

**APPENDIX F—UNIVERSITY OF ARKANSAS COPYRIGHT AND DISTANCE LEARNING BOARD POLICY**

## **Copyright and Distance Learning**

### **I. Preamble**

This policy addresses the use of Technology Enhanced Course Materials (TECM) to effectuate distance learning at the University of Arkansas. Distance learning for purposes of this policy is two-way communication between a teacher and student separated by a geographical distance using technology for the purpose of facilitating and supporting the education process. TECM are materials utilizing electronic transmissions to accomplish such an activity. The objective of this policy is to protect the copyright rights of both the faculty member and the University in TECM and to encourage the offering of quality distance learning programs.

It should be noted initially that, in most instances, the faculty member retains ownership of the copyright in TECM. At the same time, the University retains in all cases (with one exception) at least a non-exclusive license to reproduce and use TECM for educational purposes. The right to market and license TECM is addressed under the ownership and compensation provisions set forth in Section IV of this policy.

TECM have been a part of the curriculum at the University of Arkansas but, for a variety of reasons, there are still many questions about the rights and responsibilities of the University and its faculty members with respect to these methods of instruction. Since the demand for distance learning appears to be increasing and the continuing development of TECM in various media seems likely, it is important to address the issues raised by the creation, use and distribution of various forms of TECM and clarify the rights and responsibilities of each of the parties involved. This policy is a supplement to Board Policy 210.1, Patent and Copyright Policy, and only addresses copyright in the context of distance learning. To the extent this policy conflicts with Board Policy 210.1 on issues involving distance learning, this policy prevails.

### **II. Issues Raised**

- Who owns the copyright in TECM and how should such rights be protected?
- What are the responsibilities of faculty members to utilize various technologies to meet the needs of their currently enrolled students?
- Under what circumstances should faculty members be expected to prepare TECM for use by students not currently enrolled in their classes?
- What are the rights of faculty members with regard to the continuing use of TECM?
- Who may receive Revenue from the sale or licensing of TECM?

- What procedures should be followed to limit liability for infringement of copyright or invasion of privacy or publicity if TECM contains material that belongs to someone other than the University or faculty creator(s) or contains the image or likeness of others.

### **III. General Guidelines**

- A. **Copyright Ownership.** Board Policy 210.1 recognizes that in most instances faculty members own the copyright in scholarly works created by the faculty members. Faculty members thus normally hold the copyright in TECM they create on their own initiative. Board Policy 210.1 also recognizes ownership of copyright in works of authorship created under contract or as works made for hire as residing with the University (“University Works”). TECM created jointly by faculty authors and by those whose contributions would be works made for hire will be jointly owned by the faculty author and the University. Any owner of copyright in TECM may secure copyright registration; joint owners may, but do not have to, agree to bear responsibility for enforcement of the copyright. Specific ownership rights are addressed in Section IV below.
  
- B. **Faculty Responsibility to Currently Enrolled Students.** Faculty members have a responsibility to meet the reasonable needs of their currently enrolled students, including those needs best addressed by the use of technologies to make class materials readily available. For example, if recordings may be needed by remote or handicapped students, they should be created in the ordinary course of teaching and made available under reasonable circumstances. TECM such as tape recordings and videotapes created in the ordinary course of instruction and not intended for use beyond the end of the current semester or by students other than those registered for the class are the property and responsibility of the faculty member who creates or authorizes them. Faculty should be willing to utilize technologies appropriate to the circumstances to make their course materials reasonably available to their currently registered students. Faculty may dispose of such materials in whatever manner they choose at the end of each semester and in accordance with a campus or component records retention policy.
  
- C. **Course Development.** Faculty may receive release time for duties performed in the best interests of the University's instructional program, including the development of TECM. The grant of release time does not automatically determine the appropriate category to place the work. Normally, such a grant would imply at least a minimal allocation of University resources.
  
