

AGENDA
ARKANSAS STATE UNIVERSITY
BOARD OF TRUSTEES
December 11, 2015
1:00 p.m.
ASU-Mountain Home

- I. Call to Order
Charles Luter, Chair
- *II. Approval of the Minutes of Past Meetings
September 18, 2015
December 4, 2015
- III. President's Report
Reports of the Chancellors
- *IV. Agenda
 - Proposed ASU-Jonesboro Resolution
 - Resolution naming a classroom in the Delta Center on the ASU-Jonesboro campus
 - Proposed ASU-Beebe Resolution
 - Resolution approving ASU-Beebe to offer the Technical Certificate in Agriculture
 - Proposed ASU Mid-South Resolutions
 - Resolution approving ASU Mid-South to offer a Certificate of Proficiency in Marine Technology
 - Resolution naming the aviation maintenance technology building
 - Proposed ASU System Resolutions
 - Resolution approving ASU-Jonesboro, ASU-Mountain Home, and ASU Mid-South to set and revise fee rates
 - Resolution approving ASU System to execute salary expenditure plans for Fiscal Year 2015-2016
 - Resolution approving ASU System to designate large-scale distance education programs offered by ASU-Jonesboro as not eligible for tuition discounts
 - Resolution approving ASU-Mountain Home to grant an easement
 - Resolution approving ASU System to revise the System Staff Handbook
 - Resolution approving ASU System to revise the Intellectual Property Policy and rename it the Intellectual Property Not Subject to Patent Policy
 - Resolution approving ASU System Unmanned Aircraft Systems Policy

V. Executive Session

*VI. Approval of Personnel Actions

VII. Other Business

*VIII. Election of Officers

*IX. Adjournment

*Action Items

**ARKANSAS STATE UNIVERSITY
BOARD OF TRUSTEES**

A Resolution Recognizing the Significant Contributions of the
Robert Marvin “Bob” Wood Family
to Arkansas State University-Jonesboro

WHEREAS, the Board of Trustees has retained unto itself the authority to name facilities of the University in honor of individuals who have significantly distinguished themselves through service to and support of the University; and

WHEREAS, the members of the Robert Marvin “Bob” Wood Family are respected leaders in the community and supporters of higher education and the students we serve; and

WHEREAS, the Robert Marvin “Bob” Wood Family has made outstanding contributions to Arkansas State University-Jonesboro of a magnitude worthy of special gratitude and lasting recognition.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Arkansas State University, that the classroom for students in the Delta Center facility on the ASU-Jonesboro campus shall be known henceforth as:

R.M. “Bob” Wood Sales Leadership Center

DULY ADOPTED AND APPROVED this 11th day of December 2015

Charles Luter, Chair

Howard L. Slinkard, Vice Chair

Ron Rhodes, Secretary

Tim Langford, Member

Niel Crowson, Member

Charles L. Welch, President

EXECUTIVE SUMMARY

Contact: Ted Kalthoff (501) 882-8830

ACTION ITEM: Arkansas State University-Beebe requests approval to offer the Technical Certificate in Agriculture.

ISSUE: The Board of Trustees must approve the offering of any new degree.

BACKGROUND:

- ASU-Beebe currently offers an Associate of Science degree in Agriculture. Now, ASU-Jonesboro is seeking a federal grant to work in collaboration with ASU's two-year institutions. The grant requires that specific programs, including the one in agriculture, be offered at the two-year institutions and that a technical certificate be awarded when completed. Therefore, ASU-Beebe has developed this technical certificate to assist ASU-Jonesboro in its grant application.
- All of the courses are currently offered as part of the Associate of Science in Agriculture.
- There will be no additional cost for this degree, since it is embedded within the current Associate of Science in Agriculture program and the facilities for the program are already in place on the Beebe campus.

RECOMMENDATION/RESOLUTION:

Be it resolved that Arkansas State University-Beebe is approved to offer the Technical Certificate in Agriculture, effective spring semester 2016.

Ron Rhodes, Secretary

Charles Luter, Chair

EXECUTIVE SUMMARY

Contact: Debra West (870) 733-6770

ACTION ITEM: Arkansas State University-Mid-South (ASU Mid-South) requests approval to offer a Certificate of Proficiency in Marine Technology.

ISSUE: The Board of Trustees must approve the offering of any new degree.

