



**BOARD OF TRUSTEES
MEETING**

September 23, 2010

7:00 p.m.

Belmont Technical College

Board Room

Belmont Technical College
District Board of Trustees Meeting
September 23, 2010

7:00 p.m.

AGENDA

CALL TO ORDER Ms. Elizabeth Gates, Chair

ROLL CALL

PLEDGE OF ALLEGIANCE

INTRODUCTION OF VISITORS Ms. Elizabeth Gates, Chair

APPROVAL OF AGENDA Ms. Elizabeth Gates, Chair

APPROVAL OF MINUTES Ms. Elizabeth Gates, Chair

EXECUTIVE SESSION Purchase of Property

A

CONSENT AGENDA

B

Human Resource Items

B1

I Additions to Eligible Adjunct Faculty List

**Marge A. Hawthorne, Executive Director of Human Resources and
Organizational Development**

PRESIDENT'S REPORT Dr. Joseph E. Bukowski, President

MONITORING ACTIVITIES

C

Financial Report August 2010 Financial Report

C1

John S. Koucoumaris, Vice President of Administrative Affairs

SECTION IV: ENDS POLICIES

Board Rule 400.0200.00

Degree Completion

C2

Graduation and Completion Rates

Graduation Rate Comparisons with Comparable Institutions

Board Rule 400.0100.00

Student Development

Assessment of Student Core Learning Outcomes

Dr. Rebecca Kurtz, Vice President of Learning & Student Success

REPORTS AND PRESENTATIONS

Strategic Plan: Marketing Unit Level Plan

Laura Doty, Director of Marketing and Strategic Communications
Erin Neely, Coordinator of Development

OACC Regional Meeting

Ms. Elizabeth Gates, Ms. Marcia Bedway, Mr. Marshall Piccin,
Mr. William Hunker, Mr. Cory DeiGuzzo and Dr. Lorrinda Saxby

ACCT Governance Institute for Student Success

Ms. Elizabeth Gates, Mr. Marshall Piccin, and Dr. Lorrinda Saxby

UPCOMING EVENTS/MEETINGS

ACCT Annual Leadership Congress

Toronto, Canada - October 20-23, 2010

Heritage Tree/Emeritus Reception

October 28, 2010 at 5:30pm

OACC Governing Board Meeting

Columbus, November 5, 2010: 10:00am - 1:00pm

COMMENTS FROM THE CHAIR

Ms. Elizabeth Gates, Chair

COMMENTS FROM COLLEGE COMMUNITY

NEXT REGULAR MEETING

Next Meeting October 28, 2010

Belmont Technical College Board Room

* Workshop 5:00 p.m.

* Heritage Tree/ Emeritus Reception 5:30 p.m.

* Meeting 7:00 p.m.

ADJOURNMENT

TAB A

MINUTES

BELMONT TECHNICAL COLLEGE
BOARD OF TRUSTEES MEETING

Minutes of August 26, 2010

The regular meeting of the Belmont Technical College District Board of Trustees was held at 7:00 p.m. on August 26, 2010 at Belmont Technical College in the Boardroom.

Call to Order Elizabeth Gates, Chair, called the meeting to order at 7:06 p.m.

Roll Call

Cory DelGuzzo-----	Present
Marcia Bedway-----	Absent
Terry Carson-----	Absent
Lorrinda Saxby-----	Present
Elizabeth Gates-----	Present
William Hunkler-----	Present
Marshall Piccin-----	Present
Suzanne Pollock-----	Present
Pandora Neuhart-----	Absent

There being a quorum, the meeting proceeded.

Attendance John Koucoumaris, Becki Kurtz, Marge Hawthorne, Tim Houston, Laura Doty, Jody Peeler, Brenda Lohri-Posey, Holly Bennett, Cathy Bennett, Judy Sandstead, Glenn Trudo, Dr. Jane Evans, Peter Law, Bobbi McMillen, Jennifer Schmitt and President Joseph Bukowski.

Introduction of Visitors Laura Doty introduced Ms. Julie Mamie, who accepted the position of Public Relations Coordinator.

Approval to Consider the Amended Agenda Mrs. Gates asked that there be a motion to approve the amended agenda: *Ratification of Employment-Nursing Faculty* and *Termination of Employment Contract* added under Human Resource Items and *USO Trustees Conference report* added under Reports/Presentations.

Mr. Piccin motioned, seconded by Mr. Hunkler, to accept the amended agenda with *Ratification of Employment-Nursing Faculty* and *Termination of Employment Contract* added under Human Resource Items and *USO Trustees Conference report* added under Reports/Presentations.

All ayes; motion carried.

Approval of Minutes Mrs. Gates asked for a motion to approve the minutes of July 22, 2010.

Ms. Pollock motioned, seconded by Dr. Saxby to approve the minutes of July 22, 2010 with a few small grammar corrections.

All ayes, motion carried.

Human Resource Items

**Ratification of Employment –
*Public Relations Coordinator***

At a previous Board meeting, the President was given authority to make the hiring decision for the position of Public Relations Coordinator, with the Board to ratify the decision at a subsequent Board meeting.

