tape.
- (B) **How the author gets the copyright.** Copyright vests immediately and automatically in the author at the moment that the author fixes that original expression on the tangible medium, and lasts for a fixed period of time. Ownership does not require registering with the United States Copyright Office, but enforcing ownership does.
- (C) **What rights the author owns through copyright.** A copyright owner has the exclusive right to copy the original work, distribute copies of it, create works derived from it, and to publicly perform and publicly display the work or copies of it. The copyright owner can transfer to anyone any of those exclusive rights, or retain ownership but license someone to exercise any of those rights under specified conditions.

- 1.2 **Work-for-hire: when employers own a copyright.** Typically, employers automatically own the copyright in every original work of authorship that their employees create while working within the scope of their employment. That is called the "work for hire" doctrine

of the United States Copyright Act. For example, when a newspaper columnist writes a column for the newspaper, the publisher automatically owns the copyright in that column and in the columnist's drafts of that column. A "work-for-hire" means that ownership of the copyright automatically vests in the employer and never vested in the employee.

1.3 The crux of patents. By issuing patents, the United States government grants to inventors a limited monopoly in certain novel, useful, and nonobvious processes, machines, manufactures, or compositions of matter that they discover or invent. For a limited period of time, patent holders get the exclusive right to make, use, and sell their inventions and discoveries.

1.4 Who owns patentable inventions and discoveries.

(A) **Inventor is owner.** Usually, the owner of a patentable invention or discovery is the inventor. Through a written contract, the inventor can transfer his or her rights in the invention or discovery to someone else, such as the inventor's employer.

(B) **When employer automatically is the owner.** If an employer hires someone to invent something or to solve a specific problem that might entail a patentable discovery, the employer may automatically own the invention or discovery.

(C) **Employer usually is not the owner absent a written transfer of ownership.**

Otherwise, the employer does not automatically own every patentable invention or discovery that an employee makes even while performing services for the employer.

(D) **Employer's shop rights.** Under patent law, no employer acquires a patent automatically in an employee's invention or

discovery solely because the inventor used the employer's facilities to create the invention. But the employer automatically may acquire a license of limited scope to use the invention without having to pay royalties to the inventor-employee.

1.5 Faculty versus university: who owns copyrights and patent rights.

- (A) **Not typical employees.** Most faculty members of a university are not typical employees. As the federal courts have recognized, university faculty members traditionally have created works of authorship related to their professional fields of study or expertise that administrators neither assign nor approve or control.
- (B) **Collaborate with external scholars and professionals.** Also by tradition, faculty members often collaborate with faculty at other universities or with professionals outside the academic community to produce works protected by copyright that relate to the faculty member's professional field of study. Professionals and scholars outside a university may be reluctant to collaborate with the faculty of any university that claims to own automatically the resulting joint work of authorship.
- (C) **Using university facilities does not automatically vest copyright in the university.**

No university acquires a copyright automatically in an original work of authorship *solely* because a faculty member used facilities owned by the university to create the work. But using a university's facilities to create a work of authorship can be one of several factors that courts weigh in deciding that the university owns the copyright in the work through the work-for-hire doctrine.

1.6 What this policy can and cannot do about resolving ownership of patents and copyrights that faculty invent or create.

- (A) Bona fide legal questions exist about whether the University or the faculty member automatically owns every work of authorship and patentable invention and discovery originated by that faculty member at the University or related to the faculty member's professional field of study (regardless of whether the faculty member originated it at the University).
- (B) Neither the faculty member nor the University is the final arbiter of who owns all intellectual property that a faculty member creates using University facilities or that relates to the faculty member's professional field.
- (C) The law of copyrights and the law of patents disable this policy from finally determining who owns a particular copyright or patentable invention or discovery. Because owners can transfer their copyrights or patent rights only through signed writings, this policy cannot effect any transfer of ownership from faculty to the University or from the University to faculty.
- (D) This policy, therefore, functions to give notice that the University will claim or will not claim to own certain intellectual property. But claiming or not claiming to own intellectual property cannot finally resolve whether the University actually owns or does not own that property. The best way to finally resolve genuine uncertainty about ownership is through signed written contracts.

- 1.7 The policy's chief objectives.** This policy identifies:
- (A) specific situations where the University will or will not claim to own copyrights or patentable inventions or discoveries that faculty members originate;
 - (B) situations in which the University will or will not claim to have a license to use copyrights or patentable inventions or discoveries that faculty members originate;
 - (C) some terms and conditions upon which the University will offer to contract with faculty members to commercially exploit copyrights and patentable inventions or discoveries.

1.8 To whom this policy applies & the meaning of "Faculty members."

This policy applies to "Faculty members," which includes all of the following:

- (A) members of the faculty who are employees of the Arkansas State University System;
- (B) members of the faculty who are independent contractors with the Arkansas State University System;
- (C) other individuals with whom the University employs or contracts to create original works of authorship, to conduct research, or to make patentable inventions or discoveries;
- (D) students enrolled in the University, but only to the extent that the University employs those students and only to the extent that they originate copyrighted works or patentable inventions or discoveries while performing services as employees.

- 1.9 Some other limits and effects of this policy.** This policy:
- (A) does not apply to students whom the University does not employ;
 - (B) does not supersede any term or condition of any signed written contract to between a person and the University;
 - (C) supersedes every term and condition in all unsigned contracts between a person and the University, but only to the extent that the unsigned contract conflicts with this policy.
- 1.10 Meaning of the term "University."** The term "University" means the Arkansas State University System, any campus within the Arkansas State University System, and any entity or activity the exists or operates under the authority of the Board of Trustees of the Arkansas State University System.

2. The University will not claim automatic ownership of certain copyrights.

2.1 The University neither claims nor disclaims automatic ownership of copyright in works created by Faculty members.

Under copyright law, the University may or may not automatically own the copyright in an original work created by a Faculty member.

2.2 "Traditional Faculty works": the kinds of works to which this section applies.

This subparagraph and all later subparagraphs of this section apply only to the kinds of works of authorship originated by Faculty members listed in this subparagraph, which are "Traditional Faculty works":

- (A) textbooks, scholarly writing, literary works, works of art, and musical compositions;

- (B) works comprising all or part of the content of courses taught by the faculty member in person to University students; examples are a course syllabus, lecture notes, and audio or visual materials presented in person;
- (C) questions and their answers administered or to be administered as tests for courses taught by faculty in person;
- (D) works unrelated to the faculty member's professional field of study or expertise, regardless of who owns the facilities used to create the work.

2.3 The University will not claim automatic ownership of copyright in certain kinds of works originated by Faculty members.

The University will not claim that it owns any of the exclusive rights that belong automatically to a copyright owner in Traditional Faculty works; consents to Faculty members contracting to assign to publishers or other persons all right, title, and interest in Traditional Faculty works; and will cooperate where reasonably needed to ensure full legal effect of such assignments.

2.4 The University will not claim an automatic, permanent, royalty-free, unlimited license to use certain works originated by Faculty members.

The University will not claim that it automatically acquires a permanent royalty-free, nonexclusive license of unlimited scope to copy, distribute copies of, create derivative works from, or publicly display or perform Traditional Faculty works.