- D. **Revision Rights.** Faculty members should normally retain the right to update, edit or otherwise revise TECM that become out of date, or, in certain circumstances, should place a time limit upon the use of TECM that are particularly time sensitive, regardless of who owns copyright in the TECM. These rights and limitations may be negotiated in advance of the creation of the TECM and may be reduced to writing. Absent a written agreement, each faculty member will have

the right and moral obligation to revise the TECM on an annual basis in order to

maintain academic standards. If the University believes a revision is necessary and no timely revision is made or if the revision is made and, in the University's opinion, it does not meet academic standards, the University may refuse to market the product or the University may employ another person to update the TECM

- E. Revenue. In accordance with Board Policy 210.1, faculty members shall receive all Revenue (as defined in Board Policy 210.1) that may accrue from the commercialization of TECM they create on their own initiative. On the other hand, the University retains the right to receive all Revenue from the commercialization of TECM created by faculty members pursuant to contract or as a work made for hire. However, the University may share such Revenue with the creators according to Section I.F of Board Policy 210.1 or on other terms as set by the University in its sole discretion. Copyright law permits joint owners to pursue commercialization either jointly or separately but with an accounting to the other joint owner for Revenue received. Other circumstances may require review on a case-by-case basis (such as the creation of TECM initiated by a faculty member but using University resources over and above those usually and customarily provided.) Absent a contract specifying to the contrary, specific division of Revenue is addressed in Section IV below. In instances of joint ownership between faculty members where the University also retains rights to Revenue, the faculty members shall determine by written document the division of Revenue. Absent a written document of division of Revenue, the faculty members shall divide their share pro rata based on participation.
  
- F. Contributed Materials. Liabilities may be incurred with respect to the inclusion of materials in TECM other than materials created by the author of the TECM and inclusion of voices or images of persons in the TECM, including audience members and guest lecturers. It is the policy of University that all faculty and staff comply with the law, including copyright and privacy laws; therefore, it is the responsibility of the creator of TECM (normally the faculty member) to obtain all permissions and releases necessary to avoid infringing copyright or invading the personal rights of others.
  
- G. Use of University's Name. Faculty members must observe the same requirements that apply in other contexts with respect to the use of the University's name.
  
- H. Protecting TECM. The University will determine whether to register the copyright and will be responsible for enforcement of TECM they own. Faculty members will make such decisions and take such steps to protect TECM they own. Any one of the authors of a joint work may register and enforce the copyright in the names of all owners, with accounting.
  
- I. University Resources Usually and Customarily Provided. When determining ownership and license rights in TECM, "university resources usually and

customarily provided” includes such support as office space, library facilities, ordinary access to computers and networks or salary. In general, it does not

include use of students or employees as support staff to develop the TECM, or substantial use of specialized or unique facilities and equipment, or other special subventions provided by the University unless approved as an exception.

- J. Retention of Nonexclusive License. Except in category I below, the University shall retain, at a minimum, a perpetual non-exclusive, royalty-free license to reproduce and use TECM in its internally administered programs of teaching, research and public service.
- K. Administration. The Campus Patent and Copyright Committee shall be responsible for the administration of this policy and applying the policy equitably across the campus. The faculty member should first meet with his/her department chair and dean to determine which category the TECM will be assigned and the ownership, institutional resource commitment and the Revenue. A copy of the agreement will be forwarded to the Patent and Copyright Committee for its review and assurance that the policy is being applied in an equitable manner. The chair of the committee shall inform the dean and department chair of any inequitable applications of the policy and it shall be the responsibility of the dean and department chair to resolve the issue with the faculty member. If any dispute arises between the faculty member and department chair and dean, they shall initially attempt to resolve the disputed issue. Issues that cannot be resolved by the parties shall be handled in the same manner as in Section II.C.7 of Board Policy 210.1.

#### **IV. Specific Categories Assigning Ownership and Compensation**

Faculty members should meet with their Department Chair and Dean prior to creating TECM for distance learning in order to reach an agreement as to the appropriate category classification. It is understood that in some circumstances this category classification may change based upon a modification in University support for the project. Written contracts should be entered into between the University and the faculty member to resolve any issues of ownership and compensation. In addition, each campus or component has the discretion to vary by written contract the ownership of and compensation for any TECM despite the category classification of the TECM.

##### **Category I – Totally Faculty or Staff Generated**

Description of Individual and University Contribution:

The TECM resulted from an individual's efforts on his own personal time without any direct support from or through the University and without the use of any University resources beyond those usually and customarily provided.

Examples:

1. A faculty member in the School of Social and Behavioral Sciences at UAM works

with a publishing company to create a Web-based course. The publishing company provides 700 hours of instructional design and production support and



the course is mounted on the company's server. All of the work is done on the faculty member's own time, but some of the development is done on weekends using the faculty member's office computer. Development software licensed by UAM that is available throughout the department is also used. The course is mounted on a commercial server.

2. A professor at one of the law schools is approached by the publishing arm of a learned society to create a CD containing 2,000 images of evidence that this professor has photographed in preparing for classes over the years. The professor took the photographs on weekends using own camera and film, but on the department's copystand. The learned society creates and markets the CD.