Ms. Julie Mamie has accepted the position and will begin on September 7, 2010. She is a graduate of Bethany College with a Bachelor of Arts degree in Communication/ Electronic Media. Her prior experience includes responsibility for press releases, marketing plans, budgeting, event planning, signage, and communications. Ms. Mamie possesses creative writing abilities, a good understanding of the College and its market, and a successful background in a team based environment. Reference checks were outstanding.

Her starting salary is \$38,000 for a twelve-month professional staff contract.

It was recommended that the Board ratify the employment of Ms. Julie Mamie in the position of Public Relations Coordinator effective September 7, 2010, at an annual twelve-month salary of \$38,000.

**Ratification of Employment –
*Natural Science Faculty***

At a previous Board meeting, the President was given authority to make the hiring decision for the position of Full-time Natural Science Faculty, with the Board to ratify the decision at a subsequent Board meeting.

Dr. Suzanne Davis Clutter has accepted the position and began on August 16, 2010. Her educational credentials include a Ph.D. in Microbiology and Immunology, and a Bachelor of Science degree in Clinical Laboratory Science/Biotechnology. Dr. Clutter has teaching experience with West Virginia Northern Community College and West Virginia University, and has experience in cancer research and with several other biology-related research projects. She possesses excellent lab-based and technical skills, is innovative, and her abilities were supported by outstanding references.

Her starting salary is \$38,000 for a nine-month teaching contract, at the rank of Assistant Professor.

It was recommended that the Board ratify the employment of Dr. Suzanne Davis Clutter in the position of Assistant Professor of Natural Science effective August 16, 2010 at an annual nine-month salary of \$38,000.

**Ratification of Employment –
*Building Preservation & Restoration Faculty***

At a previous Board meeting, the President was given authority to make the hiring decision for the position of Full-time Building Preservation & Restoration Faculty, with the Board to ratify the decision at a subsequent Board meeting.

The position was accepted by Ms. Cathleen Senter, effective August 25, 2010. She has earned an A.A.S. degree in Building Preservation & Restoration Technology, and will complete a Bachelor's degree in Architecture by the end of June 2011 as part of her contract requirements. Ms. Senter has also indicated a desire to pursue a Master's degree in Architecture. She is a "hands-on" preservationist with prior positions in the field as a building preservation specialist, project manager, CADD manager, and engineering aide.

Reference checks for Ms. Senter were excellent. Her starting salary is \$34,000 for a nine-month teaching contract, at the rank of Instructor.

It was recommended that the Board ratify the employment of Ms. Cathleen Senter in the position of Instructor of Building Preservation and Restoration effective August 25, 2010 at an annual nine-month salary of \$34,000.

**Ratification of Employment –
*Community Education & Professional Development Program Coordinator***

At a previous Board meeting, the President was given authority to make the hiring decision for the position of Community Education & Professional Development Program Coordinator, with the Board to ratify the decision at a subsequent Board meeting.

The position has been accepted by Mr. Joseph Nocera, effective August 30, 2010. He has a Master's degree in Technology and Curriculum and a Bachelor's degree in English Education, and is currently enrolled in a Doctorate of Education program in Educational Leadership and Technology. He brings to the position a strong background in technology, community education, and curriculum development, and also has teaching experience at the college level.

Reference checks for Mr. Nocera were excellent. His starting salary is \$40,000 for a twelve-month professional staff contract.

It was recommended that the Board ratify the employment of Mr. Joseph Nocera in the position of Community Education & Professional Development Program Coordinator effective August 30, 2010, at an annual twelve-month salary of \$40,000.

**Completion of Degree –
Assistant Professor of Mathematics**

Erin Susick, Assistant Professor of Mathematics, has completed all requirements for her Masters Degree in Mathematics from the University of Pittsburgh, with an official degree award date of August 9, 2010. She is eligible for an increase in annual base salary as provided for in the Full-time Faculty Model, and was recommended for the following adjustment in pay:

- From an annual salary of \$32,500 to an annual salary of \$34,500, effective Fall Quarter 2010

It was recommended that the Board approve the salary adjustment as listed for Erin Susick, effective Fall Quarter 2010.

**Ratification of Employment –
Associate Degree of Nursing**

At a previous Board meeting, the President was given authority to make the hiring decision for the position of Full-time Nursing Faculty, with the Board to ratify the decision at a subsequent Board meeting.

Ms. Rhonda Sansone has accepted the position effective August 25, 2010. Her credentials include a Masters of Science degree in Nursing, with a specialization in adult health nurse practitioner, a Bachelors of Science degree in Nursing, and an Associate of Science degree in Nursing. Also, she is working on a Doctorate of Education with a specialization in curriculum and instruction. Ms. Sansone has teaching experience with West Virginia University, West Liberty University, and has department chair and teaching experience with the Community College of Allegheny County. She has a strong clinical background, and exhibited an enthusiasm for both nursing and teaching in her interview. Ms. Sansone's references were excellent.

Her starting salary is \$40,000 for a nine-month teaching contract, at the rank of Associate Professor.

It was recommended that the Board ratify the employment of Ms. Rhonda Sansone in the position of Associate Professor of Nursing effective August 25, 2010 at an annual nine-month salary of \$40,000.