2.5 Why the University will not claim to own certain copyrights or claim to have licenses in certain works.

The University recognizes that:

- (A) It is customary for publishers of works originated by Faculty members to require the author to transfer all right, title, and interest in the work to the publisher.
- (B) Publishers require those transfers to ensure against others having the right to compete against the publisher with copies of the same work and to ensure against claims that the publisher is infringing the copyright.
- (C) Publishers will be reluctant to enter into contracts to publish works originated by Faculty members if the University's policy claims automatic ownership of the copyright of all works of authorship created by Faculty members in their professional fields or by using University-owned word-processing software or other University-owned facilities.
- (D) It is impractical for the University to be a party to every contract between publishers and Faculty members or for the University to approve all contracts before the Faculty member can agree to terms with every publisher.

2.6 The University may claim a limited nonexclusive, royalty-free license to copy or use certain works originated by Faculty members.

The University *may* claim that it automatically acquired a limited, royalty-free, nonexclusive license to copy, distribute copies, create derivative works from, or publicly perform Traditional Faculty works for the purpose of teaching students enrolled at the University. But, absent the expressed written consent of the Faculty member who originated those works, the University will not:

- (A) commercially exploit the work; or

- (B) use its claimed automatic license if a Faculty member discloses to the University, using the form provided at www.ASUresearch.edu that the Faculty member has assigned all right, title, and interest in the Traditional Faculty work to a publisher or other person.

3. Copyrights in online courses.

- 3.1 **Online courses to be taught to non-University students.** The University will not claim that creating an original online course to be taught to students who are not enrolled at the University is within the scope of a Faculty member's employment with the University. If the University asks a Faculty member to create such a work, it will enter into a contract with that Faculty member upon such terms and conditions as the University and the Faculty member agree.

This subparagraph does not apply where the University hired the Faculty member for the expressed purpose of creating original online courses to be taught to students who are not enrolled at the University and where that Faculty member creates those kinds of online courses as part of that Faculty member's regularly performed duties.

- 3.2 **Online courses to be taught to University students and created at the University's initiative.**

Where the office of the Provost or higher office assigns to a Faculty member the duty to create an original online course to be taught only to students enrolled at the University, and approves or otherwise controls the content of that course before it is taught to students, the University will claim that it automatically owns the copyright in that online course under the "work for hire" doctrine.

- 3.3 **Online courses created at the Faculty member's initiative.** Where teaching courses to students enrolled at the University are among a Faculty member's regularly performed duties, the University will not

claim that it automatically owns the copyright in an online course created by that Faculty member at his or her own initiative.

3.4 **Online courses created using University property.**

- (A) **Automatic license claimed.** The University will claim that it automatically acquires a limited nonexclusive, non-transferable, and royalty-free license to copy, distribute copies, create derivative works from, and publicly display and perform every original online course created by a Faculty member using University-owned property to create it.
- (B) **Limits of the claimed automatic license.** The license described in the preceding subparagraph will last for four years from the date upon which the University discovers that the Faculty member used University-owned property to create the course. The University will claim the license only for the purpose of teaching courses to students in classes in which they are enrolled at the University.
- (C) **License that the University will not claim.** The University will not claim an automatic license of any kind, scope, or duration for the purpose of enabling any person to commercially exploit an online course created at the initiative of a Faculty member, or to enable any person to copy that work, distribute copies of that work, create derivative works from that work, or publicly display or perform that work for the purpose of teaching courses to students who are not enrolled at the University.
- (D) **Right to commercially exploit, teach non-University students through contract.**

The University may commercially exploit the online course described in the preceding subparagraph, or otherwise enable its use for teaching students who are not enrolled at the University, through a written contract signed by the Faculty

member and offering to the Faculty member the net royalties as described later in this policy.

4. Patent rights that the University will claim that it automatically owns.

Where the University has employed a Faculty member for the expressed purpose of making inventions or discoveries, the University will claim that it automatically owns every invention and discovery made by that Faculty member within the scope of that employment.

5. Shop rights that the University will claim even though it does not claim to own the patent rights in an invention or discovery.

5.1 Patent rights that the University will not claim to own. Where the University has not employed a Faculty member for the expressed purpose of making inventions or discoveries, the University will not claim that it automatically owns every invention and discovery made by that Faculty member, regardless of whether it relates to that Faculty member's professional field of study or expertise and regardless of whether that Faculty member used University-owned property to make the discovery or invention.

5.2 Shop rights that the University will claim. The University will claim that it automatically has shop rights – a nonexclusive, non-transferable, royalty-free license – to use for three years any invention or discovery that a Faculty member makes using University-owned property. The University will not commercially exploit claimed shop rights except through a signed written contract with the Faculty member, offering the net royalties described later in this policy.

6. **Conflicts of interest.** Even though the University may decline to claim that it owns a copyright in a work of authorship or patent rights in a discovery or invention, all Faculty members have a duty of loyalty to the University. Nothing in this Policy authorizes any Faculty member to use, create, or transfer intellectual property in any way that conflicts with the Faculty member's duties as an employee of the University; creates in any faculty member a duty of loyalty to any educational institution other than the University; or that has the potential to attract students to enroll in any educational institution other than the University. For example, this Policy does not authorize Faculty members to create original online courses to be taught under the auspices of any person except the University.

7. **Obligations to disclose to the University information about original works and novel inventions and discoveries.**

7.1 **Complete disclosure form every 90 days.** Beginning on _____ 1, 2012, and every 90 days afterward, each Faculty member must complete the University's disclosure form at www.ASUresearch.edu.

7.2 **Purpose of the disclosure form.** The purpose of the University's disclosure form is to ensure that the University receives notice of original works of authorship and patentable inventions and discoveries that the University may own or claim to own, or to which the University may have a license or claim to have a license.

7.3 **Information that Faculty members must disclose about works of authorship, inventions and discoveries.**

Using the University disclosure form, every Faculty member must disclose every original work of authorship that the Faculty member created and every novel invention and discovery that the Faculty member made during the preceding 90 days unless this policy, the form, or a signed written contract excuses the Faculty member from making the disclosure.

7.4 Works of authorship, inventions, and discoveries that Faculty members have no duty to disclose to the University.

Unless a signed written contract requires otherwise, no Faculty member has a duty to disclose to the University:

- (A) any work of authorship unrelated to that Faculty member's professional field of expertise or study unless created using property owned by the University;
- (B) any invention or discovery unrelated to that Faculty member's professional field of expertise or study unless created using property owned by the University.

8. Copyrights and Patents – written contracts

8.1 Right to contract. Notwithstanding any provision of this Policy, the University may enter into a contract with any Faculty member and with any other person to resolve or otherwise govern the respective rights of each in any copyright or patent that either owns, claims to own, or may own in an original work or patentable invention or discovery not yet made.

8.2 Offered terms for distributing earnings. Among the contractual terms that the University will offer in a contract to commercially exploit works of authorship, inventions, and discoveries that Faculty members have originated are the following for distributing net royalties:

- (A) 85% of the first \$10,000 of net royalties would be divided among all Originators, with the remaining 15% belonging to the Arkansas State University campus at which the Originator is employed, or which contracts for or finances the commercial exploitation or creation of the work.
- (B) 50% of all net royalties received after the first \$10,000, up to \$2 million, would be divided among all Originators, with the

remaining 50% belonging to the Arkansas State University campus at which the Originator is employed, or which contracts for or finances the commercial exploitation or creation of the work.

