

**MARSHALL COMMUNITY & TECHNICAL COLLEGE  
INSTITUTIONAL BOARD OF GOVERNORS  
AGENDA**

**Friday, October 17, 2008**

**7:00 a.m.**

**Shawkey Dining Room – Memorial Student Center  
One John Marshall Drive, Huntington, WV**

- I. Call to Order and Determination of Quorum
- II. Introduction of IBOG Student Representative – Criss D. Nance
- III. Approval of Minutes – September 10, 2008
- IV. President's Report - Dr. Cotroneo
- V. Report of Committee Chairs:
  1. Finance and Facilities Committee – Jeff Porter, Chair
    - a) Funding of Classified Staff & Faculty Salary Schedules \*
  2. Academic and Student Services Committee – Donna Donathan, Chair
    - a) Proposed Rule on Open Admissions \*
    - b) Repeal of MUBOG Policy No. IT-5: E-Courses \*
  3. Rules and By-Laws Committee – Mark Bugher, Chair
- VI. Announcements:
  1. Next Regularly Scheduled Meeting of the IBOG – November 21, 2008
  2. Other
- VII. Possible Executive Session Under the Authority of WV Code §6-9A-4 Relating to Land Acquisitions
- VIII. Adjournment

\* Action Item

## MINUTES

**MARSHALL COMMUNITY & TECHNICAL COLLEGE  
INSTITUTIONAL BOARD OF GOVERNORS  
Wednesday, September 10, 2008  
7:30 a.m.  
MCTC Cooking & Culinary Institute  
917 Third Avenue, Huntington, WV**

PRESENT: Bob Bailey, Mark Bugher, Ruth Cline, Donna Donathan, Mark George, Jim Hale, Mike Herron, Jason Moses, Jeffrey Porter, Susan Richardson, and Monica Shafer.

ABSENT: None.

ALSO ATTENDING: President Keith J. Cotroneo, Billie Brooks, Jean Chappell, Betty Dennison, Herb Karlet, Marjorie Keatley, Mike McComas, Nicholas Napier, Stephanie A. Neal, Carol Perry, Linda Vinson, Sandra Walker, faculty, staff, students and members of the media.

### AGENDA ITEMS:

I. Call to Order and Determination of Quorum:

President Cotroneo called the meeting to order at 7:35 a.m. A quorum was established.

II. Swearing in of Board Members – Judge Dan O’Hanlon:

As required by WV Code, Judge Dan O’Hanlon administered the Oath of Office to the Institutional Board of Governors members recently appointed by Governor Manchin. Members taking the Oath of Office included Bob Bailey, Mark Bugher, Ruth Cline, Donna Donathan, Mark George, Jim Hale, Mike Herron, Jason Moses, Jeffrey Porter, Susan Richardson, and Monica Shafer. An election is currently in process to elect the Student Representative to the IBOG.

III. Board Orientation – Bruce Walker, General Council HEPC & WVCCTCE:

Bruce Walker, General Counsel for the WV Higher Education Policy Commission and the WV Council for Community & Technical College Education joined the IBOG meeting via conference call to discuss with the

Board Open Meeting Laws, Ethics, and Rules, Policies and Procedures. An orientation for all IBOG members will be conducted at a future date by the WV Council for Community & Technical College Education once board members for all of the Community & Technical Colleges in the state have been appointed.

IV. Board Officers and Committee Structure – President Cotroneo:

The first official action of the IBOG was to hold an election of the officers. President Cotroneo suggested that consideration might be given to electing the former Chair and Vice-Chair of the MCTC Institutional Board of Advisors, Susan Richardson and Jason Moses, as the Chair and Vice-Chair of the IBOG for a period of six months due to their knowledge of the Community & Technical College. Following discussion, a motion was made by Donna Donathan and seconded by Mark Bugher to elect Sue Richardson as Chair and Jason Moses as Vice-Chair for a term to end in June 2009 when the Chair must be elected as per WV Code §18B-2A-1(j). The motion was approved.

President Cotroneo then turned the meeting over to the newly elected Chair, Ms. Richardson. She indicated the need for the IBOG to elect a Secretary. A motion was made by Mark Bugher and seconded by Mike Herron that Ruth Cline be elected as Secretary. The motion was approved.

