### UNIVERSITY FACULTY SENATE

# SUMMARY OF AGENDA

December 3, 1984

- I. ADOPTION OF THE AGENDA
- II. APPROVAL OF THE MINUTES: November 5, 1984
- III. REMARKS BY PRESIDENT TRABANT and/or PROVOST CAMPBELL
- IV. ANNOUNCEMENTS
  - 1. Associate Provost Pettigrew:

"Retention of Black Undergraduate Students at the University of Delaware: September 1983 to June 1984"

2. Senate President Kuhlman

## ANNOUNCEMENT FOR CHALLENGE

- 1. Revision of B.S. in Physical Education Studies
- V. OLD BUSINESS none

## VI. NEW BUSINESS

- A. Request for confirmation of an appointment to the Committee on Undergraduate Records and Certification.
- B. Recommendation for Senate approval of the "University of Delaware Policy on Computer Software" and the "University of Delaware Procedures for Administration of the University Policy on Computer Software."
- C. Resolution to clarify and publish the University policy on excused absences from classes and examinations.
- D. Recommendation for final approval of the M.S. in Accounting.
- E. Introduction of new business.





UNIVERSITY FACULTY SENATE 301 HULLIHEN HALL NEWARK, DELAWARE 19716

(302) 451-2921

November 26, 1984

TO:

All Faculty Members

FROM:

Mark W. Huddleston, Vice President Machalla University Faculty Samuel

SUBJECT:

Regular Faculty Senate Meeting, December 3, 1984

In accordance with section IV, paragraph 6 of the Constitution, the regular meeting of the University Faculty Senate will be held on Monday, December 3, 1984 at 4:00 p.m. in room 110 Memorial Hall.

# **AGENDA**

- I. Adoption of the Agenda.
- II. Approval of the Minutes of the Senate meeting of November 5, 1984.
- Remarks by President Trabant and/or Provost Campbell. III.
- IV. Announcements
  - Associate Provost Pettigrew:

"Retention of Black Undergraduate Students at the University of Delaware: September 1983 to June 1984"

2. Senate President Kuhlman

Announcement for Challenge

Revision of the Bachelor of Science in Physical Education Studies (Attachment 1)

- V. Old Business none.
- VI. New Business
  - A. Request from the Committee on Committees (A. Mooney, chair) for confirmation of the appointment of a committee member. [This is a new position, created by action of the Senate on September 10, 1984.]
    - RESOLVED, that the appointment of Richard Dean Shippy to a two-year term, expiring September 1, 1986, as a member of the Committee on Undergraduate Records and Certification is hereby confirmed.
  - B. Recommendation from the Computer Committee (H. Shipman, chair), with the concurrence of the Coordinating Committee on Education, for approval of a computer software policy (Attachment 2.a) and the administration of that policy (Attachment 2.b).
    - RESOLVED, that the University Faculty Senate approves the "University of Delaware Policy on Computer Software," as printed in Attachment 2.a of this Agenda, and the associated document, "University of Delaware Procedures for the Administration of the University Policy on Computer Software," Attachment 2.b of this Agenda, and urges that they be adopted as University policy, to supersede all existing policies on computer software, in particular the existing policy on computer based instructional materials; and be it further
    - RESOLVED, that, should these policies be approved by the University Faculty Senate and subsequently adopted by the Board of Trustees, the Coordinator for Research and the Faculty Senate Computer Committee shall work together to develop the appropriate language for the required revision of the Faculty Handbook (Section II, subsection 15a., page II-9 of the present Handbook).
  - C. Resolution from the Committee on Undergraduate Studies (R. Brown, chair) to clarify and publish the University policy on excused absences from classes and examinations.
    - WHEREAS: misunderstandings between students and their instructors, about University policies regarding absences from classes or examinations on religious holidays or for other reasons, may be alleviated by further clarification and publication of those policies, be it
    - RESOLVED, that the following statement be added to Item 7,

      Section II-6a of the <u>Faculty Handbook</u>, and also inserted in a suitable place in the <u>Student Guide to Policies</u> and in other University publications where appropriate:

[Note: the current statement is in bold type; all other material is to be added.]

## 7. Student Class Attendance

By action of the University Faculty, the responsibility for defining attendance expectations is left to the individual faculty member, subject to the guidelines given below. Thus it is of great importance that early in each course the instructor make clear to each student what attendance expectations are.

It is the policy of the University of Delaware not to cancel classes on religious holidays. However, students and faculty are encouraged to exercise their own judgement pertaining to their attendance on these days. In addition, faculty are encouraged not to schedule examinations or require the submission of special assignments on the following days: the evenings before as well as the first two days of Rosh Hashanah and Yom Kippur in the fall term, Good Friday and the evenings before and the first two days of Passover in the spring semester. To facilitate planning for the potentially large number of absences on these days the University shall include the dates of these holidays in the academic calendar. Adjacent to each of these dates the academic calendar will include a reminder to consult the University policy on excused absences.

- a. Absences on religious holidays, as well as absences due to athletic participation or other extra-curricular activities in which students are official representatives of the University, shall be recognized as excused absences when the student informs the instructor in writing during the first two weeks of the semester of these planned absences for the semester. Absences due to similar events which could not have been anticipated earlier in the semester will be recognized as excused absences upon advanced notification of the instructor by an appropriate faculty advisor or athletic coach.
- b. Absences due to illness requiring medical attention and serious illness or death within a student's family shall also be recognized as excused absences. The student shall see that the instructor is notified as soon as possible.
- c. Students are not to be penalized if absent from an examination, lecture, laboratory, or other activity, because of an excused absence. However, students are fully responsible for all material presented during their absence and faculty are encouraged to provide opportunities, when feasible, for students to make up examinations and other work missed because of an excused absence.

D. Recommendation from the Coordinating Committee on Education (C. Toensmeyer, chair) and the Committee on Graduate Studies (J. Raffel, chair) for final aproval of the program for and degree of Master of Science in Accounting. (Attachment 3)

[Note: this program and degree were provisionally approved by the Senate on May 7, 1979, for four years, beginning February, 1980.]

RESOLVED, that the Faculty Senate approves the permanent establishment of a program for and the degree of Master of Science in Accounting.

E. Such items as may come before the Senate. (No motion introduced at this time may be acted upon until the next meeting of the Senate.)