BACKGROUND:

- ASU Mid-South is one of nine colleges in the Mississippi River Transportation, Distribution, and Logistics (MRTDL) Consortium, which was formed through a joint effort of the American Association of Community Colleges and the Kellogg Foundation to promote positive collaboration among Mississippi River colleges linked by common economic ties.
- In October 2013, ASU Mid-South received \$2,065,596 in a Round Three U.S. Department of Labor TAACCCT grant to the MRTDL Consortium totaling \$23.8 million. One of ASU Mid-South's grant deliverables is the creation of a Certificate of Proficiency in Marine Technology, to expand its capacity to meet industry demand in the transportation, distribution, and logistics (TDL) sectors.
- This certificate program meets the demand of the TDL industry in that, as the Port of Memphis and the Port of West Memphis plan for expansion, a greater need for a trained workforce specific to the marine industry is required. Through meetings with West Memphis Economic Development and with representatives from the marine industry in Memphis and the surrounding areas, more and more barge and tugboat traffic will be present, thus resulting in the need for a trained workforce for these marine technology jobs.
- The proposed certificate fits into the ASU Mid-South General Technology pathway and will be packaged with existing welding and diesel courses, and existing resources will be utilized to offer the program.

RECOMMENDATION/RESOLUTION:

Be it resolved that Arkansas State University Mid-South is approved to offer a Certificate of Proficiency in Marine Technology, effective spring semester 2016.

Ron Rhodes, Secretary

Charles Luter, Chair

**ARKANSAS STATE UNIVERSITY
BOARD OF TRUSTEES**

A Resolution Recognizing the Significant Contributions of
FedEx Express
to Arkansas State University Mid-South

WHEREAS, the Board of Trustees has retained to itself the authority to name facilities of the University; and

WHEREAS, FedEx Express is a supporter of education, in particular in the area of Aviation Maintenance Technology; and

WHEREAS, FedEx Express, an operating company of FedEx Corporation (NYSE:FDX), has made significant financial contributions to Arkansas State University Mid-South and its students, including a retired Boeing 727 cargo jet and various tools and test equipment;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Arkansas State University, that the Aviation Maintenance Technology Building on the Arkansas State University Mid-South campus shall be known henceforth as:

FedEx Aviation Technology Center

DULY ADOPTED AND APPROVED this 11th day of December 2015

Charles Luter, Chair

Howard L. Slinkard, Vice Chair

Ron Rhodes, Secretary

Tim Langford, Member

Niel Crowson, Member

Charles L. Welch, President

EXECUTIVE SUMMARY

Contact: Jeff Hankins (501) 660-1004

ACTION ITEM: Arkansas State University-Jonesboro, Arkansas State University-Mountain Home, and Arkansas State University Mid-South request approval to set and revise fee rates.

ISSUE: The Board of Trustees must approve all student tuition and fees.

BACKGROUND:

The following revisions and additions to student fees are requested:

ARKANSAS STATE UNIVERSITY-JONESBORO

In order to provide efficiencies in the concurrent enrollment process, ASUJ requests to eliminate the application fee for concurrent enrollment students.

ARKANSAS STATE UNIVERSITY-MOUNTAIN HOME

Previously paid out-of-pocket by the students in the EMT program, ASUMH requests to establish a background check fee of \$25, a State Licensure/Testing fee of \$20, and the National Licensure/Testing fee of \$70.

ARKANSAS STATE UNIVERSITY MID-SOUTH

To establish fees in the newly created marine technology program and to address a reconfigured curriculum in the machine technology program, ASUMS requests to establish the following fees:

Manual Lathe Fee (MACH1113-01)	\$110.00
Manual Mill Fee (MACH1133-01)	\$127.00
Surface Grinding Fee (MACH1153-01)	\$122.00
Geometric Dimensioning & Tolerancing Fee (MACH2024-01)	\$ 75.00
Introduction to Mastercam Fee (MACH2044-01)	\$110.00
Shipyard Competency, Safety & Marine Applications (MTDL1003-31)	\$100.00
Marine Plumbing, Hydraulics & Pipefitting Fee (MTDL 1023-31)	\$200.00

EXECUTIVE SUMMARY

Contact: Jeff Hankins (501) 660-1004

RECOMMENDATION/RESOLUTION:

Be it resolved that the fee rates for Arkansas State University-Jonesboro, Arkansas State University-Mountain Home, and Arkansas State University Mid-South are approved as stated herein, effective January 1, 2016.

Ron Rhodes, Secretary

Charles Luter, Chair

EXECUTIVE SUMMARY

Contact: Jeff Hankins (501) 660-1004

ACTION ITEM: The Arkansas State University System (ASU System) requests approval to execute salary expenditure plans.

ISSUE: The Board of Trustees must approve the operating budgets of the ASU System.

BACKGROUND:

The operating budget establishes expenditure levels for certain categories of expense, including salaries, supplies and services, and capital expenditures. When the 2015-16 operating budgets were approved on May 8, 2015, salary expenditure plans were delayed for the Jonesboro and Mountain Home campuses and for the ASU System Office in order to consider fall enrollment trends. The ASU System requests the following revisions:

- Arkansas State University-Jonesboro requests the implementation of merit bonuses for non-classified staff and faculty and a 1% cost-of-living adjustment for classified employees.
- Arkansas State University-Mountain Home requests the implementation of a 2% cost-of-living adjustment for non-classified staff and faculty and a 1% cost-of-living adjustment for classified staff.
- The Arkansas State University System Office requests the implementation of a 1% cost-of-living adjustment for non-classified and classified staff.