Ms. Richardson indicated the need for three committees of the Board: Finance & Facilities, Academic & Students Services, and Rules & By-Laws (ad hoc). Volunteers to serve on the Finance & Facilities Committee included Bob Bailey, Mark Bugher, Ruth Cline, Jason Moses, Jeffrey Porter, and Monica Shafer. Volunteers to serve on the Academic & Student Services Committee included Ruth Cline, Donna Donathan, Mark George, Jim Hale, and Mike Herron. Volunteers for the Rules & By-Laws committee included Mark Bugher, Donna Donathan, Mike Herron and Sue Richardson (ex-officio).

V. Summary of CTC Legislation – President Cotroneo:

President Cotroneo discussed recent legislation relating to Community & Technical Colleges as a result of the passage of HB 3215, which became effective July 1, 2008. The legislation provides for the formerly administratively-linked community and technical colleges to be independent institutions with their own Institutional Board of Governors. Also, the legislation provided that any existing rules of the MU IBOG be transferred to the MCTC IBOG effective July 1, 2008. Due to the separation, the MCTC administration has developed a number of Administrative Procedures to assist in the transition. The IBOG was provided with copies of the Administrative Procedures and the documents were briefly discussed.

VI. Finance Discussion – Herb Karlet, Vice President & CFO:

Herb Karlet, Vice President & CFO for MCTC, provided the Board with a number of handouts relating to the finances of the College. Items discussed included the Board of Advisors approved 2008-2009 Tuition & Fees, the WV Council for Community & Technical College Education Capital Projects Funding, the MCTC FY 2008-2009 Budget, the FY2010 Request Budget and the Auditor's Reports for the years ended June 30, 2007 and 2006.

VII. IBOG Meeting Schedule:

The IBOG established its regularly scheduled meeting date to be the third Friday of each month. The next regularly scheduled meeting will be October 17, 2008 at 7:00 a.m. with the location to be determined.

VIII. Announcements:

- a. A reception honoring the West Virginia Council for Community & Technical College Education will be held October 16, 2008 beginning at 6:30 p.m. at the MCTC Cooking & Culinary Institute, 917 Third Avenue, Huntington, WV.
- b. The West Virginia Council for Community & Technical College Education will be meeting at Marshall CTC October 17, 2008. A continental breakfast will be provided in the lobby of the Performing Arts Center and the Council meeting will be held in the Booth Experimental Theatre.

IX. Possible Executive Session Under the Authority of WV Code §6-9A-4 Relating to Land Acquisitions:

A motion was made by Jeffrey Porter and seconded by Mike Herron to go into Executive Session for the purpose of discussing matters relating to land acquisitions for the college. The motion was approved.

Following the discussion, a motion was made by Jeffrey Porter and seconded by Mike Herron that the Board go out of Executive Session. The motion was approved. No action was taken.

X. Adjournment:

There being no other agenda items, a motion to adjourn was made by Jason Moses and seconded by Mark Bugher to adjourn. The motion was approved and the meeting was adjourned.

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Susan K. Richardson

Chairman

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Ruth Cline

Secretary

**MARSHALL COMMUNITY & TECHNICAL COLLEGE  
INSTITUTIONAL BOARD OF GOVERNORS  
Meeting of October 17, 2008**

**ITEM:** Faculty and Classified Employee Salaries

**COMMITTEE:** Finance & Facilities

**RECOMMENDED RESOLUTION:** *Resolved*, that the Institutional Board of Governors approves of full-funding of the Faculty and Classified Employee Salary Schedules.

**STAFF MEMBER:** Jeffrey Porter, Chair  
Finance & Facilities Committee

Dr. Keith J. Cotroneo  
President

**BACKGROUND:**

In an effort to recognize the work and dedication of the long-term MCTC Faculty and Classified Employees, the administration proposes full-funding of the Faculty and Classified Employee salary schedules.

Faculty salaries are currently funded on average at 86.27% of the CUPA-HR (College and University Professional Association for Human Resources) national salary levels as reflected in the Community College Faculty Salary Survey for Academic Year 2007-2008. Full-funding of the faculty salary schedule will result in all faculty on the payroll effective July 1, 2008 to be on average at 100% of the national level.

