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The University of Central Arkansas Board of Trustees convened in a regularly scheduled meeting at 10:00 a.m., December 4, 2020, with the following officers and members present:

Rev. Cornell Maltbia, Chair
Ms. Kay Hinkle, Vice Chair
Dr. Terry Fiddler, Secretary

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WHEREAS, during her term as chair of the Board, the University made significant progress by (a) opening the Conway Corporation Center for Sciences, (b) beginning the renovation of Hughes Hall, (c) holding the investiture of Dr. Houston Davis as the 11th President of UCA, (d) proceeding with the construction of a pedestrian bridge over Dave Ward Drive in the area of the Stone Dam Creek trail, (e) the University Police Department being accredited by the Arkansas Law Enforcement Accreditation Program, and (f) receiving notification that the Higher Learning Commission continued the accreditation of the University; and

WHEREAS, during her time on the Board of Trustees, Mrs. Farris served with honor and attended many university events and functions, and the University achieved important accomplishments, including (a) completing an expansion and renovation of the Health, Physical Education, and Recreation Center; (b) opening the UCA Downtown facility; (c) completing construction on the Dave Ward Drive pedestrian bridge overpass, (d) beginning the construction of the Integrated Health Sciences Building, (e) completing the construction of Greek Village Phase I and Phase II, and (f) planning the construction of the Windgate Center for Fine and Performing Arts; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the University of Central Arkansas does hereby extend its sincere appreciation and gratitude to Elizabeth Farris for her service as a member of the Board of Trustees; and

BE IT FURTHER RESOLVED, that this resolution be made a part of the minutes of the University of Central Arkansas Board of Trustees meeting.

Adopted this 4th day of December 2020 in Conway, Arkansas.

E.C. Maltbia
Chair

Terry Fiddler
Secretary

October Revised Base Operating Budget

This agenda item revises the FY 2020-21 original base operating budget approved at the May 2020 meeting of the Board of Trustees. The October revised budget includes all permanent adjustments made through October 31, 2020. The total base budget increased \$804,474.

Revenue budget increased by \$804,474

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Certification of Sufficient Appropriations and Fund Balances

In accordance with State Accounting and Budgetary Procedures law, the Board of Trustees is required to annually certify that the university will not incur any obligations without having sufficient appropriations and funds available during the fiscal year for the payment of the obligations when they become due.

The board unanimously adopted the following resolution upon motion by Bunny Adcock and second by Joe Whisenhunt:

“BE IT RESOLVED: That the Board of Trustees approves the following certification and will continue to monitor the obligations of the university to ensure that sufficient appropriations and fund balances are available to pay all future obligations of the institution when such obligations become due.”

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Dr.

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Date Adopted: 05/09 Revised: 11/09, 08/13, 05/16, 12/20

1. **Contract Defined:** For purposes of this policy, a “contract” is a written agreement between two or more parties, one of which is the University of Central Arkansas (“UCA” or “university”), creating obligations that are enforceable or otherwise recognizable by law. No oral agreements shall be recognized as valid or binding legal obligations of the university.

For purposes of this policy, a purchase order is a contract. If a purchase order is based on a contract, such contract is subject to the provisions of this policy.

2. **No Contract Valid without Compliance:** No contract shall be deemed to be a valid obligation of the university unless the provisions of this policy are complied with in full.
3. **Signature Authority:** Unless otherwise provided by law or by specific policy of the Board of Trustees, only the Board of Trustees, president, provost, chief of staff, and vice presidents have the authority to enter into a contract to bind the university.
4. **Contract Review and Routing Procedure:** The university employee with responsibility for the contract (“responsible employee”) shall read and review it in its entirety. By starting the process to (a) secure a purchase order, or (b) have a contract approved, the responsible employee is verifying the following matters:
 - (The contract language accurately reflects the current state of negotiations;
 - (The contract meets programmatic and UCA requirements;
 - (The contract is in the best interest of UCA;
 - (UCA can comply with the terms of the contract; and
 - (The contract is sufficiently clear and consistent.

The responsible employee shall contact the Purchasing Office to ensure that such office has either acknowledged that state purchasing laws and regulations have been complied with, or that such laws and regulations do not apply.

In addition, the responsible employee shall ensure that if matching funds are to be used as part of the contract that the office/department of the university responsible for securing such funds has been contacted and has agreed, in writing, to supply such funds.

If the University of Central Arkansas Foundation, Inc. is to supply private funds under the contract, the responsible employee shall also transmit a copy of the contract to the president of the foundation for a determination of whether or not the approval of the foundation and/or its board is required.

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- a. Any contract that provides for professional or clinical training for students of the university and that does not require the expenditure or payment of any university funds to a third party; and
 - b. Any contract arising out of or related to an external grant administered through the Office of Sponsored Programs and that does not require the expenditure or payment of any university funds to a third party.

Notwithstanding the foregoing exemption from the Contract Approval Process, such contracts must still be processed through the routing procedures set forth herein, as well as be reviewed by the Office of General Counsel. Such contracts, after appropriate review, shall be signed by the provost.