/b

Attachments: Committee Activity List

- 1. Revision of the B.S. in Physical Education Studies (PES)
- 2. Computer Software Policy: Background Information
  - a. Policy on Computer Software
  - b. Procedures for Administration
- 3. M.S. in Accounting

## COMMITTEE ACTIVITIES REPORT

## NOVEMBER 1984

# ACADEMIC CEREMONIES, COMMITTEE ON (C. Roy Rylander)

Planning for the January and June Commencements.

# ADJUNCT ACADEMIC AFFAIRS, COMMITTEE ON (Steven Sidebotham)

- 1. Choosing graduate student member of Committee.
- 2. Discussing merits of Field Experience Contract.

# GRADUATE STUDIES, COMMITTEE ON (Jeffrey Raffel)

- 1. Reviewing Ph.D. in Linguistics for permanent status.
- 2. Reviewing policy on readmission of previously terminated students.
- 3. Reviewing course approvals.
- 4. Reviewing changes in Nursing program.
- 5. Reviewing changes in Computer Science program.
- 6. Reviewing policy on award of dissertation prizes in 1985.

# LIBRARY COMMITTEE (George Basalla)

First meeting is scheduled for November 16, 1984.

# PERFORMING ARTS SUBCOMMITTEE (Thomas Watson)

Examining requests for funding.

# PHYSICAL PLANNING AND UTILIZATION, COMMITTEE ON (John Wehmiller)

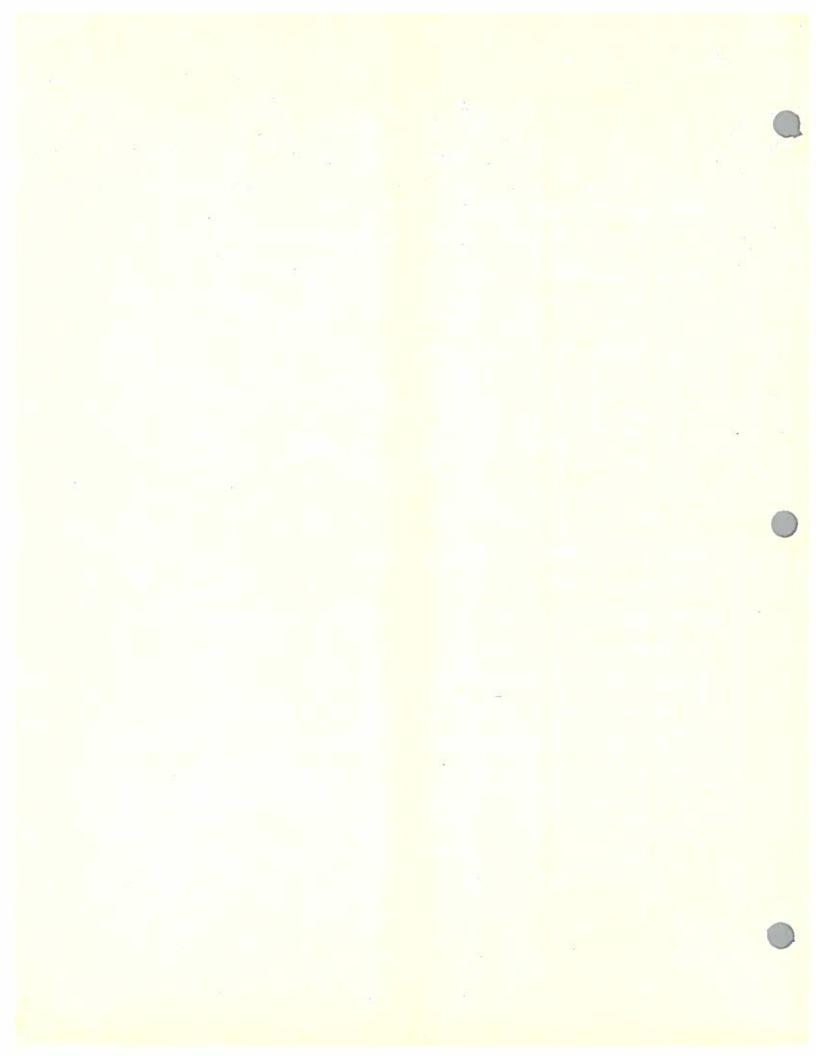
Committee has not yet met.

# RESEARCH, COMMITTEE ON (Joanne Ryan)

Reviewing research proposals in December for UD funding.

# UNDERGRADUATE STUDIES, COMMITTEE ON (Robert F. Brown)

- 1. Reviewing plus and minus grading for undergraduates.
- 2. Reviewing communication condition and "F" grades in courses.
- 3. Reviewing changes in associate degrees curricula (Arts and Science).
- 4. Reviewing honors undergraduate degree programs.



Revision:

Bachelor of Science in Physical Education Studies

# Differences Between Current and Proposed Programs

The proposed changes are significant yet few in number. The below brief outline emphasizes the changes in summary form.

	Old Program	New Program
General Studies	48 credits	54 credits
Academic Studies	47 credits	44 credits
Professional Studies	3 credits	
Electives	30 credits	30 credits
Graduation Requirement	128 credits	128 credits

In addition, the previous requirement of fifteen (15) credits in course work at the 300 level or above has been increased to twenty-one (21) credits. This work must be completed outside of the physical education/recreation area.

# III. Description of Proposed Program

The Bachelor of Science in Physical Education Studies is available to students interested in a specific career or who have professional goals that do not require teacher certification. It provides flexibility for students to construct a curriculum (e.g., 30 elective credits) to meet defined professional interests. For example, preparation for post-graduate physical therapy study; industrial fitness job opportunities; operate health club (spa) programs; preparation for graduate study in biomechanics, exercise physiology or cardiac rehabilitation.

See attached copy of new program format.