RECOMMENDATION/RESOLUTION:

Be it resolved that the Arkansas State University System is approved to execute salary expenditure plans as described above for Fiscal Year 2015-2016.

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Ron Rhodes, Secretary

Charles Luter, Chair

EXECUTIVE SUMMARY

Contact: Jeff Hankins (501) 660-1004

ACTION ITEM: The Arkansas State University System requests approval to designate large-scale distance education programs of study offered by ASU-Jonesboro (ASUJ) as not eligible for tuition discounts.

ISSUE: The Board of Trustees must approve all tuition and fees.

BACKGROUND:

- The Board of Trustees has granted ASU System employees, and their eligible spouses and dependents, the benefit of tuition discounts on undergraduate and graduate courses. The board may exclude programs of study that are not suitable for discounted tuition.
- Large-scale distance education programs are offered at a fixed tuition rate and are not suitable for discounted tuition. ASUJ previously excluded the large-scale distance education programs (Resolution 11-49) and requests to exclude the large-scale distance education programs that have been recently developed and those that will be developed in the future.

RECOMMENDATION/RESOLUTION:

Be it resolved that the large-scale distance education programs, including undergraduate and graduate, offered by Arkansas State University-Jonesboro are not eligible for tuition discounts, effective immediately.

Ron Rhodes, Secretary

Charles Luter, Chair

EXECUTIVE SUMMARY

Contact: Robin Myers (870) 508-6101

ACTION ITEM: The Arkansas State University System requests approval for Arkansas State University-Mountain Home to grant an easement.

ISSUE: The Board of Trustees must approve all land transactions.

BACKGROUND:

- Ritter Communications requests an easement from ASU-Mountain Home in order to install a 21-foot long fiber optic cable below ground across a portion of the ASU-Mountain Home campus.
- This new cable will replace an existing above-ground cable.
- The legal description of the location of the easement is stated below:

As recorded in Book 97, Page 10351, in the office of the Circuit Clerk of Baxter County, there is a 10-foot communications easement across a tract of land, lying in the NW ¼ south of High Avenue in Section NWNW16, T-19-N, R-13-W, Parcel No. 007-14974-000, in Baxter County, Arkansas, being more particularly described as follows:

A 10-foot wide easement beginning at the northerly boundary of said tract and the southerly right of way of High Avenue; thence in a southerly direction of said tract for a distance of 21 feet, more or less, to an existing ARE-ON Equipment Site.

- The easement is attached to this resolution.

RECOMMENDATION/RESOLUTION:

Be it resolved that Arkansas State University Mountain-Home is approved to execute the Easement for Facilities that is attached to this resolution.

Ron Rhodes, Secretary

Charles Luter, Chair



Easement # 1
Job# 15-142
Ritter #15,77.02003

Executed: / / 2015

EASEMENT FOR FACILITIES

THIS EASEMENT, entered into by (The State of Arkansas for Benefit of Arkansas State University Mountain Home) the undersigned, (1600 South College St., Mountain Home Arkansas, 72653), hereinafter referred to as GRANTOR, and E. Ritter Communications Holding Inc., 2400 Ritter Drive, Jonesboro, AR 72401, hereinafter referred to as GRANTEE, wherein GRANTOR, in consideration of the sum of One dollar and 00/100 Dollars (\$1.00), and/or other valuable consideration, receipt of which is hereby acknowledged, do by these presents GRANT, BARGAIN AND SELL, CONVEY AND CONFIRM unto GRANTEE, its affiliates, its and their respective successors, assigns and licensees, a permanent easement to construct, reconstruct, install, modify, supplement, maintain, repair, replace, operate and/or remove facilities for the transmission of signals used in the provision of communication, video and/or information services and/or any other services or uses for which such facilities may be used including, but not limited to conduit, ducts and handholes, equipment cables, wires, fiber optic cables, marker posts and signs, and other related or useful equipment, fixtures, appurtenances, improvements and facilities, together with the right to have commercial electrical service extended in, under, over, upon and across a 10' strip of land situated in the City of Mountain Home, Baxter County, State of Arkansas and which is part of GRANTOR's land described as follows:

A 10' communications easement across a tract of land as recorded in Book 97, Page 10351, in the Office of the Circuit Clerk, Baxter County, lying in the NW 1/4, South of High Ave in Section NWNW16, T-19-N, R-13-W, Parcel No. 007-14974-000, Baxter County, AR being more particularly described as follows:

A 10' wide easement beginning at the Northerly boundary of said tract and the Southerly Right of Way of High Ave., thence in a southerly direction of said tract for a distance of 21' more or less to an existing ARE-ON Equipment Site.