#### Ownership and Compensation:

The individual owns the copyright and is entitled to receive all Revenue from the commercialization of the TECM.

### **Category II– Minimal University Resources**

#### Description of Individual and University Contribution:

The work resulted from the individual's efforts with minimal resources above and beyond those normally provided.

#### Examples:

1. A faculty member at UAMS works with Digital Inc., a Web course publishing company, to put the course, *Serving an Aging Population*, totally on the Web. The University provides funds to purchase time from UAMS's Media Services to videotape two hours of lecture to be streamed as part of the course. In addition, the UAMS Library checks out to the faculty member one of two digital recording workstations for a period of two weeks. Digital Inc. spends over 300 hours recording materials provided by the faculty member and creating the Web course, and mounts the course on their server. The faculty member works on the project almost exclusively on his/her own time.
2. An adjunct faculty member at UAPB who teaches *Accounting Principles for Non-Profit Agencies* for UAPB volunteers to put half of the course on the Web. UAPB provides 30 hours of training on WebCT, the Web platform utilized. UAPB also provides twenty hours of assistance in creating a Power Point Presentation to be used as part of the course. The adjunct faculty member spends 200 hours creating the course on their own time. The course is mounted on the University's server.

#### Ownership and Compensation:

The individual owns the copyright and has the right to distribute the TECM. The individual may receive the Revenue for any distribution outside the University course delivery. The University has a non-exclusive, royalty-free license to use the work as part of the University course

delivery. The University may agree, in its sole discretion, to compensate the faculty member for its use of the TECM.

### **Category III– Substantial University Resources Are Provided**

Description of Individual and University Contribution:

The work resulted from the individual's efforts with use of University resources above and beyond those usually and customarily provided.

Examples:

1. A faculty member at UA-Fayetteville volunteers to make her department's Literature for Children Course totally available on the Web. The faculty member is provided with release time in the Spring Semester and paid for a course in the Summer to develop the product, but also contribute some of her own time. The University provides a substantial grant to purchase a digital camera to use in the project or a .5 FTE Web developer housed in the department for a semester to work with the faculty member. Personnel from University Relations record speakers for the class, digitize audio and video, totaling over 300 clock hours of production and support services. The course is mounted on the University's server.
2. UALR's MBA Program decides to offer the degree by taping courses and allowing employees of two corporations to download the courses to view on their own schedules. Three faculty from the EMBA Program will rotate grading and answering questions for each course. A faculty member who teaches Human Resource Management volunteers to offer the first course. During the next year, this faculty member is given release time each semester and paid for two courses in the Summer. UALR funds production time in the Radio, Television and Film Department for the production of the tapes. Computing Services contributes significant hours in digitizing the tapes. The faculty member spends 60 hours over the year of their own time designing the course for television delivery. The University mounts the course on its server.

Ownership and Compensation:

The individual and the University may be joint owners of the copyright under Example 1 and therefore, absent an agreement, each has the right to distribute it and receive Revenue for any distribution outside the University course delivery. At the minimum, the University has a non-exclusive license to use the work as part of University course delivery and a non-exclusive commercial license to market the course outside the University, subject to an accounting of Revenue to the other joint owner.

### **Category IV– Work Made For Hire – University Assigns Duty to Faculty or Staff Member to Develop a Work**

Description of Individual and University Contribution:

An employee of the University was contracted to develop a specific product. The University provided all resources for the work. The work was carried out totally as a part of the faculty or staff member's assigned time.

Example:

1. The Dean of the College of Education at UALR assigns a faculty member to a course that will be videotaped and broadcast the next year to sites in five school districts as part of a new Master's Program offered by the college. The faculty member is given release time for the Fall and Spring Semester and is paid a task payment. All of the design and production work is done during working hours. The faculty member is assigned a .5 FTE research assistant for the academic year. The Radio, Television and Film Department contributes 250 hours in the design and production of the videotapes.

Ownership and Compensation:

The University owns the copyright and has exclusive educational and commercial ownership and licensing rights. The faculty or staff member is not entitled to a share of the Revenue except as agreed upon by the University in its sole discretion.

**Category V– Faculty Member Uses Own Work as Part of Course Offering at University**

Description of Individual and University Contribution:

The faculty member is using TECM that he/she created as part of his/her teaching duties at the University.

Examples:

1. See Category II, Example 1 above. In this case, the faculty member might offer the course at the University. The University would pay the previously negotiated fee to Digital, Inc. for access to the course materials, but this payment would not include compensation to the faculty member beyond the standard compensation for teaching the course.
2. See Category III, Example 2 above. In this case, the faculty member might teach the course to students in the program. There would be no compensation to the faculty member beyond the standard compensation for teaching the course.