Termination of Employment Contract –

Ann Smith, Assistant Professor of Nursing, has been a member of the nursing faculty since September 4, 2007. At the March 2010 Board of Trustees meeting, she was approved for a new two-year contract. Ms. Smith accepted the contract as of April 14, 2010. On August 22, 2010, an announcement appeared in the Times Leader newspaper that Ms. Smith was a new faculty member at Wheeling Jesuit University and "was formerly employed by Belmont Technical College".

Upon further research, it was discovered that WJU faculty reported for duty for the 2010-11 academic year on August 16, with classes commencing on August 23. During the week of August 23, a letter of resignation was submitted by Ms. Smith that was dated August 24th informing the College that she was resigning effective August 20, 2010.

After a review of this situation and the fact that Ms. Smith has put nursing students and the college in a difficult situation due to her actions, it is recommended that her employment contract for the 2010/11 and 2011/12 academic years be terminated and her status as a faculty member at Belmont Technical College be revoked.

It was recommended that the Board terminate the employment contract of Ms. Ann Smith and thereby revoke her status as a faculty member at Belmont Technical College.

Administrative Items

Appropriation of Surplus FY 2009-2010

The administration recommended the following appropriations from FY 2009-2010 unaudited surplus of \$1,665,593.

Transfer from the General Fund Unappropriated fund balance to the General Fund Appropriated fund balances:

- Administrative Information System \$152,000.00
- Branding \$50,000.00
- Capital Equipment Renewal & Replacement..... \$141,085.87
- Catalog \$35,000.00
- Classroom Renovations..... \$150,000.00
- College History \$30,000.00
- Deferred Maintenance \$43,858.15
- Digital Imaging \$25,000.00
- Dual Enrollment Scholarship \$15,000.00
- Enrollment Growth..... \$40,000.00
- Facilities Assessment \$54,000.00
- Fundraising & Development \$121,436.43
- Office Renovations..... \$131,132.75
- One-Time Merit Pay \$150,000.00
- Policy Development \$38,142.79
- Replacement of Vehicles..... \$34,909.50
- Safety and Security..... \$129,412.31
- Semester Conversion \$105,584.68
- Telecommunication/Polycom..... \$150,000.00

TOTAL..... \$1,596,562.48

The attached report (Appendix A) entitled *Belmont Technical College Surplus FY 2009/2010* shows the effect of the appropriations on the Fund Balance report for the period ending July 31, 2010.

It was recommended that the Board approve the above appropriations from the General Fund Unappropriated fund balance to the General Fund Appropriated fund balance as stated above.

Transfer of Appropriated Fund Balances

The Board was requested to approve the following transfers from the General Fund Appropriated fund balances, as designated below, in the amount of \$203,292.68 to the General Fund Un-appropriated fund balance:

Component	Amount	Date Appropriated
Board Room Renovations	\$5,000.00	July 2005
Capital Planner	\$30,000.00	July 2008
Community College Initiative	\$3,769.23	June 2003, July 2007
Community Initiatives	\$25,748.58	July 2006
Employee Benefits	\$5,000.00	July 2006, July 2007
Energy Projects	\$5,000.00	July 2007
Expanded Mission	\$40,000.00	July 2008
H R Initiatives	\$1,500.00	July 2008
Off-Campus Centers Start Up	\$20,510.40	July 2006, July 2007, July 2009
Project EXCEL	\$4,366.14	September 2009
Scholarship Funds	\$9,534.28	July 2004, July 2005, July 2006
Strategic Planning	\$20,150.63	February 2008, April 2008, July 2009
Strategic Planning Initiatives	\$26,975.44	July 2008, July 2009
Website Redesign Project	\$5,737.98	April 2009
Total	\$203,292.68	

It was recommended that the Board approve the appropriate fund balance transfers as stated above in the amount of \$203,292.68 to the General Fund Un-appropriated fund balance.

Re-appropriation of Fund Balance

The Board was requested to approve the transfer from the General Fund Un-appropriated fund balance to the General Fund Appropriated fund balance in the amount of \$200,000 for Loss of Revenue from Subsidy FY 2011/12.

It was recommended that the Board approve the fund balance transfer in the amount of \$200,000 from the General Fund Un-appropriated fund balance to the General Fund Appropriated fund balance for Loss of Revenue from Subsidy FY 2011/12.

Approve Contract with Auditor

Belmont Technical College has utilized the auditing services of Rea & Associates, Inc., from FY 1999/00 through FY 2008/09. The Auditor of State imposes a time limit of ten years with the same auditing firm. After that period, it is necessary for the Auditor of State to perform the audit or to issue a request for proposal for an independent public accounting (IPA) firm to perform the audits.

Due to timing and personnel issues, the Auditor of State was unable to perform the required audit. Therefore, they issued an RFP in April for auditing services for Belmont Technical College. The RFP was posted on the Auditor of State's web site and sent to a short list of firms chosen by the College. The RFP was also provided to other firms who contacted the Auditor's Office and requested a copy.