# BACHELOR OF SCIENCE DEGREE IN PHYSICAL EDUCATION STUDIES REVISED PROGRAM

# GENERAL STUDIES

54 Credit Hours

- Area A Communication Skills (12 hours\*)

  Twelve (12) hours from at least two departments. Includes El10 and courses from Departments of English (writing/composition courses), Speech/Communication and Languages.
- Area B Humanities and Fine Arts (6 hours\*)
  Six (6) hours from at least two departments. Includes courses from Departments of Art, Art History, English (literature), Music, Philosophy and Theatre. In addition, specific courses from the College of Human Resources (Dept. of Textiles, Design and Consumer Economics).
- Area C Biological Sciences (6 hours\*)
  Six (6) hours taken in the Department of Biological Sciences.
- Area D History and Social Science (9 hours\*)
  Nine (9) hours from at least two departments. Includes
  courses from Departments of Anthropology (except physical),
  Black Studies, Criminal Justice, Economics, Geography
  (except physical and meteorology), History, Political Science,
  Psychology and Sociology. In addition, specific courses from
  the College of Human Resources (Individual and Family Studies).
- Area E Natural Science and Mathematics (9 hours\*)
  Nine (9) hours from at least two departments. Includes
  Anthropology (physical), Chemistry, Engineering, Entomology,
  Geography (physical and meteorology), Geology, Health
  Sciences (natural science area), Mathematics (except M251,
  M252), Physics (including Astronomy), Physical Science,
  Plant Science, Psychology (physiological), Statistics and
  Computer Science. In addition, specific courses from (1)
  the College of Human Resources (Food Science and Human
  Nutrition) and (2) The College of Marine Studies.
- NOTE: Students electing this degree program must complete a minimum of twenty-one (21) credits in course work at the 300 level or above. This work must be completed outside of the physical education/recreation area.
- \*PLEASE NOTE: The minimum number of hours required in each area is indicated within the parentheses. An additional twelve (12) credit hours is to be selected so that work completed in Areas A, B, C, D and E will total fifty-four (54) credit hours.

# BACHELOR OF SCIENCE DEGREE IN PHYSICAL EDUCATION STUDIES CURRICULUM REQUIREMENTS (CONTINUED)

## REVISED PROGRAM

Cour	rse Symbol/Title	Credit Hours
PE 130	Foundations Health/P.E.	1
PE 150	Movement Education for Children	3
PE 214	Personal/Public Health	3
PE 220	Anatomy/Physiology	3
PE 250	Motor Development	3
PE 300	History/Phil/Prin/P.E.	3
PE 305	Fundamentals of Athletic Training	3
PE 324	Measurement/Evaluation P.E.	3
PE 342	Adaptive P.E.	3
PE 360	Psychology/Technique Coaching	1
Two (2)	Coaching Technique Courses	2
PE 426	Biomechanics	3
1PE 430	Physiology of Activity	4
<sup>1</sup> Skill	Courses	6
1 PE 415	Personal Computers in Health, PE and Rec.	3
Students are	required to complete six (6) credit hours of	skills technique
	course PE 142, Swimming/Diving Skills (or ed	
	ll students. Students may sel <mark>ect o</mark> ne (1) cou	
Lifetime Spor	ts (non-major) offerings as partial fulfillme	ent of the above

After having completed a particular skill in the major program, students must register for the advanced level courses if desiring to do the same skill in the non-majors (PE 120) curriculum; e.g., Tennis II, Self Defense II, etc. Major students are permitted four (4) credits of PE 120 work which may be counted for graduation credit.

\*Swim requirement: Students are required to successfully complete a pretest in PE142, Swimming/Diving. Non-swimmers must register and pass either PE 120, Non-swim or Beginning Swimming.

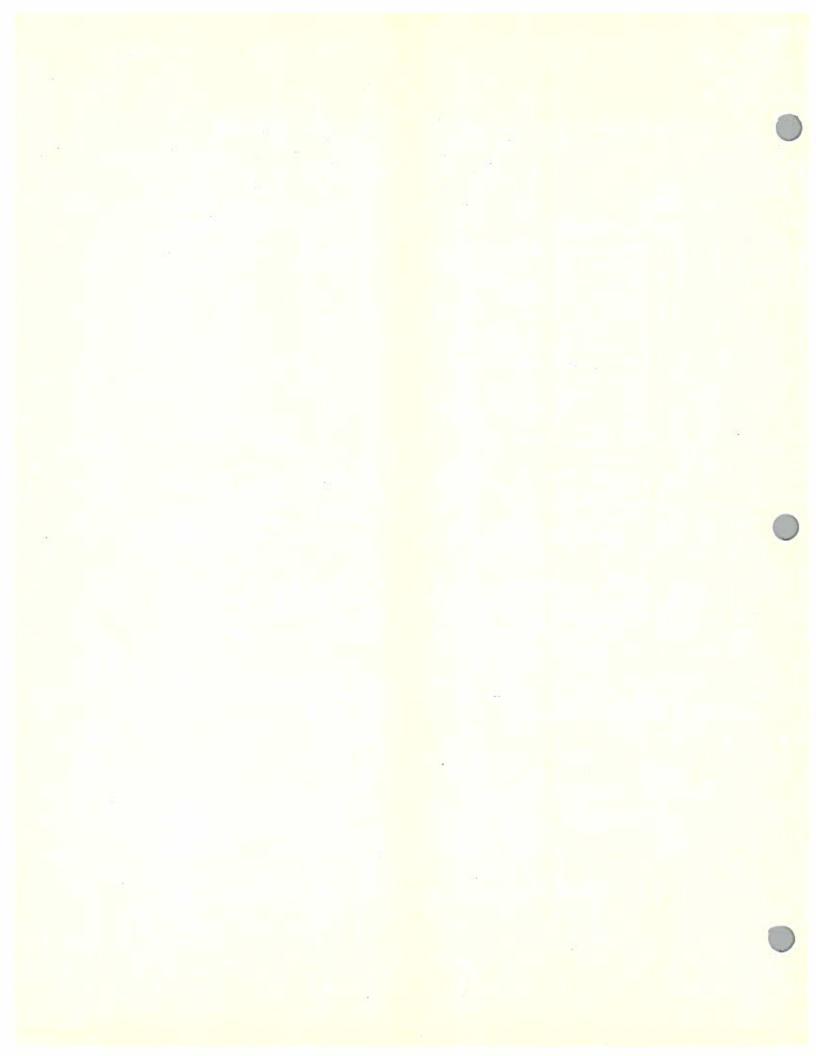
# ELECTIVE CREDITS

requirement.

30 Credit Hours

All course work must be formally approved by the Department of Physical Education. See either your advisor or the department Chairperson. Emphasis options are available to students. Department faculty advisors and the Chairperson's office can provide the necessary information.