Ownership and Compensation:

Ownership will be determined by categories one through four. There will normally be no extra compensation beyond normal teaching compensation for use of the TECM except as agreed upon by the University in its sole discretion.

**APPENDIX G—PLACEMENT OF UAM BIOLOGY GRADUATES 2006-2015**

Placement for UAM Biology Graduates, 2006-2015

<u>Year</u>	<u>Student Name</u>	<u>Placement Information</u>
2006	Barnett, Shawna	Science teacher, Crossett, Arkansas
2006	Cobb, Katherine	M.S. Toxicology at UAMS, then instructor at UAM—McGehee
2006	Dowty, David	Medical laboratory scientist, Springdale, Arkansas
2006	Efird, Derek	Science teacher, Little Rock, Arkansas
2006	Frazier, Veronica	UAMS, Cytotechnology program
2006	Free, Brandie	UAMS, Respiratory Therapy program
2006	Lee, Shueylin	Liquor store owner, Dermott, Arkansas
2006	Nall, Ian	M.S. Emporia State University, Kansas, then chemist
2006	Nichols, Kellie	Researcher at Arkansas Childrens Hospital, Little Rock
2006	Patoka, Matthew	UAMS College of Medicine
2006	Pledger, Brandi	Science teacher, Fayetteville, Arkansas
2006	Reeves, James	UAMS College of Medicine
2007	Bacon, Pablo Andres	Ph.D. program, University of Arkansas
2007	Chambliss, Brittany	Unknown
2007	Eubanks, Clint	Texas Chiropractic College
2007	Everett, Taylor	University of Tennessee—Memphis dental school
2007	Farmer, Tara	UAMS Nuclear Medicine program
2007	Lindley, Jim	Working in hospital lab, Dumas, Arkansas
2007	Ogle, Jeffrey	Assistant Manager, Bass Pro Shops, Little Rock, Arkansas
2007	Priest, Stephanie	UAMS Radiological Technology program
2007	Roflo, Aissa	University of Florida pharmacy school
2007	Romine, Angela	Unknown
2007	Waller, Brandi	Working at Arkansas Pollution Control and Ecology
2008	Brown, Barrett	Southern College of Optometry
2008	Cagle, Stephen	UAMS College of Medicine
2008	Chambliss, Brooke	Chemistry teacher, Monticello, Arkansas
2008	Henley, Maranda	Ph.D. program (Chemistry), University of California, San Diego
2008	Holmes, Jena	UAMS Medical Dosimetry program
2008	Jones, David	Henderson State University, pilot training program
2008	Kincade, LaDeena	Biology teacher, Monticello, Arkansas
2008	Levingston, Courtney	Parker University, chiropractor program
2008	Lum, Jacob	Ph. D. program (Molecular Biology), University of Arkansas
2008	Maxwell, Martin	M.S. program (Environmental Science), LSU
2008	Mitchell, Nikki	M. S. program (Molecular Biology), University of Arkansas
2008	Pryor, Jessica	UAMS Radiology Tech program
2008	Reynolds, Alisa	Chiropractic Technician, Chicago, Illinois
2008	Sanderlin, Kathryn	Unknown
2008	Savage, Christopher	Lab chemist, Crossett, Arkansas