- (C) 40% of all net royalties received after the first \$2,010,000 would be divided among all Originators, with the remaining 60% belonging to the Arkansas State University campus at which the Originator is employed, or which contracts for or finances the commercial exploitation or creation of the work.

8.3 Meaning of the term "net royalties." Net royalties = the gross revenues that the University receives from commercially exploiting intellectual property minus the costs for registering a copyright, applying for a patent, and commercially exploiting the copyright or patent. Those costs do not include:

- (A) any portion of any fixed overhead expense that is not related directly to the cost of registering a copyright or applying for a patent;
- (B) any portion of any fixed overhead expense that is not related directly to the cost of commercially exploiting the copyright or patent;
- (C) any portion of any earnings or other compensation paid to any employee or officer of the University unless the sole duties of that employee or officer are to register copyrights in works created by Faculty members; apply for patents in inventions or discoveries made by Faculty members; or to commercially exploit such patents or copyrights.

8.4 Meaning of the term "Originator." The term "Originator" means each author of a copyrighted work and each inventor under a patent and the heirs, estates, and assigns of each author and inventor.

9. University System Intellectual Property Committee.

9.1 5-member University System Intellectual Property Committee. The President of the University will appoint a five-member University System Intellectual Property Committee ("the Committee") comprised of:

- (A) one representative of the Office of the Provost;
- (B) one member of the faculty of the Arkansas State University – Jonesboro campus who has published scholarly work;
- (C) one member of the faculty of another campus in the Arkansas State University System who has published scholarly work;
- (D) one representative of any college or office of the University, or member of the faculty, who owns or has owned rights in a patent;
- (E) a Revolving member, defined below.

9.2 Meaning of "Revolving member." The Revolving member is a representative of any college or office of the University, or member of the faculty, who holds an advanced degree in the field that is the subject of a request for recommendation pending before the Committee.

9.3 Terms of the Committee members & Chair of the Committee. The term of the Revolving member will end upon the Committee's recommendation or other resolution of the request for recommendation that caused the President to appoint that Revolving

member; the term of the representative of the Office of the Provost will be five years; the term of every other member of the Committee will be four years. The representative of the Office of the Provost will serve as Chair of the Committee.

9.4 Duties of the Committee. The Committee will:

- (A) recommend changes to this policy following periodic review;
- (B) assist in reviewing the disclosures required by this policy as requested by any campus office or individual charged with research and technology transfer;
- (C) recommend that the University grant a requested exception to this policy after evaluating the request;
- (D) mediate and try to resolve disputes about ownership of, or rights in, works of authorship, inventions, and discoveries that Faculty members originated, invented, or discovered, or claimed to originate, invent, or discover;
- (E) recommend to the President of the University whether the University should or should not claim ownership or other rights in any work of authorship, invention, or discovery that a Faculty member originated, invented, or discovered, or claimed to originate, invent, or discover;
- (F) recommend to the President of the University one or more potential contractual options for resolving disputes about ownership of, or rights in, works or authorship, inventions, and discoveries that Faculty members originated, invented, discovered, or claimed to originate, invent, or discover;
- (G) resolve issues referred by any individual charged with research and technology transfer;

(H) advise the President of the University about intellectual property matters as requested.

9.5 Counsel to the Committee. The Office of University Counsel shall serve as legal advisor to the Committee.

9.6 Meetings of the Committee. Every discussion of the business of the Committee by its members arranged in advance, and every vote taken by the Committee, will be open to all Faculty members and to all officers and employees of the University.

9.7 Decisions of the Committee. The affirmative voice vote of a majority of the members of the Committee in favor of a decision or recommendation shall be the decision or recommendation of the Committee. All votes must be cast in person or by live telephone via speakerphone with the voices sufficiently amplified so that all members and spectators can hear each member's expressed vote. The Committee shall not issue a recommendation that contradicts this policy unless coupled with a written recommendation to grant an exception to the policy or to change the contradicting provision together with a summary of the grounds for either.

9.8 Notice of the meetings of the Committee.

The Committee will conduct one regular meeting during the fall semester and one regular meeting during the spring semester, and at such other times as set by the Chair. At least one week in advance, the time, date, place, and agenda for each meeting will be made available to all Faculty members and to all employees and officers of the University.

9.9 Record of the decisions and recommendations of the Committee. The Chair will appoint a member of the Committee to keep and make available to all Faculty members and employees and officers of the University an accurate record:

- (A) describing every decision and recommendation of the Committee;
- (B) of the identity of every member who voted for or against every proposed decision and recommendation upon which any member of the Committee voted or abstained from voting;
- (C) of the date upon which all votes were cast.

9.10 Opportunity to be heard. The Committee will not recommend ways to resolve a dispute over ownership or other rights in intellectual property until after affording the University administration and the disputing Faculty member a meaningful opportunity to present that person's argument and supporting grounds to the Committee, and evaluating each presentation.

9.11 Who may ask the Committee to recommend whether the University should or should not claim ownership or other rights in intellectual property.

The following have standing to ask the Committee to recommend that the University claim or refrain from claiming ownership in works of authorship, inventions, or discoveries originated or claimed to be originated by one or more Faculty members:

- (A) The President of the University;
- (B) The Chancellor of Arkansas State University-Jonesboro;
- (C) The Provost of the University;

(D) The Faculty member claiming an ownership or other right that would be the subject of the Committee's recommendation.

- 9.12 Timing of the Committee's recommendation.** Within 90 days of receiving a request that the Committee make a recommendation, the Committee shall deliver to the President of the Arkansas State University System the recommendation of the Committee in response to a request for the Committee's recommendation, together with the request.
- 9.13 The President's action on the Committee's recommendation.** The President's decision to adopt, reject, or modify the Committee's recommendation shall be the decision of the University, and a record of that decision promptly will be available for public inspection and copying.
- 9.14 Effect on right to seek court ruling.** Nothing in this policy bars the University or a Faculty member from seeking a court ruling to resolve a dispute about ownership or other rights in a work of authorship, invention, discovery, copyright, or patent. Nor must the University or Faculty member first seek a recommendation from the Committee before seeking a court ruling to resolve such a dispute, although seeking a recommendation from the Committee is a less costly and more efficient way to finally resolve disputes.
- 9.15 Duty to defend and indemnify.** Based on terms and conditions that the University will identify, the University will provide indemnity and a defense to every member of the Committee based on a Faculty member suing that member based on any claimed action, inaction, decision, failure to decide, recommendation, failure to recommend, or other activity attributed in the suit to the Committee.

Note: This proposed policy omits provisions that address sponsored research, the Bayh-Dole Act, and who pays for legal protection of intellectual property.

Legal protection of intellectual property should be addressed in individual contracts between Faculty members and the University.

It is apparent from the United States Supreme Court's decision in the Stanford University case that the Act does not vest in the university automatic ownership of any patent even if the federal government funded the research that resulted in a patentable invention or discovery.