TOTAL CREDITS REQUIRED FOR GRADUATION - 128 Credit Hours



UNIVERSITY OF DELAWARE POLICY ON COMPUTER SOFTWARE:
Background Information

Two years ago the University administration proposed a policy on computer based instructional materials. Since there was no objection from the University Faculty Senate, this policy was adopted by the Board of Trustees. This policy is deficient in two respects: (1) it dictates that the University receives 2/3 of the royalties from instructional software developed by faculty, no matter what circumstances were involved in the development of this software, and (2) this policy is quite distinct and substantively different from the University policy on patents and on copyrights.

In the last academic year, the Coordinator for Research submitted a draft of a policy which would cover all types of software generated by University faculty members. This draft was submitted to the Senate Computer Committee. The Committee considered this policy during the year, and once a permanent Committee chair was found (in March 1984), the Committee suggested specific changes. Over the spring and summer, I met with Bob Varrin and Charles Lemke of the Research Office several times, and corresponded with them. During the summer the Computer Committee was informed of our discussions by mail.

There has been long discussion of this policy, and there has been plenty of opportunity for faculty and staff input. A public hearing was held in September, and attended by about 30 people. The Professional Staff Advisory Council was represented at that hearing. The proposed policy was sent in its nearly final form to all Department Computer Representatives in September. I cannot guarantee that we have made everyone happy, but I believe that all of the concerns which have been raised have been addressed and, in most cases, we changed the policy as we were requested.

Since the documents, particularly the "Procedures," are long, let me highlight some parts which (in my view) contain the essence of the policy. The Policy Objectives (section 1) have been written to encourage the development of software. The Policy Statement (section 2) is the heart of the proposed University position—that the rights remain with the creator of the software except where some conditions apply. Under Explanation of Terms (section 3), note particularly the section describing the "work for hire" clause and its interpretation in accordance with the current copyright policy.

The "Procedures" are based on current procedures for University patents. Section 3 states that where the material is "of wider interest for reasons of scholarship only" a formal determination of rights is not required. Section 4 contains a number of paragraphs which illustrate how the exceptions in the

- 2 -

policy statement—conditions where the University has rights in software—are to be applied. Particularly important are paragraphs (a), stating that independent work belongs to the originator, and (e), where the troublesome "work for hire" clause is discussed. Section 4(e) recognizes that "long—standing University practices" will be the basis for determining copyright ownership. Section 5 contains provisions for arbitration.

Harry Shipman, Chair Faculty Senate Computer Committee November, 1984

# 11/5/84 UNIVERSITY OF DELAWARE

# POLICY ON

# COMPUTER SOFTWARE

## 1. POLICY OBJECTIVES

The objectives of this policy and the associated administrative procedures are:

- a. To preserve traditional University practices and privileges with respect to the publication of scholarly works;
- b. To encourage faculty, staff, and students to develop software;
- To foster the free and creative expression and exchange of ideas and comments;
- d. To establish principles and procedures for equitably sharing income derived from computer software produced at the University in those cases where the University has an interest in the material; and
- e. To protect the University's assets and imprimatur.

## 2. POLICY STATEMENT

It is the policy of the University that all rights in computer software shall remain with the creator of a work except where:

- a. The work is a work for hire and copyright vests in the University under copyright law (Title 17, USC, Copyrights, sections 101 and 201); or
- b. The work is commissioned by the University; or
- c. Creation of a work entails significant use of University personnel, funds, or facilities; or
- Other arrangements are required by the University's contractual obligations; or
- e. It is otherwise agreed upon in writing between the University and the creator of a work.

Exceptions to this policy may be granted by the Provost of the University or by his designees.

# 3. EXPLANATION OF TERMS

# a. Copyright

(1) Copyrightable works - Under the federal copyright law, copyright subsists in "original works of authorship" which have been fixed in any tangible medium of expression from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. Among others, these works include, but are not limited to, software, computer programs, programmed instructional material, and the like.

# (2) Scope of copyright protection

- (a) Definition of material protected by copyright laws Copyright protection does not extend to any idea,
  process, concept, discovery, or the like but only to the
  work in which it may be embodied, illustrated, or
  explained. For example, a written description of a
  manufacturing process is copyrightable, but the copyright
  prevents only unauthorized copying of the description;
  the process described can be freely copied unless it
  enjoys some other protection, such as a patent.
- (b) Rights of copyright owner Subject to various exceptions and limitations provided for in the copyright law, the copyright owner has the exclusive right to reproduce the work, prepare derivative works, distribute copies by sale or otherwise, and display or perform the work publicly. Ownership of copyright is distinct from the ownership of any material object in which the work may be embodied. For example, if one purchases a videotape, one does not necessarily obtain the right to make a public showing for profit.
- b. Works for hire Under the Copyright Act, "a work prepared by an employee within the scope of his or her employment" is a work for hire. This is a broad definition. Also, certain commissioned works are "works for hire" if the parties so agree in writing. The employer by law is the "author," and hence the owner, of the works for hire for copyright purposes. Ownership in a work for hire may be relinquished only by a written agreement signed by an authorized official of the University. Such written release shall be granted upon request if the University clearly has no basis for claiming rights.

In interpreting the "work for hire" clause, the University shall recognize the obligation of faculty members to publish scholarly works and shall follow the University's long-standing practices regarding copyrights and royalties (or other income) pertaining to works which result from author-initiated, individual effort. The copyright policy (Policy Manual, Policy No. 6-7) states that "In accordance with established custom at institutions of higher learning, copyright ownership of textbooks, manuscripts, nonprint materials, produced by the individual effort of the author, as well as any royalties therefrom, accrue to the benefit of the author." There are some exceptions and qualifications to this general rule which are given in the copyright and software policies respectively.

c. "Computer software" means a set of computer programs and the manuals or documents associated with these programs. "Program" is defined in the copyright law as "a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result" (Copyright Act, 94 Stat. 3015, 3028, amending 70 U.S.C. sections 101, 117).

# 4. ORIGINATOR'S RESPONSIBILITY

Much of the software generated at the University is of interest only to the originator or may be of wider interest for reasons of scholarship only. In such cases, the material may have no market potential, and a formal determination of rights is not required. Where there is a possibility of producing income from the software, the originator should notify the University Coordinator for Research (or other delegated University official) when the commercial potential becomes apparent. Such timely notice preserves the rights of the individual to the software in cases where the University has no equity. If further development of a computer program materially changes the circumstances governing the University's equity in software, the University Coordinator for Research should be notified.