Classified employee salaries are currently funded on average at 90.6% of a salary schedule approved by the WV Legislature in 2001 based on market salaries at that time. Prior to the creation of the Community & Technical College System, the Higher Education Policy Commission in 2001 directed all public higher education institutions in the state to develop multi-year plans for full-funding of the classified employee salary

schedule. Other CTC's in the state to have already funded the schedule include Blue Ridge CTC, New River CTC, WV Northern CC and WV State CTC.

**MARSHALL COMMUNITY & TECHNICAL COLLEGE  
INSTITUTIONAL BOARD OF GOVERNORS  
Meeting of October 17, 2008**

**ITEM:** Approval to give public notice of a 30-day comment period for a policy on Open Admissions.

**COMMITTEE:** Academic & Student Services

**RECOMMENDED RESOLUTION:** *Resolved*, public notice will be given that a proposed rule on Open Admissions is available for a 30-day comment period and that if no substantive comments are received, the MCTC IBOG extends its final approval of the rule.

**STAFF MEMBER:** Donna Donathan, Chair  
Academic & Student Services Committee

Dr. Keith J. Cotroneo, President

**BACKGROUND:**

For MCTC to be able to quickly meet the needs of individuals in pursuing their educational goals, Marshall Community & Technical College must be able to provide for Open Admissions. Approval of this policy will provide MCTC with the ability to quickly meet the needs of students in being admitted and enrolled in courses.

**MARSHALL COMMUNITY & TECHNICAL COLLEGE**  
**INSTITUTIONAL BOARD OF GOVERNORS**  
**Rule on Open Admissions**

**1. General.**

1.1. Scope: This policy establishes the requirements for admission to Marshall Community & Technical College (MCTC) in accordance with Title 135, Procedural Rule West Virginia Council For Community and Technical College Education, Series 23, Standards and Procedures for Undergraduate Admissions at Community and Technical Colleges.

1.2 Authority: W. Va. Code §§18B-1-1A; 18B-2B-6; 18B-3C-2.

1.3 Passage Date:

1.4 Effective Date:

1.5 Background: This policy is primary and fundamental to the mission of the institution, and no other policy or procedure shall be adopted that is in conflict.

**2. Policy.**

2.1 Regular admission to MCTC is open to any person who has a high school diploma or meets General Educational Development (GED) requirements. Persons not holding a high school diploma or GED who demonstrate an ability to benefit from postsecondary education may be admitted on a conditional basis. However, following each semester, conditionally enrolled students shall be evaluated by appropriate MCTC staff to determine whether college-level academic performance indicates an ability to continue their studies. Neither regular nor conditional admission shall ensure the entry of applicants into specific programs.

2.2 High school transcripts or equivalent are required to be on file for each incoming freshman who is registered in an undergraduate certificate or degree program, and who has graduated from high school within five years. Such transcripts shall be on file with the institution prior to granting regular admission.

2.3 Transfer students must supply the institution with official transcripts reflecting all previous college work prior to regular admission. Receipt of transcripts will not discriminate against admission.

2.4 If a student is interested in transfer credit, an official transcript must be provided from a regionally accredited institution.

2.5 Control and administration of this admissions policy rests with the MCTC Office of Student Services.

**MARSHALL COMMUNITY & TECHNICAL COLLEGE  
INSTITUTIONAL BOARD OF GOVERNORS  
Meeting of October 17, 2008**

**ITEM:** Repeal of MUBOG Policy No. IT-5:  
E-Courses

**COMMITTEE:** Academic & Student Services

**RECOMMENDED RESOLUTION:** *Resolved*, that the MUBOG Policy on  
E-Courses be repealed.

**STAFF MEMBER:** Donna Donathan, Chair  
Academic & Student Services Committee

Dr. Keith J. Cotroneo, President

**BACKGROUND:**

With the separation of Marshall Community & Technical College from Marshall University, legislation provided for all existing rules of the MU Board of Governors to be transferred to MCTC. An IBOG policy on E-Courses is not required by state code. Therefore, MCTC is requesting that the existing board policy be repealed and that an administrative procedure on E-Courses be followed.