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Appendix C

Kays Home Resolution

ASU Faculty Senate Motion for April 6, 2012 Faculty Senate Meeting Regarding Destruction of 19 Faculty Homes Including the V.C. Kays Home, Grounds, and the Construction of Sorority Dorms/Houses

The ASU Faculty Senate calls upon the ASU Faculty Senate Executive Committee to formally request the Shared Governance Oversight Committee (SGOC) to investigate whether university planners supplied the Building, Grounds, and Facility Shared Governance Committee with a plan/proposal to destroy 19 faculty homes (many currently occupied by ASU faculty) including the historic President V.C. Kays home on Aggie Road, alter the grounds, and construct sorority dorms/houses on the property. Furthermore, if university planners did present a plan to the Building, Grounds, and Facilities Committee the ASU Faculty Senate calls for copies of all minutes and votes specific to this plan for Faculty Senate review. If a plan was not submitted to the Building, Grounds and Facilities Committee the Faculty Senate Executive Committee request that the SGOC conduct a formal review of this matter to determine if there has been a possible violation of ASU Shared Governance practices in accord with the current Board of Trustees approved Faculty Handbook and report any findings to the ASU Faculty Senate.

Relevant sections of the current Board of Trustees approved ASU Faculty Handbook are quoted and provided below. Yellow highlight has been added for emphasis:

“1.b.3. Shared Governance Definition:

The University operates on the basis of a shared governance system in which administrators, faculty, staff, and students participate in the governance of the institution. Shared governance consists of a defined role for administration, faculty, staff, and students in proposing or influencing important policy and other decisions that affect the institution. Because all constituent groups depend on each other to advance the goals of the University, this participation must be real and based on the principle that each group has the largest influence in matters that concern it most. For example, faculty should be involved in areas of strategic and budget planning, faculty and staff welfare, creation and elimination of academic programs, selection of academic and administrative officers, campus planning and development, and organizational accountability. These functions are exercised primarily through Shared Governance Committees.”

“Communication and Accountability:

- Successful shared governance relies upon consistent, accurate, and timely communication that is multidirectional.”

“1.c.6. Institutional Governance Committees:

Buildings, Grounds, and Facilities Committee

The Buildings, Grounds, and Facilities Committee reviews space utilization, facility planning, campus improvements, facility maintenance, and campus appearance. The committee will review any concerns about the aforementioned made by faculty, staff, or students. Membership consists of the Executive Staff; one dean appointed by the Academic Deans Council; one chair appointed by the Chairs Council; the Assistant Vice Chancellor for Facilities Management; two faculty members appointed by the Faculty Senate; the chair of the Disability Services Committee; two staff members appointed by the Staff Senate;

one undergraduate student appointed by the SGA; and one graduate student appointed by the GSC. The committee reports to the Vice Chancellor for Finance and Administration.”

Appendix D

The Jonesboro Sun December 15, 2009
Article

Westside eyes facilities plan

BY ANTHONY CHILDRESS
SUN STAFF WRITER

JONESBORO — Building needs, primarily a new elementary campus focusing on kindergarten and first grade, are a priority for the Westside School District as it looks down the road, Superintendent Dr. James Best told the school board Monday night.

Presentation of a 10-year master facilities plan was made by Best at the board's final meeting of 2009, a state requirement of districts. The plan is to be voted on next month and submitted to Little Rock by Feb. 1.

"You want to have extended life on a new building," Best said, noting that the K-1 facility would be constructed to house up to 500 students. "And that means you shoot for more students because you have to look down the road."

Master building plans include potential facility additions, along with everything from the life cycle of buildings and equipment to maintenance procedures and other areas. Once it has been accepted by the state, the report will appear online for public view.

The district also needs to address removing all of its portable buildings

Public forum slated for Jan. 11

used for class space, Best said. He also said the board may want to include a long-term plan for replacing or maintaining air-conditioning units throughout its campuses.

A public forum on the plan is slated for Jan. 11. Board members said getting things in order as the measure goes forward was important in looking to future needs.

In other business, the board:

- was updated by Principal Pam Dooley on a \$100,000 new technol-

ogy grant for the middle school that will be used to purchase various features to benefit teachers and students alike in the building to raise boys' reading interests;

• voted to renew the district's contract with the Craighead County Sheriff's Department for use of school resource officers;

• adopted an employee vision care insurance component to the district's flexible benefits plan;

- received a monthly financial report from Best;

• approved reinstating the district's in-school suspension system beginning with the spring 2010 semester;

• supported Best's recommendation to hire a district food services director next month;

• heard a report from Classified Personnel Policies Committee Chairperson Connie Tolbert; and

• approved hiring a PBIS (Positive Behavior Intervention and Support) coordinator to work with the district's campuses in carrying out the program and its objectives.

anthony@jonesborosun.com



Westside School Board member Darren Harpole (foreground) looks at his packet during Monday night's board meeting as board president Randall Crisler (middle) and Superintendent Dr. James Best do the same.



Poinsett County Judge Charles Nix talks about budget issues with County Clerk Fonda Condra on Monday. Justices voted 9-0 to approve the county's 2010 budget.

Justices approve Poinsett budget

BY MICHAEL WILKEY
SUN STAFF WRITER

HARRISBURG — Poinsett County justices of the peace approved the 2010 county budget Monday night without much fanfare, creating the blueprint for operations beginning Jan. 1.

In their last scheduled meeting of the year, justices voted 9-0 to approve the budget, which calls for a 3 percent pay increase for all county employees and the creation of a \$60,000 reserve fund to cover emergencies.

Justice Johnny Johnson of Trumann, who chairs the county's budget committee, said that while the 2010 budget has an overall increase of about \$311,000 over 2009 numbers, many of the increases are needed.

"There is an increase of \$61,000 to cover the salaries, \$75,000 to do pipe and culvert work and \$31,000 for repairs at the courthouse," Johnson said. "There is also a \$71,000 increase for the 2010 primary and general elections, and Fonda (Condra, the county clerk) said 85 percent of that amount will be reimbursed."

Johnson said the budget also includes \$45,000 appropriated to the Poinsett County Sheriff's Department to purchase vehicles in the new year.

County Judge Charles Nix of Harrisburg credited County Treasurer Tammie Stanford of Harrisburg with work on creating the budget.

"Tammie put a lot of work into it and showed the committee a listing of funding streams to show where money was coming from," Nix said.

Nix said the budget also includes \$95,000 to \$100,000 in unappropriated money for 2010.

As for pay raises, Nix said county employees had not received a raise in three years.

Harrisburg Mayor Donnie Faulkner, who also attended the meeting, asked justices about pay raises for district court clerks throughout the county.

Nix said the county would provide a 3 percent raise for the clerks, noting some city mayors provided exact figures for the increase while others provided the raise itself.

Faulkner said the situation could provide some legal jeopardy for the county.

"Under state law, the city provides the raise, and the county pays half of it," Faulkner said. "If not, it is a violation of state law."

Insurance discussed

Justices also discussed the insurance premiums for county employees in the new year.

Justice Harold Blackwood of Tyrone questioned the selection of Capital Financial Service Group of Forrest City as the county's insurance provider in 2010.

The company has served as the insurance provider this year for county employees.

Blackwood said the county's insurance committee should have considered the bid of a company, Bertrand of Heber Springs, due to the owner's ties to Poinsett County.

However, Nix said the Insurance Committee, made up of elected officials and several county employees, provided a favorable vote for Capital.