After a review of the initial RFP's for a five-year assignment of FY 2009/10 – FY 2013/14, the College felt that the initial pool of respondents was inadequate. A second RFP process was then requested by BTC and completed by the AOS in June for a three-year assignment of FY 2009/10 – FY 2011/12.

Seventeen firms requested RFP's, eleven responses were received, which are summarized below:

IPA	2009-10 Audit Fee	2010-11 Audit Fee	2011-12 Audit Fee	Total Fee
Balestra, Harr & Scherer	\$20,800	\$20,800	\$20,800	\$62,400
Charles E. Harris & Associates, Inc.	\$22,106	\$23,120	\$23,800	\$69,026
Clark, Schaefer, Hackett & Co.	\$27,200	\$27,540	\$27,880	\$82,620
Crowe, Horwath, LLP	\$34,500	\$35,000	\$35,500	\$105,000
Maloney & Novotny, LLC	\$41,250	\$42,500	\$44,000	\$127,750
Millhuff-Stang, CPA, Inc.	\$30,000	\$30,000	\$30,000	\$90,000
Parms & Company, LLC	\$37,800	\$38,000	\$40,000	\$115,800
Perry & Associates, A.C.	\$23,500	\$23,500	\$24,500	\$71,500
Plante & Moran, PLLC	\$49,000	\$50,500	\$52,000	\$151,500
Schneider Downs & Co. Inc.	\$27,000	\$28,000	\$29,000	\$84,000
S.R. Snodgrass, A.C.	\$29,200	\$29,500	\$29,750	\$88,450

The RFPs were evaluated by John S. Koucoumaris, Vice President of Administrative Affairs, and Mr. Charles F. Barga, Chief Auditor, Athens Region, for the State of Ohio, and scored based on the State's ranking system. On the basis of the combined evaluations and recommendation, the IPA Contracting Committee in Columbus made the final selection and approved Charles E. Harris & Associates, Inc. as the College's auditing firm through FY 2011/12.

The administration requested authority to enter into a contract with Charles E. Harris & Associates, Inc for auditing services at a three-year cost of \$69,026 (Appendix B).

It was recommended that the Board permit the President to enter into a contract with Charles E. Harris & Associates, Inc. for auditing services for the three-year period of FY 2009/10, FY 2010/11, and FY 2011/12 at a cost of \$69,026.

Board Items

Ratification of Operating Policies

Child Development Center Policy

Belmont Technical College (BTC) maintains the Cindy L. Jones Child Development Center (Child Development Center). The Child Development Center will maintain licensure with the State of Ohio, and in compliance with all state regulations such as Ohio Revised Code and Ohio Administrative Code.

Policy Statement:

This policy describes BTC's role in maintaining the Child Development Center by providing care and education for children aged 18 months through 12 years. This policy also describes registration, tuition, and the Child Development Center's use as a lab component in a student's educational pursuit.

Persons Affected:

All employees and students.

Definitions:

Procedures:

Registration:

- Advance registration is required.
1. Contact the Child Development Center at the earliest possible date.
 2. Vacancies are filled from a waiting list according to age and on a space-available basis.

3. Students have priority in registration and use of facilities.

Tuition - Tuition assistance may be available through federal and state funding.

Lab Component - Students meeting the criteria set by childcare licensing, rules and regulations will utilize the Child Development Center as a lab component for practicum experiences.

It was recommended that the Board of Trustees ratify the Child Development Center Policy as listed above.

Children on Campus Policy

Belmont Technical College provides education and support services primarily for our students and seeks to create a safe environment on campus; therefore, appropriate restrictions must be in place regarding the presence of minor children.

Policy Statement:

This policy provides guidelines for employees, students and visitors who need to bring minor children to any BTC campus, site, or facility.

Persons Affected:

All employees, students, and visitors of BTC.

Definitions:

Adult - Any person eighteen years and older.

Classrooms - a room in which teaching or learning activities can take place.

Line of Sight Supervision – Within unimpaired sight or hearing distance of an adult designated as responsible for the minor.

Minor Child/ren - Any person under the age of eighteen years of age.

Minors Enrolled as Students - Properly enrolled students under the age of 18 have the rights and privileges of any other student in the classroom and on campus grounds.

Supervised - An adult designated as responsible for the child is providing direct on-site care and attention to the child's health, safety, and welfare. An adult responsible for the child who is present but performing work, teaching, learning, or other activities that distracts his/her attention from the child does not meet this criterion.

Unsupervised - Refers to situations in which the minor child is on campus or in a campus facility and is not under direct onsite care, attention or the immediate physical control of an adult.

Procedures:

Minor Children Cannot Be:

Employees, students, and visitors cannot allow minor children to be:

1. Left unattended without adult supervision in any area on campus (e.g. library, lounge, classroom, cafeteria, etc.)
2. In attendance in class, or class activities such as field trips, along with enrolled students.
3. In College vehicles without authorized permission from the Vice President of Administrative Affairs.
4. Using College computers (see exceptions).

It is inappropriate for a parent or supervising adult to ask members of the college community, administrators, faculty, staff, or students to assume responsibility for minor children.