2008	Tucker, Annabeth	Stay-at-home mom
2008	Vest, Leigh Ashley	UAMS Radiology Tech program
2008	Wood, Matthew	UAM Nursing program
2009	Duschen, Shannon	UALR School of Law
2009	Hoang, Amy	UAMS School of Medicine
2009	Leslie, Samuel	Unknown
2009	Phillips, LeAntionette	Microbiologist, Dumas, Arkansas
2009	Prior, Sara	Ph.D. program (Biochemistry), UAMS
2009	Shepherd, Rebekah	Ph.D. program (Biology), University of Arkansas
2009	Wargo, Shayne	Biologist, Bayer Crop Science
2010	Dillard, Rebecca	Ph.D. program (Psychology), Ohio
2010	Fradsham, Samuel	Science teacher, Star City, Arkansas
2010	Gibson, Kimberly	Regional trainer for Dialysis Clinics, Little Rock
2010	Kinard, Michael	Dental school, University of Oklahoma
2010	Lang, Samantha	UAMS School of Pharmacy
2010	Renfro, James	UAMS School of Medicine
2010	Rivera-Juarbe, Yelitza	Medical school, Puerto Rico
2010	Rowell, Aaron	D. O. School, William Carey, Hattiesburg, Mississippi
2010	Scott, Shyann	UAMS School of Medicine
2010	Willis, MacKenzie	MS. Program (Forensic Chemistry), Sam Houston State
2011	Ellington, Christopher	UAMS College of Medicine
2011	Evans, Justin	Environmental scientist, Houston, Texas
2011	Harper, James	University of Mississippi College of Pharmacy
2011	Hathcox, Joshua	Chemist, Halliburton Research Services, Houston, Texas
2011	Hatten, Stephanie	Nursing School, University of Texas for Health Sciences, Houston
2011	Leftwich, Manda	Lab technician, Harvest Rice, McGehee, Arkansas
2011	Lockwood, Joseph	LSU New Orleans College of Medicine
2012	Boney, Price	Banker, Dumas, Arkansas
2012	Cantwell, Sarah	UAMS Medical Technology program
2012	Curry, Miranda	Veterinary technician, Warren Animal Clinic, Warren, Arkansas
2012	Fox, Shannon	UAMS College of Pharmacy
2012	Garcia, Elia	Unknown
2012	Gasaway, Brittany	UAMS College of Pharmacy
2012	Lunsford, Dustin	Retail sales, Hot Springs, Arkansas
2012	McEuen, Hannah	Zookeeper, Phoenix Zoo, Phoenix, Arizona
2012	Porrier, Teri	UAM Nursing School
2012	Probst, Nathan	UAMS College of Medicine
2012	Rose, Robert	UAMS College of Medicine
2012	Shepherd, Michael	UAMS College of Pharmacy
2012	Stephens, Faye	M.S. program (Biology), Auburn University



2012	Stevens, Andrew	UAMS College of Pharmacy
2012	Timmons, Shellye	Nurse in Hamburg, Arkansas
2012	Turnery, Bethaney	Parker University chiropractor program
2012	Wallace, Dustin	University of Tennessee—Memphis dental school
2012	Winnon, Haleigh	UAMS College of Pharmacy
2012	Young, Mackenzie	University of Louisiana—Monroe College of Pharmacy
2013	Barnett, Kacie	UAMS College of Pharmacy
2013	Fuller, Lauren	M.S. program (Biology), University of Mississippi
2013	Kelley, John Bo	Ph.D. program (Biology), University of Memphis
2013	Livingston, Olivia	Harding University College of Pharmacy
2013	Long, Olivia	UAMS College of Pharmacy
2013	Norrell, Nicki	University of Tennessee—Memphis College of Pharmacy
2013	Peek, Heather	UAM MAT Program
2013	Prescott, Drew	Ph.D. program (Botany), University of Mississippi
2013	Roberts, Kenneth	UAM MAT Program
2013	Roberts, Trent	Dental technician; applying to dental school, Memphis
2013	Tabor, Megan	UAMS College of Pharmacy
2013	White, Alexandra	UAMS College of Pharmacy
2013	Winters, Kristin	UAMS Medical Technology program
2014	Ash, Courtnie	Stay-at-home mom, Florida
2014	Beatty, Austin	UAMS College of Medicine
2014	Brachet, Morgane	M.S. program (Biology), University of Rennes, France
2014	Brown, Laura	MAT program, UAM
2014	Cagle, Douglas	D. O. School, William Carey, Hattiesburg, Mississippi
2014	Cason, Samuel	University of Tennessee—Memphis dental school
2014	Chancellor, Shana	Ph. D. program (Molecular Biology), UAMS
2014	Cucurullo, Tessa	D. O. School, William Carey, Hattiesburg, Mississippi
2014	Dunlap, Hope	Veterinary school, Louisiana State University, Baton Rouge
2014	Hartley, Spencer	Unknown
2014	Morgan, Lauren	Biology lab instructor, UAM
2014	Reyes, Ryan	M.D./Ph.D. program, University of Texas, San Antonio
2014	Tomerlin, Patrick	Private business owner, Hamburg, Arkansas
2014	Warren, Sammi	Funeral director, Maine
2014	White, Darren	Unknown
2015	Bethel, Robert	Nursing school, UALR
2015	Brown, Joe	UAMS College of Medicine
2015	Cook, Danielle	Studying for MCAT, working in private business
2015	Derrick, John	Unknown
2015	Emanuele, Alexa R	UAMS College of Pharmacy
2015	Hill, Brannon	UAMS College of Pharmacy
2015	Holland, Douglas	M.S. program (Biology) Texas A&M International Univ., Laredo

2015 Moland, Marla

Research technician, NCTR, Pine Bluff, Arkansas

**APPENDIX H—CLASSROOM VISITATION POLICY, CLASSROOM VISITATION EVALUATION FORM,**

Classroom Visitation Policy  
School of Mathematical & Natural Sciences

The peer reviewers and the Dean will conduct classroom visits of all faculty receiving a full evaluation - faculty during their first six years of service, other faculty on a five year cycle, and faculty wishing to be considered for promotion and/or tenure. The individual being reviewed will meet with the reviewers to decide upon the class or classes to be visited, the possible days for observations, methods, and other details. The reviewers will be given a choice of several days in which they may make observations.