Voting for the budget were Johnson, Blackwood and Mary Ann Arnold of Marked Tree, Carmack Sanders of Harrisburg, Larry Steakley of Lepanto, John Sadler of Trumann, Elizabeth Schwarz of Weiner, Gene Terry of Trumann and J.C. Carter of Marked Tree.

Justices Randy Jones of Harrisburg and Brent Henderson of Trumann were absent.

In other action, justices:

• voted 9-0 to approve an appropriations and transfers ordinance for \$24,391.71;

• heard from Nix about a recent economic development meeting in Trumann and a recent disaster declaration for flooding; and

• heard that the county courthouse will be closed from 12:30-1:30 p.m. Wednesday in order to allow county employees to attend a Christmas party at the Harrisburg Senior Center next to the courthouse.

mwilkey@jonesborosun.com

ASU works on building sorority row

BY SHERRY F. FRUITT
SUN STAFF WRITER

JONESBORO — The Arkansas State University community has a strong interest in having a sorority row on campus, and officials there are discussing the idea.

"This is part of our intent to enhance and to expand Greek life on campus," said Dr. Rick Stripling, vice chancellor for student affairs. "This has been one of the things under discussion for years in the National Panhellenic Conference sororities."

The NPC groups have been housed in sorority suites in University Hall since the mid-1960s. Building sorority houses, though, is a possibility for Chi Omega, Delta Zeta, Alpha Gamma Delta and Alpha Omega Pi sororities.

"Until recently there has been an urban legend out there that sororities were not allowed to build," Stripling said, but no one on the local level had seen any document to that effect.

At one point the national offices looked down on sorority houses, Stripling related.

"So now, we've addressed the issue with the national offices, which revised that agreement," he said. "At the NPC national convention an agreement was signed for several campuses..."

The site selected for the sorority houses is across Aggie Road from the new Red Wolf Recreation Cen-



Dr. Rick Stripling, vice chancellor for student affairs at Arkansas State University, holds a drawing of the location of a proposed sorority row on the campus.

ter and the Arkansas Hall residence. While the Kays Home would remain, half a dozen old homes would be demolished, Stripling said.

A parking lot will be constructed between Driver Street and University Loop East. To the north of the lot, an additional three houses could be constructed for a total of seven sorority houses on the A-State campus.

If the university goes forward with the plan, the addition would add to a number of new student living facilities at ASU-Jonesboro. A-State would ground-lease the

property to sororities, he added.

One of the positives is that the houses would be located in a prominent place along the main entryway onto the campus, Stripling said.

"Dr. Robert Potts has provided a vision for the expansion of the Greek system. This is one of the areas of that vision," he said.

Stripling emphasized that the university is in the early phase of long-term development for sorority housing. University officials also are examining "efficiencies in economy," meaning that

all of the houses could be built at the same time to save funds. The four national sororities are reviewing their finances to determine feasibility and whether the concept could work and whether the four could be constructed simultaneously.

"There is no immediate movement to move the properties," he said. "This is a fact-finding mission. There is interest."

The national offices are seeing positive growth at the university, he said, and that's the reason for the interest.

sherry@jonesborosun.com

Bay man gets more than 16 years in prison for drug manufacturing

JONESBORO — A Bay man was sentenced Monday to 200 months in prison after pleading guilty to a drug manufacturing charge in Craighead County Circuit Court.

David W. Braswell, 45, 26 Craighead 619, Bay, was sentenced by Circuit Judge Cindy Thyer of Jonesboro during a court appearance at the Craighead County Courthouse.

Braswell pleaded guilty to one count of manufacture of a controlled substance (meth) and was given credit for 93 days

already served.

Braswell was also given a 10-year suspended sentence after completing the prison term in the Arkansas Department of Correction.

The state was represented by Second Judicial District Drug Task Force Prosecuting Attorney Chuck Easterling of Jonesboro. Braswell was represented by Public Defender Charlene Henry of Jonesboro.

Other pleas accepted Monday were:

- Gregory Don Wallace, 46, 126 Esther Circle, Tru-

mann, violation of Arkansas' hot check law — 12-month suspended sentence, \$236 in court costs and a \$20 booking fee.

• John E. Duffel, 68, 3311 Fairview Road, Jonesboro, theft by receiving — 72 months' probation, \$236 in court costs, \$20 jail administration fee and \$17,367 in restitution.

• Brian Douglas Bass, 40, 1114 West Main St., Lake City, theft by receiving, theft of property and commercial burglary — 72 months' probation, followed by a 120-month

suspended sentence, \$472 in court costs, \$40 jail administration fee and \$17,367 in restitution.

• Jason H. Owens, 30, 111 Daybreak Drive, Apt. C 10, Jonesboro, second-degree battery — 24 months in the Arkansas Department of Correction, with credit for 14 days served, followed by a 48-month suspended sentence, \$236 in court costs and \$20 jail administration fee.

• Paul B. Bogard, 26, 103 Husky Drive, Swifton, theft of property — 36 months' probation, \$236 in

court costs, \$250 DNA fee, \$25 probation fee, \$250 to the state public defender commission and \$1,487.18 in restitution.

• Joanna M. Gordon, 35, 9219 Arkansas 358, Paragould, possession of a controlled substance (meth) — sentenced to Craighead County Drug Court. Gordon was ordered to pay a \$600 treatment fee, \$150 clerk fee and \$86 sheriff's fee.

• James Albert Bond, 30, 715 West Smart St., Forrest City, third-degree domestic battery, second

offense — 36 months' probation, \$236 in court costs, \$20 jail administration fee, \$100 fine, \$25 probation fee, \$250 to the state public defender commission and \$250 DNA fee.

• Ingram Battles, 29, 309 Cedar Heights Drive, Apt. B, Jonesboro, felon in possession of a firearm and first-degree terroristic threatening — 36 months in the Arkansas Department of Correction, with credit for 25 days served, followed by 36-month suspended sentence.

—Michael Wilkey

ON THE AGENDA |

TODAY
Northeast Arkansas Solid Waste Management District Board, 10:30 a.m., Paragould City Hall.

TODAY
Jonesboro City Council-Finance Committee, 5:45 p.m., council chambers, 900 West Monroe Ave.

TODAY
Jonesboro City Council, 6:30 p.m., council chambers, 900 West Monroe Ave.

NEWS TIP?

935-5525

or
1-800-237-5341

e-mail: newsroom@jonesborosun.com

Appendix E

*The Jonesboro Sun December 11, 2010
Article*



Sorority row considered for A-State

BY SHERRY F. PRUITT
SUN STAFF WRITER

JONESBORO — Arkansas State University officials are considering the construction of a sorority row on the campus across Aggie Road from the Red WOLF recreation center and Arkansas Hall.

Dr. Rick Stripling, vice chancellor for student affairs, said ASU officials have talked with the National Panhellenic Council sororities that are outgrowing their suites in University Hall. A typical sorority at ASU has 85 to 100 members, he said.

Most of the men's fraternities are located on University Loop East, and on a campus the size of Arkansas State, it's not uncommon to have individual sorority houses. Stripling said the university is also beginning to see more involvement from Greek alumni who are now key individuals in the state.

He said the National Panhellenic Council's governance requires that no sororities can build unless they all can build. So talk has been centered around what can be done and where. The major issue is financing, he said.

The location for Sorority Row has been identified on the north side of Aggie Road, where a number of older homes are located. Most of them would be demolished except for the Kays Home.