To safeguard the individual's and University's interests in the software, a copyright notice should be placed on the software when it is distributed to others, whether or not the software seems to be marketable at that time.

# 5. ADMINISTRATIVE RESPONSIBILITY

The administration of the policy set forth in this document is the responsibility of the Provost of the University. The Provost, however, has delegated day-to-day administration to the University Coordinator for Research, Office of Research & Patents, with the understanding that no departures from the stated principles of this policy will be made without the Provost's prior concurrence.

# 6. PROCEDURES

Procedures to implement this policy shall be established and, as necessary, modified from time to time by the Provost or his designee. Sufficient time will be allowed for public comment and review before any material modifications to these procedures are implemented. Such procedures and modifications shall be issued as (a) separate document(s) attached to the policy.

# 10/30/84

# UNIVERSITY OF DELAWARE

# PROCEDURES FOR ADMINISTRATION OF

# UNIVERSITY POLICY ON COMPUTER SOFTWARE

# 1. <u>General Principles</u>

In keeping with the general aims and charter requirements of the University, the generation of computer software by faculty, staff, and students is strongly encouraged. Whenever possible, property rights in such material shall vest in the originator of the work. In some cases, such rights shall reside in the University. In either case, income derived from the work may be shared by the University and the originator depending on the circumstances.

It is now widely recognized that the University resources employed in the production of software may not be limited to the use of some job time, an office, a library, and a secretary. Computer facilities and other special equipment owned or leased by the University are often involved in the modern multimedia publication, and such work frequently requires release time, special funding, and the assistance of University-employed specialists. For such material, prepared with substantial or special University support, exclusive ownership of the product by the originator may be inequitable. There is a need at this time to establish both procedures and a policy that go beyond protection of the traditional faculty interests in scholarly production and that take account of the current U.S. copyright law. The procedures presented in this document will be followed in determining ownership and income rights related to software developed at the University.

# 2. <u>Definitions</u>

The following definitions apply to terms used in these procedures:

- a. "Computer" means a device capable of accepting information, applying prescribed processes to the information, and supplying the results of those processes.
- b. "Computer software" means a set of computer programs and the manuals or documents associated with the programs. "Program" is defined in the copyright law as "a set of statements to be used directly or indirectly in a computer in order to bring about a certain result."
- c. "University personnel" means University faculty, staff, and students.

d. "Originator" means one or more persons contributing to the creation of computer software.

# 3. Determination of Rights

A large volume of software is being generated at the University, and a larger volume is expected in the future. Much of this material is of interest only to the originator or may be of wider interest for reasons of scholarship only. In either case, the material may have no market potential, and a formal determination of rights is not required. If any such material is to be supplied to others, it must be marked with a copyright notice before distribution to protect the interests of the originator and the University. Such marking will facilitate billing the recipients for nominal packaging and shipping costs, and will also preserve rights if the material later has market value. In the latter case, rights will be determined according to these procedures.

Rights in marketable software will be determined by the circumstances surrounding its creation. Generally the originator will be most familiar with these circumstances, and for that reason he or she should notify the University Coordinator for Research as early as possible, with particular attention to:

- a. identifying the sponsor, if any, of the project or program;
- stating whether the activity resulting in development of the software is within the originator's normal activities and responsibilities with respect to his or her University employment;
- c. indicating the extent to which personnel support, software, equipment, or physical facilities provided by the University were used in the work which led to the software;
- d. indicating whether the software was developed under terms of a consulting agreement between originator and client; and
- e. noting the existence of any agreement between the originator and the University with respect to the software.

Based on the information supplied by the originator and such other relevant information as may be available, the University Coordinator for Research shall determine the extent to which the University has rights to the material by application of the procedures of section 4, below.

If it is determined by the University Coordinator for Research that the University has rights in the software, the originator agrees to assign all right to, title to, and interest in said software to the University in consideration of this Policy on Computer Software and the compensation provided by his or her employment remuneration. The University Coordinator for Research will promptly determine whether it is appropriate to file

either a patent or a copyright application on the software and will initiate such action as required.

Software developed by University personnel under terms of consulting contracts falls within the provisions of this section 3. University personnel may not use University facilities for work related to consulting agreements without prior written approval of the appropriate Dean/Director. It is the responsibility of University personnel to advise potential consultation clients of their University obligations prior to entering into consulting agreements. (See Faculty Handbook, Sect. III-H, Outside Employment).

# 4. Rights Based on Categories of Work

# a. Work Conducted Independently by University Personnel

Software that is created wholly at the expense of the originator and without use of University facilities, equipment, materials, or specialists is the property of the originator unless section 4-e applies. The originator of such work shall grant the University royalty-free rights to copy and use the work for its normal non-profit research and teaching activities. At the originator's request, the Provost will state in writing that the University has no interest in the software.

At the sole option of the originator and with the University's prior assent, such software may be assigned to the University.

b. Work Financed with Funds Administered by the University or Which has Involved the Significant Use of University Facilities, Equipment, Materials, or Specialists and in Which the University and the Originator are the Sole Parties in Interest

Such software shall be promptly evaluated by the University Coordinator for Research for copyrightability or patentability, and then:

- released to the originator if found not to be of interest to the University; or,
- (2) if of interest, covered by patent in the name of the inventor or by statutory copyright in the name of the University by the University Coordinator for Research shall thereafter attempt to bring the software into appropriate use internally, externally, or both to derive maximum benefits therefrom for all parties in interest and shall have sole responsibility for marketing the software. This responsibility may be delegated to or shared with the originator or other member of University personnel when appropriate. (See also section 4-e for treatment of works within the scope of the originator's employment.)

# c. Work Financed Wholly or in Part by Government Funds

The University is obligated to report to the appropriate government agency all software derived from work which has had any financial support from the Government of the United States, for determination of the Government's rights and interests. This determination may result in:

- (1) the Government deciding that the public interest requires that the software be disclosed in the open literature; or
- (2) the Government acquiring and reserving to itself principal or exclusive rights, in which case exploitation of the software rests with the Government; or
- (3) the Government releasing the software to the University, in which case the University shall follow the procedures of paragraph 4-b above.