# MARSHALL UNIVERSITY BOARD OF GOVERNORS

## Policy No. IT-5

### E-COURSES

#### 1 General Information..

- 1.1 Scope: This policy addresses a variety of issues related directly to the development and teaching of for credit E-courses and T-courses and to multimedia created supplements for use in credit or non-credit courses or in support of university-funded research. Ownership and copyright issues are discussed here as well as what resources the university will provide to course developers and instructors. This policy also addresses the guidelines that should be followed when a course has commercial potential, who should take the lead in marketing and licensing the course, and how the profits should be shared.
- 1.2 Authority: W. Va. Code §18B-1-6
- 1.3 Passage Date:
- 1.4 Effective Date:
- 1.5 Controlling over: Marshall University and Marshall Community and Technical College
- 1.6 History:
  - 1.6.1 This policy is equivalent to the old Executive Policy Bulletin No. 13, revised March 3, 2005. Minor editorial changes have been made. Executive Policy No. 13 is hereby repealed.

#### 2 Definitions.

- 2.1 An "E-Course" is a course in which the content is delivered 100 percent by remote electronic means; there is no requirement that students attend mandatory on site or synchronous class sessions.
- 2.2 A "T-Course" is a course in which the content is delivered at least 80 percent by remote electronic means; instructors may require students to attend on site or synchronous class sessions. (This allows for laboratories, discussions, oral presentations, etc.)

A "Course Supplement" is a part of a course (not to exceed 79 percent of the course content), which consists of electronic media to supplement/enhance traditional classroom instruction.
- 2.3 Online courses are defined as either E or T Courses.
- 2.4 Electronic media consist of software, electronic courses, web pages, video and audio productions, CD-ROMs, DVD's, digital imagery, and other creations stored or published in electronic formats.

### **3 Admissions**

- 3.1 Students wishing to register for online courses must first be admitted to the University. They can apply online and can obtain information online or via telephone.

### **4 Advising**

- 4.1 Off campus and on campus students will receive comparable advising services as established by their colleges/departments. Advising can be provided by telephone, email, postings to the Web, and through printed materials. Students will be responsible for long distance telephone or internet access costs.

### **5 Audits**

- 5.1 Students may choose to audit the course and not receive a letter grade. These students will be covered by the same university regulations governing audit enrollment that pertain to traditional university courses.

### **6 Computer Accounts**

- 6.1 Students taking online courses will receive a MUNet computer account at no extra cost. University and course-related email may be sent to this account unless students choose to forward their email to an alternate e-mail account.
- 6.2 The MUNet email account must be used for all Help Desk services.

### **7 Computer/Software Requirements**

- 7.1 Students who enroll in online courses must have basic computer skills as described in the course syllabus and on MUOnline. They must have access to a computer on the Internet, a web browser (variety, version, and configuration as specified in MUOnline), and other software necessary to complete course requirements. Technical support for course navigation will be available on MUOnline and through the Computing Services Help Desk. Instructors will not provide course technical support.

### **8 Course Approval**

- 8.1 Only existing Marshall University courses may be considered for conversion to an online course. Online courses created from already existing courses must meet the same content standards as courses offered on-campus. MU courses converted to online courses must be approved by the dean and comply with the Southern Regional Education Board's Principles of Best Practices. In addition, all E-Courses and any T-Courses for which the faculty receive a development stipend must be approved by the Faculty Development Committee for Online and Multimedia Instruction in accordance with their guidelines posted to MUOnline.

### **9 Course Completion Timetable**

- 9.1 Online courses may parallel the semester schedule for regular courses or they may differ from regular semester courses in the start and end dates. The course syllabus for each individual class and the Official Schedule of Courses will indicate the beginning and ending date. If the instructor specifies a deadline that goes beyond the end of the regular semester, that deadline will not exceed one year from the start of the course. Students enrolled in courses with end dates that go beyond the regular semester will receive an "I" (Incomplete) at the end of the regular semester. When the end date of the course is reached the "I" will be replaced by the grade the student earned for the course. Hours of enrollment are reflected in the actual term in which the student is registered. For all verification purposes, hours of enrollment are counted only in the term in which the student is registered.

### **10 Course Content**

- 10.1 The only difference in the curriculum of an electronic course as compared to the equivalent on-campus course will be the delivery mode. The electronic course content will meet the same standards as courses offered on-campus.
- 10.2 It is the student's responsibility to ensure that their computer meets course requirements. If a course requires any special software or equipment, those requirements must be clearly stated in the syllabus.

### **11 Course Enrollment Limits**

- 11.1 The division/department of the instructor will determine the enrollment limit for an e-course that is taught in load. No minimum number of registered students is required for an e-course taught as an overload. Online courses designated "writing intensive" are limited to 24 students.