TO HAVE AND TO HOLD same, with all rights and appurtenances to the same belonging, unto GRANTEE, its successors, assigns and licensees, until the use of the easement is relinquished or abandoned, including (1) the right of ingress and egress to and from the easement by reasonable routes across Grantor's property; (2) the right to place on or below the surface of the easement handholes, cable, conduit, connector terminals, testing terminals, route marker, etc.

exercise thereof does not endanger or interfere with the construction, installation, repair, operation, maintenance and removal of said facilities.

GRANTOR warrants that it is the owner of the land here conveyed and have the right to make this conveyance and receive the payment therefor, and GRANTOR covenants that GRANTEE, its successors, assigns and licensees, may quietly enjoy the premises for the uses herein stated. GRANTOR warrants that they have no knowledge of environmental hazards affecting the easement, except those disclosed to GRANTEE; GRANTOR agrees to hold GRANTEE harmless from liability arising from such undisclosed hazards.

Signed and executed this _____ day of _____ 2015 A.D

Dr. Robert Myers (Chancellor)

CORPORATION ACKNOWLEDGEMENT

STATE OF ARKANSAS

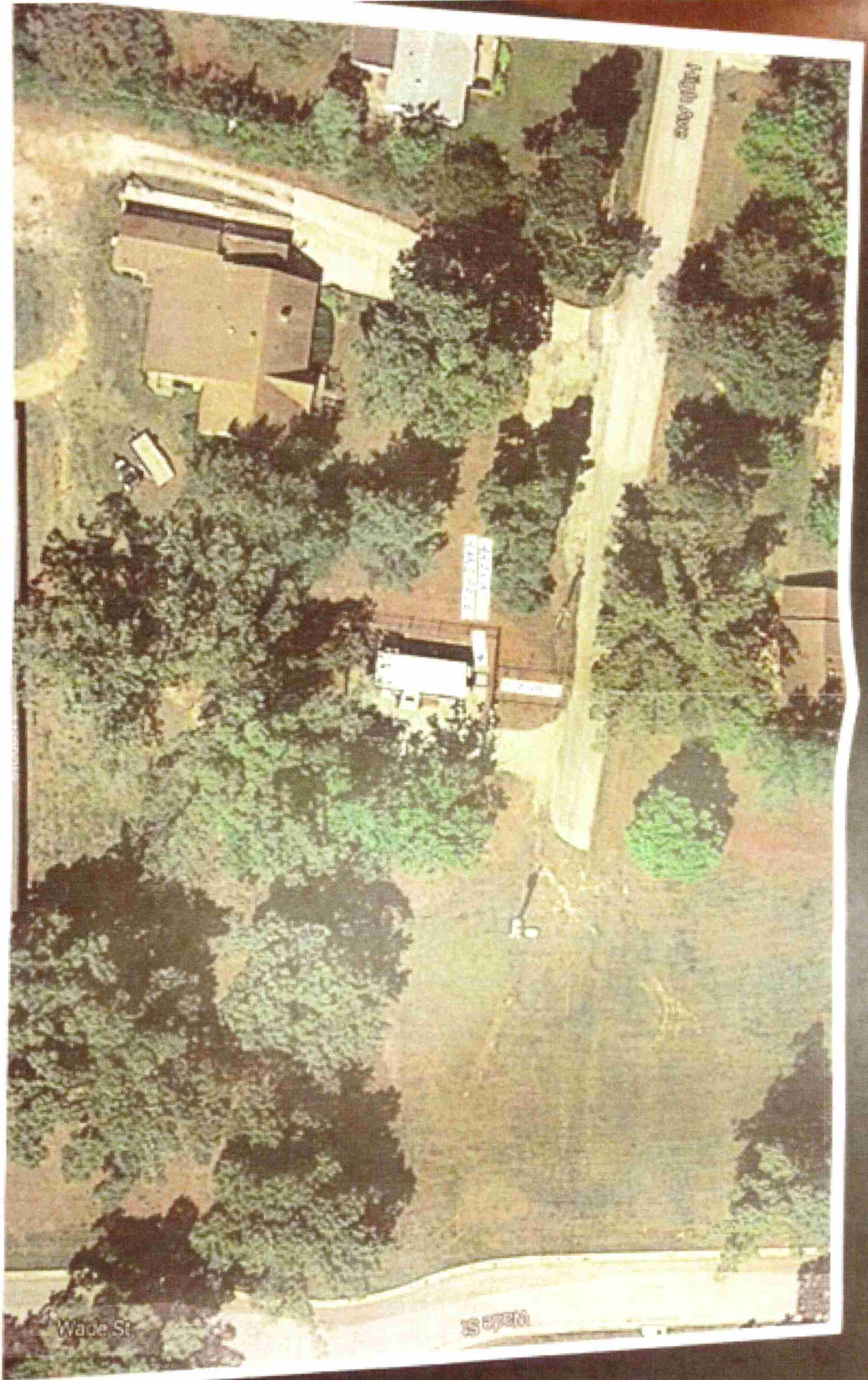
COUNTY OF BAXTER

BEFORE ME, the undersigned authority, on this day personally appeared Dr. Robert Myers, known to me to be the person whose name is subscribed to the foregoing instrument and who, upon being duly sworn, did state and acknowledge that he is Chancellor of Arkansas State University Mountain Home, a corporation organized under the laws of the State of Arkansas, and that he executed the foregoing instrument in the capacity stated under authority of its Board of Directors, therein expressed as the free and voluntary act and deed of the corporation.