Safety - Safety is a primary concern when considering the presence of children on campus. The majority of our facilities are not designed for occupancy by children; as serious injuries can occur.

Due to liability and safety concerns the following guidelines have been established to ensure the safety of children who are visitors.

Employee Guidelines - No children may be with employees during their regularly scheduled working hours, at all other times visitor guidelines apply.

Student Guidelines –

1. A child cannot be left unattended while the parent is attending class, conducting any other College business, or social function on campus.
2. "Line of sight supervision" required at all times.
3. Children are not allowed in labs or shops, or other high risk areas on campus.
4. Children are not allowed in classrooms while classes are in session.

Visitor Guidelines - "Line of sight supervision" required at all times by parent/guardian.

1. Assure that child is not disruptive to College operations.
2. Child cannot be left unattended at College sponsored activities.
3. Child shall not have access to College information or College property, etc.
4. Child shall not be left unattended or with other employees.
5. Children are not allowed in high risk areas such as:
 - a. Laboratories and industrial trades classrooms
 - b. food preparation areas
 - c. any areas containing machinery with moving parts or power operated equipment
 - d. maintenance shops/garage
 - e. any other high risk area

Exceptions -

1. Approved guided or supervised tours.
2. Other College sponsored/supervised programs.
3. This policy does not preclude short visits when the minor child is accompanied by another responsible adult.
4. Under certain circumstances and under the auspices of special programs, students under the age of 18 who are enrolled in credit classes through a special or high school program are considered BTC students.
5. Children signed into the Cindy L. Jones Child Development Center.

Who to Contact - Staff or students who observe minor children who appear to be unattended should contact the Director of Operations or call the on duty Security Guard (695-8511).

It was recommended that the Board of Trustees ratify the Children on Campus Policy as listed above.

Independent Study Policy

Belmont Technical College provides for students, with good academic standing, under an exceptional (or hardship) situation an opportunity to complete certain courses through Independent Study.

Policy Statement:

The Executive Dean of Academic Affairs will make the final decision for a student to be accepted for Independent Study. A student who applies for Independent Study must be in good academic standing, in need of the independent study in order to complete graduation requirements in the quarter in which the study is requested, and is limited to two independent studies per degree.

Persons Affected:

All employees and students of Belmont Technical College.

Definitions:

Independent Study - Form of education offered when a student and a professor or instructor agree upon a plan of study for the student to complete a required course in the program major outside of regularly scheduled class time with guidance from the instructor for academic credit.

Procedures:

Student Responsibility - Students who wish to apply for an independent study must first see their program chair and then apply to the Executive Dean of Academic Affairs no later than one week before the beginning of the quarter in

which they wish to take the independent study course. In some cases, a course substitution is in the best interest of the student rather than an independent study.

In order to apply, students must:

1. Be in good academic standing with a cumulative grade point average of at least 2.5.
2. See the program chair for an application form.
3. Complete the application form and:
 - a. See a faculty member who agrees to sponsor the independent study
 - b. Together the student and faculty member decide on meeting times, modes of instruction, student assignments and due dates, and evaluation of papers or projects that will meet the learning outcomes for the course and this information attached to application form.
 - c. Both the student and faculty member are to sign the application form.
 - d. Student then submits the application to the Executive Dean of Academic Affairs no later than one week before the beginning of the quarter during which the independent study is to be taken.

Approval - Once the Executive Dean of Academic Affairs approves the application, he or she will indicate approval on the application form and this form will be forwarded to the Program Chair.

The Program Chair will then complete a Departmental Change to Master Schedule Form (Form 35) to add the independent study to the schedule indicating the instructor and the name of the student for the independent study. The student will be sent a copy of the approval form.

If approved, the student must keep a time log of activities during the quarter to demonstrate the amount of time spent in the course activities. The time log must be submitted during the final week of the quarter to the instructor teaching the independent study, the program chair, and the Executive Dean of Academic Affairs.

Denied - If the Executive Dean of Academic Affairs does not approve the application, the student and faculty member will be notified.

It was recommended that the Board of Trustees ratify the Independent Study Policy as listed above.

Copyright & Fair Use Policy

The purpose of the Copyright & Fair Use policy is to provide a summary of federal and state copyright laws as they relate to the use of copyright-protected works at Belmont Technical College, and to provide guidelines and procedures for obtaining permission to use copyright protected works.

BTC will comply with all federal and state copyright laws which includes: The U.S. Copyright Act, The Teach Act, Digital Millennium Copyright Act, Code of Federal Regulations Patents, Trademarks, and Copyright, Ohio Revised Code and National Commission on New Technological Uses of Copyright Works (CONTU) guidelines.

Policy Statement:

This policy is to provide Belmont Technical College administrators, faculty, librarians, students, employees, and others with a standard approach for addressing complex copyright issues. This policy covers classroom issues such as photocopies and coursepacks both in-person and online education. It also covers library use of print and electronic reserves, interlibrary loan (ILL) and document delivery. Other Belmont Technical College copyright and intellectual property policies may complement this policy by providing guidance on copyright issues beyond materials used in the classroom and library.

This policy provides practical advice and procedures on copyright-related matters; however, it is not a substitute for legal advice, and proper legal advice should be obtained when necessary.