Irrespective of which of these alternatives is elected by the Government, the Government usually retains rights to a royalty-free, nonexclusive, irrevocable license throughout the world under any copyright or patent which may be issued on the software, or to free use of the software for Government purposes; and rights to the software granted by the University are subject to prior retained government rights. If the University releases the software to the originator, the release shall specify that the originator agrees to convey to the University such rights as the University may need to fulfill its obligation to the Government.

d. Work Financed Wholly or in Part by Industrial, Philanthropic, or Other Organizations, or by Individuals, Under Contracts or Written Agreements with the University

Rights with respect to software in this category are governed by the terms of the individual contracts or agreements, and the principal investigator is responsible for informing co-workers of their rights and obligations under such contracts or agreements before initiation of the work. Software which is not required to be assigned by contractual terms shall be processed by the University under the procedures of section 4-b above.

# e. Work Made for Hire

Public Law 94-553 (Oct. 19, 1976), Appendix I, defines a "work made for hire" as "a work prepared by an employee within the scope of his or her employment," or as certain specially ordered or commissioned works covered by a written agreement. The law further states that such works are the property of the employer. It is clear that many works considered under sections 4-a and b, above, will fall within the scope of the originator's employment and will therefore be the property of the University unless released to the originator by a written document. Such written release shall be granted upon request if the University clearly has no basis for claiming rights. In such cases the University retains the royalty-free

right to copy and use the work for its normal non-profit research and teaching activities.

In interpreting the "work for hire" clause, the University shall recognize the obligation of faculty members to publish scholarly works and shall follow the University's long-standing practices regarding copyrights and royalties (or other income) pertaining to works which result from author-initiated, individual effort: "In accordance with established custom at institutions of higher learning, copyright ownership of textbooks, manuscripts, nonprint materials, produced by the individual effort of the author, as well as any royalties therefrom, accrue to the benefit of the author." (Policy Manual, Policy No. 6-7).

# Arbitration of Disputes

If the University and the originator cannot agree with respect to any of their respective rights or obligations hereunder, such dispute shall be submitted for determination to an arbitration panel of three members chosen from the University community and consisting of a member named by the originator, a member named for the University by the Provost, and a chair selected by mutual agreement of these two nominees. The decision of a majority of this panel shall be final and binding upon both the originator and the University.

# 6. Distribution of Income

Income which is received by the University from the sale or licensing (leasing) of software in which the University has an interest (see section 4 above) shall be shared with the originator unless the University retains the entire right to and interest in the software. Sharing of income shall be governed by the following considerations:

- a. Income received by the University from software covered by the Policy shall be used first to reimburse the University for all copyrighting and marketing costs. Income which exceeds reimbursable expenses shall be divided one-third to the originator, one-third to the unit, and one-third to the University, unless some other arrangement has been made by the parties in interest. Such an arrangement should be made as soon as commercial potential becomes apparent.
- b. When software is developed under contract with an outside agency as provided in sections 4-c and d, the distribution of income shall be in accordance with the terms of the contract. In the event that any contract with an outside agency provides for the University to receive unrestricted funds from developed software, such funds shall be distributed as provided in 6-a.
- c. If royalties or other income accrue under an agreement granting licenses for software developed independently by two or more originators, the distribution of income among the originators shall be determined by a University Committee, using the procedure of 6-a

as a guide. This Committee, which is composed of the Provost, the University Coordinator for Research, and the appropriate Dean/Director, shall utilize legal, accounting, and scientific consultants as deemed necessary in making decisions. If one or more of the originators involved disagrees with the decision of the Committee, the matter shall be resolved by arbitration as provided in section 5.

- d. The originator's share of income generated by software developed by the joint efforts of two or more originators shall be divided equally among them unless an agreement specifying a different distribution is filed with the University Coordinator for Research before work is started.
- e. The University's share of income received under section 4 shall be used for research or educational purposes.

# 7. Other Procedures

- a. Whenever software that is determined to be the property of the University is released to the originator, the University:
  - (1) shall retain the royalty-free right to copy and use the software for its normal non-profit teaching and research purposes and
  - (2) may claim a share in any income received by the originator, after the deduction of his or her expenses, as a condition of such release. Under this provision the University shall not be entitled to a share of income which would reduce the originator's share to an amount less than that provided for under section 6.
- b. Whenever the University determines that it has no proprietary interest in software covered by the Policy, or whenever the University releases software to an originator, the originator agrees not to use the University, or the University's name, in the exploitation of such software without prior written approval by the University.
- c. The originator agrees to execute all documents, including assignment of the software to the University or its designee, required for legal disposition of rights relative to such materials.
- d. It is the originator's responsibility to provide the University with a mailing address through which he or she can be reached. This address, as well as any other communications made according to the procedures stated in this document, must be sent to the University Coordinator for Research. If the University is unable to reach the originator through this address and no forwarding address is provided, the originator waives the right to be notified.

- e. The originator is required to affix the words "Copyright 19\_\_\_\_\_ by the University of Delaware. All rights reserved." to all copyrightable software to which the University has rights.
- f. The originator warrants that all software he or she develops is his or her original work and is free from infringement of existing copyright. If the originator incorporates copyrighted materials in such software, he or she shall provide proof of release from the copyright holder prior to such inclusion. Further, the originator agrees to take no action or enter into any agreements or arrangements under which any other person or organization may develop rights in such software without the prior written approval of the University.
- g. When rights to software are vested in the University, the University has the right to modify the software either for internal use or for licensing purposes when such modification shall be deemed necessary and when the originator is for any reason unable or unwilling to make such modifications within 90 (ninety) days of notification that modifications are necessary. In this event, the originator may request that one copy of the unmodified software be retained in the University's archival files.
- h. When rights to software are vested in the University, the University has the right to have foreign-language versions prepared and copyrighted.
- i. When two or more originators working at two or more institutions (one being the University of Delaware) contribute to a work, ownership and income distribution shall be determined by the terms of the agreement between the institutions, or if no agreement exists, by the procedures of section 8.

# 8. Other Situations

Applications for computers and requirements for software are steadily evolving and increasing. It is probable that not all situations which may arise are adequately covered in the foregoing procedures. In such cases the University Coordinator for Research, in consultation with the originator of the work in question and the appropriate Dean/Director, shall establish any required new or modified procedures. Such procedures shall become effective and shall be incorporated in this document upon approval by the Provost. (See section 6, Policy on Computer Software).