Given under my hand and seal of office this the _____ day of _____, 2015.

Notary Public of the State of _____.

My Commission Expires _____.



Arkansas State University
Board of Trustees
December 11, 2015
Resolution 15-50

EXECUTIVE SUMMARY

Contact: Jeff Hankins (501) 660-1004

ACTION ITEM: The Arkansas State University System requests approval to revise the System Staff Handbook.

ISSUE: The Board of Trustees must approve all revisions to the handbook.

BACKGROUND:

- The System Staff Handbook will be revised to include the University's non-discrimination in university practices statement.

RECOMMENDATION/RESOLUTION:

Be it resolved that the Arkansas State University System is approved to revise the System Staff Handbook, effective immediately.

Ron Rhodes, Secretary

Charles Luter, Chair

EXECUTIVE SUMMARY

Contact: Jeff Hankins (501) 660-1004

ACTION ITEM: The Arkansas State University System requests approval to revise the System Intellectual Property Policy and rename it Intellectual Property Not Subject to Patent Policy.

ISSUE: The Board of Trustees must approve all revisions to System policies.

BACKGROUND:

- The Intellectual Property Policy was adopted on February 25, 2005, prior to the creation of the Arkansas State University System.
- On December 7, 2012, the Board of Trustees approved the creation of the System Patent Policy, which acts separately and apart from the Intellectual Property Policy and governs only that intellectual property subject to patent.
- The current Intellectual Property Policy purports to address only intellectual property subject to copyright or patent. It should be revised to remove all references to “patentable” intellectual property, as such is governed by the System Patent Policy, and to add intellectual property that is subject to other forms of protection, including trademark or trade secret protection.
- To accurately reflect the subject matter covered, the Intellectual Property Policy should be renamed, “Intellectual Property Not Subject to Patent.”
- Additionally, the Intellectual Property Policy should be revised to make the following changes:
 1. Deletion of inaccurate job titles;
 2. Insertion of language that establishes timeframes under which assignments regarding Intellectual Property Policy are made; and
 3. Removal of other obsolete or redundant provisions and addition of non-substantive technical corrections.

EXECUTIVE SUMMARY

Contact: Jeff Hankins (501) 660-1004

- A copy of the proposed Intellectual Property Not Subject to Patent is attached to this resolution.

RECOMMENDATION/RESOLUTION:

Be it resolved that the Arkansas State University System is approved to revise the Intellectual Property Policy as reflected above and to rename the policy Intellectual Property not Subject to Patent, effective immediately.

Ron Rhodes, Secretary

Charles Luter, Chair

ASU System Policy

Effective Date: __/__/__

Subject: Intellectual Property Not Subject to Patent

1. 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 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 possible 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 (Originator, the University, and outside sponsors of research) with interests in it.

2. Persons Affected

The Policy for Intellectual Property Not Subject to Patent applies to all persons employed by the Arkansas State University System and the component institutions of the System, to anyone using System facilities unless otherwise negotiated, to all students including, but not limited to, undergraduate students and candidates for a master's or doctoral degree, 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.

3. Definitions

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

- a. "Intellectual Property" refers to any material arising out of Scholarly Production and capable of legal protection under the Copyright, Trademark, Trade Secret, or other laws of the United States protecting intellectual property, now existing or later developed, but not including those materials protected under Patent laws. This 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.
- b. "University" means the Arkansas State University System and any entity or activity under the authority of the Board of Trustees of the Arkansas State University System.
- c. "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.
- d. "Sponsored Research" means Scholarly Production for which the University has received external support from some third party.
- e. "Originator" means a person who in the course of Scholarly or Creative Production creates or discovers material that is or becomes Intellectual Property.
- f. "Copyright" shall be understood to mean that bundle of rights protecting 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.