Persons Affected:

All employees of Belmont Technical College
All students of Belmont Technical College

Definitions:

Copyright - The legal right of creative artists or publishers to control the use and reproduction of their original works.

Fair Use - A doctrine in copyright law that allows limited use of copyrighted material without requiring permission from the rights holders, such as for commentary, criticism, news reporting, research, teaching or scholarship. It provides for the legal non-licensed citation or incorporation of copyrighted material in another author's work under a four-factor balancing test.

Intellectual Property – Refers broadly to the creations of the human mind.

Intellectual Property Rights - Protect the interests of creators by giving them property rights over their creations.

Interlibrary Loans (ILL) - a system by which libraries and library users can borrow books from other libraries.

Procedures:

What is Copyright - Copyright is an area of law that provides creators and distributors of creative works with an incentive to share their works by granting them the right to be compensated when others use those works in certain ways. Specific rights are granted to the creators of creative works in the U.S. Copyright Act (title 17, U.S. Code). If you are not a copyright holder for a particular work,

as determined by the law, you must ordinarily obtain copyright permission prior to reusing or reproducing that work. However, there are some specific exceptions in the Copyright Act for certain academic uses, and permission is never required for certain other actions, such as reading or borrowing original literary works or photographs from a library collection.

What is Protected by Copyright - The rights granted by the Copyright Act are intended to benefit "authors" of "original works of authorship", including literary, dramatic, musical, architectural, cartographic, choreographic, pantomimic, pictorial, graphic, sculptural and audiovisual creations. This means that virtually any creative work that you may come across—including books, magazines, journals, newsletters, maps, charts, photographs, graphic materials, and other printed materials; unpublished materials, such as analysts' and consultants' reports; and non-print materials, including electronic content, computer programs and other software, sound recordings, motion pictures, video files, sculptures, and other artistic works—is almost certainly protected by copyright. Among the exclusive rights granted to those "authors" are the rights to reproduce, distribute, publicly perform and publicly display their works.

These rights provide copyright holders control over the use of their creations and an ability to benefit, monetarily and otherwise, from the use of their works. Copyright also protects the right to "make a derivative work," such as a movie from a book; the right to include a work in a collective work, such as publishing an article in a book or journal; and the rights of attribution and integrity for "authors" of certain works of visual art. Copyright law does not protect ideas, data or facts.

In the U.S., the general rule of copyright duration for a work created on or after January 1, 1978 is the author's life plus 70 years after the author's death. This is often referred to as "life-plus-70". Works created by companies or other types of organizations generally have a copyright term of 95 years. For more information on copyright duration, visit <http://www.copyright.gov/circs/circ1.html#hlc>.

Fair Use - A provision for fair use is found in the Copyright Act at Section 107. Under the fair use provision, a reproduction of someone else's copyright-protected work is likely to be considered fair if it is used for one of the following purposes: criticism, comment, news reporting, teaching, scholarship and research. If the reproduction is for one of these purposes, a determination as to whether the reproduction is fair use must be made based upon four factors:

1. The purpose and character of use (principally, whether for commercial or nonprofit educational use);
2. The nature of the copyright-protected work;
3. The amount and substantiality of the portion used; and
4. The effect of the use being evaluated upon the potential market for or value of the copyright-protected work.

Fair use is an ambiguous concept and the law does not state exactly what uses of a copyrighted work will be considered fair uses under the law and may therefore be used without obtaining permission. As such, individuals who are not lawyers may often need to be interpreters of the law in everyday circumstances, and answers as to how much reproduction may be considered fair use often remain unclear. The bottom line is that fair use requires a very circumstance-specific analysis as to whether a particular use or reuse of a work may indeed be considered fair use.

To avoid confusion and minimize the risk of copyright infringement, BTC interprets the following situations as fair use:

1. Quotation of short passages in a scholarly or technical work for illustration or clarification of the author's observations.
2. Reproduction of material for classroom use where the reproduction is unexpected and spontaneous – for example, where an article in the morning's paper is directly relevant to that day's class topic. This would generally cover one time use in only one semester.
3. Use in a parody of short portions of the work itself.
4. A summary of an address or article, which may include quotations of short passages of the copyright-protected work.

If your use does not meet the above criteria and the work is protected by copyright, you probably need to obtain permission to use the work from the copyright holder or its agent.

Types of Use –

Classroom Handouts

Based on BTC's fair use analysis, classroom handouts fall into two categories; one that requires permission and one that does not. If the handout is a new work for which you could not reasonably be expected to obtain permission in a timely manner and the decision to use the work was spontaneous, you may use that work without obtaining permission. However, if the handout is planned in advance, repeated from semester to semester, or involves works that have existed long enough that one could reasonably be expected to obtain copyright permission in advance; you must obtain copyright permission to use the work.

Coursepacks

All articles, chapters and other individual works in any print or electronic course pack require copyright permission. Copyright permission for course packs is usually granted by the academic period. To reuse a course pack in subsequent academic periods (e.g.: semester, quarter, trimester, etc.), you probably need to obtain permission again. Many copyright holders provide time-sensitive permission because their own rights may be time-sensitive and could be transferred to different copyright holders at any time.