Any person who enters into a contract that purports to bind UCA without following these steps is acting without authority and could be held personally liable for the contract.

7. **Certain Provisions Incorporated by Reference**: It is hereby declared to be the policy of the university that any contract to which the university is a party shall be deemed to have the following provisions incorporated by reference:

- a. *“Notwithstanding any other provision of this agreement or contract, the University of Central Arkansas shall not be responsible or liable for any type of special or consequential damage to the other party, specifically including, but not limited to, lost profits or commissions, loss of goodwill, or any other damages of such nature.”*
- b. *“Notwithstanding any other provision of this agreement or contract, the University of Central Arkansas shall never indemnify or hold another party harmless from any damages, liability, claims, demands, causes of action or expenses. However, with respect to any loss, expense, damage, liability, claim or cause of action, either at law or in equity, for actual or alleged injuries to persons or property, arising out of any negligent act or omission by UCA, or its employees or agents, in the performance of this agreement, UCA agrees that:*
 - i. *it will cooperate with the other party to this agreement in the defense of any action or claim brought against the other party seeking damages or relief;*
 - ii. *it will, in good faith, cooperate with the other party to this agreement should such other party present any claims or causes of action of the foregoing nature against UCA to the Arkansas State Claims Commission; and*

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UCA reserves the right, however, to assert in good faith any and all defenses available to it in any proceedings before the Arkansas State Claims Commission or any other forum.

Nothing herein shall be interpreted or construed to waive the sovereign immunity of UCA.”

c. *“The University of Central Arkansas does not ha*

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The Board of Trustees hereby establishes that the Student Aid Satisfactory Progress Policy of the University of Central Arkansas will ensure fairness to all students and will be in compliance with all applicable federal guidelines adopted by the U.S. Department of Education. Otherwise, the Board of Trustees delegates the authority to establish specific procedures to ensure that students are making satisfactory progress toward the completion of their degrees to the president and/or appropriate university offices.

~~A copy of the procedures may be obtained from the Division of Enrollment Management.~~

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**UNIVERSITY OF CENTRAL ARKANSAS
BOARD POLICY**

Policy

Number: 709

Subject: Academic Integrity

Date Adopted: 02/10 Revised: 02/13, 05/14, 12/20

A. Academic Integrity

The mission of the University of Central Arkansas commits all members of the university community to acquiring, sharing, evaluating, and communicating knowledge. Such a commitment includes an expectation of academic integrity, an organizational and individual commitment to honesty and responsibility in teaching and learning. By their affiliation with the University of Central Arkansas, all members of the university community are committed

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- *Plagiarism*: “the unauthorized use or close imitation of the language and thoughts of another author and the representation of them as one's own original work.” This concept may apply to any kind of intellectual property.
- *Fabrication*: to fabricate is, in this context, “to fake; forge (a document, signature, etc.).” Fabrication is commonly associated with the falsified research findings.

Other forms of academic misconduct may include unauthorized collaboration or submitting the same paper or portions of the same paper to two different courses without the consent of both instructors. The university will provide extensive publicly accessible examples of and information about forms of academic misconduct (see section C, below).

The university’s academic integrity policy applies to all students enrolled in courses at the University of Central Arkansas. All forms of academic misconduct at the University of Central Arkansas will be regarded as serious.

C. Requirement to Inform Students

UCA will discuss the academic integrity policy during new student orientation for freshmen, transfer, and graduate students each fall semester. Beginning in fall 2010, first-year freshman students will be required to participate in an official orientation program.

The Divisions of Academic Affairs and Student Services will collaborate in publishing information about academic integrity and misconduct, with explanations and examples intended to help students make informed decisions about how they conduct themselves in their academic work, including the use and presentation of information.

Beginning in the fall semester 2010, every course syllabus, including those for courses offered by distance education, must include the following language: “The University of Central Arkansas affirms its commitment to academic integrity and expects all members of the university community to accept shared responsibility for maintaining academic integrity. Students in this course are subject to the provisions of the University's Academic Integrity Policy, approved by the Board of Trustees as Board Policy No. 709 on February 10, 2010, and published in the *Student Handbook*. Penalties for academic misconduct in this course may include a failing grade on an assignment, a failing grade in the course, or any other course-related sanction the instructor determines to be appropriate. Continued enrollment in this course affirms a student’s acceptance of this university policy.” An instructor may include in the course syllabus additional information about academic integrity if he/she wishes to do so.

D. Notification of Charge of Academic Misconduct

In the event an instructor determines that a student has engaged in academic misconduct, the instructor will notify the student of the allegation and the basis on which it is made and

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inform him/her of the action or sanction the instructor deems appropriate, consistent with the terms of section E of this policy.

The university registrar will provide a form to be used by instructors in reporting allegations of academic misconduct.