- g. "Works of authorship" (including computer programs) include, but are not limited to, the following: literary works; musical works, including any accompanying words; dramatic works, including any accompanying music, pantomimes, and choreographic works; pictorial, graphic, and sculptural works (photographs, prints, diagrams, models, and technical drawings); motion pictures and other audiovisual works, sound recordings; and architectural works.
- 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 the bundle of rights protecting 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 invention, the license being without royalty payments on any subsequent proceeds.
- k. "Trademark" shall be understood to mean the bundle of rights protecting words, names, symbols, sounds, or colors that distinguish goods and services from those manufactured or sold by others and to indicate the source of the goods.
- l. "Trade Secret" shall be understood to mean the bundle of rights protecting a formula, pattern, compilation, program, device, method, technique, or process used in business, which affords an opportunity to obtain an economic advantage over competitors who do not know or use the formula, pattern, compilation, program, device, method, technique, or process.
- m. "Net Income" shall be understood to mean gross royalties or other income received by the University from the licensing, sale, or commercialization of the Intellectual Property minus the costs for commercializing and obtaining legal protection for the Intellectual Property, including but not limited to, advertising, promoting, marketing, producing, copyrighting, licensing, or registering the Intellectual Property. The salaries of the Originator(s) or the campus employee(s) responsible for commercializing the Intellectual Property shall not be deducted from the gross income in calculating Net Income.

4. Statement of Policy

It shall be the policy of the University to acquire and retain legal title to all Intellectual Property created by any person or persons to whom this Policy is applicable, in accordance with the determination of ownership as described in this Policy. 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. In order to ensure that ASU is granted immediate ownership, Originators, as a condition of employment or enrollment, do hereby make an immediate assignment to ASU of all ownership rights to Intellectual Property to which ASU is entitled under this Policy. This assignment is effective at the moment of creation. To document the immediate assignment required by this Policy, Originators also execute a Written Assignment.

5. Determination of Ownership

These are the guidelines and circumstances to be considered by the University in determining ownership:

- a. The University owns the Intellectual Property:
 1. If the Intellectual Property is created by an employee within the scope of employment;
 2. If the Intellectual Property is created during performance of professional duties with System facilities or University or state financial support;
 3. If the Intellectual Property is commissioned by the System or a component thereof, or if it fits within one of the categories of works considered works for hire under copyright law;
 4. If the Intellectual Property results from research supported by Federal funds or third-party sponsorship, such funds awarded to the University or system, subject to the conditions of the contract or agreement; or,
 5. If the Intellectual Property is computer software, including computer programs, computer databases and associated documentation (herein "computer software"), regardless of whether said software is copyrightable or patentable.
- b. The Originator owns the Intellectual Property:
 1. If the Intellectual Property is unrelated to the Originator's job responsibilities and the Originator made no more than incidental use of System resources;
 2. If the Intellectual Property has been released by the University to the Originator under this Policy for Intellectual Property Not Subject to Patent;
 3. If the Intellectual Property is a Work of Authorship in the author's field of expertise, even though such a work may have been created within the scope of employment, so long as no extraordinary system resources were used and it was not created by someone who was specifically hired or required to create it, as stated in a contract with clear ownership definitions;
 4. If the Intellectual Property is copyrighted and/or was created, made, or developed by the Originator and is related to the Originator's professional field or declared major, so long as no extraordinary System resources were used and it was not created by someone who was specifically hired or

required to create it as stated in a contract with clean ownership definitions;
or,

5. If the Intellectual Property is computer software produced on the Originator's own time or through permissible consulting activities and without the use of facilities owned, operated, or controlled by the University.

6. Disclosure Obligations of Originator(s)

All persons to whom this Policy is applicable shall furnish a full and complete disclosure of any Intellectual Property to the department or office designated by the Chancellor of the campus for receipt of such documentation promptly after the Intellectual Property 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 and with University's designated counsel in protecting Intellectual Property and performing 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.

7. Assignment of Copyrighted Intellectual Property Rights and Predetermined Disposition of Certain Copyrights

The University shall own and have continuing interest in Copyrighted Intellectual Property in the following two circumstances:

- a. The author has voluntarily transferred the Copyright, in whole or in part to the institution. Such transfer shall be in the form of a written document, signed by the author. Certain "works for hire" may require an agreement in writing to be negotiated between the faculty, staff, or student, the University, and any third party prior to the commencement of the work.
- b. Arkansas State University has contributed to a "joint work" or commissioned a work under the Copyright Act. The institution can exercise joint ownership under this clause when it has contributed specialized services and facilities to the production of the work that goes beyond what is traditionally provided to faculty members. Such an arrangement is to be agreed to in writing, in advance, and in full conformance with other provisions of this Policy.

Arkansas State University will not assert an interest in:

- a. Faculty-produced, copyrightable online courses, other than to reserve an irrevocable, nontransferable, royalty-free use license so long as the copyrightable

Intellectual Property meets the definition of Originator-owned Intellectual Property in Section 5; or

- b. Copyrightable material created for ordinary teaching use in the classroom or for electronic assignments and tests, so long as the copyrightable Intellectual Property meets the definition of Originator-owned Intellectual Property in Section 5; 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 so long as the copyrightable Intellectual Property meets the definition of Originator-owned Intellectual Property in Section 5.

The University shall be permitted to use any of the above-enumerated materials for internal instructional, educational, and administrative purposes, including satisfying requests of accreditation agencies for faculty-authored syllabi and course descriptions.