When ordering course packs it is important for the faculty member responsible to obtain permission for the course pack. Deferring responsibility for copyright permission will not provide you protection against a claim of copyright infringement.

Reserves

If the BTC library owns a copy of a publication, the library may place that copy on reserve without obtaining copyright permission. If anyone wishes to reproduce additional copies of a work and place them on reserve for students to review, in either paper or electronic format, they must obtain copyright permission.

Photocopying In The Library

It is permissible to photocopy copyright-protected works in the BTC library without obtaining permission from the copyright owner, under the following circumstances:

1. **Library user requests for articles and short excerpts.** At the request of a library user or another library on behalf of a library user, the BTC library may make one reproduction of an article from a periodical or a small part of any other work. The reproduction must become the property of the library user, and the library must have no reason to believe that the reproduction will be used for purposes other than private study, scholarship and research.

As recommended by Section 108 of the Copyright Act, the library must display the register's notice at the place library users make their reproduction requests to the library.

2. **Archival reproductions of unpublished works.** Up to three reproductions of any unpublished work may be made for preservation or security or for deposit for research use in another library or archive. This may be a photocopy or digital reproduction. If it is a digital reproduction, the reproduction may not be made available to the public outside the library or archive premises. Prior to receiving any of the three reproductions permitted under this provision from another library or archive, the BTC library or archive must make a reasonable effort to purchase a new replacement at a fair price. The reproducing library or archive must also own the work in its collection.
3. **Replacement of lost, damaged or obsolete copies.** The BTC library may make up to three reproductions, including digital reproductions, of a published work that is lost, stolen, damaged, deteriorating or stored in an obsolete format. Any digital reproductions must be kept within the confines of the library (that is, available on its computer but not placed on a public network.)
4. **Library user requests for entire works.** One reproduction of an entire

book or periodical may be made by your library at a library user's request, or by another library on behalf of a library user upon certain conditions being met. These conditions include the library determining after reasonable investigation that an authorized reproduction cannot be obtained at a reasonable price. Once made, the reproduction must become the property of the library user. The library must have no reason to believe that the reproduction will be used by the user for purposes other than private study, scholarship and research, and the library must display the register's notice at the place library users make their reproduction requests to the library.

Photocopying For Students

The BTC library may make reproductions for library users (students, faculty, etc.), provided the following criteria are met:

1. The library makes one reproduction of an article from a periodical or a small part of any other work.
2. The reproduction becomes the property of the library user.
3. The library has no reason to believe that the reproduction will be used for purposes other than private study, scholarship and research.
4. The library displays the register's notice at the place library users make their reproduction requests to the library.

Photocopying By Students

Photocopying by students is subject to a fair use analysis as well. A single photocopy of a portion of a copyright-protected work, such as a copy of an article from a scientific journal made for research, may be made without permission. Photocopying all the assignments from a book recommended for purchase by the instructor, making multiple copies of articles or book chapters for distribution to classmates, or copying material from consumable workbooks, all require permission.

Document Delivery Services (DDS)/Interlibrary Loans (ILL)

It is important to maintain a distinction between ILL and Document Delivery Services (DDS). Photocopying for DDS requires copyright permission.

The BTC library may participate in interlibrary loans without obtaining permission provided that the "aggregate quantities" of articles or items received by the patron do not substitute for a periodical subscription or purchase of a work. BTC follows the CONTU guidelines for defining "aggregate quantities." The CONTU guidelines state that requesting and receiving more than five articles from a single periodical within a calendar year or a total of six or more copies of articles published within five years prior to the date of request would be too many under CONTU.

If the articles or items being copied have been obtained through a digital license, you

must check the license to see under what terms and conditions, if any, interlibrary loan is permitted.

Distance Education and Learning Management Systems (LMS)

In 2002, the Technology, Education and Copyright Harmonization (TEACH) Act became law and expanded the latitude higher education institutes, including BTC, have for the performance and display of copyright-protected materials in a distance education environment, including through the use of Learning Management Systems (LMS).

The copyright requirements for TEACH and LMS postings are similar to those of classroom handouts, but extend the traditional rules for those handouts to the digital transmission of materials to distance education students. If the use is spontaneous and will not be repeated, copyright permission is not required; however, the content may not remain posted for extended periods of time. If the use is planned, repeated or involves works that have existed long enough that one could reasonably expect to receive a response to a request for copyright permission, you must obtain copyright permission.

Copyright and Foreign Works - The U.S. is a member of the leading international copyright treaty, the Berne Convention. In accordance with this treaty, when BTC uses a copyright-protected work from another country, the protections provided to works by U.S. copyright law automatically apply to the use of that work as well (assuming the use takes place in the U.S.).

How to Obtain Copyright Permission - Permission to use copyright-protected materials, when required, should be obtained prior to using those materials. It is best to obtain permission in writing (including e-mail) and to ensure that the BTC has a copy of each permission form or letter.

The time to obtain permission may vary and, where possible, it is recommended to start the permissions procedure at least six months prior to the time that you wish to use the materials.