### **12 Course Schedule**

- 12.1 A separate section for e-courses will be published each term in the Official MU Schedule of Courses. E-courses will also appear within the department listing offering the class.

### **13 Credit Hours**

- 13.1 Courses offered electronically will carry the same number of credit hours as sections of the same course / equivalent courses delivered traditionally.

### **14 Distribution of T-Courses and E-Courses**

- 14.1 Departments may not assign instructors to teach a course with content created by another faculty member without the express written consent of the faculty creator of the content. A departmental policy guiding distribution, published prior to the initial approval of the course, shall supersede this restriction. Any remuneration for distribution will be negotiated on a case-by-case basis or shall be guided by departmental policy. A signed contract shall take precedence over departmental policy.

- 14.2 In instances where the faculty member retains exclusive ownership rights, the university may NOT distribute the online course without express written consent of the faculty creator. Any remuneration for distribution will be negotiated on a case-by-case basis.
- 14.3 Based on the curricular needs of the academic unit and pending all required approvals, a faculty member can develop a different version of an existing online course and teach that course. Different versions of the same online course can be offered simultaneously at the discretion of the academic unit.
- 14.4 In the interest of currently enrolled students, the university may continue use of electronically delivered courses developed by a member of the Marshall University community throughout the duration of the current grading period and for up to one year beyond the current grading period to ensure completion of the course by all students enrolled at the start of the semester regardless of ownership.

### **15 E-Course Agreement**

- 15.1 Instructors who wish to offer an e-course as an overload will be required to sign an Electronic Course Agreement, which obligates them to perform their duties as instructor of the course throughout the period specified in the syllabus.

### **16 E-Course/T-Course Format**

- 16.1 Student access to online courses must be through the official course management system. Exceptions must be approved in writing by the appropriate Dean and the Provost.

### **17 Evaluations**

- 17.1 Student evaluation of instructors will be consistent with University policies. The technology component of online courses will also be evaluated with the "Flashlight" tool.

### **18 Expiration of Electronic Course Agreements**

- 18.1 If the faculty member is unable to complete the course, the department will address the matter in its normal and customary way.

### **19 Faculty Compensation for Developing an E-Course or T-Course**

- 19.1 E-course and T-course development are both eligible for compensation. Faculty who may choose to develop these courses without compensation may still be compensated for teaching an e-course as an overload and Departments may still be compensated for faculty who teach these courses inload.
- 19.2 Development will be compensated at a fixed rate published by the Faculty Development Committee for Online and Multimedia Instruction. The faculty member who develops the course has first right of refusal, but does not have to

be the faculty member who teaches the course. The committee will make its decisions on course proposals on the basis of the institution's curricular needs and available funds. Different versions of the same course may qualify for development funds depending on curricula needs and available funds. Contract agreements between departments and faculty supersede this policy.

## **20 Faculty Compensation for Teaching an E-Course**

- 20.1 Faculty who teach E-courses as an overload (an overload course is one taught in addition to a faculty member's regular teaching load) are compensated on a per student basis in two payments. The amount per student who completes the course is a published fixed rate established through a recommendation from University Information Technology Committee to the Provost. The Faculty Senate shall review the rate recommendation. Any changes proposed by the Senate are subject to approval by the Provost. The first payment is based on enrollment at the close of schedule adjustment. The second payment is based on the number of students who receive a grade for the course. If students are carried over from one instructor (see Expiration of E-course Agreements) to another, the instructor picking up the carry over students will be appropriately compensated. When faculty teach E-courses in load, the faculty member's department will be compensated on a per student basis as described above.

## **21 Faculty Incentives**

- 21.1 Consistent with state law, the institution will establish faculty incentives and rewards to encourage instructional development and participation in distance education. This includes (but is not limited to) the acknowledgement of e-course development as a category in the Instruction/Advising area of faculty annual performance.

## **22 Faculty Load Time**

- 22.1 E-courses may be offered either as part of regular load, overload or by part-time faculty. Extra compensation will not be paid for e-courses taught within load.

## **23 Faculty Technical Support**

- 23.1 The Center for Instructional Technology will provide support and training to faculty developing online courses. This support includes formal workshops and one on one support.