Each reviewer will record his/her observations on the designated form (see attached.) Within ten days of the classroom observation a copy of the report will be provided the faculty member. The observed faculty member will be able to discuss any areas of disagreement with the observer. The reviewer and the reviewed faculty may request additional observations.

For continuing faculty, peer reviewers will be appointed by January 31 of each year. Peer reviewers for new faculty with an original appointment for the Fall semester will be appointed by September 30.

School of Mathematical & Natural Sciences Classroom Observation Form

Instructor's Name: \_\_\_\_\_ Course:

Date & Time: \_\_\_\_\_ Evaluator:

Approximate number of students in class:

Format of course: (Eg. Lecture, laboratory, lecture/discussion, seminar)

**Preparation & Organization:**

Does the instructor appear to be prepared for the course?

Comments:

Is the presentation at a level appropriate for the course?

Comments:

Are the objectives for this meeting of the class clear?

Comments:

Is the presentation organized?

Comments:

Does the instructor appear to be interested in the subject?

Comments:

Does the instructor appear to be interested in the student?.

Comments:

Does the instructor encourage student involvement in class?

Comments:

Does the instructor appear to have a good rapport with the students?

Comments:

**Mechanics:**

Can the students read material in the manner in which it is presented?

Comments:

Is the instructor's voice understandable to students - both clear and sufficiently loud?

Comments:

Does the instructor maintain eye contact with students?

Comments:

Does the instructor use technology in an appropriate manner?

Comments:

**Other comments:**

Include any additional comments relevant to this class. Be as specific as possible. Use NA if the item does not apply to this class.