Based on a 2009 Sorority Home Concept Plan, two houses would be constructed across the street from the Red WOLF (Wellness Opportunities and Life Fitness) Center, and two would be built across from University Hall. Workers would build a parking lot behind the homes, and then they would build more houses on the north side of the lot if necessary.

PLEASE SEE **SORORITY, B2**



Ray Whiteside | The Sun

Students walk home from Brookland schools Friday at the intersection of Bernis and School streets where a woman died in a 2-car accident on Nov. 5. The woman's daughter will address the Brookland City Council on Tuesday in an attempt to improve safety at the intersection, possibly by upgrading it from a 1-way stop to a 3-way stop.

Woman says signs needed at intersection

Brookland Council to consider issue

BY RAY WHITESIDE
SUN STAFF WRITER

A Brookland woman whose mother died in a November car accident in the city will address the Brookland City Council on Tuesday about what she calls a dangerous intersection.

Barbara Burnett said the intersection of Bernis and School streets should be at least a 3-way stop in stead of a 1-way stop. She said she doesn't want to cast a negative light on the driver who struck her mother or on the City of Brookland, but she said she is concerned with preventing accidents at the site across the street from Brookland High School.

"Getting the intersection improved is my primary concern," she said. "I don't know of any other deaths at that intersection, but I've heard of other wrecks, and it could be just a matter of time

before someone else is killed or seriously hurt."

Burnett said she is also concerned about schoolchildren and parents who drive or walk in that area.

Her 83-year-old mother, Glennie Blanchard, died on Nov. 5 after a truck driven by Wilburn Gar-

'It could be just a matter of time before someone else is killed or seriously hurt.'

Barbara Burnett
Brookland resident

rett, 76, also of Brookland, rammed the Oldsmobile passenger car in which she was riding.

A report by Brookland police says Garrett likely

PLEASE SEE **BROOKLAND, B2**



Michael Wilkey | The Sun

Janice Griffin (left), the Craighead County coordinator for the Arkansas Department of Human Services, and Poinsett County coordinator Dianne Stirling look over a

Christmas list at Jonesboro on Thursday. The Poinsett County DHS office sponsors a program to buy Christmas gifts for foster children and children of single parents.

Annual DHS gift program needs help to benefit kids

BY MICHAEL WILKEY
SUN STAFF WRITER

The Christmas gift program has been around for nearly 15 years, but the need is always there, Craighead County Department of Human Services administrator Janice Griffin said Thursday.

"We have foster children, foster children we still watch and TEA (transitional employment assistance) children," said Griffin, who for many years served as the DHS administrator in neighboring Poinsett County. She said the DHS office in Harrisburg has sponsored a program to buy Christmas gifts for Poinsett

County children who may be in need. Many of the children who are helped live in Lepanto, Marked Tree and Trumann.

This year the agency plans to buy Christmas gifts for 300-500 children in Poinsett County, but it's about \$5,500 short of its goal of \$14,000.

There are about 50 children in foster care in Poinsett County, and county administrator Dianne Stirling said those children may have very few possessions when authorities have to remove them from their homes.

"It's a traumatic situation for the kids as well as the parents," Stirling said. "Sometimes they

don't even let them take anything."

The agency usually receives cash to buy gifts, but sometimes people will buy presents for a child and donate them. The child also gives DHS officials a Christmas wish list.

"The little girls, they seem to always want baby dolls," Griffin said. "The little boys, they want a football or a remote-controlled car."

Griffin said a Girl Scout troop from Weiner helps select gifts for the children, and the first round of Christmas shopping begins Sunday.

PLEASE SEE **GIFT, B2**



Photos by Sandra Sovick | The Sun

Red wagon parade

Left: Wilson Dean uses his tricycle to pull a red wagon float through the halls of Bay Elementary School on Friday. Students in the district's gifted and talented program presented a "Christmas Around the World" red wagon parade through the school.

Top: Youngsters sing Christmas carols to

Bay Elementary School students on Friday. From left are Baylee Ford, Skylar Craig, Abby Smith and Bethany Riga. GT coordinator Alicia Dean said that each of about 20 different entries in "Christmas Around the World" represented a different country that was studied.

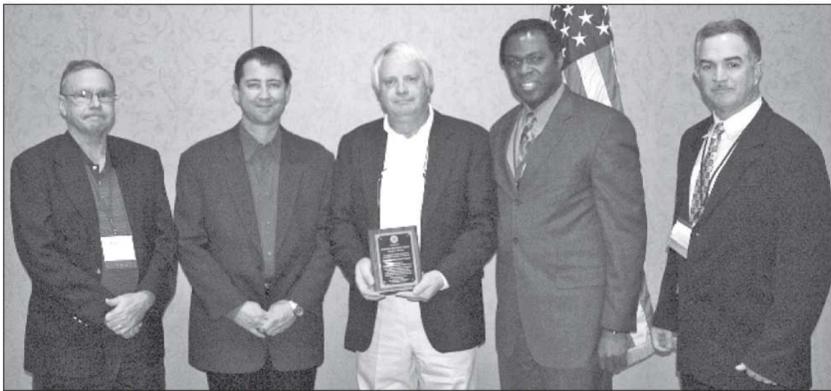
ON THE AGENDA |

TODAY Swifton Christmas Parade, 2 p.m., downtown.	TODAY Cash Christmas Parade, 4 p.m., downtown.	TODAY Lepanto Christmas Parade, 5 p.m., downtown.	SUNDAY Brookland Christmas parade, 2 p.m., downtown.
---	--	---	--



MMM MEATBALLS:
Catering company open.
Story in Sunday Business.

NEWS TIP?
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Brian Fulkerson (second from left), former chairman of the Jonesboro Airport Commission, and airport manager Philip Steed (center) have accepted an award designating Jonesboro Municipal Airport as the Arkansas Airport of the Year for 2010. The award was presented in the Federal Aviation Administration's Southwest Region headquarters at Fort Worth, Texas, by the FAA's Arkansas-Oklahoma Division. FAA officials joining Fulkerson and Steed are (from left) Paul Burns, Arkansas-Oklahoma program manager; Kelvin Solco, Southwest Region airports division manager; and Ed Agnew, manager of the Arkansas-Oklahoma Airports Development Office.

Mayor seeks end to wooden waste at Strawfloor site

BY KEITH INMAN
SUN STAFF WRITER

JONESBORO — Mayor Harold Perrin said Friday the city is not allowed to accept wooden waste and is asking residents and commercial operators to stop bringing it to Jonesboro's former municipal landfill at 1624 Strawfloor Drive.

"We've been accepting big tree trunks and tree limbs at Strawfloor, and our permit does not allow us to burn those big tree trunks," Perrin said.

The mayor cites confusion among the city, county and the public after the opening of its new yard waste incinerator earlier this year.

The city was placed under a consent administrative order by the Arkansas Department of Environmental Quality early this year after inspectors noted a large amount of bagged yard waste at the former landfill. The city then invested \$450,000 in an incinerator.

"We told [ADEQ] we'd have that done by February," Perrin said, adding that the city continues to be overwhelmed with debris. He said one company hauled eight truckloads of tree trunks and limbs to the Strawfloor Drive location recently, and the city had to haul it to Legacy Landfill, operated by the

Craighead County Solid Waste Disposal Authority.