## **24 Financial Aid**

- 24.1 Students registering for online courses are eligible to apply for financial aid in the same way as all other students. They can obtain information online or via telephone.

## **25 Hiring Policies**

- 25.1 Possession of skills in the delivery of course content using distance technologies will be considered a criterion in the hiring of faculty for online courses.

## **26 Intellectual Property/Ownership of Course Content**

### **26.1 Definitions**

Ownership and Qualifying Conditions

Ownership/Disclosure

Dispute Resolution of Ownership Rights

Development, Promotion and Licensing of Electronic Media

Allocation of Intellectual Property Revenues

### **26.2 Definitions**

26.2.1 Intellectual Property includes inventions, discoveries, processes, unique materials, copyrightable works, original data, electronic media, and other creative or artistic works which have value. It is protectable by statute or legislation, such as patents, copyrights, and trademarks. It also includes the physical embodiments of intellectual effort such as software.

26.2.2 Traditional Academic Copyrightable Works are a subset of copyrightable works created for traditional academic purposes. Examples include class notes, books, theses and dissertations, educational software, articles, non-fiction, fiction, poems, musical works, dramatic works, pictorial, graphic and sculptural works, or other creative works.

26.2.3 Developers are those who contribute to the creation of the intellectual property.

26.2.4 Creators are individuals or a group of individuals who make, conceive, reduce to practice, author, or otherwise make a substantive intellectual contribution to the creation of intellectual property.

26.2.5 University Resources Usually and Customarily Provided include 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 work, or substantial use of specialized or unique facilities and equipment, or other special resources provided by the University unless approved as an exception. Individual exceptions may be approved on a case by case basis.

26.3 Today the growing use of the Internet as a means of course delivery to a wider body of students has led to a review of traditional intellectual property/course content ownership practices and to a call for a redefinition, in certain cases, of the relationship between a course developer and the institution. This redefinition is driven to some extent by the commercial potential of new course technologies. Faculty currently enjoy royalties on their traditional scholarly copyrightable works such as texts, books, articles, creative works, instructor's manuals, study guides, etc. This scholarly and creative work exception should not change. The University does not claim ownership of books, articles, dissertations, papers, study guides, syllabi, lecture materials, tests or similar items, novels,

poems, musical compositions, or other creative works. The university recognizes that faculty should benefit from the results of their work. With this thought in mind, and in keeping with its mission, the university seeks to support faculty efforts to develop new teaching technologies and methods of course delivery. The university will make every effort to ensure faculty retain intellectual property rights, credits, and associated benefits and to support faculty interests in the distribution of digital materials for the enrichment of the faculty, the institution, and the students.

#### 26.4 Ownership and Qualifying Conditions

26.4.1 While the faculty member owns the course materials he or she has created, there are specific qualifying conditions noted below. (If the content is created by a research center or other recognized entity of the University, the entity may adopt a stated and consistently applied policy of vesting all rights to the software in the entity, preempting the more general rights of the University.) The University maintains the right to make backup copies of electronic instructional content in order to protect against accidental or other deletion / corruption. All E-Course and T-Course content shall reside on Marshall University servers within the Marshall course content management system except in instances where content is leased or use by the university is otherwise authorized from an outside vendor. (Physical presence of instructional content on university servers does not automatically assign ownership to the university.) The University shall have the absolute, unrestricted right (except as otherwise limited in this document), to use without charge, for any purpose, any electronic instructional content created by or through the efforts of its professional staff (non-faculty employees) All work created by university staff is a work for hire and belongs to the university except when the university waives claims to the material.

26.4.1.1 Exclusive ownership by the creator: Electronic courses or electronic media are considered to be the exclusive property of the creator if the university's contribution to the development of the media has not exceeded those resources usually and customarily provided (see definition above). In all cases, the university retains exclusive right to course number and description as listed in university catalogs. All contributing developers of the electronic media work including junior faculty or students shall have a limited claim to joint ownership of the work unless agreed upon beforehand in writing. The creator retains copyright and rights to distribute the work and is not obligated to share any part of the revenue from the sale or licensing of the content with the University or, except as provided otherwise in this policy or state or federal law, with any office or organization within the University. The creator has sole responsibility for the registration of copyrightable material for which the University has no proprietary interest.