**APPENDIX I—PROPOSED NEW UAM SCIENCE CENTER**

**SITE PLAN**

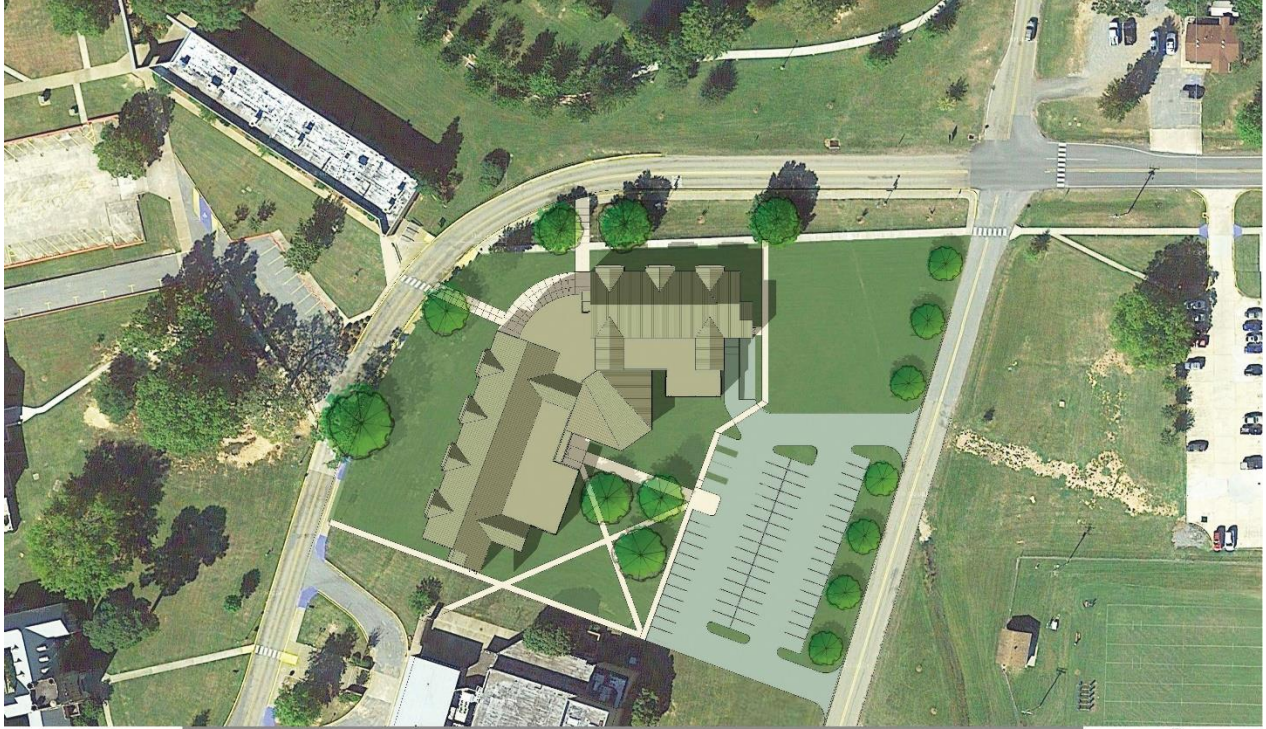
**NORTHWEST PERSPECTIVE**

**SOUTHEAST PERSPECTIVE**

**FIRST FLOOR PLAN**

**SECOND FLOOR PLAN**

**THIRD FLOOR PLAN**



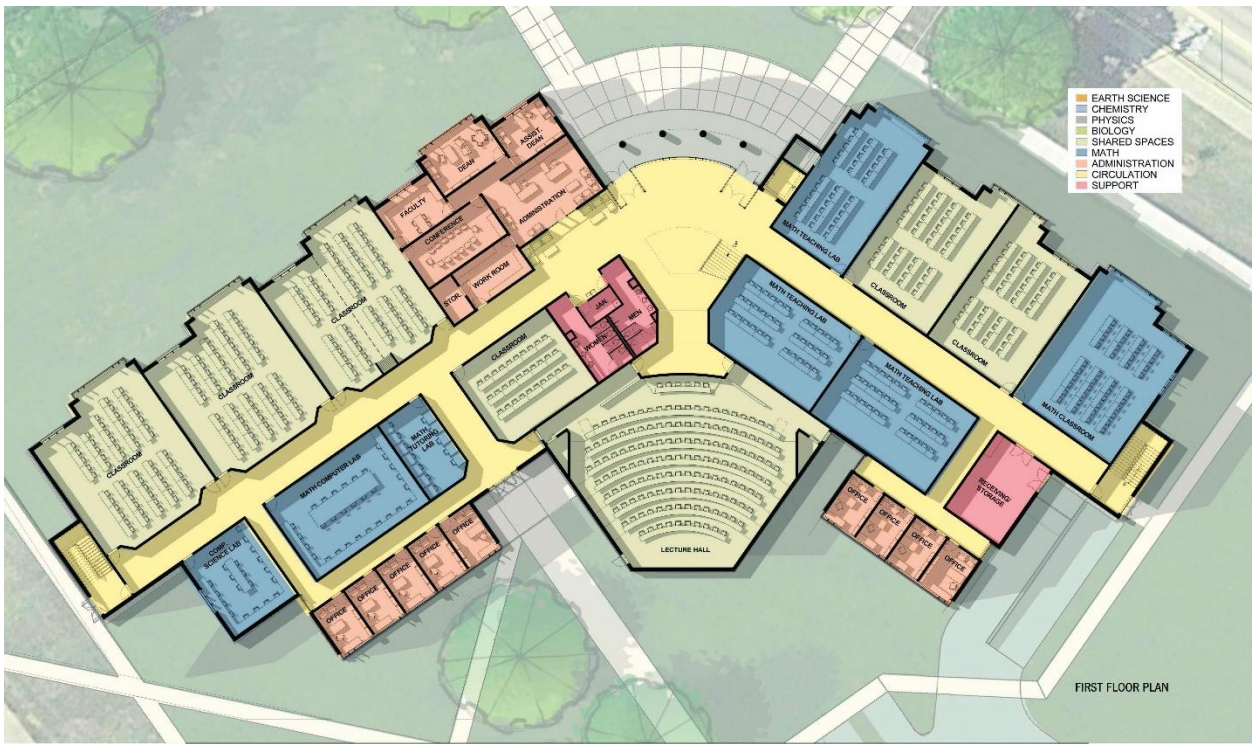
**SCM**  
SCMArchitects.com