Some cases not clearly covered by these procedures may require ad hoc treatment. (In these situations adding the procedures to this document may not be necessary.) As an example, books which include software will clearly have to be treated as special cases. Determination of copyright ownership and income distribution will depend on such factors as the nature of the work, i.e., textbook, research, etc.; the relative significance of text

vs. software; the originality of the software; and the utility of the software independent of the text.

Other works or systems which include software may require similar ad hoc treatment. In all such cases the ownership and income distribution factors shall be determined by the University Coordinator for Research in consultation with the originator and the appropriate Dean/Director.

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# MASTER OF SCIENCE IN ACCOUNTING

# Summary

- No additional resources are being requested.
- 2. The Department is providing the courses it specified at the time of receiving provisional approval.
- 3. Actual enrollments are reasonably close to the projection.
- 4. The program received provisional approval May 7, 1979, without any discussion.

# CONTENTS

- I. Objectives
- II. Admission Requirements
- III. Description of Curriculum
- IV. Course Descriptions
- V. Graduates and Places of Employment
- VI. Tentative Course Schedule
- VII. Implementation of Recommendations of External Review Team
- IX. Appendix: Admissions Offered, 1980-1984

# REPORT FOR REVIEW OF MS IN ACCOUNTING

# I. Objectives of Program

The objective of the M.S. degree in Accounting at the University of Delaware is to continue students' development in careers as professional accountants. The program is designed to achieve this objective by extending students' exposure to the common body of knowledge generally perceived as necessary for accounting professionals as well as permitting additional work in their particular area of interest. Special fields in accounting that a student may choose to study include accounting information systems, managerial accounting, auditing, income taxation, and I financial accounting.

# II. Admission Requirements

The primary method of evaluating a candidate for admission to the M.S. program is through a predictive formula as recommended by AACSB and adopted by the faculty of the Department of Accounting. An admissions index number is calculated as follows: (200 x the overall undergraduate GPA + GMAT score). In addition, each candidate must supply three letters of recommendation and an undergraduate degree transcript from an accredited institution. Foreign students must submit TOEFL scores as well.

The current admission index standards are:

1100 or over = normally recommended for admission
901 to 1099 = considered by the Director and/or Committee for
full or provisional admission.

At present, a student has the opportunity to take at least nine hours in each of these areas by taking the basic course plus six hours of research under the relevant faculty specialist.

All candidates for admission into the MS program, regardless of prior advanced degrees, must take the GMAT. Application deadlines are July 1st for fall enrollment, December 1st for spring enrollment, and April 1st for assistantship/fellowship.

Occasionally a promising student will apply late and not be able to have GMAT scores available in time to register for the desired semester. In those cases, the applicant is given "limited non-degree" status with "regular" status contingent upon receiving satisfactory GMAT scores. "Limited non-degree" status permits students to take up to nine hours of graduate work in the semester the status is granted. If GMAT scores are not received prior to the start of the next semester, the status is terminated.

Frequently we admit students who have not taken the required undergraduate accounting and/or CBK courses. We do not have a formal schedule requiring completion of this work. Rather, we monitor the student progress towards neeting these requirements and insure that the requirements are met through the advisement process.

If an applicant is rejected for admission, the applicant may file an appeal. Appeals are reviewed by the Graduate Committee two times a year, July 15th and December 15th. The Director notifies the University's Coordinator of Graduate Studies who, in turn, notifies the applicant that he or she may reapply for admission.

Primary variations from the desired admissions standard of 1100 are made for:

- 1. Foreign students operating at a disadvantage with the GMAT scores or for those foreign students for whom we cannot compute a grade index from their earlier record.
- 2. Domestic students whose combined GMAT scores and grade point average do not equal the 1100 index.

Exceptions for domestic students can be made when their performace is not as high as we would desire on one of the two variables and, for some reason, there seems to be a high probability that they will be successful as graduate students. In these cases, if the combined total is close to 1,000, we have admitted them on a provisional basis.

Students admitted on a provisional basis are required to maintain at least a "B" average for the first three courses they take in the program. If they successfully attain a "B" average by the time they have completed three courses in the program, we recommend that their status be changed to that of regular students. In order to meet the graduation requirements, graduate students must have a 3.0 grade point average or higher by the time their work is completed.

# III. Description of Curriculum

ACC 810 -	Theory of External Reporting	3	
ACC 811 -	Advanced Management Accounting	3	
*ACC 817 -	Advanced Auditing	3	
	Graduate Accounting Electives (4)	12	
BU 830 -	Systems Analysis Finance Elective (higher than BU 85	3 0,	
	Financial Administration)	3	
	Non Accounting Elective	3	
			30

\*Recommended by Accounting Graduate Committee to be required. Currently in process of obtaining formal approval of the recomendation.

## IV. Course Descriptions

- ACC 802 Management Information Systems
  Approaches to information system design, introduction to
  systems analysis, data base concepts, system evaluation,
  justification, and implementation; management and behavioral
  considerations. Case studies and independent research. No
  programming required. ACC 551 or equivalent as a prerequisite.
- ACC 810 Theory of External Reporting
  Study of contemporary models of accounting for information
  users external to the firm, includes an examination of the
  on the development of accounting theory and practices. Preis ACC 551 or equivalent.