E. Penalties for Academic Misconduct

1. Each instructor will decide on a case-by-case basis what penalty will be given to the student for his/her academic misconduct; such penalty may include a failing grade on the assignment, a failing grade in the course, or any other course-related sanction the instructor determines to be appropriate. Depending on the nature of the misconduct and the context in which it occurs, other penalties may be appropriate; additional penalties, if any, will be recommended by the instructor in consultation with the department chair. The instructor will submit the signed Academic Integrity Violation form to the department chair as notification of the allegation and penalty/penalties. The chair confirms the allegation by signing the form and submitting it to the university registrar for recording (the "official allegation").
2. Using the student's preferred email address listed in Banner, the department chair will inform the student of his/her right to appeal. Within 10 working days of the department chair's notification, the student has a right to appeal the decision through the procedures set forth below.

Institutional Penalties

Institutional responses to allegations of misconduct fall into two categories: (1) automatic penalties based on an official allegation and (2) additional penalties that will result if the student is not exonerated. The institutional responses seek both to educate and reprimand

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calendar days of notification of the requirement to complete the course or workshop by the registrar or a registration hold will be placed on the student's file. The cost of this course/workshop will be paid by the student and charged to their student account.

Additional penalty, if not exonerated: meeting with administrator (dean or designee).

(Third infraction

Additional penalty, if not exonerated: referral to Academic Integrity and Discipline Committee for possible university sanction (e.g., probation, suspension, expulsion)

(Subsequent infractions

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Automatic additional penalty: referral to Academic Integrity and Discipline Committee for university sanction (e.g., probation, suspension, expulsion)

The following escalating consequences apply to *graduate students*:

(First infraction

Automatic additional penalties: (1) completion of compulsory Academic Integrity course or workshop as determined by the university to be completed within 45 calendar days of notification of the requirement to complete the course or workshop by the registrar or a registration hold will be placed on the student's file; the cost of this course/workshop will be paid by the student and charged to his or her student account; (2) meeting with graduate dean.

(Second infraction

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Automatic additional penalty: referral to Academic Integrity and Discipline Committee for university sanction (e.g., probation, suspension, expulsion).

Third infraction

Automatic additional penalty: expulsion from the Graduate School.

F. Academic Misconduct File

All documentation relevant to a student's academic misconduct will be maintained in both electronic and paper files. The electronic files will be created and housed in the Office of the Registrar, based on documentation submitted by a department and, if applicable, developed in an appeal process. Hard paper copies will reside on file in the office of the college dean or administrator in whose college/division the alleged misconduct occurred. Academic

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a. If not satisfied with the action of the dean of the college, the student may submit, within 10 working days after receiving notice of the decision, a written appeal to the dean of students for referral to the Academic Integrity and Discipline Committee. Any appeal of course grade as a result of sanctions will follow the procedures outlined in this policy rather than the grade appeal process.

b. Within 10 working days of receipt of the student's appeal, the dean of students will refer the appeal to the Academic Integrity and Discipline Committee for a hearing and inform the instructor, department chair, college dean, dean of students, and, as appropriate, the ~~associate provost for finance and administration~~, and graduate dean. The composition of the committee and the procedures to be followed are set forth in Section H below.

c. The committee will submit the report of the hearing and the

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3. The student, instructor, department chair, and the relevant deans will be entitled to five working days' notice of the date, time, and place of hearing.
4. After the committee considers the matters referred to it by the dean of students, the student and instructor may present relevant witnesses and documentary evidence. The committee will accept all oral testimony and documentation that it feels to be relevant and material to the issue. The chair has the power to rule on the admissibility of the evidence and on the relevance of questions. The responsibility for questioning witnesses, securing evidence, and determining the degree of proof will be vested in the committee.
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Contract Review Procedures – Board Policy No. 416

Pursuant to Board Policy No. 416, Contract Review Procedures, the administration must seek board approval for any contract that requires the university to expend funds, at any time, in excess of \$250,000 or any contract with a term exceeding one year, unless the Office of General Counsel certifies, in writing, that the contract (a) may be terminated by the university on the giving of written notice of 90 days or less or (b) will not require the university to expend funds in excess of \$99,999.

The administration is seeking board approval for the university to enter into contract with the following companies/organizations:

1. Teamworks Innovations, Inc.
2. Aramark Educational Services, LLC

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Summary of Contract Information: The purpose of this amendment is to revise the food service agreement financial commitment. Aramark has made a financial commitment in the amount of \$75,000 for the installation of an outdoor seating area. The commitment will be amortized over the number of months remaining until June 30, 2022.

Term: The contract was effective June 1, 2012, and is renewable for up to ten years. The Board most recently approve a revision in February 2020.

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

“BE IT RESOLVED: That Cornell Maltbia is hereby appointed to serve on the Strategic Planning and Resource Council through December 2021.”

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

“BE IT RESOLVED: That Terry Fiddler is hereby elected to serve as a member of the Audit and Finance Committee for calendar year 2021.”

- %- The board unanimously adopted the following resolution upon motion by Elizabeth Farris and second by Terry Fiddler:!

“BE IT RESOLVED: That the Board of Trustees hereby appoints Bunny Adcock to serve on the UCA Foundation Board of Directors through December 2021.”

EXECUTIVE SESSION

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The University of Central Arkansas Board of Trustees

E.C. Maltbia
Chair

Terry Fiddler
Secretary

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