"The reason we bought the incinerator was to take care of yard waste, grass trimmings and leaves," he said.

Now, he says, it may take an additional year to comply with the state's mandate.

Roger Lawrence, chief of the Solid Waste Disposal Division of the Arkansas Department of Environmental Quality, has said the county's permit calls for disposal of such things as tree trunks and large limbs, and the city's permit allows for nothing more than leaves, grass clippings and shrubbery trimmings.

Under the city's arrangement with Legacy Landfill, individual residents of Jonesboro won't be charged any fees for disposal of limbs, trees, tree trunks, stumps, grindings, chippings and other large waste items. Perrin said the city's Sanitation Department will continue to accept loose and bagged yard waste at the Strawfloor location.

The mayor said he has sent letters to 145 businesses informing them that they must take their refuse to Legacy Landfill and will be responsible for tipping fees.

inman@jonesborosun.com

FAA honors Jonesboro Municipal Airport

BY CURT HODGES
SUN STAFF WRITER

JONESBORO — The Jonesboro Municipal Airport has been named the "Outstanding Arkansas Airport for 2010" by the Southwest Region of the Federal Aviation Administration at Fort Worth, Texas.

Airport Manager Philip Steed and Brian Fulkerson, board member and past president, attended the FAA fall conference and received the award.

"This is a high honor and shows the commitment of the city and the Jonesboro Airport Commission to developing this airport to its maximum efficiency and use," Steed said. "We have been able to get a number of projects over the past few years that have both added to the usefulness and efficiency of the airport."

Those include lengthening of

runway 5-23 by 600 feet, overlaying runway 5-23 and completely overhauling and overlaying taxiways and aprons at the airport.

"We were one of the first airports in the U.S. to use LED (light emitting diodes) to mark our taxiways, which provides better lights for them and better designates taxiways from runways," Steed said. "We were able to use American Recovery and Reinvestment Act funds to help with that project and accomplish it a couple of years earlier than we planned."

Improved runway lighting and signs at the airport were among the biggest projects tackled by the commission, he said.

"I appreciate the work of the Airport Commission to help accomplish the projects that we have been able to get done," he said.

Sixteen new T-hangers north of the new terminal building have

provided a whole new layer of services to private aviation, Steed said.

"We're seeing a phenomenon at the airport that has not existed for many years," he said. "People are beginning to develop a kind of interplay and social activity have started in the area of the new hangars. People are visiting and socializing, cooking hamburgers and just generally enjoying the new opportunities that those new facilities have presented."

"The community of Jonesboro has recognized that an airport is extraordinarily valuable in many ways, and economic development is one of those ways," said Glynn Lunsford of the FAA Southwest Regional Headquarters in Fort Worth.

curth@jonesborosun.com

GIFT: State group also supportive

FROM PAGE B1

"The girls seem to enjoy it," she said. "After shopping for hours, they will go back and sort through the gifts."

The state Division of Children and Family Services also helps buy gifts.

"It never fails that a week before Christmas, we will pick up several kids for the program," Griffin said.

People who wish to help the program may call Stirling at 578-5491.

mwillkey@jonesborosun.com

SORORITY: ASU officials have looked at other universities' suites

FROM PAGE B1

Stripling said Friday that no decisions have been made concerning a Sorority Row, and the plan is only in the discussion phase. Even though interest rates are low, sororities are 501(c)3 organizations, and they have loan timeline restrictions and other limits.

He said they have examined the University of West Georgia in Carrollton, Ga., where a Greek village was constructed. They've also looked at the sorority suites at the University of Tennessee at Knoxville, UT-Martin, UT-Nashville and the University of North Texas at Denton.

"We see this as the next step for

our Greeks as they begin to grow," Stripling said.

ASU's role now is to help the Greek organizations create various scenarios that would complement the ASU campus, he said.

"We're exploring options," he said Friday.

sherry@jonesborosun.com

Nettleton Baptist Church
Presents a Christmas Program for
The Entire Family
The Family Christmas Experience
Sunday, December 12th

Living Christmas Cards/Nativity
5:00 P.M. Ray Hall
Musical
6:00 P.M. Worship Center
Nursery Provided
at 5:00 P.M.

The Family Christmas Experience will involve every age group in our Church. The youth will kick things off with "The Living Christmas Cards". Live animals at the Nativity card will make this feel even more authentic. After you visit each scene you are invited to have homemade cookies, cocoa and coffee in Ray Hall. The Christmas musical will begin at 6 PM in the Worship Center. This night is all about thanking our Lord for coming to be our Savior. We will use humor, drama, and especially song as each group presents their offering of praise. We pray that you will make this a special part of your holiday season.

Nettleton Baptist Church
4701 E. Nettleton Ave.
Jonesboro, Arkansas
Pastor, Stan Ballard

BROOKLAND: Mayor wants to hear observations

FROM PAGE B1

ran the stop sign by accident as he traveled north on Burnis Street.

Blanchard and two other occupants who were not seriously hurt were traveling east on School Street when the accident happened, the report said.

Garrett was not injured. Brookland Mayor Kenneth Jones said he can

relate to what Burnett and her family are going through. In 1995 Jones' nephew died after his vehicle was struck by a drunken driver who ran a stop sign on Stadium Boulevard in Jonesboro.

"I know how she feels. It's a tragic situation, and I hate it for them," the mayor said.

Jones said he would like to hear what Burnett has to say before making an

official comment on the intersection. He said the council is always open to citizens' comments and concerns, and that he and the council will take Burnett's advice under full consideration.

The Brookland City Council will meet at 7 p.m. Tuesday in Brookland City Hall, 613 North Holman St.

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Appendix F

Family Member Policy

Operating Procedure

Effective Date:

Operating Procedure Number:

Section: Academic Affairs and Research

Subject: Children, Family Members, and Visitors in the Workplace

The ASU-J campus community recognizes that unexpected emergencies occasionally arise which necessitate that employees or students bring a child to their work area or classroom setting. In order to maintain an atmosphere conducive to work and or learning, it is important that the employee or student appropriately monitor the behavior of their child. ASU-J is also concerned with the safety and well being of the child. Therefore, all employees and students must secure permission from their immediate supervisor or faculty member in advance of bringing a child into a workspace or classroom. The supervisor or faculty member has the authority to maintain the integrity of the workplace and or classroom. Similarly, employees are reminded that children should not be left unattended in public places on campus and that safety precludes the presence of children in all laboratory or clinical settings.

In order to protect the safety and welfare of the ASU community, only students appropriately enrolled (credit or audit) in a course are allowed to attend the class. Bona fide visitors are welcome in the workplace and classroom so long as they have permission to be present (e.g. guest speakers, visiting high school and transfer students, and job shadowing students) and do not interfere with work or class functions.

Appendix G

Revision of the Grading System for Graduate Level Courses

TO: Shared Governance Oversight Committee
FROM: Graduate Council
RE: Revision of the Grading System for Graduate Level courses
DATE: March 29, 2012

The current grading policy for graduate courses at Arkansas State University includes two levels of a failing grade. Both 'D' and 'F' are failing grades for graduate courses. This causes confusion regarding student understanding of academic standing, grade point average, and progress to degree. Students familiar with the undergraduate policy of a 'D' being a passing grade do not always realize they have failed a graduate course when they receive a 'D' grade. The 'D' grade, while failing, still receives one grade point per credit hour, indicating some level of merit above the 'F' grade while still failing. A grade of 'F' will result in suspension from the Graduate School, while a grade of 'D' does not (unless the student is already on Academic Probation).