26.4.1.2 Proprietary interest of the University: Electronic courses or electronic media created for academic use are considered to be a proprietary interest of Marshall University if the creator made significant use of university resources. In these cases, the creator must share (see Executive PB #9), with the university any royalties or other benefits from commercialization of the work. Significant use of university resources includes a development stipend, release time, specialized technical support, specialized hardware/software (purchased by university for specific project), copyright clearances, student employee support, and graduate assistant support. In these instances, the creator of the electronic media shall retain the rights to intellectual property (copyright) contained there-in but distribution or commercialization of the work requires consent of the creator and the university. As the intellectual property owner the creator of an electronic course has the exclusive right of revision and/or creation of derivative works. Revisions of course content would be required solely at the discretion of the academic unit that offers the course or in response to changes in the technology used to offer the course. The University has responsibility for the registration of copyrightable works for which it has a proprietary interest.

26.4.1.3 Exclusive ownership by the University: Electronic courses or electronic media developed by faculty as a “work for hire” and commissioned by the university and specified as such in a written contract or developed by a non-faculty employee within the scope of his or her employment and/or specially ordered or commissioned for use by the university shall be owned solely by the university both in copyright and distribution. The University has responsibility for the registration of copyrightable works for which it has exclusive ownership.

## 26.5 Ownership Disclosure

26.5.1 Marshall University desires to assure that all ideas, discoveries, and electronic media are properly disclosed and utilized for the greatest possible public benefit. All members of the Marshall community with intent to market or distribute E or T courses in part or in whole for commercial or non-commercial reasons shall disclose the nature and detail of their electronic media to the Vice President for Research, or his/her designee at the earliest possible date.

26.5.2 Within 120 days after such disclosure, the Vice President for Research or his/her designee shall notify the creator in writing whether it is the university’s intention to retain its interest and to acquire assignment of all ownership rights of the electronic media. If such notification cannot be made

during that time period, the creator shall be notified as to the reason for the delay and the additional time necessary to make such determination.

26.5.3 If the university decides not to request assignment or ownership rights, and there are no restrictions by the sponsor of the electronic media, the university will release its proprietary interest to the creator.

## 26.6 Dispute Resolution of Ownership Rights

26.6.1 In cases where there is a disagreement between the creator and the university as to ownership rights or the retention of such rights by the university, the appropriate University committee dealing with copyright issues shall recommend to the President what further action the university should take.

26.6.2 The creator of any electronic instructional content may petition the University to waive its non-exclusive marketing rights. The determining official for this action is the President of the university. Such a petition should include a description of the content sufficient to enable the president to make a tentative judgment as to whether commercial potential exists.

## 26.7 Development, Promotion and Licensing of Electronic Media

26.7.1 Upon assignment of ownership and with consent of the intellectual property owner, the Vice President for Research or his or her designee shall act to bring to the public all electronic media in which the university has distribution rights. In doing this he or she shall use whatever means appropriate for development, promotion and licensing of each creation, consistent with the expressed goals of the Intellectual Property Policy.

26.7.2 In promoting the distribution of electronic media, the university is free to enter into agreements with any outside agent, which it deems will successfully aid the university in promoting the product. If a particular media creation is to become subject to such an agreement, this shall be made known to the creator, who will also be consulted about any rules governing the relationship among the outside agent, the university and the creator due to such agreement. The creator or his/her representative shall be a member of the committee selecting the licensing agent and shall participate in the development of the licensing agreement if the creator so chooses.

26.7.3 The university is free to enter into any licensing agreements that it deems beneficial to the university, the creator and the public in general, provided such agreements are not prohibited by a sponsoring agency's rules or regulations. Any terms governing the relationship among the licensee, the university or the creator due to such licensing agreements shall be disclosed to the creator, the dean of the division/school, the Provost, the Vice President for Business and Finance and the President

## 26.8 Allocation of Intellectual Property Revenues

26.8.1 All income received by the University for the commercialization of university-owned intellectual property will be appropriately used for the research and educational functions of the university. In the absence of any contract to the contrary and where the creator made substantial use of University resources as defined by this policy, and where the intellectual property does not fall under the “scholarly and creative work exception,” net annual income from copyright will be shared as follows:

26.8.1.1 Net proceeds of each individual media project shall be distributed in accordance with the formula established in the university policy guiding patent development. Net proceeds shall be calculated on gross royalties minus documented administrative, licensing, legal and other related expenses. This royalty revenue sharing is not to be construed as wages or salary compensation to the employee from the university, but rather as separate income derived from commercialization of intellectual property. In addition, an employee’s rights which have accrued to this royalty revenue sharing shall continue beyond such individual’s employment with the university. Upon decease of the creator, the creator’s share of future income resulting from his/her work shall be paid to the creator’s estate or designated beneficiaries. Contract agreements shall supersede this policy.