In an agreement transferring Copyright for such works to a publisher, faculty authors shall acknowledge and protect the University's irrevocable, nontransferable, royalty-free license to use such works for internal instructional, educational, and administrative purposes.

Funds received by the faculty member from the sale of Copyrighted Intellectual Property owned by or assigned to the Originator shall be allocated and expended as determined solely by the Originator.

8. Ownership of Intellectual Property Rights

The Chancellor of each campus will designate a department or office on that campus that shall review all invention disclosures and recommend to the administration one of three possible actions:

- a. Assign all rights to the Originator(s) or sponsor(s), where applicable;
- b. Assign all rights to the Originator(s) or sponsor(s), where applicable, but retain an irrevocable, nontransferable royalty-free license; or
- c. Retain all ownership rights and develop the Intellectual Property for commercialization at the University's discretion.

If the University does not furnish notice of intent to retain ownership rights of the Intellectual Property within ninety (90) days after disclosure to the University, the Originator(s) may request that the University assign all rights to the Originator or sponsor, where applicable, or assign all rights to the Originator or sponsor, where

applicable, subject to an irrevocable, nontransferable, royalty-free license for the University. The University shall respond within thirty (30) days of the receipt of Originator's request, and state which action the University shall take.

9. 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 copyrights, trademarks registration, or other legal protection, unless otherwise negotiated.

10. Distribution of Earnings from Intellectual Property

In consideration of the disclosure and assignment of Intellectual Property to the University, the Net Income from the commercialization of an Intellectual Property will be distributed as follows:

- a. For the first Ten Thousand Dollars (\$10,000.00) of Net Income, the Originator(s), Originator's heirs, successors, or assigns shall receive eight-five percent (85%) of that Net Income, with the remaining fifteen percent (15%) belonging to that campus within the Arkansas State University System at which the Originator is employed or enrolled.
- b. For Net Income from Ten Thousand One Dollars (\$10,001.00) up to Two Million Dollars (\$2,000,000.00), the Originator(s), Originator's heirs, successors, or assigns shall receive fifty percent (50%), with the remaining fifty percent (50%) belonging to that campus within the Arkansas State University System at which the Originator is employed or enrolled.
- c. For Net Income that exceeds Two Million Dollars (\$2,000,000.00), the Originator(s), Originator's heirs, successors, or assigns shall receive forty percent (40%), with the remaining sixty percent (60%) belonging to that campus within the Arkansas State University System at which the Originator is employed or enrolled.

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

11. 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 (ASURDI), are determined by the contractual or grant agreements negotiated between the University and the sponsor. Federal law controls the disposition of Intellectual Property made while utilizing federal funds.

The University and the Originator will comply with the terms and conditions of contractual or grant agreements with the sponsor, and with all applicable federal laws where federal funding is used for the sponsored research.

12. Publication Rights

In all Sponsored Research, the University shall negotiate in good faith with the sponsor to reserve the right for Originators and the University to publish and disseminate the knowledge gained and the results obtained. Such rights to publish may be contingent upon approval from the sponsor. The University shall negotiate in good faith with the sponsor to ensure maximum ability to publish by the Originator or the University.

13. Policy Administration

Each campus within the Arkansas State University System is charged with complying with this Policy and implementing Operating Procedures that allow for the campus to:

- a. Review the operation of the System Policy for Intellectual Property Not Subject to Patent and propose policy changes;
- b. Assist in reviewing Intellectual Property disclosures as requested by the office on that campus designated by the Chancellor as responsible for such reviews;
- c. Review disputes concerning Copyright ownership (such as equitable division among joint originators) not specifically addressed in this Policy and make a recommendation to the administration regarding who owns the copyright;
- d. Review proposed exceptions to the established Policy;
- e. Seek initial resolution of campus disputes relating to rights in Intellectual Property and resolve issues referred by the office on that campus designated by the Chancellor as responsible for managing Intellectual Property; and,
- f. Advise the Chancellor on Intellectual Property matters as requested.

The Chancellor of each campus shall designate a department or office on his or her campus to fulfill the general responsibilities of:

- a. Reviewing Intellectual Property disclosures submitted to the University for patent or trademark application or other protection and making recommendations to the University;
- b. Evaluating Intellectual Property for potential commercial value;

- c. Appointing ad hoc technical subcommittees to assist in evaluating Intellectual Property;
- d. Seeking University approval of outside technical assistance in evaluating Intellectual Property;
- e. Recommending Intellectual Property rights or equities to be held by the Arkansas State University Research and Development Institute;
- f. Providing scientific and technical assistance to approved management organizations to achieve the full benefits of University Intellectual Properties that have commercial potential;
- g. Seeking initial resolution of campus disputes relating to rights in Intellectual Property;
- h. Reviewing works of authorship submitted for Copyright consideration; and,
- i. Commercializing Intellectual Property, including but not limited to, licensing Intellectual Property, and developing plans for commercialization of University-owned Intellectual Property.