- ACC 811 Advanced Management Accounting

  Examination of concepts and rationale underlying managerial accounting methods. Advanced topics in cost control, segment profit and performance measurement. Prerequisite is ACC 552 or equivalent.
- ACC 812 Research in Federal Taxation

  Introduces the masters student to the techniques and tools of technical tax research. Using these developing skills, the student begins exploration of the Corporate and Partnership taxation areas. ACC 413 or comparable undergraduate accounting course is the prerequisite.
- ACC 813 Advanced Federal Tax Accounting
  Advanced federal tax concepts including corporations,
  partnerships. Prerequisite is ACC 413 or equivalent.
- ACC 817 Analysis of current and prospective developments in professional auditing. Topics include: auditing computerized systems and the use of statistical sampling by the author. Prerequisite is ACC 417 or equivalent.
- ACC 820 Accounting for Nonprofit Organization
  Accounting concepts and methods peculiar to governmental units, universities, hospitals, and other nonprofit organizations. Topics include: budgeting, general and special revenue funds, capital projects, internal service and fiduciary funds, and local and Federal government accounting. Prerequisite is ACC 551 or equivalent.
- ACC 840 Contemporary Issues in Accounting

  Selected problems of current interest to the accounting profession. Prerequisite is ACC 551 or equivalent.
- ACC 868 Accounting Research

MS IN ACCOUNTING

COURSE OFFERING AND EMBOLLMENT HISTORY

SPRING, 1980 - FALL, 1983

				SEMESTERS				
COURSE	SPRING 1980	FALL 1980	SPRING 1981	FALL 1981	SPRING 1982	FALL 1982	SPRING 1983	*FALL 1983
ACC 802		18			2.8		18	
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ACC 811	5	œ		20		14		31
ACC 813		19		11				
ACC 817			11		æ		14	
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ACC 867 (FED TAX RESEARCH & PLAN).	D TAX PLAN)				7	y	10	6

\*Rosters as of 10/7/83; all others are final grade rosters.

### Graduates and Places of Employment ٧.

School of Bus. Adm. Ph.D. candidate Bannister, James Univ. of N.C. Chapel Hill, NC

Deloitte, Haskins Unknown Chiepe, Tibe

& Sells

247 S. Baltimore St. Choi, Yeong Chan Directing Manager, Korean Businessman's Baltimore, MD 21231

Association

Unknown Unknown Cutler, Donald E.

Hercules, Finance 23 Bobby Drive Dugan, Katherine Ann Dept., Wilmington, DE Newark, DE 19713

Janardhanan, V. Unknown Unknown

MacCloskey, Robert C. Lukens Steel 3213 Drexel Drive

Wilmington, DE 19810

Ndzinge. Shabini Faculty, University of School of Accounting & Management Studies Botswana University of Botswana Private Bag 0022

Baborne, Botswana

Patil, Beena Unknown Unknown

Roe, Nelly M. Manager of an office Apartado Postal 514 San Cristobal, for a Venezuelan Financial Corp. Tachira, Venezuela

Shen, Chuh-Lin Establishing a #38 Lane 39, Chu Lin Rd. Financial Corpora-

Yung Ho City, Taiwan R.O.C.

tion, R.O.C.

White, Kathleen A. University of Delaware 1106 Virginia Avenue Lecturer, Dept. of Newark, DE 19711

Accounting

# VI. Tentative Course Schedule for the Next Three Years

COU	RSE	s	EMEST	ER			
ACC 802-	Management Inf. Systems	85A	85B X	86A	86B X	87A •	87B X
ACC 810-	Theory of Ex- ternal Rep.	X		X		x	
ACC 811-	Advanced Manage- ment Accounting	X		x		x	
ACC 812-1	Federal Tax Research and Planning	X		x		x	:5
ACC 813-	Advanced Federal Tax Accounting		x		x		x
ACC 817-	Advanced Auditing		x		x		x
ACC 820-	Accounting for Non- Profit Organization		x		x		x
ACC 840-	Contemporary Issues in Accounting		x		x		x
ACC 867-	International Accounting	X		X		X	

# VII. Implementation of Recommendations of External Review Team

The external review team recommended two general areas of program development, creation of specializations within the curriculum and increased and sustained student recruiting activities. We concur with the team's recommendations and we will attempt to comply with them.

# Curriculum Change:

The team specifically recommended specialized curricula for the areas of taxation, computer auditing, and financial management. We also concur with the specifics of their proposals and we are working towards developing the appropriate specializations. Each group of faculty that teach courses related to one of the proposed specializations is working on an "ideal" program that is not constrained by current course offerings or program structure. When each group has completed this task, then the Graduate Committee will pull together the three separate plans taking into consideration practical constraints.

The groups working on taxation and computer auditing have each developed a group of proposed courses for their areas. They have yet to determine the desirable supporting courses for their areas.

The tax courses proposed are:

ACC 812 - Research Methods for Taxation

ACC 813 - Corporate Taxation

ACC 814 - Tax Practices and Procedures

ACC ? - Taxation of Estates and Trusts .

Of these courses, ACC 812 and 813 are already a part of the program and are taught on a regular basis. ACC 814 will be scheduled for Fall, 1985. Professor Neal Phillips is receiving a grant from our M.S. support fund to prepare the course this summer. Also, we have three vacant faculty lines and we hope to use one of them to add another tax person to teach the Partnership and the Estates and Trusts courses.

The preliminary proposal for the MIS/Decision Support Systems portion of our program is attached. These courses are applicable to both the computer auditing and the financial management specializations. Two of the courses identified in the attachment (ACC 802 and ACC 817) are currently offered on a regular basis. ACC 803 is being offered this Spring, 1985, by Professor Stiner and the ACC 804 will probably be developed by Professor Hooper.

Preliminary design of the Financial Management specialization is yet to be developed. Professors Buckmaster and Gillespie will be working on it this Fall in consultation with Mr. Gerald Perry of Scott Paper and Mr. George MacKenzie of Hercules.

# Student Recruiting:

We have identified our two best potential sources of students as our own undergraduate students and graduates of small state colleges in the area that do not have graduate programs in accounting. Unlike traditional graduate degrees, ours is intended to be a terminal, professional degree. Our own graduates are in a position to benefit the most from the program and we have a rather large pool of potential candidates in our undergraduate program. Yet the number of candidates we have recruited from this pool is disappointing. Faculty teaching advanced undergraduate courses have agreed to supplement the Director of the M.S. Program's normal efforts by spending a few minutes each semester making the students aware of the program and career choices provided by graduate study in accounting. This approach is already showing some encouraging results.

A steady, but small, source of students has been schools such as West Chester State and Delaware State. We intend to more aggressively recruit top students from these and other area colleges. Our primary approach will be to utilize faculty contacts at these institutions. Also, the M.S. Program Director has been allocated one-half a graduate assistant specifically to help him with recruiting efforts.

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\*\*1050 to 1099 = considered by the MS Admissions Sub Committee for probationary Admission Formula: 200 x UGI plus GMAT = Composite Score 1100 or over = normally admitted admission

\*\*\*Under 1050 = normally rejected - except where UGI cannot be calculatd, then the case is submitted to the MS Admissions

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