26.8.1.2 If the electronic media creation is the result of sponsored research, and the sponsoring agency regulates the distribution of royalty income, such regulations shall apply rather than those in the above paragraph. Also, if such regulations apply because of development, promotion or licensing agreements with an outside agent, they shall take precedence over those cited here.

## **27 Library**

27.1 Online course students have access to all library resources, including online databases. Access to these databases from off campus requires an MU login. Books and articles not available online can be requested through Information Delivery Services.

## **28 Prerequisites**

28.1 All students (transient students excepted), must meet all course prerequisites before they can register for an online course. For e-courses, all prerequisites must be available in e-course format either through Marshall University or through the Southern Regional Electronic Campus.

## **29 Proctoring**

- 29.1 Students in e-courses may be required by the instructor to designate an approved proctor who will administer their examinations. The student will also be responsible for paying any fees required by the proctor. Unless the instructor specifies otherwise in the syllabus, the following steps are required once a proctor has been selected:
- 29.1.1 Before the first exam for which a proctor is required, the student is responsible for ensuring that the proctor states in writing to the instructor that he or she is NOT related to the student whose exams he or she will proctor.
  - 29.1.2 Proctors will send the completed exam directly to the instructor along with a signed statement noted below. Individual instructors and proctors will determine the method of delivery of the exams (web-based, e-mail, fax, standard mail, etc.).
    - 29.1.2.1 The signed proctor verification statement indicates that:
      - 29.1.2.1.1 The student taking the exam presented them with a photo ID at the time of the exam;
      - 29.1.2.1.2 The student finished the exam in the amount of time specified by the instructor;
      - 29.1.2.1.3 The proctor was physically present during the entire time the student had the exam in his or her possession;
      - 29.1.2.1.4 To the best of the proctor's knowledge, the student finished the exam and followed all exam regulations as specified by the instructor.

### **30 Registration**

- 30.1 During the official registration periods each term, students eligible to register can register for online courses using the online MILO Web system, telephone registration, in person at the Office of the Registrar, or by mail.

### **31 Repeats**

- 31.1 Students may use online courses to meet "D" and "F" repeat requirements even if the course was originally delivered using traditional methods.

### **32 Review and Update of E-Course Content**

- 32.1 The instructor of an online course is responsible for reviewing and updating the course content according to policies established by the instructor's department/division.
- 32.2 All e-courses will undergo a review by the FDCOMI every two years or upon request by the Office of Academic Affairs or Computing Services. The purpose of the review is to ensure that the courses meet the needs of changing technology and comply with all FDCOMI requirements posted on the MUOnline website. The

committee review will deal with the technical presentation of course content and clarity of course instructions.

### **33 Student Load Time**

- 33.1 Hours of enrollment are reflected in the actual term in which a student is registered. For all verification purposes, hours of enrollment are counted only in the term in which a student is registered. University policies regarding overloads for students wishing to take over 12 hours graduate or 18 hours undergraduate apply to students registering for online courses.

### **34 Syllabi and Course Documentation**

- 34.1 Syllabi are required for online courses and must meet the content requirements which apply to syllabi for all on campus courses. In addition, syllabi for online courses must specify minimum hardware and software requirements, minimum computer skills requirements, and a course start and completion date. Course syllabi must be made available for posting to the web as soon as possible before the course begins.

### **35 Tuition and Fees**

- 35.1 Students who register for electronic courses will pay tuition and or fees as established by the institution. Students registering for electronic courses only will be exempt from the Student Activities fee. E-Course students who wish to pay the Student Activities Fee and receive the appropriate benefits have the option of doing so. Special fees imposed by divisions/departments may apply to students registering for online courses.

### **36 Withdrawal Timetable**

- 36.1 The withdrawal period for online courses parallels that of regular courses. Students can withdraw from an individual online course through 2/3 of the official course length. After that time only a complete withdrawal from the university is allowed. The refund policy for online courses also parallels that of regular courses.