(Adopted by the Arkansas State University Board of Trustees on (date) Resolution (#))

EXECUTIVE SUMMARY

Contact: Jeff Hankins (501) 660-1004

ACTION ITEM: The Arkansas State University System requests approval of an Unmanned Aircraft Systems Policy.

ISSUE: The Board of Trustees must approve all System policies.

BACKGROUND:

- Unmanned Aircraft Systems (UAS), popularly known as drones, have significant potential to transform the operations of higher education.
- UAS can aid in improving marketing, research, and development efforts; inspecting infrastructure; and teaching students in the fields of agriculture, technology, animal health, entomology, engineering, media and communication, architecture, aviation, and biochemistry, among others.
- UAS also have hobbyist and recreational uses.
- Inherent risks in the operation of all UAS require steps to reduce risks to safety, security, and privacy.
- The proposed Unmanned Aircraft Systems Policy addresses the above concerns by providing for authorization by a designated UAS coordinator at each campus prior to UAS use.
- The proposed Unmanned Aircraft Systems Policy helps to provide prospective UAS operators on campus with information and guidance in order to fly safely and responsibly.
- A copy of the Unmanned Aircraft Systems Policy is attached to this resolution.

RECOMMENDATION/RESOLUTION:

Be it resolved that the Arkansas State University System Unmanned Aircraft Systems Policy is approved, effective immediately.

Ron Rhodes, Secretary

Charles Luter, Chair

ASU System Policy

Effective Date: __/__/__

Subject: Unmanned Aircraft Systems

1. Definition

An Unmanned Aircraft System (UAS) is an aircraft that is operated without the possibility of direct human intervention from within the aircraft or from on the aircraft and its associated elements (including communication links and the components that control the unmanned aircraft) that are required for the remote operator in command to operate safely and efficiently in navigable airspace.

2. Purpose

Unmanned Aircraft Systems, popularly known as drones, have the significant potential to transform the operations of higher education. A UAS can aid in improving marketing, research, and development efforts, inspecting infrastructure, and teaching students in the fields of agriculture, technology, animal health, entomology, engineering, media and communication, architecture, aviation, and biochemistry, among other areas. Inherent risks in the operation of such equipment require policy considerations to reduce threats to safety, security, and privacy. By creation of this Policy, the System asserts its intent to monitor its institutions' airspace from 400 feet above ground level (AGL) to ground level.

3. Arkansas State University System Policy

The Arkansas State University System will comply with federal requirements, state laws, and any other locally applicable UAS laws or regulations. The Board permits the use of any UAS to support administrative, research, instructional, and service functions of the System institutions upon proper authorization by the designated UAS coordinator at that location. The System may be eligible for certificates of waiver or authorization (COAs) from the Federal Aviation Administration (FAA) that permit System campuses to fly a UAS in the furtherance of a governmental function and where its use would otherwise be prohibited under current law. Each designated UAS coordinator will prepare a list of authorized operators who shall be trained in these policies and appropriate procedures to insure safe flight operations in furtherance of the System's goals.

Personal use of a UAS, including but not limited to recreational or hobby flight of model aircraft, by faculty, staff, students, or third parties on Arkansas State University System property is prohibited unless authorized by the designated UAS coordinator at that location. The following safety guidelines must be observed: (1) the UAS is flown strictly for hobby or recreational use; (2) the UAS is operated in accordance with a community-based set of safety guidelines and within the programming of a nationwide community-based organization; (3) the UAS is limited to not more than 15 pounds, unless otherwise certified through a design, construction, inspection, flight test, and operational safety program administered by a community-based organization; (4) the UAS is operated in a manner that does not interfere with, and gives way to, any manned aircraft; (5) the operator of the UAS provides the airport operator and the airport air traffic control tower with prior notice of the operation when the UAS is flown within five miles of an airport; (6) the UAS is flown within visual line sight of the operator; and (7) the UAS is not flown over individuals not directly involved in its flight operation. Flights are prohibited below three thousand (3000) feet AGL and within a three (3) nautical mile radius of the Arkansas State University Centennial Bank Stadium, one hour before, during or one hour after an event.

This policy is to be read in conjunction with institutional policies regarding conduct while on institutional grounds and with the System policy on commercial filming and photography.

Any employee or student found operating a UAS without authorization from the designated UAS coordinator at that location may be found in violation of policy and consequences may include disciplinary action. Any criminal use of a UAS will be investigated by the proper law enforcement agency. See Ark. Code Ann. §5-16-101; §5-60-103. Legal prohibitions regarding trespassing and other legal action may be pursued against third parties that operate a UAS in violation of the law or of this policy.

(Adopted by the Arkansas State University Board of Trustees on December 11, 2015, Resolution 15-)