Fact Finding Questions

Once you have identified the materials you want to use and determined that copyright permission is required, you must locate the copyright holder. If the copyright holder is not listed on the work, locating the appropriate person or entity to grant permission may take some investigative and creative work.

The Copyright Office of the Library of Congress (www.loc.gov) may be of assistance in locating a copyright owner if the work is registered. Note, however, that copyright is automatically granted to all works upon their being written down and that registration with the Copyright Office is not required. A fee based alternative is The Copyright Clearance Center.

Information in Your Permission Request

The copyright holder or its agent will require the following information in order to provide you with permission:

1. Title of the material
2. Creator/author of the material
3. Publisher of the material
4. Description of material
5. ISBN or ISSN, if applicable
6. Date of publication, if applicable
7. Purpose for which you wish to reproduce the item (research, commercial, educational, etc.)
8. How the material is to be reproduced (e.g., photocopied, digitized)
9. Where the reproduced material will be used or will appear and for how long

Reporting Suspected Infringements - If you suspect that anyone at BTC, including a student, is using any copyright-protected material without the permission of the copyright holder, immediately report this to the Associate Dean of Learning, Information Services & Technology or his/her designee.

Review and Interpretation of Policy - This Policy will be reviewed annually, and updated as needed.

It was recommended that the Board of Trustees ratify the Copyright & Fair Use Policy as listed above.

Nepotism Policy

To clearly define Belmont Technical College's policy regarding the standards for relatives working for the College in the same or different departments using the ethical guidelines provided by the Ohio State Ethics Commission.

Policy Statement:

It is the policy of Belmont Technical College to provide equal employment opportunities, and to avoid nepotism.

However, employment cannot be offered or continued where an individual would be placed in a position of exercising supervisory authority over a member of his or her family.

Persons Affected:

All employees of Belmont Technical College.

Definitions:

Nepotism – Favoritism shown to relatives; favoritism shown by an individual in power to his/her relatives.

Immediate Family/Relatives - Immediate family consists of: Spouse, child, parent, parent-in-law, brother, sister, brother-in-law, sister-in-law, grandparent, grandchild, son-in-law, daughter-in-law, aunt, uncle, niece, nephew, legal guardian of the employee, or any individual living in the same household as the employee.

Procedures:

Employees shall not directly supervise an immediately family member/relative as defined above. Relatives of persons currently employed by Belmont Technical College may be hired only if they do not work directly for, or are not supervised by a relative. If already employed, employees cannot be transferred into such a reporting relationship.

If a relative relationship is established after employment or other cases where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment.

Current employees cannot participate as a member of a search committee or in the college's hiring process if a relative is a candidate.

Policy Administration - Responsibility for developing, implementing, updating and enforcing the Nepotism Policy lies with the Executive Director of Human Resources and Organizational Development.

It was recommended that the Board of Trustees ratify the Nepotism Policy as listed above.

Employee Code of Conduct Policy

Belmont Technical College is committed to high standards of integrity, honesty and accountability. Valued employees are to act consistently with the guiding principles as mandated in Ohio Revised Code, Ethics Commission, HR Success Model and Organized Values.

Policy Statement:

Provide employees with a clear understanding of the standards of conduct expected of them and what is considered unacceptable conduct. BTC employees will act within the ethical standards of the College.

Persons Affected:

All employees of Belmont Technical College.

Definitions:

Code of Conduct - a statement and description of required behaviors, responsibilities, and actions expected of employees

Hazing – Any act which causes, or is likely to cause, physical or mental harm or which demeans or tends to demean a person.

Procedures:

Employees at all levels:

1. Will promote an organization of honesty, integrity, and compliance with policies and procedures, and
2. Will comply with all applicable federal, state, and local laws and regulations.

Unacceptable Conduct - In consideration of Belmont Technical College's responsibilities, the mandate of the Ohio Revised Code, and the principles stated, Belmont Technical College declares that the practices enumerated below are unacceptable conduct for employees of the college.

1. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other College activities, including the College's public service functions or of other authorized activities, on College-owned or -controlled property.
2. Physical abuse or detention of any person on College-owned or -controlled property or at any College-sponsored or -supervised functions, or conduct which endangers the health or safety of such persons.
3. Physical or verbal abuse of any person, or conduct which threatens or endangers the health or safety of any such person.
4. Theft or damage to property of the College or of property of a member of the College community or the property of a visitor to the College.
5. Unauthorized entry to or use of College facilities, including both buildings and grounds
6. Violation of College-established policies or regulations, including regulations in the College Catalog or Student Handbook, the Board Policy Manual, and other publications pertaining to student organizations, student-, faculty-, administrative staff-, non-academic employee-, and visitor-conduct.
7. Use, possession, or distribution of narcotic or illegal drugs on College-owned or -controlled property.
8. Failure to comply with directions of college officials or enforcement officers acting in performance of their duties and to identify one's self to these individuals when requested to do so.
9. Illegal or unauthorized possession or use of firearms, knives, explosives, dangerous chemicals or other weapons on College-owned or -controlled property. Firearms include compressed air guns, such as pellet or BB guns.