A recent email survey to the members of the Council of Graduate Schools revealed that all responding institutions, like ASU, only considered grades of 'C' or better as passing for graduate level courses. However, more than two-thirds of those responding do not even include the 'D' grade within their system, thus eliminating the confusion of having two different levels of course failure. At this time, the Graduate Council proposes that ASU adopt this grading system by eliminating the 'D' grade from graduate level courses. There is no need for two levels of a failing grade.

The current grading system from the Graduate Bulletin is reproduced below, followed by the proposed system. An additional sentence is also added to clarify the existing procedure for non-letter grade courses to not be used for GPA calculations.

CURRENT:

GRADING SYSTEM

The letters, A, B, C, P, D, F, FN, I, IP, and CR are used in grading, indicating the following qualities:

A	Excellent
B	Good
C	Fair
P	Pass
D & F	Failure
FN	Failure for Non Attendance
I	Incomplete
IP	In Progress (Thesis and Dissertation only)
CR	Credit Awarded for completed thesis/dissertation
NC	No Credit awarded for thesis/dissertation work

For the purpose of computing cumulative and collective grade averages, grade points

are assigned as follows:

A	4
B	3
C	2
P	0
D	1
F	0

Students' grade point averages are computed by multiplying the number of hours credit of each grade by the grade points assigned to that grade and dividing the sum of these several products by the total number of hours in which the students were enrolled.

An incomplete grade not removed within one semester unless extenuating circumstances are provided in writing to the Graduate School, will be recorded as "F."

No grade below "C" will be accepted for graduate credit.

PROPOSED:

GRADING SYSTEM

The letters, A, B, C, P, D, F, FN, I, IP, and CR are used in grading, indicating the following qualities:

A	Excellent
B	Good
C	Fair
P	Pass
D & F	Failure
FN	Failure for Non Attendance
I	Incomplete
IP	In Progress (Thesis and Dissertation only)
CR	Credit Awarded for completed thesis/dissertation
NC	No Credit awarded for thesis/dissertation work

For the purpose of computing cumulative and collective grade averages, grade points are assigned as follows:

A	4
B	3
C	2
P	0
D	1
F, FN	0

Students' grade point averages are computed by multiplying the number of hours credit of each grade by the grade points assigned to that grade and dividing the sum of these several products by the total number of hours in which the students were enrolled. Grades of P, CR, and NC are not assigned grade points, and hours associated with these grades are not used in computing grade point averages.

An incomplete grade not removed within one semester unless extenuating circumstances are provided in writing to the Graduate School, will be recorded as "F."

No grade below "C" will be accepted for graduate credit.

Appendix H

System Fraud Policy

ASU System Policy

Effective Date: May 4, 2012

Subject: Fraud

1. Purpose

The Arkansas State University System Fraud Policy is established to facilitate the development of controls which will aid in the prevention and detection of fraud within the Arkansas State University System. The System intends to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of prevention and detection controls and conduct of investigations.

2. Definitions

Arkansas State University System. Arkansas State University System (System) means all the campuses and System offices within the Arkansas State University System, now and in the future.

Fraud. Fraud is the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to the injury of the System. Fraud includes, but is not limited to, the following examples:

- An entry into the accounting records of the System that is intentionally made to represent what is not true or does not exist, with intent to deceive;
- Forgery or conversion of a check, bank draft, wire transfer, or any other System financial document;
- Unauthorized alteration of any document or account belonging to the System;
- Creation of false records;
- Misappropriation of funds, securities, supplies, or other System assets;
- Impropriety in the handling or reporting of money or financial transactions;
- Disclosing confidential or proprietary information to outside parties for personal gain;
- Theft of identity;
- Accepting or seeking anything of material value from contractors, vendors or persons providing services or materials to the System, except as provided by law or regulation;
- Unauthorized destruction, removal, or use of System records, furniture, fixtures, or equipment; and
- Any similar or related inappropriate conduct.

Management. Management means the executive charged with control of the campus or institutional unit and includes the Chair of the Board of Trustees, the System President, the campus chancellors, and their designees.

3. **Arkansas State University System Fraud Policy**

Arkansas State University System does not tolerate fraud. Any fraud, or suspected fraud, involving the Board of Trustees, employees, consultants, vendors, contractors, outside agencies doing business with employees of such agencies, students, and any other parties with a business relationship with the System must be reported to the Office of Internal Audit.

4. **Process**

- A. Prevention.** Management is responsible for the prevention and detection of fraud, misappropriations, and other inappropriate conduct. Each member of the management team will be familiar with the types of improprieties that might occur within his or her area of responsibility, be alert for any indication of irregularity, and take immediate remedial measures should weaknesses be discovered.

- B. Reporting.** Any fraud that is detected or suspected must be reported to the Internal Audit Department, which coordinates investigations with University Counsel and other affected areas, both internal and external, and communicates the issue to the Arkansas Division of Legislative Audit. Great care must be taken in the investigation of suspected improprieties or wrongdoings so as to avoid mistaken accusations or alerting suspected individuals that an investigation is under way. If there is any question as to whether an action constitutes fraud, contact the Internal Audit Director for guidance.

An employee who discovers or suspects fraudulent activity must contact the Internal Audit Department either directly or through the System's established reporting mechanism. The employee or other complainant may remain anonymous. All inquiries concerning the activity under investigation from the suspected individual, his or her attorney or representative, or any other inquirer should be directed to the Internal Audit Department or University Counsel. No information concerning the status of an investigation will be given out.

The reporting individual should not contact the suspected individual in an effort to determine facts or demand restitution or discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by University Counsel or the Internal Audit Department.

- C. Investigations.** The Internal Audit Department has the primary responsibility for the investigation of all suspected fraud as defined in the policy. If the investigation substantiates that fraudulent activities have occurred, the Internal Audit Department will issue reports to appropriate designated System officers and personnel and to the Board of Trustees. Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position or title, or relationship to the System.

D. Confidentiality. The Internal Audit Department treats all information received confidentially. Any employee who suspects dishonest or fraudulent activity will notify the Internal Audit Department, and should not attempt to personally conduct investigations or interviews related to any suspected fraudulent act. Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know subject to the Arkansas Freedom of Information Act. This confidentiality is important to avoid damaging the reputations of persons suspected, but subsequently found innocent of wrongful conduct.

E. Retaliation.

The System prohibits retaliation against any person who, in good faith, reports detected or suspected fraud. False reports subject the employee to discipline in accordance with established procedures.

F. Action. Decisions to prosecute or refer the examination results to the appropriate law enforcement and/or regulatory agencies for further independent investigation will be made in accordance with Arkansas and Federal laws by the Officers and Trustees of the System in consultation with University Counsel, as will final decisions on disposition of the case. The Internal Audit Department does not have the authority to terminate an employee for committing fraudulent acts. Decisions to terminate an employee reside with the University's senior management and officers in consultation with Human Resources and University Counsel.

(Adopted by the Arkansas State University Board of Trustees on May 4, 2012; Resolution 12-)