**CENTER FOR SCIENCE AND MATHEMATICS**  
UNIVERSITY OF ARKANSAS AT MONTICELLO

FEBRUARY 2, 2015





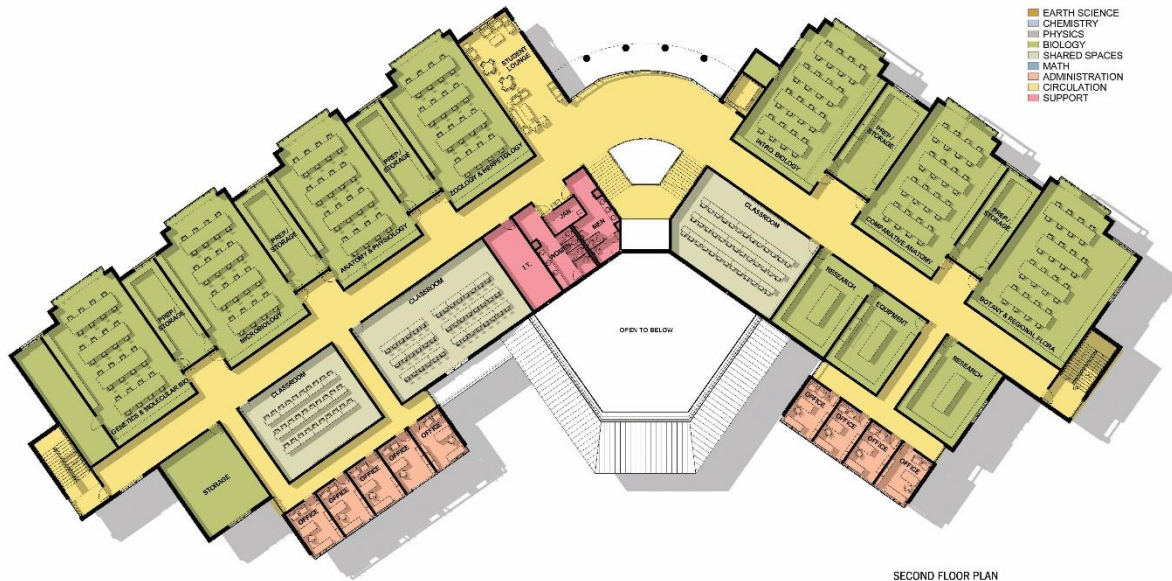


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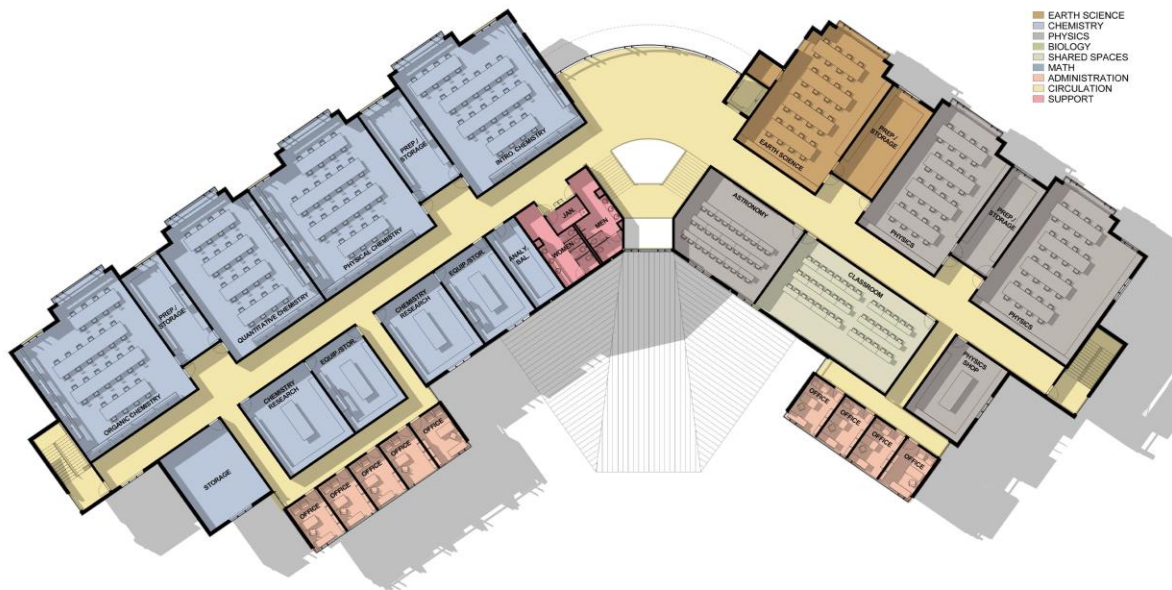


SECOND FLOOR PLAN



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